Bank, namely, two to the Republic of Nicaragua in the amount of $4,700,000, and one to Iceland equivalent to $2,450,000; to the Committee on Banking and Currency.

706. A letter from the Secretary of the Treasury, transmitting a draft of a proposed bill entitled "A bill to provide for the merger of two or more national banking associations and for the merger of State banks with national banking associations, and for other purposes;" to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. DENTON: Committee on Appropriations. H. J. Res. 311. Joint resolution making a supplemental appropriation for the Department of Labor for the fiscal year 1952; without amendment (Rept. No. 811). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARDEN: Committee on Education and Labor. H. R. 1732. A bill to amend the National School Lunch Act with respect to the apportionment of funds to Hawaii and Alaska; with amendment (Rept. No. 825). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. WALTER: Committee on the Judiciary. S. 61. An act for the relief of Sister Carmen Teva Ramos; without amendment (Rept. No. 812). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 289. An act for the relief of Arno Edvin Kolm; without amendment (Rept. No. 813). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 518. An act for the relief of Dr. Isac C. Goldstein; without amendment (Rept. No. 814). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 530. An act for the relief of Gerhard H. A. Anton Bebr; without amendment (Rept. No. 815). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 930. An act for the relief of Ivan Herben, his wife, son, and daughter-in-law; without amendment (Rept. No. 816). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1242. An act for the relief of Salomon Henri Laifer; without amendment (Rept. No. 817). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1503. An act for the relief of Harold Frederick D. Wolfgramm; without amendment (Rept. No. 818). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 1100. A bill for the relief of Eugenio Bellini; with amendment (Rept. No. 819). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 1102. A bill for the relief of Emilio Torres; without amendment (Rept. No. 820). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1816. A bill for the relief of Shoemon Takano; with amendment (Rept. No. 821). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1818. A bill for the relief of Hugo Fuchino; with amendment (Rept. No. 822). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. H. Con. Res. 145. Concurrent resolution favoring the granting of the status of permament residence to certain aliens; without amendment (Rept. No. 823). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 630. An act to suspend until August 15, 1951, the application of certain Federal laws with respect to an attorney employed by the Senate Committee on Labor and Public Welfare; without amendment (Rept. No. 824). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. COLE of New York:

H. R. 5096. A bill to repeal the authority of the Secretary of the Navy and the Secretary of the Army to nominate certain additional midshipmen and cadets to the United States Naval Academy and the United States Military Academy, respectively; to the Committee on Armed Services.

By Mr. MURDOCK:

H. R. 5097. A bill to extend the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal reclamation laws, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TACKETT:

H. R. 5098. A bill to amend chapter 47 of title 18, United States Code regarding fraud and false statements; to the Committee on the Judiciary.

By Mr. COLE of New York:

H. R. 5099. A bill to provide for the national defense and for conservation and public development and beneficial public use of the undeveloped water power of Niagara Falls and the Niagara River in the State of New York, in accordance with the provisions of the Niagara Redevelopment Treaty between the United States and Canada, ratified by the Senate of the United States on August 9, 1950, and for other purposes; to the Committee on Public Works.

By Mr. KERSTEN of Wisconsin:

H. R. 5100. A bill to amend the Legislative Reorganization Act of 1946 to provide for more effective evaluation of the fiscal requirements of the executive agencies of the Government of the United States; to the Committee on Rules.

By Mr. MASON:

H. R. 5101. A bill to exclude from the definition of employment, services performed by part-time workers regularly attending an educational institution; to the Committee on Ways and Means.

By Mr. McKINNON:

H. R. 5102. A bill to authorize the Secretary of the Navy to enlarge existing water-supply facilities for the San Diego, Calif., area in order to insure the existence of an adequate water supply for naval and Marine Corps installations and defense-production plants in such area; to the Committee on Armed Services.

By Mr. BAKEWELL:

H. R. 5103. A bill to provide for the refund or credit of the internal-revenue tax paid on spirits lost or rendered unmarketable by reason of the floods of 1951 where such spirits were in the possession of (1) the original taxpayer or rectifier for bottling or use in rectification under Government supervision as provided by law and regulations; or (2) a wholesale or retail liquor dealer; to the Committee on Ways and Means.

By Mr. MADDEN:

H. Res. 375. Resolution creating a Select Committee To Investigate the Katyn Forest Massacre; to the Committee on Rules.

By Mr. COLE of Kansas:

H. Res. 379. Resolution creating a Select Committee To Conduct an Investigation and Study of the Missouri Basin; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BATES of Massachusetts (by request):

H. R. 5104. A bill for the relief of Mrs. Ingo L. Curtis; to the Committee on the Judiciary.

By Mr. COUDERT:

H. R. 5105. A bill for the relief of Zoe Zitsa Casanova, also known as Zoe Riginos; to the Committee on the Judiciary.

By Mr. HERLONG:

H. R. 5106. A bill for the relief of Louis E. Gabel; to the Committee on the Judiciary.

By Mr. HUNTER:

H. R. 5107. A bill for the relief of Margarite Mary Fujita; to the Committee on the Judiciary.

By Mr. LANE:

H. R. 5108. A bill for the relief of Nicola, Lucia, and Rocco Fierro; to the Committee on the Judiciary.

By Mr. LANTAFF:

H. R. 5109. A bill for the relief of Benjamin Kejier; to the Committee on the Judiciary.

By Mr. MANSFIELD:

H. R. 5110. A bill for the relief of Adelheid Wichman (now Adelheid Waitschies); to the Committee on the Judiciary.

By Mr. McKINNON:

H. R. 5111. A bill for the relief of Jaroslav, Bozena, Yvonka, and Jarda Ondricek; to the Committee on the Judiciary.

By Mr. O'TOOLE:

H. R. 5112. A bill for the relief of Isabel Toldi; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H. J. Res. 312. Joint resolution to authorize the President to issue posthumously to the late Karl L. Polifka, colonel, Air Force of the United States, a commission as brigadier general, Air Force of the United States, and for other purposes; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII,

380. Mr. NORBLAD presented a petition of Mrs. W. E. Hayner and other members of the First Christian Church, Mill City, Oreg., urging enactment of legislation to prohibit alcoholic-beverage advertising over the radio and television and in magazines and newspapers; which was referred to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, AUGUST 10, 1951

(Legislative day of Wednesday, August 1, 1951)

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

Rev. F. Norman Van Brunt, associate pastor, Foundry Methodist Church, offered the following prayer:

Almighty and eternal God, who in every age hast inspired the prophets and sages of truth, let us be assured of

Thy presence among us in these days. As in these moments when we stand before Thee and our life's purposes and motives are laid bare, may we know Thy will for us. Help us to listen for Thee and not to be alarmed by the earthquake and fire of this day's confusion, but to be ready to distinguish the still, small voice.

From these moments fire us with the prophet's scorn of tyranny and love of truth and right. Give us strength to lend ourselves in these momentous hours—

"To the cause that lacks assistance,
For the wrong that needs resistance,
For the future in the distance,
And the good that we may do."

We ask it in Thy name. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, August 9, 1951, was dispensed with.

CORRECTION OF TITLE TO BILL

Mr. O'CONOR. Mr. President, on yesterday the Senate passed the bill (S. 1214) to authorize and direct conveyance of a certain tract of land in the State of Florida to the St. Augustine Port, Waterway, and Beach Commission. Through inadvertence a motion was not made to amend the title to conform to the bill, as amended. I ask unanimous consent that the title be amended to read as follows:

A bill to authorize and direct conveyance of a certain tract of land in the State of Florida to the St. Augustine Port, Waterway, and Beach District.

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

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. CASE, and by unanimous consent, a subcommittee of the Committee on the District of Columbia was authorized to meet this afternoon during the session of the Senate, except during the time of the taking of votes on the floor of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3782) to authorize a per capita payment to members of the Menominee Tribe of Indians.

The message notified the Senate that Mr. SHEPPARD had been appointed a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3880) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1952, and for other purposes, vice Mr. GORE, excused.

The message also notified the Senate that Mr. STEFAN had been appointed a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3880) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1952, and for other purposes, vice Mr. TABER, excused.

The message also announced that the House had passed a bill (H. R. 5054) making appropriations for the National Security Council, the National Security Resources Board, and for military functions administered by the Department of Defense for the fiscal year ending June 30, 1952, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

S. 29. An act for the relief of Teresa E. Dwyer;

S. 236. An act for the relief of Nicholas George Strangas;

S. 350. An act for the relief of the Z. D. Gilman Co., Inc.;

S. 526. An act for the relief of Dr. Lorna Wan-Hsi-Feng;

S. 543. An act for the relief of Elizabeth Jean Clarke;

S. 581. An act for the relief of Kiyoko and Chiyiko Ishigo;

S. 585. An act for the relief of Shizu Fujii and her son, Suenori Fujii;

S. 674. An act for the relief of Arthur Hoestler;

S. 885. An act for the relief of Wong Thew Hor;

S. 1105. An act for the relief of K. C. Be, Swannio Be, Wie Go Be, Wie Hwa Be, Wie Bhing Be, and Swie Tien Be;

S. 1281. An act for the relief of Eric Adolf Lenze;

S. 1282. An act for the relief of Cecil Lennox Elliott;

S. 1362. An act for the relief of Howard Lovell;

S. 1417. An act for the relief of Lefrancois & Chamberland, Inc.;

S. 1442. An act for the relief of Marie Louise Dewulf Maquet;

S. 1443. An act for the relief of Rev. Thomas K. Sewall;

H. R. 617. An act for the relief of Franz Furtner, his wife, Valentina Furtner, and her daughters, Nina Tuerck and Victoria Tuerck;

H. R. 796. An act for the relief of Roy F. Wilson;

H. R. 828. An act for the relief of Maj. Bruce B. Calkins;

H. R. 1581. An act for the relief of Thomas G. Fabinyi;

H. R. 1688. An act for the relief of James J. Lieberman;

H. R. 2275. An act for the relief of J. Alfred Pulliam;

H. R. 2369. An act for the relief of Panagiota Kolintza Karkalatos;

H. R. 2550. An act for the relief of Thomas G. Digges;

H. R. 3049. An act to authorize the sale of the Chicago Appraisers' Stores Building to the city of Chicago;

H. R. 3142. An act to authorize the settlement by the Attorney General and the payment of certain of the claims filed under the act of July 2, 1948, by persons of Japanese ancestry evacuated under military orders;

H. R. 3151. An act for the relief of Jane and Martha Clark;

H. R. 3282. An act making appropriations for the Treasury and Post Office Departments and funds available for the Export-Import Bank of Washington for the fiscal year ending June 30, 1952, and for other purposes;

H. R. 3442. An act to protect the Girl Scouts of the United States of America in the use of emblems and badges, descriptive or designating marks, and words or phrases heretofore adopted and to clarify existing law relating thereto;

H. R. 3495. An act for the relief of Mrs. Cora B. Jones;

H. R. 3966. An act for the relief of George S. Paschke;

H. R. 4226. An act for the relief of Walter M. Smith;

H. R. 4246. An act for the relief of Mrs. Maud M. Wright and Mrs. Maxine Roberts, formerly Mrs. Maxine Mills;

H. R. 4269. An act for the relief of John S. Downing; and

H. R. 4332. An act to authorize the city of Burlington, Iowa, to own, maintain, and operate a toll bridge across the Mississippi River at or near said city.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. Under the unanimous-consent agreement entered into yesterday the transaction of so-called morning business is in order, following which a quorum call is automatically ordered. Transaction of routine business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

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

TRANSFER OF CERTAIN LANDS TO SECRETARY OF INTERIOR

A letter from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Army to transfer to the Secretary of the Interior certain lands on which the Seattle Fish and Wildlife Service Laboratory is located (with an accompanying paper); to the Committee on Armed Services.

MERGER OF TWO OR MORE NATIONAL BANKING ASSOCIATIONS, AND STATE BANKS WITH NATIONAL BANKING ASSOCIATIONS

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for the merger of two or more national banking associations and for the merger of State banks with national banking associations, and for other purposes (with an accompanying paper); to the Committee on Banking and Currency.

REPORT OF MARITIME ADMINISTRATION

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report of the activities and transactions of the Maritime Administration, for the period April 1, 1951, through June 30, 1951 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT ON PUBLIC BUILDING CONSTRUCTION PROJECTS OUTSIDE THE DISTRICT OF COLUMBIA

A letter signed by the Administrator, General Services Administration, and the Postmaster General, transmitting, pursuant to law, a report covering Federal building projects eligible for construction through the United States, its Territories and possessions, outside the District of Columbia (with an accompanying report); to the Committee on Public Works.

COST-OF-LIVING ALLOWANCES OUTSIDE THE CONTINENTAL UNITED STATES

A letter from the Chairman of the United States Civil Service Commission, transmitting a draft of proposed legislation to permit payment of certain cost-of-living allowances outside the continental United States at rates in excess of 25 percent of the rate of

basic compensation (with an accompanying paper); to the Committee on Post Office and Civil Service.

CIVIL DEFENSE MUTUAL AID COMPACTS BETWEEN STATES OF ALABAMA AND TENNESSEE, AND ALABAMA AND GEORGIA

A letter from the Director, Civil Defense Department, State of Alabama, transmitting copies of Civil Defense Mutual Aid Compacts between the States of Alabama and Tennessee, and Alabama and Georgia (with accompanying papers); to the Committee on Armed Services.

REPORT OF NATIONAL SECURITY COUNCIL

A letter from the Executive Secretary, National Security Council, transmitting, pursuant to law, a report on NSC Determination No. 5, Trade Between Turkey and the Soviet Bloc, together with a confidential supplement to the report (with accompanying papers); to the Committee on Armed Services.

MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Northeastern Regional Youth Leadership Conference, Paterson, N. J., protesting against the enactment of legislation to provide a peacetime universal military training program, which was referred to the Committee on Armed Services.

THE GENOCIDE TREATY—RESOLUTION OF POLISH ROMAN CATHOLIC UNION OF AMERICA

Mr. WILEY. Mr. President, I am in receipt of a resolution adopted by the executive officers and board of directors of the Polish Roman Catholic Union of America, favoring ratification of the Antigenocide Convention.

I ask unanimous consent that the resolution be printed in the RECORD at this point and referred to the Senate Foreign Relations Committee for appropriate consideration.

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

Whereas ratification of the Genocide Convention or treaty by the United States Senate is of the greatest importance to all our members; and

Whereas this treaty which outlaws for the first time in the history of mankind the destruction of religious, national, and ethnic groups serves the highest civil and humanitarian purposes; and

Whereas it will protect religious groups in a time when atheistic communism is trying to destroy religion; and

Whereas it will help to preserve the very existence of small nations which find themselves now facing annihilation under the onslaught of Soviet communism; and

Whereas we will find in this treaty an adequate instrument to fight communism at home and abroad, because we will be able to prove that communism which resorts to genocide is not a political movement but a criminal organization; and

Whereas history, past and present, furnishes many such examples of the destruction of human groups—racial, ethnic, religious, or national. This treaty will operate through domestic law. Article V reads:

"The contracting parties undertake to enact, in accordance with their respective constitutions, the necessary legislation to give effect to the provisions of the present convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III"; and

Whereas the treaty not only preserves American law but it gives fuller expression to American tradition of Christian compassion and respect for all nations, big or small; and

Whereas this law is especially close to the hearts of the members of the Polish Roman Catholic Union of America, because as Catholics we are vitally interested in protecting the Catholic Church behind the iron curtain and as Americans of Polish descent we feel very strongly about Soviet genocide in Poland as we felt about Nazi genocide in the land of our ancestors: Be it

Resolved, That the Polish Roman Catholic Union of America calls upon the Senate of the United States to do their utmost to speed ratification of this convention against genocide; be it further

Resolved, That a copy of these resolutions be sent to the Members of the United States Senate.

Respectfully submitted.

JOSEPH L. KANIA, K. S. G.,
President.
MARY SKOCZYLAS,
Secretary General.
Rev. FELIX J. KACHNOWSKI,
Chaplain.

REPORT OF COMMITTEE ON DISTRICT OF COLUMBIA

Mr. KEFAUVER, from the Committee on the District of Columbia, to which was referred the bill (S. 1976) to provide for home rule in the District of Columbia, reported it, without amendment, and submitted a report (No. 630) thereon.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 10, 1951, he presented to the President of the United States the following enrolled bills:

S. 29. An act for the relief of Teresa E. Dwyer;

S. 236. An act for the relief of Nicholas George Strangas;

S. 350. An act for the relief of the Z. D. Gilman Co., Inc.;

S. 526. An act for the relief of Dr. Lorna Wan-Hsi-Feng;

S. 543. An act for the relief of Elizabeth Jean Clarke;

S. 581. An act for the relief of Kiyoko and Chiyiko Ishigo;

S. 585. An act for the relief of Shizu Fujii and her son, Suenori Fujii;

S. 674. An act for the relief of Arthur Hoestler;

S. 885. An act for the relief of Wong Thew Hor;

S. 1105. An act for the relief of K. C. Be, Swannio Be, Wie Go Be, Wie Hwa Be, Wie Bhing Be, and Swie Tien Be;

S. 1281. An act for the relief of Eric Adolf Lenze;

S. 1282. An act for the relief of Cecil Lennox Elliott;

S. 1362. An act for the relief of Howard Lovell;

S. 1417. An act for the relief of Lefrancois & Chamberland, Inc.;

S. 1442. An act for the relief of Marie Louise Dewulf Maquet; and

S. 1443. An act for the relief of Rev. Thomas K. Sewall.

BILLS INTRODUCED

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

By Mr. MAGNUSON:

S. 1988. A bill for the relief of Leslie A. Connell; to the Committee on the Judiciary.

S. 1989. A bill to designate the lake to be formed by the waters impounded by the Chief Joseph Dam in the State of Washington as Rufus Woods Lake; to the Committee on Public Works.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1952—AMENDMENT

Mr. GREEN (for himself and Mr. PASTORE) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 5054) making appropriations for the National Security Council, the National Security Resources Board, and for military functions administered by the Department of Defense for the fiscal year ending June 30, 1952, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

INVESTIGATION OF PROFESSIONAL SPORTS OF BOXING AND WRESTLING IN INTERSTATE COMMERCE

Mr. MAGNUSON submitted the following resolution (S. Res. 189), which was referred to the Committee on Interstate and Foreign Commerce:

Resolved, That the Senate Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation of the professional sports of boxing and wrestling as they are carried on in and affect interstate commerce for the purpose of determining (1) whether any person, or group of persons, through restrictive-contract practices or otherwise is obstructing normal competition in such sports, or is preventing or hindering the American public from viewing such sports through the medium of television; (2) whether any persons engaged in unlawful trade in narcotics or other illegal activities (including violation of any Federal statutes) are connected with such sports to any material extent; and (3) whether there is a need for a national authority to control and supervise such sports.

SEC. 2. The committee shall report its findings, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than March 1, 1952.

SEC. 3. For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable. The expenses of the committee under this resolution, which shall not exceed $ ——, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AMENDMENT OF RULE PROVIDING FOR REGULAR QUESTION AND REPORT PERIODS IN THE SENATE

Mr. KEFAUVER submitted the following resolution (S. Res. 190), which was referred to the Committee on Rules and Administration:

Resolved, That rule 10 of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"3. There shall be held in the Senate on at least 1 day in each period of two calendar weeks, but not oftener than 1 day in any one calendar week, a 'question and report period,' which shall not consume more than 2 hours, during which heads of executive departments and agencies are requested to answer orally written and oral questions propounded by Members of the Senate. Each written question shall be submitted in triplicate to the committee having jurisdiction of the subject matter of such question, and, if approved by such committee, one copy shall be transmitted to the head of the department or agency concerned,

with an invitation to appear before the Senate, and one copy to the Committee on Rules with a request for allotment of time in a question period to answer such question. Subject to the limitations prescribed in this paragraph, the Committee on Rules shall determine the date for, and the length of time of, each question period, and shall allot the time in each question period to the head of a department or independent agency who has indicated to the committee his readiness to deliver oral answers to the questions transmitted to him. All written questions propounded in any one question period shall be approved by one committee. The latter half of each question period shall be reserved for oral questions which shall be germane to the subject matter of the written questions by Members of the Senate, one-half of such time to be controlled by the chairman of the committee which has approved the written questions propounded in such question period and one-half by the ranking minority member of such committee. The time of each question period and the written questions to be answered in such period shall be printed in two daily editions of the RECORD appearing before the day on which such question period is to be held, and the proceedings during the question period shall be printed in the RECORD for such day."

HOUSE BILL REFERRED

The bill (H. R. 5054) making appropriations for the National Security Council, the National Security Resources Board, and for military functions administered by the Department of Defense for the fiscal year ending June 30, 1952, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

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 Mrs. SMITH of Maine:

Address delivered by Senator AIKEN before the anual convention of the Missouri Farmers Association, Inc., at Columbia, Mo., on August 7, 1951.

By Mr. LEHMAN:

Article entitled "I Am a Bureaucrat," written by Wycliffe Allen, and published in the spring issue of the Public Administration Review.

By Mr. GILLETTE:

Statement entitled "Taxes Set Record in 1950," issued by the Bureau of the Census, Department of Commerce, on August 9, 1951.

By Mr. KEFAUVER:

Article entitled "Music and Musicians—The Kefauver Amendment," written by Virgil Thomson and published in the New York Herald Tribune of July 29, 1951.

By Mr. BUTLER of Maryland:

Address delivered by Alfred Kohlberg at the auditorium of the Baltimore Polytechnic Institute, July 16, 1951, under the auspices of American Legion, Department of Maryland; and other military, religious, and civic organizations, on the United States State Department and American policy in the Far East.

SEVENTY-FIFTH BIRTHDAY ANNIVERSARY OF SENATOR McCARRAN

Mr. O'CONOR. Mr. President, various Members of the Senate yesterday paid affectionate and well-deserved tributes to the distinguished senior Senator from Nevada and chairman of the Judiciary Committee [Mr. McCARRAN] on the occasion of the observance of his seventy-fifth birthday.

It was my misfortune, because of the crime committee hearings in progress at that time, not to be here, which I regretted very keenly.

I communicated with the Senator from Nevada by letter later in the day to express my feelings with respect to the observance, and I ask unanimous consent that the letter be printed in the RECORD at this point of my remarks.

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

AUGUST 9, 1951.

Hon. PAT MCCARRAN,
United States Senate,
Washington, D. C.

DEAR SENATOR MCCARRAN: It is a matter of the deepest regret to me that the Maryland hearings of the Senate crime investigating committee were in progress this morning, preventing my attendance in the Senate Chamber when various of the Members paid their respects to you on the occasion of the observance of your seventy-fifth birthday.

It certainly would have afforded me the greatest satisfaction to join wholeheartedly with them in deserved tribute to one who has hewed unerringly to the line in the matter of strengthening our defenses against disloyal enemies within the country.

As Senator MCKELLAR so well said: "You stand for all those things for which America ought to stand"; and I can think of no better tribute that anyone could pay in these uncertain times. Certainly it has been a pleasure and a privilege—I might almost say an education—to work side by side with you in the Judiciary Committee and I will always look upon my service with that committee as one of the outstanding phases of my Senate activities.

Because I do want to be on permanent record with reference to my high regard for your qualities of mind and heart, as well as to the importance of your activities in the field of internal security, I intend to present this statement tomorrow on the Senate floor for insertion in the CONGRESSIONAL RECORD expressing my sentiments.

With kindest regards,

Sincerely yours,

HERBERT R. O'CONOR.

CALL OF THE ROLL

The VICE PRESIDENT. If there be no further so-called morning business, a quorum call is in order. The Secretary will call the roll.

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

Aiken	Hickenlooper	Mundt
Bennett	Hill	Murray
Bridges	Hoey	O'Conor
Butler, Md.	Holland	O'Mahoney
Cain	Humphrey	Robertson
Carlson	Hunt	Russell
Case	Ives	Saltonstall
Chavez	Kefauver	Schoeppel
Clements	Kilgore	Smith, Maine
Connally	Knowland	Smith, N. J.
Cordon	Langer	Smith, N. C.
Douglas	Lehman	Stennis
Duff	Lodge	Taft
Ecton	Long	Thye
Ellender	Magnuson	Underwood
Ferguson	McCarran	Watkins
Fulbright	McCarthy	Welker
George	McClellan	Wherry
Gillette	McFarland	Wiley
Green	McKellar	Williams
Hayden	Millikin	
Hendrickson	Monroney	

Mr. McFARLAND. I announce that the Senator from New Mexico [Mr. ANDERSON] is absent by leave of the Senate.

The Senators from Connecticut [Mr. BENTON and Mr. MCMAHON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Virginia [Mr. BYRD], the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], the Senator from Colorado [Mr. JOHNSON], the Senator from Texas [Mr. JOHNSON], the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], the Senator from Oklahoma [Mr. KERR], the Senator from Michigan [Mr. MOODY], the Senator from West Virginia [Mr. NEELY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Florida [Mr. SMATHERS] is absent because of illness.

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Ohio [Mr. BRICKER], the Senator from Nebraska [Mr. BUTLER], and the Senator from Indiana [Mr. CAPEHART] are necessarily absent.

The Senator from Illinois [Mr. DIRKSEN], the Senator from Idaho [Mr. DWORSHAK], the Senator from Indiana [Mr. JENNER], the Senator from Missouri [Mr. KEM], the Senator from Nevada [Mr. MALONE], the Senator from Pennsylvania [Mr. MARTIN], the Senator from California [Mr. NIXON], and the Senator from North Dakota [Mr. YOUNG] are absent on official business.

The Senator from Vermont [Mr. FLANDERS], the Senator from Oregon [Mr. MORSE], and the Senator from New Hampshire [Mr. TOBEY] are absent because of illness.

The VICE PRESIDENT. A quorum is present.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

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 August 9, 1951, the President had approved and signed the joint resolution (S. J. Res. 78) to make the restrictions of the Federal Reserve Act on holding office in a member bank inapplicable to M. S. Szymczak when he ceases to be a member of the Board of Governors of the Federal Reserve System.

CITATION OF MORRIS KLEINMAN AND LOUIS ROTHKOPF FOR CONTEMPT OF THE SENATE

The VICE PRESIDENT. Under the unanimous-consent agreement the Chair lays before the Senate the resolutions (S. Res. 119 and S. Res. 120) citing Morris Kleinman and Louis Rothkopf for contempt of the Senate.

Mr. CAIN. Mr. President, I should like to ask the Senator from Maryland [Mr. O'CONOR] if he would join with me in requesting the yeas and nays on the pending question.

The VICE PRESIDENT. That question must be determined at the time the request for the yeas is made. The Senator cannot make the request in advance and then absent himself from the Senate, if that is what he contemplates doing. The question must be decided at the time the request is made.

Mr. CAIN. Mr. President, I ask that the yeas and nays be ordered on the pending question.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington?

Mr. O'CONOR. I join wholeheartedly in the request of the Senator from Washington for the yeas and nays.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington that the yeas and nays be ordered on the two pending resolutions? The Chair hears none, and it is so ordered. Is it the purpose of the Senator from Washington to have the vote on both resolutions taken at the same time?

Mr. CAIN. It would be perfectly agreeable to the Senator from Washington to do so. The issue involved in each resolution is identical.

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

Mr. CAIN. I yield.

Mr. McFARLAND. Then, Mr. President, I ask unanimous consent to amend the unanimous-consent agreement accordingly, because under its provisions the vote on one resolution will follow the vote on the other. I ask unanimous consent that both resolutions may be voted on together.

The VICE PRESIDENT. Without objection, the two resolutions will be voted on together.

Mr. CAIN. Mr. President, all of us know how very busy the committees of the Senate are these days. However, I think it a great pity that more Senators will not find it possible to be present this afternoon, because the question before the Senate is of fundamental importance to every American citizen, and during the concluding portions of the presentation there may be light touches which will find favor with some of my colleagues.

Mr. President, on the evening of Monday, March 26, Mr. Morris Kleinman and Mr. Louis Rothkopf were brought before the Senate Special Committee To Investigate Organized Crime in Interstate Commerce under warrants or arrest pursuant to Senate Resolution 65. This resolution provided the blanket authority which caused Mr. Kleinman, Mr. Rothkopf, and some fifteen other persons, to appear as witnesses before the committee.

During the committee session of March 26, both Mr. Kleinman and Mr. Rothkopf refused to answer questions unless and until the television cameras, the radio microphones and the newsreel cameras located in the caucus room where the hearing was taking place were disconnected or cut off.

On the following day, March 27, 1951, the Senate Special Committee on Organized Crime met in executive session. The chairman recommended that the committee ask the Senate to cite Morris Kleinman and Louis Rothkopf for contempt of the Senate, in view of their refusal to answer questions. The committee acted affirmatively and voted to ask the Senate to vote contempt citations against Morris Kleinman and Louis Rothkopf.

On March 30, the junior Senator from Tennessee [Mr. KEFAUVER], who was the chairman of the Senate Special Committee on Organized Crime, secured the adoption of Senate Resolution 119 and Senate Resolution 120, by unanimous consent, which cited Morris Kleinman and Louis Rothkopf for contempt of the Senate.

The two contempt citation resolutions were among 12 such resolutions agreed to by the Senate during the afternoon of March 30.

As the Senate knows, Mr. President, the usual custom is for affirmative committee action on bills and resolutions to be reported to the Senate Calendar, where they are required to remain for one legislative day. It is generally agreed that the Senate Calendar is bypassed by unanimous consent only when an emergency or some urgent matter is involved. The purpose of reporting bills and resolutions to the calendar is to advise all Members of the Senate of the action taken and to permit Members of the Senate a reasonable period in which to study the proposals. I do not know why the Senate Special Committee on Organized Crime thought it necessary to have the contempt citations considered and approved by unanimous consent when only a small number of Senators were present on the floor. Certainly no emergency or urgent need for action was involved. Since the contempt citations were presented to the Senate last March, the chairman of the Senate Special Committee on Organized Crime has done nothing that I know of to dispose of the motions which have been pending. I think it likely that there are Senators today who continue to be unaware that the contempt citations against Kleinman and Rothkopf were approved in the Senate by unanimous consent on March 30, 4 months ago.

Certainly, Mr. President, so far as I am concerned, I expect from this time on, so long as I am a Member of this body, to vote "no" to any unanimous-consent request which involves the names of all Members of the United States Senate. If in the future any committee is going to say by its own action that a particular witness is in contempt of the Senate of the United States, then that committee had better make certain, by following the normal procedure, historically observed in this body, of advising every one of the 96 Members that a particular person's action and conduct in the opinion of that committee make him in contempt of every one of the 96 Members of this body.

On April 2, the Senator from Washington entered a motion to reconsider the votes by which Senate Resolution 119 and Senate Resolution 120 were agreed to by the Senate on Friday, March 30, 1951.

This motion was entered, Mr. President, because the Senator from Washington was not present in the Senate on March 30, and thus had no opportunity to vote against the citations which held that Kleinman and Rothkopf were in contempt of the Senate for refusing to answer questions from the committee and its counsel in the presence of television, radio, and newsreels.

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

Mr. CAIN. Certainly.

Mr. McFARLAND. I wish the Senator to understand that in my opinion the adoption of these resolutions will not necessarily mean that all Members of the Senate favor the use of television or radio by committees or favor compelling witnesses to be televised or to have their remarks broadcast, for the reason that I, personally—and I know that quite a number of other Senators have said the same thing to me—would like to see the courts pass upon this question; and the only way by which we can get the courts to pass upon the question is to vote for contempt proceedings. I think these two cases are as good as any others for the purpose of making a test.

Mr. CAIN. Mr. President, I appreciate the Senator's comment. I should like to ask him a question: Does the majority leader, the distinguished Senator from Arizona, believe that it is necessary for a court of competent jurisdiction to determine the question of whether witnesses shall be held in contempt of the Senate for refusing to answer questions in the presence of television?

Mr. McFARLAND. No; I wish to say to my good friend from Washington that I do not think it is necessary; but until the question is decided, I think the use of contempt citations will be continued, and the issue will not be settled. I think it should be settled.

Mr. CAIN. I am inclined to believe that the majority leader is correct, provided the Senate and the House of Representatives see fit to duck a clear responsibility which falls on the Congress, namely, to reach its own decision as to what is and what is not in contempt of either body of the Congress.

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

Mr. CAIN. Certainly.

Mr. McFARLAND. I will concede that one of the ways to settle this question would be by a rule, and then it would really be settled, one way or other. But even then, if the Senate were to provide by rule that committee hearings could be televised, it would not necessarily decide the legal right and the legal question involved; because even if the Senate were to adopt such a rule, the court might still hold that a man would not be in contempt of the Senate if he refused to testify under television or when his remarks were being broadcast.

Mr. CAIN. The Senator from Arizona certainly knows what has happened to recent contempt citations sent to the courts by one or both Houses of the Congress. Most of those contempt citations have been thrown out by the courts of the land as being both unnecessary and illegal, the courts by inference saying, "Do for yourselves what your authority permits you to do, and quit avoiding your responsibilities."

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

Mr. CAIN. I am glad to yield to the Senator from Idaho.

Mr. WELKER. Mr. President, if I correctly followed the observations of my friend from Arizona, the distinguished majority leader, which we will be attempting to do by these resolutions, if we agree to them, will be in effect to cause two citizens of the United States to appeal a question of law to the Supreme Court of the United States. It would require them to employ counsel, and would cause them to litigate, for the first time in the history of this country, a matter which has never before been presented to a judicial body, a matter which, as I think the Senator will agree with me, has never before been considered by competent court in the Nation. Am I not correct in regard to that?

Mr. CAIN. I wish to say now that the Senator from Washington will attempt to present his case this afternoon as a lay person. The Senator from Washington, unlike his very good friend from Idaho, and unlike his equally good friend from Arizona, is not an attorney. The Senator from Washington is going to remain here for a reasonable period of time speaking what he thinks constitutes common sense and justice and fair play for the average, ordinary American citizen, whom, many times, we ourselves have no opportunity to see. The Senator from Washington will be grateful for any interruptions which may come from legal minds, as in the case of the interruption a moment ago by the able Senator from Idaho and the distinguished majority leader.

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

Mr. CAIN. Certainly.

Mr. McFARLAND. I have no quarrel with the position of the distinguished Senator from Idaho. I have no quarrel with anyone who feels that the Senate itself should decide this issue once for all. But I did want the RECORD to be plain that if these resolutions were adopted, the Court would not be of opinion necessarily that the Senate was approving the televising or broadcasting of speeches or remarks.

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

Mr. CAIN. If the Senator from Idaho will permit me, first, to add one thought, I shall be glad to yield to him. The Senator from Washington will continue to be grateful for any observations made during the afternoon by the Senator from Arizona. One of my chief concerns is to have this record so clear, in the event the resolutions are agreed to, that the courts to which the question may be referred will know beyond the reasonable shadow of a doubt that there is a very great difference of opinion among Members of the United States Senate; for, if the Senator from Washington or some other Senator had not moved to reconsider the votes by which the contempt resolutions were agreed to, under a routine unanimous-consent procedure, the courts of the land would have had a right to construe the action to mean that every Member of the Senate of the United States thought that such conduct as was outlined in the resolutions constituted contempt of the Senate. The Senator from Arizona has been very helpful. I am now pleased to yield to the Senator from Idaho.

Mr. WELKER. I shall not bother the Senator from Washington very much until he completes his speech, but in reply to my distinguished colleague and friend, the majority leader, the Senator from Arizona, I may say that I have heretofore stated on the floor of the Senate that I recognize him as one of our ablest jurists, one of the greatest legal minds in this body; and, coming from the West, I know of some of his great work in the field of law. I have had a varied experience, myself, in the trial of cases, both in prosecution and in defense.

Mr. President, I have never heard of the trial of a lawsuit being made mandatory in the presence of radio microphones, much less in the presence of the new medium called television. It comes to me as a stark reality that now, for the first time in the field of law, in which I practiced for 22 years, I find a quasi-court of law, in the form of the United States Senate, demanding that two citizens, of whom the junior Senator from Idaho had never heard, and who he did not even know were charged with contempt, being compelled to testify under oath before a news-reel or television camera and radio. I am sure my distinguished friend from Arizona, who has been engaged so extensively in the field of law, has never in his legal career heard of a judicial body or of a quasi-judicial body attempting to force anyone to testify under theatrical settings, or before television or news-reel cameras.

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

Mr. CAIN. I am completely delighted to yield to any of the members of the legal profession, who will certainly teach me much.

Mr. McFARLAND. I merely want to say to my good friend from Idaho and to the distinguished Senator from Washington that I have had neither time nor opportunity to look into the legal aspects of this question. I am sure that the distinguished Senator from Maryland will discuss them in detail. The only thing I was trying to do was to keep the record straight in regard to what a vote on these particular resolutions would mean.

Mr. THYE. Mr. President, will the Senator from Washington yield for 1 minute, that I may make a very brief statement and an insertion in the RECORD?

The VICE PRESIDENT. Without objection, the Senator from Washington may yield for that purpose.

Mr. CAIN. Mr. President, I am pleased to yield for that purpose, with the understanding, as I think the Senator wishes it, that his remarks appear following the conclusion of my remarks.

The VICE PRESIDENT. Under the unanimous-consent agreement, all debate must be germane to the proposition which is now before the Senate.

Mr. CAIN. I would be greatly pleased to accommodate my associate from Minnesota, provided I am permitted to do so.

The VICE PRESIDENT. The Chair would be compelled to enforce the unanimous-consent agreement.

Mr. McFARLAND. Reserving the right to object, I may say that I am not going to object, in this one instance, to a request for 1 minute, but if there are to be numerous requests, I shall be compelled to object.

Mr. THYE. My reason for making the unanimous-consent request was that this matter should have been presented during the morning hour, but the Appropriations Committee was sitting for the purpose of giving consideration to the appropriation bill that is to be taken up as soon as possible in the Senate, and I felt it necessary to remain with other members of the committee while important votes were being taken. I should like to make a very brief statement, if it is permissible.

The VICE PRESIDENT. Is there objection to the suspension of that portion of the unanimous-consent agreement, in order that the Senator from Washington may yield to the Senator from Minnesota for the purpose stated? The Chair hears none.

(Mr. THYE's remarks, under an appropriate heading, appear in the RECORD at the conclusion of Mr. CAIN's speech.)

Mr. CAIN. Mr. President, the contempt-citation resolutions instructed the President of the Senate to certify the report of the special committee as to the refusal of Kleinman and Rothkopf to answer certain questions, together with all the facts in connection therewith, under the seal of the United States Senate, to the United States Attorney for the District of Columbia, to the end that Kleinman and Rothkopf might be proceeded against in the manner and form provided by law.

Unless the Senator from Washington, or some other Member of the Senate, had offered a motion to reconsider the contempt citations against Kleinman and Rothkopf, the United States Attorney would have been led to believe, which certainly has never been the case, that every Member of the Senate was of the considered opinion that Kleinman and Rothkopf were in contempt of the Senate.

I can speak only for the junior Senator from Washington. In that capacity I did not nor do I believe that Kleinman and Rothkopf were in contempt of the Senator from Washington because of their refusal to answer questions in the presence of television, radio, and news reels. Through my motion to reconsider the contempt citations, I am permitted to explain today to the United States Attorney and to any court to which the question may be referred why I believe that Kleinman and Rothkopf were not in contempt of at least one Member of the Senate of the United States. I am convinced that the health of the Senate would be improved if a majority of its Members were to agree that Kleinman and Rothkopf were not in contempt of the Senate for refusing to answer questions in surroundings which can only reasonably be characterized as being a spectacle.

I am further convinced that we could save ourselves some unnecessary trouble and inconvenience to others should we agree that Kleinman and Rothkopf were not in contempt of the Senate for

the reason stated by the committee. I think and believe there is every reason to believe that any court will refuse to approve the contempt citations which are before us.

Mr. President, I was watching the television show, as an average American, on the evening of Monday, March 26, when Kleinman and Rothkopf refused to answer questions. I was disturbed and shocked, as an American, by the manner in which they were treated. I was reminded of what I assume a people's court in any totalitarian country must be. I saw no effort to get at the truth. It seemed to me that the actors were determined that the show must go on. The performance got out of hand. As I sat and studied this picture of a special committee running wild, I made up my mind to stop a repeat performance if I ever had that chance. At least, Mr. President, I shall do the best I can this afternoon with the chance I now have.

I say this without any desire to criticize the committee. They became the victims of a wave of emotion which they created, but over which they had no control. In support of this feeling, I urge Members of the Senate to read the committee reports which accompanied Senate Resolution 119 and Senate Resolution 120. If someone else does not think to do it, I shall probably offer these reports for the RECORD before the pending question has been resolved.

At the outset, Mr. President, I wish to make one fact very clear. I have no personal or official interest of any kind in Mr. Kleinman and Mr. Rothkopf. I do not know them. I have never seen them. I have never talked with them. If these men are guilty of crimes, they ought to be sentenced to terms in the penitentiary by a court of competent jurisdiction. I am primarily and solely concerned with Kleinman and Rothkopf because they are American citizens, and entitled to the same rights which belong to every other American citizen. I am just as earnestly interested in protecting the rights which belong to these two men as I would be in protecting the rights which belong to my personal friends on both sides of the aisle in this great body.

The Senate Special Committee on Organized Crime was created by Senate Resolution 202. The committee was authorized to make a full and complete study and investigation of whether organized crime utilized the facilities of interstate commerce or otherwise operated in interstate commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occurred. The committee was instructed to report to the Senate the results of its study and investigation, together with such recommendations as to necessary legislation as it deemed advisable.

Mr. President, the function of the Senate Special Committee on Crime was to gather information about organized crime so that the committee might recommend legislation which would be helpful in stamping out and minimizing the evil inherent in organized crime. The committee was not created to be a court, nor was it charged with conducting trials. I voted for the establishment of the committee, but would not have done so if I thought it would have any about it which resembled a court. If there is any legislative purpose or objective to be served in requiring witnesses to expose themselves to television, radio, and newsreels, I want someone to point out to me this accomplished purpose or objective. Does the televising of a committee hearing serve any useful legislative purpose the substance, the origin, and the basis of which is to collect information?

Kleinman and Rothkopf are not in contempt of the Senator from Washington, because I believe that they are entitled to those rights which I insist on having as a Member of the Senate of the United States. Kleinman and Rothkopf are said to have been in contempt of the Senate because they refused to answer questions in the presence of television, radio, and newsreels. Yet those who held this refusal to be contemptuous are those who belong to a body and sit in this Chamber which has never yet permitted the presence of television sets, radio microphones, or newsreel cameras. We in the Senate maintain that we are entitled to a reasonable amount of privacy. I insist that Kleinman and Rothkopf are entitled to the same right. During my several years in this body we have had many an important public question before us. On occasions every seat in our galleries has been filled. Beyond our gallery doors people have waited for hours and very patiently to take their turn in getting a seat. We have supported the policy of permitting only those who can be accommodated in our galleries to watch the proceedings of the Senate. Until we in this body decide to have our sessions reported by television, radio, and newsreels, we have, in my considered view, no right of any kind to demand that those we call before our committees as voluntary or subpenaed witnesses shall be exposed to these pressures which we do not permit to be imposed upon us.

Mr. President, we are so conscious of our right to a reasonable amount of privacy that no American, or any other visitor, is permitted to take a camera picture, candid or otherwise, of what takes place on the floor. I take for granted that we have in our gallery this afternoon some visitors who live as far away as both the oceans which border our Nation. There may even be some visitors from abroad. I assume that many of these visitors came to us today in hope that they might in an innocent way take snapshots of what they saw. Because of our conviction that we are entitled to some privacy we have authorized our agents, the Senate doormen, to take temporary custody of any camera which is carried by any of the visitors who sit at this very minute in our galleries. I suppose they give a receipt. In any event they are honest men. What right have we, who insist on our right of privacy, to ignore a comparable right which belongs to citizens generally?

Madam President (Mrs. SMITH of Maine in the chair), the Senate Special Committee on Organized Crime maintains that Kleinman and Rothkopf are in contempt of the Senate. By what standard did the committee reach this conclusion? What are the rules of procedure which were followed in the hearings held by the Crime Committee? So far as I know, this committee had no written or established standard of conduct. Even if the committee states that it was governed by rules of conduct, the Senate has no knowledge of what they are. Certainly there is not any reference in the committee report to any standard of procedure as laid down by the Senate Special Committee To Investigate Organized Crime. If there were a standard, there is no present reason to believe that this standard would be acceptable to a majority of the Senate.

It ought to be observed, Madam President, that neither the Senate nor the House of Representatives has rules of its own with respect to the conduct of their investigations as they bear upon public hearings. It is true that section 133 (f) of the Legislative Reorganization Act of 1946 does provide for public hearings, but there are no rules whatever setting up a procedure for such hearings. The Legislative Reorganization Act of 1946 says nothing whatsoever about the way in which a special committee shall conduct its hearings. That act does not even impose upon a special committee the need for holding public hearings. There is no known regularity or uniformity of procedure. There are few, if any, restraints on the manner of conducting public investigations. If the Senate has no rules or standards with respect to hearings held by its several committees, how can we reasonably assume that a court of law will hold witnesses to have been in contempt of the Senate when these witnesses violated no established rule of Senate procedure?

The Senate Special Committee on Organized Crime may tell us that there are instances of radio broadcasting of court proceedings being upheld. This happens to be true, but what of it? The several courts in question have fixed rules of procedure which set up a definite pattern of procedural activity. There is nothing comparable between these instances and the manner in which congressional hearings are conducted.

If the contempt citations against Kleinman and Rothkopf are agreed to the result will be—I shudder to think of it—that any Member of the Senate or any committee of the Senate can create a precedent to define what conduct by a witness is in contempt of the 96 Members of the Senate as a whole. There is neither logic, justice, nor fairness in any such result. The Senate as a whole ought to establish rules of its own with respect to the conduct of public hearings so that every Member of the Senate will understand and be aware of what action constitutes contempt of the Senate.

Is it necessary for the Senate of the United States to wait for a judicial body to determine a question which the Senate can resolve within its own authority and jurisdiction? I believe it to be completely unnecessary and extremely unwise for us to refer the pending procedural question of contempt to any out-

side agency. Why should the Senate abdicate its own important responsibility in the matter? We constantly cry out over the encroachment upon legislative prerogatives by the judicial and executive establishments, do we not? There is no valid reason of any kind why we should ask a court of law to determine a procedural question over which we have complete authority in our own body.

Should we send these contempt citations to a court, we shall have cured nothing. The court is not likely to condone an error which has been made by a committee of the Senate. But if it did, the Senate would continue to be without any established rules of procedure to guide the conduct of its committees.

We may be told this afternoon that television, radio, and newsreels are proper adjuncts to a committee's public hearings because these instruments create only a legitimate extension of our traditional public hearing. I completely disagree with any such contention. The source of my argument comes from a man who has never been a member of the party to which I belong, who has, in fact, been foremost for years among those in high places within the administration. He is Mr. Thurman Arnold, noted attorney and a former Assistant Attorney General of the United States. On this particular aspect of the question before the Senate, he wrote an article which bore the title—I think it provocative; I think it more true than otherwise—"Mob Justice and Television." Said Mr. Thurman Arnold, who, in this instance, is, from my point of view, truly a real liberal, and not one who seeks to cut the heart out from the rights of people who cannot fight to protect themselves:

> The thing which I believe is overlooked by those who argue that television is a legitimate extension of our traditional public hearing is this: The reason that a criminal trial is public is not to obtain the maximum publicity for judges or prosecutors. It was not intended to make a cause celebre out of criminal prosecutions. It is public for the protection of the accused against star-chamber methods, and for the protection of the public against secret deals and alliance. The notion that since a criminal trial is usually entertaining it should be so staged as to provide the greatest entertainment to the greatest number is not an American tradition. A criminal hearing should not be a star chamber. It is equally important that it should not be a circus.
>
> I recognize that a legislative investigation of crime, such as the Kefauver committee, is not, strictly speaking, a criminal proceeding. But anyone viewing the proceedings in New York will understand how easily it can be turned into one and how great the temptation is to do so.

I can only draw the obvious conclusion that the committee on occasions fell for the temptation.

> If the committee succeeds in arousing the American housewife, it is inevitable that there will be a counterreaction and the American housewife will arouse the committee. If this mutual excitement becomes a common incident to the legislative hearing, blind forces will be unleashed which I do not like to contemplate. When a congressional hearing becomes through the osmosis of television more of a trial than an attempt to obtain information for legislative action, the punishment may be as severe as fine or imprisonment. For the screen actor it may be the loss of his career. For a college professor it may mean the end of his job. The fact that these incidents can happen in a hearing even without television does not in my view justify magnifying them a thousand times in order to entertain housewives.

Mr. Arnold has much more to say about televising committee hearings in his provocative article and I shall be pleased to read all of his reflections should circumstances require before this afternoon has run its course. The Arnold article appeared in the June issue of the Atlantic Monthly. I urge every thoughtful American to read it.

Madam President, I want to paraphrase some of the language which is employed in the reports which accompany Senate Resolution 119 and Senate Resolution 120. It is stated that because of the refusal of Kleinman and Rothkopf to answer questions the committee was prevented from receiving testimony and evidence. It is further stated that the persistent and illegal refusal of the witnesses to answer questions deprived the committee of necessary and pertinent testimony and placed the witnesses in contempt of every Member of the United States Senate. This I completely deny.

In these instances I think the committee has sought to impose upon the gullibility of other Members of the Senate. The Senator from Washington sits on committees, as does every other Member of this body. I repeat, I believe the committee has sought to impose upon the gullibility of every Member of the Senate who is not a member of the Special Committee To Investigate Crime.

If the committee had been seriously concerned with seeking information from Kleinman and Rothkopf, the committee could have easily taken proper steps in an effort to secure that information. All the committee had to do was to recess the hearing until the next day, or to a future date, or for an hour. The committee would then have been prepared to ask questions of Kleinman and Rothkopf in an atmosphere which would have given the witnesses no possible reason for refusing to answer questions. In this atmosphere, we would all agree that the witnesses would have been in contempt of the Senate had they refused to answer questions. The committee itself created the obstacle which prevented the committee from seeking to secure the information it desired. For the committee to tell the Senate or the people of the United States that the witnesses created the obstacle is for the committee to assume that the Senate has neither eyes with which to read the reports nor minds with which to evaluate them. The witnesses may have taken advantage of the confusion and obstructing surroundings which the committee had created, but I doubt that any Member of the Senate who bothers to read the committee reports would agree with the committee that the witnesses were to blame for the lack of information which the committee derived from the hearing.

The Senate Special Committee on Organized Crime was very certain in March of this year that Kleinman and Rothkopf were in contempt of the Senate for refusing to answer questions in the presence of television, radio, and newsreels. That same committee has seemingly changed its mind. It appears to be the case that the committee would not hold Kleinman and Rothkopf in contempt of the Senate for the same reasons if those men appeared before the committee as witnesses today. I am told that the Committee To Investigate Organized Crime decided weeks ago to let any witness determine whether he did or did not wish to testify before television cameras. Is this not rather conclusive evidence that the committee itself remains in serious doubt concerning whether Kleinman and Rothkopf were in contempt of the Senate for refusing to be interrogated in the presence of television? How can the Senate hold Kleinman and Rothkopf to have been contemptuous when the Crime Committee no longer demands that a witness testify before television cameras?

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

Mr. CAIN. I yield.

Mr. KEFAUVER. I am sure the Senator from Washington has read in the report that the special committee submitted an offer to let them testify without television if they wanted it that way. No witness before the committee has ever been forced to testify in front of television. The Senator will notice, in the case of Rothkopf, for example, that in the beginning I stated that if he did not want the television on, it would be taken off. As a matter of fact, it was. Mr. Bryson Rash, who was handling the television, told me—and I so told the witness—that the television was not being used. He refused to testify, nevertheless. Of course the cameramen were there. The newspaper representatives were there, and the newsreel men were there. But when the television was turned off, he refused to testify notwithstanding. That is very clearly in the record. I will call it to the Senator's attention.

Mr. CAIN. The Senator from Washington can recite practically every line of the reports. He agrees exactly with what the junior Senator from Tennessee has thus far said.

Mr. KEFAUVER. On page 5 of the report appears the following:

> The CHAIRMAN. I understand your position, Mr. Rothkopf, that even with the television lights off as they are now, you are not going to answer any questions as long as the radio and anything else is on; is that correct?
>
> Mr. ROTHKOPF. That is right.
>
> The CHAIRMAN. That is your position. So it would not do any good to turn the television lights off. They are already off. It would not do any good to take or to ask the movie gentlemen to remove the movies, as long as the radio is here. You still would refuse to testify?
>
> Mr. ROTHKOPF. I have stated my position.

In the case of Mr. Kleinman the same statement was made—that the television was taken off. This committee has never forced anyone to testify with the television on if he objected to doing so.

Mr. CAIN. The junior Senator from Tennessee and the junior Senator from

Washington are pretty good personal friends, and because of that relationship the Senator from Washington is not going to take exception to any effort made by his friend from Tennessee, a very distinguished attorney, to take advantage of the lack of legal knowledge possessed by the Senator from Washington. I said to the junior Senator from Tennessee——

Mr. KEFAUVER. Madam President——

Mr. CAIN. Permit me to conclude. I said to the junior Senator from Tennessee that I agreed with what he had just read. However, previously I had pointed out that as an American citizen I was looking at this extravaganza, and that when the committee, through its chairman or some other member, said to the witness, "We will cut the television off you," there was no disposition or action by the members of the committee and its counsel to cut the cameras off the committee. The committee had created the error. The only way in which the committee could rectify the error, after having embarrassed these American citizens, was to recess the meeting and start over again. What sort of meeting would it be to have an unseen witness, with the cameras focused on the chairman of the committee? It seems to me that the people were more interested in the witness than they were in the chairman.

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

Mr. CAIN. I yield.

Mr. KEFAUVER. So to keep the record clear, let me say that the situation is shown in the Rothkopf transcript. Of course, I think it is well to argue the question of television, which the Senator has raised. I shall have something to say about it later. However, as Mr. Rash said, and as the chairman said, the television was not being used at all, and we offered to turn it out altogether, and it was turned out altogether.

Mr. WELKER. Mr. President, will the Senator from Washington yield in order that I may ask the junior Senator from Tennessee a question?

The PRESIDING OFFICER (Mr. CLEMENTS in the chair). Does the Senator from Washington yield for that purpose?

Mr. CAIN. I yield; but first I should like to say, in reply to the observation just made by the junior Senator from Tennessee, that the harm involved, from my point of view, in the question I dicussed, was in the fact that the lights were on at the very beginning, and in the subsequent unwillingness of the committee, if its only purpose was to seek information, to cut off the lights from the committee members as well as from the witnesses, and settle down to seeking information.

I now yield to my friend from Idaho.

Mr. WELKER. I should like to ask the distinguished junior Senator from Tennessee whether or not it is a fact that on the night in March when he offered to cut off the television from these two witnesses, the television cameras were directed at the committee. However, the television sets portrayed the replies, or the radio portion of the act, to the American public. Is not that correct?

Mr. KEFAUVER. I did not follow the Senator.

Mr. WELKER. I will reframe my question. I saw the show on the night referred to, and I remember when it was decided to cut the television cameras off the two witnesses before the committee. However, the cameras were directed toward the committee. The public—and I happened to be listening—could listen to everything by way of radio; the questions and the answers through the television sets. The public could listen to the questions and the replies of the witnesses whom the committee was alleged to be examining. Is not that correct?

Mr. KEFAUVER. I do not know whether the turning off of the television lights automatically cuts off the voice. In any event, the questions and answers were carried on the radio. We offered to cut off the television altogether, and it was cut off.

Mr. WELKER. It was cut off with reference to the television camera. However, the voice of the alleged criminal was carried to the television audience, as I know because I was a member of the audience. Later, when the distinguished junior Senator from Tennessee [Mr. KEFAUVER] takes the floor in his own right I shall ask him some questions with respect to the invasion of the rights of privacy of a citizen by carrying a direct radio report of examinations of witnesses before his committee.

Mr. KEFAUVER. I do not know how television works, and therefore cannot say whether the vocal portion of the program continues when the television lights are turned off.

Mr. CAIN. Mr. President, the junior Senator from Tennessee will not begrudge me the right to make the observation that he has said, in his capacity as chairman of the committee, that he does not have the foggiest idea of the working of the mechanism which his committee employed. I am anxious to cooperate with him in cutting off such instruments until we understand what they are, how they work, and what happens when we move one gadget and fail to move another gadget. We need not labor the point about the show involved. I had reason to get in touch with one member of a subcommittee of the Committee To Investigate Organized Crime in Interstate Commerce. I have no desire to embarrass him. He was not in attendance at the committee meeting now under discussion, he told me the next morning, because he was so interested in the show that he remained at home to watch it.

Mr. President, how can the Senate hold Kleinman and Rothkopf to have been contemptuous when the Special Committee on Organized Crime no longer demands that a witness testify before television cameras?

Kleinman and Rothkopf refused to answer committee questions on the evening of Monday, March 26. On the following day, a member of the special committee, the Senator from Wisconsin [Mr. WILEY], offered Senate Resolution 106, which reads:

Resolved, That the Senate Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized and directed to make a thorough study of the various problems which have arisen, or which might arise, in connection with past or proposed televising or radio broadcasting, or motion picture, or other photographing, of proceedings of the Congress and its respective Houses and committees. The committee shall report to the Senate, at the earliest practicable date, the results of its study together with its recommendations.

I believe it would be unfair if there were any inference left that I was endeavoring to be unreasonable or unfair to our associates across the aisle. Therefore, I have referred to a Republican member of the committee.

The resolution is further evidence that members of the Senate Special Committee To Investigate Organized Crime were disturbed and unhappy—and I certainly can understand their state of confusion and unhappiness—about the octopus which they had created when they permitted their hearings to be covered by television, radio, and motion pictures. Until the resolution of the Senator from Wisconsin has been acted on—and I hope it will be approved—and until the Senate has been given an opportunity to study recommendations submitted by a standing committee of the Senate, I think it would be highly improper for citations of contempt to be approved against two American citizens, Kleinman and Rothkopf, or any other American citizens, for the reason given in these cases.

The Senator from Wisconsin being inherently and in fact an honest and conscientious man, remains in doubt this afternoon concerning what rules of procedure ought to be adopted. In my opinion that is a compliment to the Senator from Wisconsin, because he has reason to believe that perhaps serious mistakes have been made which should be rectified. I congratulate the Senator from Wisconsin. He willingly admits that problems have arisen as a direct result of the way in which the special committee conducted its hearings.

Mr. President, on a recent day I chanced to find H. R. 1017, which had been introduced by Mr. CASE, of New Jersey, on January 8, 1951, and referred to the House Committee on Rules. This bill seeks to amend the Legislative Reorganization Act of 1946 by establishing some principles to govern the conduct of investigations by any committee of either House of Congress or any joint committee of the two Houses, or any duly authorized subcommittee. Section 9 of this bill reads, as follows:

No photographs, moving pictures, television, or radio broadcasting of the proceedings shall be permitted while any witness is testifying.

This section illuminates the question before us today, because it makes clear that Representative CASE is in flat opposition to covering committee hearings through television, radio, and motion pictures.

I am not presently certain to what extent I agree with the views of Mr. CASE, but I want to study them, and I think they ought to be made available for the consideration of my associates. For this reason, Mr. President, I ask unanimous consent that H. R. 1017 be made a part of my remarks at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 1017) to amend the Legislative Reorganization Act of 1946 was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That part 2 of title II of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Cong., ch. 753, 2d sess.) be, and the same is hereby, amended by adding at the end thereof a new section, as follows:

"CONDUCT OF COMMITTEE INVESTIGATIONS

"SEC. 227. The following principles shall govern the conduct of investigations by any committee of either House of Congress or any joint committee of the two Houses or any duly authorized subcommittee of any of the foregoing, the word "committee" as used hereafter in this section being intended to mean any such committee, joint committee, or subcommittee, as the case may be:

"1. The subject of any investigation in connection with which witnesses are summoned shall be clearly stated before the commencement of any hearings, and the evidence sought to be elicited shall be relevant and germane to the subject as so stated. In cases of special investigations authorized by resolution of Congress or of either House thereof, the subject of the invetsigation shall be so stated in the resolution, and in the case of investigations initiated by the committee, the subject shall be so stated by the committee and announced before the commencement of the hearings.

"2. No private person shall be compelled by subpena to appear and testify or to produce documents unless the committee, by a majority vote or by a writing signed by a majority of the committee, shall so direct, and unless directed by a like vote or writing no person shall be obliged to testify or produce documents before the committee in executive session.

"3. No person shall be compelled to testify or to produce documentary evidence before the committee, whether in public or executive session, unless there is at least one member of the committee present in addition to the principal interrogator.

"4. Any witness summoned at a public hearing and, unless the committee by a majority vote determines otherwise, any witness before a private hearing, shall have the right to be accompanied by counsel, who shall be permitted to advise the witness while on the witness stand of his rights.

"5. Any person who, at or before the time fixed for his appearance or for production of documents by any committee subpena, notifies the committee in writing that he wishes to contest the validity or scope of such subpena or to claim a privilege not to respond thereto, and any person who, having appeared before the committee, refuses to answer a specific question or to produce a specific document, claiming that such refusal is privileged or is in the public interest, shall be entitled to present through counsel to the committee a written motion and oral argument in support of his position. The committee's ruling on any such motion shall be by majority vote of the committee.

"6. Unless the committee, by a majority vote or a writing signed by a majority of the committee, shall direct otherwise, all testimony given and all documentary evidence produced at an executive session shall be made public at the expiration of 5 days after such session. The chairman of the committee, or any two members thereof, may, however, at any time within such 5-day period, direct that such testimony or evidence is kept secret pending a decision by the committee on the question of its release: *Provided, however,* That at the time of giving such direction he or they shall call a meeting of the committee to act on such questions.

"7. Every witness shall have an opportunity, at the conclusion of the examination by the committee, to supplement the testimony which he has given, by making a written or oral statement, which shall be made a part of the record; but such testimony shall be confined to matters with regard to which he has previously been examined.

"8. An accurate stenographic record shall be kept of the testimony of each witness, whether in public or in executive session. In either case, the record of his testimony shall be made available for inspection by the witness or his counsel; and, if given in public session he shall be furnished with a copy thereof if he so requests, and if given in executive session he shall be furnished with a copy thereof in case his testimony is subsequently used or referred to in a public session.

"9. No photographs, moving pictures, television, or radio broadcasting of the proceedings shall be permitted while any witness is testifying."

"10. No report, whether interim or final, of any committee or of its staff, shall be filed or made public until a meeting of the committee has been held to pass upon such filing or publication and the same has been authorized by the committee by a majority vote or a writing signed by a majority of the committee.

"11. Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given in a public hearing before any committee, or any testimony, or evidence which though given in executive session has been made public, or any comment made by any member of the committee or its counsel tends to defame him or otherwise adversely affect his reputation, shall be afforded the following privileges.

"(a) To file with the committee a sworn statement concerning such testimony, evidence or comment, which shall be made a part of the record of such hearing.

"(b) To appear personally before the committee and testify in his own behalf.

"(c) To have the committee secure the appearance of witnesses whose testimony adversely affected him, and to cross-examine such witnesses, either personally or by counsel; but such cross-examination shall be limited to 1 hour as to any one witness unless the committee votes to lengthen the period.

"(d) In the discretion of the committee, by a majority vote, to have the committee call a reasonable number of witnesses in his behalf. The extent to which this privilege may be availed of shall be left to the discretion of the committee."

Mr. CAIN. Mr. President, if the cases are referred to a court, I am anxious to have the court know what Representative CASE'S views are with reference to the question involved.

The junior Senator from Tennessee [Mr. KEFAUVER] remains as a member of the Senate Special Committee To Investigate Organized Crime, although he is no longer its chairman. Because he is a thoughtful man, the junior Senator from Tennessee continues to be concerned over the conduct of the committee. I read recently in the Cleveland Plain Dealer of June 20 that the junior Senator from Tennessee testified before the Subcommittee on Ethics of the Senate Committee on Labor and Public Welfare, and submitted a series of proposals covering committee procedure. The recommendations largely result from the Senator's year of racket probing.

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

Mr. CAIN. Yes.

Mr. KEFAUVER. For the record it should be stated that it was not a Subcommittee on Ethics. It was a subcommittee of the Committee on Rules and Administration, headed by the Senator from Arkansas [Mr. MCCLELLAN], which was studying the reorganization of Congress.

Mr. CAIN. I thank the Senator from Tennessee. I welcome the correction, and shall draw it to the attention of the Cleveland Plain Dealer.

If the recommendations submitted by the junior Senator from Tennessee were approved by the Congress, in whole or in part, the Senate Special Committee To Investigate Crime and every other committee of the Congress would operate in different ways than is the case today.

The junior Senator from Tennessee offered 11 proposals to the Ethics Subcommittee. I think they ought to be listed:

First. On television, no question should be asked to prove anything which the present witness cannot himself testify to.

Second. Anyone accused by a witness on television should have the right to testify next after his accuser. The same audience should see and hear his defense to any accusation.

Third. Physical comfort of witnesses should be assured. That means no oppressive lights, camera bulb flashes, or other unnerving distractions.

Fourth. No political, racial, or religious questions should be allowed unless directly relevant to the inquiry.

Fifth. The best evidence rule should be observed. No hearsay should be allowed if a document or the direct witness is available.

Sixth. Right of counsel should be given to every witness.

Seventh. No denunciation or summing up of a witness' character or his words should be flung at him by a committee member or lawyer.

Eighth. Damaging evidence should be heard first in executive session, and not brought out in public hearings unless a majority of the committee decides it should.

Ninth. Probers should tell the audience immediately whether the witness has been subpenaed or has been invited in.

Tenth. Major points which the committee means to dig for should be told to the witness in his subpena or at least before he takes the oath.

Eleventh. Relevancy should govern all decisions about the need for questions.

Is there any similarity, Mr. President, between these sensible and worth-while proposals and the way in which the

junior Senator from Tennessee conducted hearings of the Senate Crime Committee as its chairman? I see almost none.

Mr. President, in moving to a conclusion, I am inclined to believe that I have been constructive and objective in my approach to the question before the Senate. I cannot refrain, however, from having a little innocent fun with the junior Senator from Tennessee. I am, indirectly, one of his constituents, because Tennessee was the place of my birth. He has been in public life for a long time. He has written books, articles, and made many public statements. I have always read with interest anything which he has written or said. Last week, in fact, he was a guest in my home city of Seattle, and there he made a very remarkable speech. I did not necessarily agree with some of its logic, but certainly I was happy to have had him in my State; and I take it for granted that he was well received, that he enjoyed himself, and that he spoke very effectively to the subject he had in hand.

The other day I read with amazed interest and enjoyment an article which the junior Senator from Tennessee had published in the American Magazine, in April of 1948. I read it with interest because it bears on the pending question; and if the resolutions are going to a court of competent jurisdiction, I desire to provide the court with as much of the thinking of any Member of the Senate who is concerned as it is humanly possible for me to do. In the absence of rules of procedure, in the absence of any knowledge of regularity of conduct, the court can only say to itself, "I wonder what those concerned are thinking about." For a few minutes I shall now endeavor to help the court.

The article to which I now refer bears upon the pending question. This article causes one to understand that the junior Senator from Tennessee has been looking for quite a long time for ways in which to improve congressional committee hearings. I know that my colleagues will enjoy as I did these observations from the able pen of the junior Senator from Tennessee:

> As one who takes the greatest possible pride in being a Member of the Congress of the United States, I think it is high time that some Member of the Capitol Hill family stood up and said to that great and honorable body "Let's cut out these congressional vaudeville shows."
>
> I could aim a shotgun blast and shoot in a lot of directions, when I mention congressional vaudeville antics, but for the purpose of this article I am going to draw a bead on two of the worst targets. I refer specifically to, (1) useless and expensive junketing; (2) headline-hunting congressional hearings.

It is not for me, Mr. President, to judge what the junior Senator from Tennessee has been up to during the past year. Perhaps he has been experimenting. Maybe he permitted the television to make him an outstanding headline hunter only to prove his sound contention of 1948 that vaudeville shows should not be sponsored and produced by the Congress. In any event the junior Senator from Tennessee is an authority on a Senate version of an American extravaganza.

Mr. President I have used several witnesses this afternoon but I think the junior Senator from Tennessee is the best qualified of them all. He said 3 years ago that headline-hunting congressional hearings ought to be done away with and that some Member of the Capitol Hill family ought to stand up and maintain that we ought to cut out our congressional vaudeville antics and shows.

I am in agreement with the junior Senator from Tennessee and I have taken his advice so literally that I arose this afternoon to encourage the Senate to begin to stop the very congressional vaudeville shows to which the junior Senator from Tennessee took exception and addressed himself in 1948. The best way in which the Senate can carry out the recommendation made by the junior Senator from Tennessee is to refuse to charge witnesses with being in contempt of the Senate when those witnesses were only refusing to engage in a congressional vaudeville show.

Mr. President, I had not planned to do it; but now, because of the prime importance of this question, I shall read in some little detail from the article by the junior Senator from Tennessee, to which I have referred. I obtained the article from the Library of Congress. The article appeared in the American magazine. From where I now stand, not all persons in the Chamber can see the article, but I shall read from it briefly.

The title is—and these words appear in black letters—"Let's Cut Out These"—and the following words appear in red letters—"Congressional High Jinks."

The page to the left of that title shows a number of traveling Members of the Congress on the sands of Waikiki, and there are several definitive descriptions of what is going on. I read the following:

> Every year dozens of Congressmen decide to investigate Hawaii or Panama. What does John Citizen get out of these junkets or the vaudeville shows of headline-happy special committees? Mostly nothing but the bills.

I quote further from the article:

> Hawaii has been a haven of Washington-weary Congressmen for more than 30 years. It has been investigated for everything.

I read those headlines and then read the article, and found that it provided the words from which those descriptions were obtained.

I read further:

> We are concerned with a special committee, with its responsibility, with what a special committee ought to do, if anything.

Mr. President, in 1948 the junior Senator from Tennessee, then a Member of the House of Representatives, had some very strong feelings on what caused congressional vaudeville shows. This is what he said:

> The root of the evil lies in the creation by Congress of special committees. In my opinion, there is no use for a special committee. There is nothing that a special committee can do that a regular standing committee of Congress cannot do better.
>
> This was recognized by Senator La Follette, Representative MONRONEY, and their advisers in the original Reorganization Act which they drafted for enactment by the Seventy-ninth Congress. Their bill would have outlawed all special committees. The Senate agreed to this, but the House upset this plan by refusing to pass the act until the clause had been eliminated.

Parenthetically, Mr. President, let me say that the then Member of the House of Representatives from the State of Tennessee was complimenting the Senate, on the one hand, for deciding to eliminate special committees; and, on the other hand, he was criticizing the House, of which he was a Member, for refusing to do so. That was in 1948.

I read further from the article:

> Then the Senate, at the first session of the present Congress, let down the bars by being the first to authorize creation of a special committee—the Brewster War-Investigating Committee. Now Congress is burdened with three such extra appendages in the Senate, five in the House, and three which serve both bodies jointly—11 extra committees in all.

Mr. President, the Senator from Tennessee is a constructive man. When he points out an evil, he follows it by pointing out the remedy. That is the sort of attitude which makes a great doctor; if a doctor finds a man who is ill, he attempts to make him well.

The Senator from Tennessee also said this in that 1948 article:

> This brings us to the remedy for all this. I am the first to admit that the solution is not easy, for it involves a combination of (a) a set of rules to curb the abuse of traveling and investigations by Congress, and (b) a desire on the part of Congressmen, themselves to prevent such abuses. After all, since Congress makes its own rules, the desire to take the cure must be present.

That is what I am pleading for this afternoon, Mr. President, namely, for the Members of the Senate to make up their minds to cure the evil which was so ably recognized and denounced by the junior Senator from Tennessee three short years ago.

He goes on to say:

> The voters can help by keeping a close eye on the performance of their Congressmen and by doing their best, through the power of the ballot, to keep the junketeers, the time-wasters, and the vaudeville actors out of Congress. However, since the power of the ballot is not always sufficient, I would propose these remedies:
>
> 1. Abolish all special and select committees. Let all congressional business be handled by regular committees—without exception.

He has a number of other recommendations, the fifth of which I should like to read, because it is worth while:

> 5. Set up rules clearly guaranteeing to witnesses before congressional investigations the right to a reasonable period of cross-examination of their accusers.

I shall not take the time of the Senate this afternoon to read in its entirety this very fascinating article, but I want to make certain that every Member of the Congress knows where the article can be found, and that every American citi-

zen is made conscious ot it, in order that citizens generally may determine to support, not the present position but the clear position of the then Representative ESTES KEFAUVER, of Tennessee, in 1948, when he said, "It is time to do away with congressional high jinks and vaudeville shows, as some of them have been putting them on within congressional committees."

Mr. President, the junior Senator from Washington believes himself to be a liberal, and I am not jesting, in the true sense of that word. I have a deep regard and respect for what I conceive to be the rights which belong to individual American citizens. I have fought this afternoon to protect those rights, which belong, not alone to me or to the junior Senator from Tennessee or to any other Member of the Senate of the United States, but to every American citizen. I should like to think that a majority of the Senate, on the basis of simple justice, share my view.

The Senator from Washington is referred to by some as being a conservative, and by others as being a reactionary. The junior Senator from Tennessee, to use a first-rate example, because it belongs in this case, is commonly referred to as being a modern-day liberal. What he is or wants to be or become is his own business. It is no concern of mine except as it may interfere with and obstruct justice for others. In the question before the Senate, however, the junior Senator from Tennessee seemingly has a ruthless disregard for the rights which belong to people, to Mr. "Joe Doaks," as we sometimes say. Unlike the junior Senator from Tennessee, the Senator from Washington will never do unto others what he is not willing for them to do unto him. This is a matter of principle, which I want the courts of competent jurisdiction to consider, if the contempt citations which are now pending are approved by a majority of the Senate.

Mr. President, it is my view that no Member of the Senate can afford to vote in favor of the pending contempt citations unless he believes that the coverage of committee hearings by television, radio, and motion pictures has served some legislative purpose or objective. In the considered opinion, now and for all time, of the Senator from Washington, those instruments, as they were used in recent months by the Special Committee To Investigate Organized Crime in Interstate Commerce, have served no legislative purpose. They have served no conceivable legislative purpose or objective whatever.

CONTINUING STUDY OF MILITARY SPENDING FOR PROCUREMENT AND CONSTRUCTION—EDITORIAL FROM THE MINNEAPOLIS STAR

During the delivery of Mr. CAIN'S speech,

Mr. THYE. Mr. President, every member of the Senate has been concerned over the need for economy in Government expenditures during this emergency period, and we have sought, both by the continued study by the Committee on Appropriations and in the Senate, to reduce nondefense spending.

We will soon have under consideration the largest of all the appropriations bills, namely, the $60,000,000,000 military budget. We must scrutinize that budget just as carefully as the others. In fact, I think we must go a step further and provide for a continuous study of the program for procurement and construction of military supplies, materials and facilities which will be authorized in the national-defense appropriation.

I am sincerely hopeful that the Senate will act favorably on my proposal for a so-called "watchdog committee" on the military budget, of which about $43,000,000,000 will be for procurement and construction.

I have introduced Senate Joint Resolution 145 to meet this obligation of Congress, and I am gratified at the expressions of support of this proposal which I have received.

There recently appeared in the Minneapolis Star a typical editorial comment, and I ask unanimous consent that this brief editorial, entitled "Putting a Watchdog on $43,000,000,000," which appeared in the Star August 1, 1951, be printed in the RECORD as a part of my remarks.

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

PUTTING A WATCHDOG ON $43,000,000,000

Senator EDWARD THYE is asking for a Senate committee to make a continuing study of military spending for procurement and construction. About $43,000,000,000 of the $60,000,000,000 defense budget is devoted to purchase of equipment and to building of camps, bases, etc. That's a powerful lot of money and unless constant supervision is exercised some of it is going to be wasted. Senator THYE'S proposal is based on the Truman committee, which uncovered and prevented some costly mistakes in World War II. Although a resolution from an opposition Senator seldom gets much consideration, this matter is so important as to deserve immediate support from both political parties.

AUTHORIZATION TO REPORT CIVIL FUNCTIONS APPROPRIATION BILL

Mr. McKELLAR. Mr. President, the Committee on Appropriations has agreed to report House bill 4386, the 1952 civil functions appropriation bill, but we may not be able to file the report until after today's session is concluded. Therefore, as chairman of the Committee on Appropriations, I ask unanimous consent for authority to report the bill during the recess of the Senate, so that it may be ready for consideration on Monday.

The PRESIDING OFFICER. Does the Senator from Tennessee wish to give notice with respect to a motion to suspend the rules?

Mr. McKELLAR. I also include a notice to that effect.

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

CITATION OF MORRIS KLEINMAN AND LOUIS ROTHKOPF FOR CONTEMPT OF THE SENATE

The Senate resumed the consideration of the resolutions (S. Res. 119 and S. Res. 120) citing Morris Kleinman and Louis Rothkopf for contempt of the Senate.

Mr. WILEY. Mr. President, I wish to compliment my young friend from the west coast, the junior Senator from Washington [Mr. CAIN]. He has raised a very fine issue, and I desire to speak to that issue. However, he has made a few statements to which I wish to advert, as a member of the Committee To Investigate Crime in Interstate Commerce, which was duly constituted by this august body to perform a function. I think I am in a position to speak somewhat authoritatively as to the character of the men who constitute that committee, particularly as to their judgment and fairness.

I also wish to speak on the subject of television. The Senator from Washington drew an erroneous inference from the resolution which I offered. I saw the potentialities of using television, after the special committee had made use of it, but I did not see in the performance of the committee anything which detracted from the constitutional rights of any citizen, nor did I see what the Senator from Washington saw. I must say, judging from the correspondence which I have received, that 99 percent of the people who have written me, including lawyers and judges, businessmen and legislators, say that the special committee performed a great and constructive function in the "national emergency." When my good friend says it has not performed a distinctly legislative function, I reply that the committee has before the Senate a number of bills setting forth the committee's conclusions as to what should be done legislatively in order to correct the evils which we found to exist.

It was my good fortune, about a half hour before the convening of the Senate today, to have a copy of my good friend's speech, which was sent to me. That gave me an opportunity to jot down certain things on paper which I want to say, and perhaps it will enable me to be a little more logical than if I were to speak ad libitum.

Mr. CAIN. Mr. President, if the Senator will yield, I am delighted to have had the opportunity of letting the Senator see a copy of my speech before I delivered it, for the simple reason that I wanted to obtain the Senator's views on the subject.

Mr. WILEY. I am sure that was the Senator's purpose. I may say that, when I was young and handsome, like my friend from Washington, I was full of vim, vigor, and enthusiasm, as he is now; but with the years, I may say, there has come a little more maturity and a little better judgment, at times. It is from that viewpoint that I desire to speak this afternoon.

Mr. President, as a member of the Special Committee To Investigate Organized Crime in Interstate Commerce, I rise for the purpose of supporting the original contempt citation, which the Senate originally agreed to, against Morris Kleinman and Louis Rothkopf. I was completely opposed to the attempt by my good friend, the Senator from Washington, to have the votes by which the two resolutions were agreed to reconsidered. There are various reasons for my stand, which I shall now state.

First, there are ways of assuring fair play in committee hearings by other

means than allowing to go scot free two notorious individuals such as Kleinman and Rothkopf. I may say parenthetically that the statement I make is sustained by all the records, locally and elsewhere.

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

Mr. WILEY. I yield.

Mr. WELKER. I note that the Senator from Wisconsin states that there are ways of assuring fair play in committee hearings other than by permitting Rothkopf and Kleinman to go scot free.

Mr. WILEY. That is correct.

Mr. WELKER. I take it, I may say to my good friend from Wisconsin, that Kleinman and Rothkopf were very material witnesses before the committee. They had information which the committee desired to obtain, and the Senator was interested primarily in that. Is that not correct?

Mr. WILEY. Of course, we asked questions, and they would not answer them. The refusal was not because of television. That was nothing but a smoke screen, as everyone recognized. The committee was in the position of a quasi court to judge the character of these witnesses, and to see the play they were putting on. We also saw that they were guarded by counsel, men who were paid large fees.

Mr. WELKER. If the Senator was so vitally interested in the testimony of Kleinman and Rothkopf, after their objections were made, why did he not remove the radio and the television and ask them the simple question, "Did you or did you not do this?"

Mr. WILEY. I am very happy to answer that question. In the first place, I am not assuming, nor do I claim any authority to assume, that radio and television, properly utilized, invade one's constitutional rights, which the Senator from Idaho is assuming, but which no court has decided.

In the second place, the committee was appointed by the Senate and was performing functions authorized and directed by this body, and doing so in good decorum, performing the services it was supposed to perform.

Assuming that the committee did invade constitutional rights, the record plainly shows that that is not what these men were complaining about. They did not want to testify. Any court reviewing the record will reach the conclusion that, as the statute says, they contumaciously refused to obey a special committee of the Senate.

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

Mr. WILEY. I am very happy to yield.

Mr. WELKER. The Senator from Wisconsin has not yet answered my question. Why did not the committee nullify the objections these witnesses made, so that the committee could hold them in contempt, by discontinuing the use of television, radio, and newsreel? The Senator says he does not know of any law which was broken by the invasion of the right of privacy of these individuals. Being the distinguished lawyer the Senator from Wisconsin is—and he knows that I admire him almost more than anyone in this body as a great lawyer—I invite his attention to this language which is found at page 944 of American Jurisprudence, under the heading "Use in Radio Broadcast or Motion Pictures." It is a quotation of profound elemental hornbook law:

> It would seem clear that the right of privacy may be invaded by means of a radio broadcast—
>
> I am not now referring to television or newsreels—
>
> and both the broadcasting company and the commercial sponsor of the program have been held liable for the improper use of a person's name and the dramatization of his experiences by radio.

I would ask the Senator from Wisconsin, as a great lawyer, whether the invasion of a man's privacy is a tort in itself, a private wrong, in connection with which a man who is damaged does not even have to prove his special damage. That is the law of the land. Even in the sovereign State of Louisiana it is the law that a photograph of a suspected criminal cannot be used in a rogues' gallery because in the State of Louisiana it would be an invasion of that man's right of privacy.

Am I correct with respect to those quotations from the law?

Mr. WILEY. I think the Senator has made a correct statement of the law, but I do not think it is applicable in this instance, for the simple reason that one of the great constitutional arms of Government, the legislative branch, is engaged in the important function of seeking to get facts to protect the public interest. It is a public body. We sometimes call it the last resort of free debate in the world. A special committee of the United States Senate was engaged in investigating crime. The State of New York created a similar committee, but appropriated more money for the purpose than the great Federal Government appropriated for the use of our committee. No invasion of these men's rights was involved, and I think a court investigating the record will find that on its face it was very apparent that these men used their objection to television as a smoke screen or camouflage, so as to avoid their plain duty, which was to give evidence to the committee.

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

Mr. WILEY. I yield.

Mr. CAIN. I certainly do not want to impose upon the time of the Senator from Wisconsin, but the Senator has said that the witnesses were using television, radio, and newsreels as a smoke screen behind which they sought to avoid answering questions; that they did not want to answer questions. I was a member of the audience, watching the demonstration, and I can state that no member of the committee ever sought to determine whether it was a smoke screen or a valid position. Why did not the committee say, "In our determination to get the truth, we shall, although we think it is unfair, do away with these instruments and find out what the truth really is"?

Mr. WILEY. If the Senator from Washington had had the experience which this group of Senators had with the lowest criminals in America, from coast to coast, when we blew open cases in California in which Government officials themselves were violating the law, and when we received reports on these particular individuals showing their background, character, and so forth, I think the Senator from Washington would have followed the course which the committee followed. These witnesses had the best legal talent money could buy, and we could see the sneers in connection with their objection to having their faces appear in television. One who has lived for over 60 years, who has seen life at various levels, and has practiced in the courts a long time, has a background enabling him to judge human nature. We knew what their game was.

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

Mr. WILEY. I yield.

Mr. McCARTHY. I have seen the Senator from Wisconsin operate in court, and I have always regarded him as one of the best lawyers in the State of Wisconsin.

Mr. WILEY. I thank my colleague.

Mr. McCARTHY. For that reason I am doubly eager to get his answer to a few fundamental questions. Does the Senator feel that the Senate should go on record as saying that any investigative body of the Senate can, in the future, force witnesses to appear before television and on radio hook-ups? Does he think we should or should not do that?

Mr. WILEY. If the Senator had been here earlier he would know that is not the issue here. The issue is, Shall this matter be certified to the Federal attorney for contempt proceedings in Federal court? The court will then decide the matter. When an investigating body of the Congress is coping with the underworld, with crime which has been sapping the very vitality and strength of the Nation, in my opinion it is proper that witnesses should not make light with a Senate committee.

Specifically answering my colleague's question, I will say that my own opinion is that we should go into this question thoroughly, under the resolution I submitted, as well as other resolutions which have been submitted, in order that we may obtain a complete understanding of the possibilities of the instrumentality, television. I for one would very greatly dislike to see that instrumentality in the hands of irresponsible persons.

Mr. McCARTHY. Mr. President, will my colleague further yield to me?

Mr. WILEY. I yield.

Mr. McCARTHY. Let us keep in mind that if we apply a rule to what the Senator calls the worst criminal, we apply the same rule to the best people. Persons under investigation are neither the worst nor the best until they have been convicted. If, because they refused to testify on television and on national hook-ups, we vote to cite for contempt the two persons referred to by my colleague as the worst criminals, am I not correct in stating that we will have established a precedent? Will we not have

gone on record as saying that a committee of this body can at any time force anyone to become himself commercialized?

The Senator has tried a vast number of lawsuits, I know. In fact, he has tried some before me as judge, as I recall, and has performed his services admirably. The Senator knows that the average individual who in ordinary circumstances comes before a Senate committee, is under tremendous stress. My question is: Should we force such an individual to testify in effect before 5,000,000 people? Should we force him to go on a radio hook-up after newspapers have advertised the offer for sale of radio sets on the basis that a certain person is going to testify? As I said, I think we must forget about the two persons we are discussing today. I just wonder if we are not asked to establish a tremendously dangerous and unwise precedent, because if today we vote to cite these two individuals, about whom I know nothing, because they refused to testify before television cameras, we will be saying to every Senate committee from now on, "You can force every witness, regardless of how good or how bad he may be, to appear on television." The Senator is an excellent lawyer, and I wonder if he wants this body to establish that extremely dangerous precedent today.

Mr. WILEY. There was a time when the Congress of the United States thought it was dangerous to permit representatives of the press to sit in the Senate and House galleries. The rule in that respect was changed. There was a time when the House of Representatives would not permit television to be used in the House. Yet later the House permitted the use of television, and the President of the United States himself was televised there.

In my humble opinion, a court, in the exercise of its equity jurisdiction in the trial of an appropriate case, might think that there was a vital interest involved, where he himself, as the judge, using his general powers in a court of general jurisdiction, could very well bring television into the court. I am satisfied that he would have that power.

Mr. McCARTHY. There is one point——

Mr. WILEY. Just a minute. If, however, the court has that power, it seems to me that if we are to lay down rules, we could in given instances make the rules so applicable that they would, for instance, in investigative matters, permit the utilization of television in the public interest. That is my justification for upholding the use of television.

Of course, the argument of the Senator so far goes to the point that the use of television invades the constitutional right of the individual. I do not agree to that. I say that every crook in the country is always ready to throw up to us the Constitution. He is always saying, "The Constitution is wrapped about me and is going to save me." That is not the purpose of the Constitution. The Constitution is a two-way street. Its purpose is to protect the public interest. Crooks are always undermining the public interest. The purpose of the Constitution, also, is to protect the rights of individuals, so that autocratic power shall not decimate individual and public rights.

Mr. McCARTHY. Let me ask another question to make the record clear. Am I correct in assuming that television was not needed in order to get at the truth; that the committee did not feel that television would in any way help the committee get the true facts? Is that not correct? That is not why the television cameras were there, is it?

Mr. WILEY. In order to answer that question, I must say that I did not really know that television was to be used at the time until I came to the hearing. My own judgment was that the committee felt that it was a part of the investigative policy of this body to alert the public conscience of America to the danger with which America was faced, and the public conscience has been alerted, thank God, as is indicated by letters, telegrams, and other communications received by the committee, to the dangers now threatening the public interest and the individual interest.

Consider, for instance, the matter of drug addiction. That is something which is endangering the youth in our schools. Let us consider the situation as it is in Washington. With several Senators I investigated the situation existing in an institution in Kentucky. States and municipalities have gone into action to try to keep crime from taking over the life of the community.

Mr. McCARTHY. If I understand my colleague's answer, it is that he does not feel that television has in any way helped the committee to arrive at the truth, but he feels it was performing an important function by alerting people to a dangerous situation. Is that true?

Mr. WILEY. I think that was one of the reasons for its use. The Senator, however, will have to ask the chairman of the committee as to why television was employed because I was not even consulted at the time it was brought into use. I believe I was in my State at the time it was decided to televise the hearing.

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

Mr. WILEY. Just one?

Mr. CAIN. Yes; at the moment. Does the Senator from Wisconsin think that the rules of the Senate ought to be written by a court or by the Senate of the United States?

Mr. WILEY. I will answer that by saying that, of course, contempt proceedings have two facets. The Senate itself has inherent power. But we have also enacted legislation whereby in instances like the one now under consideration the question can be passed to the courts. The reason for that is very plain: A contempt proceeding is in the nature of a quasi-judicial proceeding, and we could get into such a position that we might be trying contempt cases instead of attending to legislation. So we have the two-facet approach. In this case the Senate has acted. I am in favor of sustaining what the Senate has done.

Mr. CAIN. By what standards, sir, is the court to determine whether or not these men were in contempt of the Senate when the Senate special committee has no standard by which to guide its own conduct?

Mr. WILEY. That is very simple. There are all kinds of cases brought before the Houses of Congress and before the courts. Cases have arisen in the Senate, in which the Senate has taken similar action, as was noted in this case where the witness has contumaciously refused to answer pertinent and relevant questions.

Mr. WELKER. Mr. President, will the Senator from Wisconsin yield? If so, I promise not to interrupt him again.

Mr. WILEY. I love my brother from Idaho in spite of his contumaciousness.

Mr. WELKER. I have listened with profound respect to the remarks made by my friend, the senior Senator from Wisconsin.

Mr. WILEY. I thank the Senator from Idaho.

Mr. WELKER. And I think we agree upon this one premise——

Mr. WILEY. We agree on more than one, sir.

Mr. WELKER. Which I mention for the purpose of my question. If these contempt citations are validated by the vote of the Senate, this quasi-judicial body will adopt the philosophy that all courtroom or semicourtroom proceedings may be held in the public view of newsreel, television, and radio. If that be true, then are we not likely to reach the place in American jurisprudence where confidential divorce cases, gruesome murder cases, or bad sex trials, which would readily be entertaining to much of the public will be portrayed throughout the channels of newsreels, television, and radio? Is it not further a fact that we have specialized in this instance upon one group of criminals?

I am satisfied that my friends on the committee were doing a great public service.

Mr. WILEY. They were.

Mr. WELKER. I respect everything they were doing, but, nonetheless, accused persons have an escape clause, which is valid in the eyes of constitutional lawyers. According to the Constitution, these criminals, whether they be guilty or innocent, are not forced to testify against themselves. I think the committee erred when the criminals made their objections. The Senator from Wisconsin says that the witnesses were trying to cover up their guilt when they made their legal objections, which I say were good. Where the committee erred was in not discontinuing the television cameras, the radio microphones, and the newsreel cameras, and saying, "Let us go it alone, without any of these modes of information going to the public. You tell us the truth or go to jail."

I think those are the questions before the American people.

Mr. WILEY. Mr. President, I must return the compliment which the distinguished Senator from Idaho paid me. I believe that when the citizens of his State sent him to the Senate they sent an honest man, an able man, and a

judicial man. God knows, the Senate of the United States needs men of those qualities, as does every institution in the country. While he and I may differ in this particular instance, I think that in most cases we shall find ourselves hitched together in the same team.

My distinguished friend from Washington has made a powerful argument. He saw only the television show. He sat in his home and looked at it, and he experienced one reaction. He has very dramatically pictured that reaction this afternoon.

I was a part of that show, and I experienced exactly the opposite reaction. I sat there and watched the witnesses. I am somewhat of a judge of character. A man who has tried cases knows whether witnesses are telling the truth, or whether they are only playing a game. There was no question about these witnesses. We knew their background. I think the record is plain. So I shall proceed with my prepared remarks, if distinguished Senators have no objection.

MY PREVIOUS RESOLUTION FOR FAIR PLAY CODE

First, there are ways of assuring fair play in committee hearings by other ways than letting go scot free two notorious individuals like Kleinman and Rothkopf. To cancel their contempt citation would not assure fair play; it would be a blow against fair protection of 155,000,000 Americans.

Fair play can be assured by intelligence, discretion, and good taste by committees in using the new miracle medium of television.

I wish to answer the suggestion of my friend from Idaho [Mr. WELKER]. He asks whether or not there is danger of opening up a large field of undesirable publicity, including divorces and crimes of various kinds. We get all that in the newspapers today. If I were a judge, of course, I would exclude things like that. In fact, there is too much of it in the newspapers now. We get it over the radio now. There is no question about that. But because of our so-called freedom of the press, freedom of communication, and freedom of speech, we have proceeded on the theory that so long as no particular provision of any written criminal code is violated, it is better that such freedoms shall continue. I do not think there is any danger in that direction; but I want to see if we cannot get closer together.

Under the resolution which I have introduced, I should like to have this subject studied. I should like to see to it that the great instrumentality of television, which every evening is influencing the thinking and the living of 155,000,000 people, shall be used constructively, in the interest of better legislation. In my humble opinion it was so used by the committee.

At the outset I did not want to become a member of the committee. I had plenty of other work to do. There were three Democrats and two Republicans on the committee. When I speak of the chairman and the other members of that committee, with the knowledge of how they proceeded, I can only say that the procedure was characterized by the highest integrity. There was no question of politics. We went ahead with one idea, and that was to see whether we could provide ways and means of cleansing America of the foul things which are undermining so much of her vitality. I am happy to make that statement in the presence of the three Democratic members, who are now in the Chamber. My associate, the other Republican member of the committee, the distinguished Senator from New Hampshire [Mr. TOBEY] is ill at home. We are all of different temperaments, but we implemented and supplemented one another. The work was difficult, and at times discouraging; but because of the generalship of the chairman, the work was carried on harmoniously; and I am sure that the results will prove that it was well done.

I should like to point out the fact that no one has spoken earlier or more completely on the issue of preventing committee hearings from degenerating into a three-ring circus than I have. On Tuesday, March 27, of this year, long before the Senator from Washington had ever raised the question, I introduced Senate Resolution 106 to have the Senate Rules Committee prepare a code of fair conduct in the handling of the televising of hearings. My introduction of the bill at that time may be found on page 2901 of the CONGRESSIONAL RECORD.

I discussed, then, at some length the matter of making absolutely certain that the legal rights of witnesses were preserved. I pointed out how essential it was that we not allow committee hearings ever to lose their primary fact-finding function and to degenerate into Roman carnivals.

Again on March 29, I placed in the CONGRESSIONAL RECORD editorials from the Washington Post and the New York World-Telegram, both of which praised my suggestion for a code-of-television conduct. I might say incidentally that the distinguished first chairman of the crime committee [Mr. KEFAUVER] promptly followed through on my appeal and himself later asked for such a code of fair play in committee hearings.

Later I sent a statement to the Senate Rules Committee in support of Senate Resolution 106. So I say that no one in this Chamber can refute the fact that I, for one, have been deeply zealous of protecting the civil liberties of every American appearing before our crime committee.

AMERICAN PEOPLE SUPPORT CRIME COMMITTEE

Second, I oppose the resolutions of my associate from Washington because I feel they cast an unfair reflection on the good name of the crime committee itself. As I listened to him this afternoon, and as I read the resolutions, I was sure that they did that very thing, although I do not think he so intended. I think he knows each one of us individually as a man of character, who wants to do what is right. In politics, just as in religion, we may see things differently. I am sure that there was no intent to infer anything else than that there was a difference of opinion.

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

Mr. WILEY. Certainly.

Mr. CAIN. The Senator from Washington knows and likes every member of the Senate Special Crime Committee. What the Senator from Washington has said is that that committee, in a most unintended fashion, created an instrument which it simply did not know how to control and did not control.

The Senator from Washington has never been disrespectful to the committee as a whole or to its individual members. However, he has suggested that the Senate ought to begin to make up its mind as to what does and what does not constitute contempt of the body of which we are all Members. Otherwise, I say to my friend from Wisconsin that either he or any other member of any committee can undertake to tell what is and what is not contemptuous. I think he does not have that right, and does not wish that authority.

Mr. WILEY. Oh, no. The only thing I say is that I believe when the Senate creates a committee it ought to show a little respect to it and should follow its judgment after it has worked for many months on difficult questions. That is my answer to the statement.

Mr. CAIN. Does the Senator from Wisconsin agree with the junior Senator from Tennessee that one who is accused before a committee ought to have the right to examine his accuser? The junior Senator from Tennessee made that recommendation on his own responsibility while he was a Member of the House of Representatives in 1948, and did so again, if I am not mistaken, when he appeared before a subcommittee of the Committee on Rules and Administration to discuss the subject of ethics. Does the Senator from Wisconsin agree that the accused should have a right to examine his accuser?

Mr. WILEY. I believe that under the Constitution any man should be confronted with his accuser in the trial of a criminal case. In investigations, in which we are seeking to get at the facts relating to over-all crime, which strikes at the very taproots of the Republic, certainly we do not follow legal procedures. We must employ agents to get the facts for us. Based on those facts the committee must make recommendations as to legislative proposals.

Mr. CAIN. The Senator from Wisconsion is saying, then, that any witness who is called before a committee can be accused of anything by any other witness?

Mr. WILEY. Of course not.

Mr. CAIN. Without the accused having the right to speak for himself.

Mr. WILEY. I said no such thing, and I do not believe that it should be done in that way. I believe that when a committee is seeking to investigate the undercurrents of crime, it does not concern itself so much with individuals as with techniques in order to strike at the taproots of crime. If one person accuses someone else of something, I believe arrangements should be made for the accused to be confronted with his accuser. Our rules so provide. However, it

should be remembered that we are not dealing with the trial of a case. We are not trying individuals before the committee. We are seeking to get the facts on which to base legislation. It is necessary that we distinguish between criminal procedure and investigative procedure.

Mr. CAIN. Certainly the Senator from Wisconsin will agree with me that a very large number of Americans, in watching the television show, thought the Senate committee was conducting a trial in which Americans were being accused, without the right of directing questions to their accusers. Let me ask this question of the distinguished Senator from Wisconsin: Was the Ambassador to Mexico, who was accused of accepting a bribe from some person with a penitentiary record, given the opportunity of facing his accuser? I think not. Yet the reputation of our Ambassador to Mexico, whose politics I do not approve of and with whose judgment I have disagreed on many occasions, has been called into question, and he has been held guilty in the eyes of millions of Americans. I know of no better example of the harm which has thus far been done through televising the committee hearings.

Mr. WILEY. I was not present in New York at the time. The only thing I know about the incident is practically what the Senator from Washington has related. In that particular case I believe it was a very unfortunate and very unhappy situation. What the facts are, I do not know.

Mr. CAIN. The only mission and the only function of the committee was to get the facts. The committee got no facts by letting a man be accused of crime without giving him an opportunity to speak for himself.

Mr. WILEY. I understood that he had a chance to speak for himself and to deny the accusation. That is my recollection.

Mr. HUNT. He was on the stand for 2½ days.

Mr. WILEY. He was on the stand for 2½ days, I am informed. It is unfortunate that a man should be accused. However, as we know, accidents will happen in the best-regulated families, and therefore it may happen before a committee.

Mr. CAIN. The Ambassador to Mexico is an appointed official, whether he be a Democrat or a Republican, and therefore he is not quite so sensitive to the feelings of the general public, as would be an elected official. Let us take the case of another man. Let us take the case of the Senator from Wisconsin, and let us assume that he appeared voluntarily as a witness before the Senate Special Committee on Crime. Let us assume that someone said the Senator from Wisconsin had been paid a bribe of $10,000 by another man. If the Senator from Wisconsin were prevented from cross-examining his accuser, not next week, but right at that moment, what in heaven's name would his reaction be? Mr. President, the Senator from Wisconsin would come to the Senate with a bill to do away with this whole silly business so fast it would make our heads swim.

Mr. WILEY. I believe the Senator from Washington has gone far afield from the subject we are discussing this afternoon. If we are to stop committees of the Senate, whether special or regular committees, from investigating, we shall, indeed, have cut the taproots of the legislative branch of the Government. Getting the facts is an important function of the legislative branch of the Government. Of course, sometimes mistakes are made by investigators, just as mistakes are made by Senators on the floor of the Senate, and as mistakes are made in business, in labor, and in every other human activity. Because such mistakes are made, we cannot draw the conclusion that we must interfere with the vitality of this branch of the Government. Its vitality is based upon its constitutional power to investigate. Its investigative function must be exercised through committees. That is the way Congress investigates. The fact that mistakes are made does not justify doing away with a congressional function.

Mr. CAIN. The mistake to which the Senator from Wisconsin made reference could be done away with almost in its entirety by merely having the committee agree, as a rule of procedure, that an accused shall be given the right to cross-examine his accuser.

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

Mr. WILEY. Even that is not applicable in every case, because it would be a very simple thing for lawyers who represent a group of crooks to have perhaps a hundred people accused of being crooks. That would necessitate bringing in another hundred people to deny the accusation. It would be necessary to investigate ad infinitum. It is not quite so simple as the Senator from Washington suggests.

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

Mr. WILEY. I yield.

Mr. KEFAUVER. I ask the Senator from Wisconsin whether it is not correct to say that no request was ever made for the right to cross-examine or to ask any questions of anyone when such right was not granted; or that there was no instance of any question being submitted to the committee, for the purpose of clearing up the testimony of any person, when such questions were not asked; and that in no case did anyone ever ask for the privilege of examining an accuser, or someone who had spoken derogatorily of a person, when such opportunity was not granted?

Mr. WILEY. I believe the Senator from Tennessee is correct.

Mr. KEFAUVER. Was that not understood all throughout hearings?

Mr. WILEY. Yes.

Mr. KEFAUVER. I believe that in no other congressional hearings was the opportunity to testify immediately given more freely than in our committee. If anything was said derogatorily against a person he was given the opportunity to question his accuser; or when a person was accused of something and he wanted to submit questions to be asked of his accuser, that privilege was granted very freely. In the case of Ambassador O'Dwyer, he had been asked specifically about the details about which the other man was later asked. As the Senator from Wisconsin said, he had denied them. If he had made application to interrogate the man himself, such privilege, of course, would have been granted to him by the committee.

Mr. WILEY. I thank the junior Senator from Tennessee.

I believe, Mr. President, in protecting the great institution of which we are Members and protecting the good name of its committees. That does not mean that I oppose constructive criticism, but it does mean that I oppose unfounded charges and implications.

I believe it is the consensus of the American people that—

(a) The crime committee was necessary.

(b) It has done a great job.

(c) Television has been the greatest single educational arm available to the committee for stirring the public conscience.

Ninety-nine percent of the thousands of letters which have poured in on us attest to those facts.

TELEVISION ROUSED PUBLIC CONSCIENCE

This week I had in my office one of America's most famous citizens, a man whose bright name is known to every American. I will not mention his name because our conversation was entirely private. He confirmed anew that television more than other medium had awakened in the public conscience a realization of the criminal monster in our midst. He told me how the people of the Pacific Coast—his home area—were glued to their sets, watching with rising indignation the expose of this criminal Goliath. He is not a man who flies off the handle. He is a man of judgment, a man who has come up from the bottom, and a man who holds an outstanding position.

WE ARE NOT LIVING IN HORSE-AND-BUGGY AGE

Why, then, should we of the crime committee cast aside this brilliant educational instrument? Why should we pretend that we were living in a horse-and-buggy age in which television did not exist? After all, thousands of persons watch the television regularly, practically every evening, and on the television they see practically all types of entertainment. They listen to the music which is played by orchestras which they see on the television; they see great singers performing; they see great plays. So in the interest of arousing the public, the committee utilized television. However, two of the men the Senate cited for contempt want to be relieved of the charge of contempt, on the ground that television was used. They say that they should have been given a chance to testify without having television used while they testified. So now they wish to be relieved of the contempt charge. I do not think the Senate should vote to do so.

I, for one, am satisfied that television is going to play a vital role in many future committee hearings, but with appropriate safeguards. I trust, of course, that before any session is ever televised, the committee will in executive session

go very carefully over the subjects to be covered and the witnesses to be examined. In that way nothing would be presented in the publicly televised session which would be libelous, defamatory, pornographic or which would otherwise violate the standards of propriety.

COMPARISON TO TOTALITARIAN PROCEEDING IS ABSURD

When the Senator from Washington compares our crime committee hearings to a people's court in a totalitarian country, and when he says that "the committee has run wild," all I can say is that he is woefully uninformed and misinformed about our committee. We are not wild men. None of us wants to run a people's court, and we did not do so.

I have a very high regard for my good friend and colleague from Washington. I admire his vigor and sincerity. He has a perfect right to reach his own conclusions on the basis of what he saw, but he must grant to all other Americans the right to form their own conclusions from what they saw, and he must grant to the committee, when acting with its experience and judgment, the right to draw its own conclusions honestly, as his were drawn.

As I have said, I have a very high regard for the Senator from Washington. I have worked with him in joint meetings of the Foreign Relations and Armed Service Committees. He has brought to the Senate the same courage which he displayed during the Second World War and during political wars in his home State. Yet I must differ with him very strongly, particularly in his appraisal of this committee.

I want to point out that during the almost year and one-half of the crime committee's life, there has been virtual unanimity on every major point. We have functioned on a bipartisan basis and in complete harmony. I cannot recall a single committee on which I have served on which there has been more steadfast devotion to the public welfare, and less bickering. I suppose I was the worst bickerer of all, but I am told that I did not bicker very much.

COMMITTEE HAS BENT OVER BACKWARD TO BE FAIR

In all of the committees on which I have served, I have never seen committee members speak more fairly, more politely, more graciously, more patiently, to committee witnesses. Never did we cut them short. Possibly there were one or two exceptions, when a member of the committee jumped into the conversation, so to speak, although without meaning to cut short the statement being made by the witness. However, that often is done unintentionally in court or elsewhere; I have seen judges do it. That is human nature. Never did the committee deny the witnesses the right to consult counsel. Often the press has accused us, not of being too harsh, but of being too soft, too lenient. Often, witnesses would come before us after evading our subpenas for months, and would give us some lame excuse, and would complain that they had "not yet seen a lawyer." Some other committee might have completely lost its temper and might have asked such witnesses why they did not secure a lawyer in all the previous months; but this committee always held its temper and would allow the witnesses to go out once more, stall for more time, and secure a lawyer.

What I am pointing out is that we have bent over backward in order to be fair. This committee can definitely not be accused of violating in the slightest way the civil liberties of any witness who testified before it. We interviewed some of the worst human gorillas in this country. We cross-examined men against whom have been charged 10, 20, 30, or 40 murders. We examined witnesses charged with hurling bombs, throwing acid, pulling the trigger on machine guns, and those who sell drugs and ruin thousands upon thousands of our youth. Yet in the face of these despicable characters, in the face of questioning men like Kleinman and Rothkopf, we have never once departed from standards of good taste and fair play.

LEGALITY WILL BE TESTED IN COURTS

In the future some other committee might depart from such standards; and that is why I, for one, like my colleague from Tennessee, and the other members of the committee, as has been pointed out by the Senator from Washington, have suggested a code of fair play and conduct. I am, of course, particularly interested in this whole question of legality. As ranking Republican member of the Senate Judiciary Committee and as a former chairman of that group, I yield to no man in my devotion to the United States Constitution. It is quite clear that the whole question of televising hearings will be tested in the courts, and no doubt appeals will be taken up to the highest court of our land. There was a time, centuries ago, when it was illegal to have bathtubs. As time passes, we find new instrumentalities and new ways of spreading light. Of course, in the case of atomic energy, both constructive and destructive uses can be made of it. I suppose the same is true of television. It is our function to see that it is used constructively. This field is so new, the precedents that are applicable are so comparatively few in number, that we cannot state any final, definite legal conclusions at this time.

In cross-examining Judge Lebowitz, of New York, before our crime committee, I have personally brought out some of the dangers mentioned by my friend from Washington. Of course, we want to be fair, but my point is that we have been eminently fair all along.

CRIMINALS AND COMMIES TRYING TO DESTROY CONSTITUTION

Of course, men like Kleinman and Rothkopf are entitled to their constitutional rights. But I want to point out very clearly, Mr. President, that I, for one, and many constitutional experts, men who have studied constitutional law far more than I have, feel that Communists and criminals in the United States are attempting to use the Constitution—to use its letter—in a way totally inconsistent with the spirit of the Constitution. The criminals and Communists want to destroy civil liberties, under the guise of having their own civil liberties protected. We are not so inept that we shall let them get by with that, and I do not think the courts will let them get by with it, either.

I, for one, feel that we must stand by the Bill of Rights and that we must accord legal protection to criminals, Communists, and other undesirables; but as was demonstrated when Congress passed the internal-security law, also known as the McCarran-Mundt-Ferguson law, the Congress recognizes that the Constitution is not static and is not powerless to prevent persons from destroying American society; it is sufficiently flexible to protect American society.

I repeat that it is absurd to contend that Kleinman and Rothkopf would have unburdened their souls if television had not been used. As a matter of fact, both of them indicated very plainly to the crime committee that they were going to refuse to testify as to the pertinent facts, regardless of whether television was used. Not only did they object to television, but they objected—with mock dignity—to newsreel cameras, radio microphones, tape recordings, and so forth. I say "mock dignity" because by looking at their records we can tell what type of men they are.

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

Mr. WILEY. I yield.

Mr. CAIN. The Senator has said that in his opinion it would have been absurd to think that those witnesses would have answered the questions in the absence of television, radio, and newsreel. Did the Senator from Wisconsin on his own responsibility as a member of the committee, find out whether that assumption was correct and had anything valid about it?

Mr. WILEY. Certainly. I was a member of the committee, and I interviewed the witnesses personally. I could tell from their testimony and their appearance.

Mr. CAIN. Mr. President——

Mr. WILEY. I yield further, but I ask the Senator to smile when he asks me questions.

Mr. CAIN. I will. Did the Senator from Wisconsin personally ask the witnesses whether they would answer the questions, if all those instruments were taken out of the committee room?

Mr. WILEY. Of course I did not, and I did not have to. I could see what those men were doing.

Mr. CAIN. However, the Senator from Wisconsin is telling the court, so to speak, that without asking those questions, he could tell what was in the minds of those witnesses.

Mr. WILEY. The Senator should read the record.

Mr. CAIN. I wish the Senator from Wisconsin would do so.

Mr. WILEY. It is just as plain as the nose on your face, and the Senator from Washington has a sizable nose. [Laughter.]

The PRESIDING OFFICER. The Senator will suspend. The Chair admonishes the visitors in the galleries that

there must be order in the galleries, as well as on the floor of the Senate.

Mr. WILEY. Mr. President, the committee's proceedings continued over months. We got pretty well acquainted with the character of the witnesses before us.

Mr. HUNT. Mr. President, if the distinguished Senator from Wisconsin will yield, I should like to ask him a question. On the supposition that those of us who served on the committee did not ask those witnesses that question, if they had any idea of answering the questions, would not they have declined to answer the questions before the television, but would not they also have offered to answer the questions if television was not used at that time?

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

Mr. WILEY. I yield to the Senator from Colorado.

Mr. MILLIKIN. I suggest such speculation would not make any difference. I suggest the whole question before the Senate is as to whether a procedure was being followed in connection with the committee hearings which was desirable or undesirable, which was fair or unfair to the witnesses.

Mr. WILEY. I think that is the question before the Senate.

Mr. MILLIKIN. I think so.

Mr. WILEY. I think the question before the Senate, phrasing it possibly in another way, is that the committee, which is the right arm of the Senate, has held hearings and has recommended to the Senate, on the record, that these witnesses be held in contempt; the Senate has passed upon that issue; it has decided that the matter should be referred. The question now is whether we are to go back on our former decision, when there is no justification for it.

Mr. CAIN. Mr. President, if the Senator will permit me a question at that point, it is true that the Senate has once held that these witnesses are in contempt of the Senate. The question now is, Shall we or shall we not reverse that decision? Does the Senator agree with me that the resolutions calling for the citations were agreed to by unanimous consent at the end of the day, that the Senator has not the slightest idea as to how many Senators were present on the floor at the time, and that no single Senator as a result of a recorded vote voted either "yea" or "nay"?

Mr. WILEY. If the Senator says that is the case, I can agree.

Mr. CAIN. That is the case.

Mr. WILEY. It was the action of the Senate. The RECORD shows that the Senate took action. But I have seen the Senate pass billion-dollar appropriation bills in the same way, without a recorded vote, when but a few Senators were on the floor.

Mr. CAIN. But that does not mean that the majority of the Senate understands what was done in the name of the Senate. Many Members of the Senate are today learning for the first time that these resolutions calling for contempt citations were approved on the 30th day of March, because action was taken without a quorum call and without a recorded vote, and without 1 minute's argument. But for the stubbornness, and, as he thinks, the sense of fair play of the Senator from Washington, Senators who were not present would have remained uninformed of the action of the Senate for all time.

Mr. WILEY. Mr. President, thousands of bills are passed in about the same way; but various committees have acted on them. The Senate does business through committees, and, as a general rule, the action of a committee is the action which the Senate approves. But the action of this honorable body is, by and large, transacted through committees. When a committee unanimously reports to the Senate its conclusion, that conclusion is generally accepted. The decision of the committee was accepted in the present instance, and it was not until later that someone thought these two witnesses had suffered an invasion of their constitutional rights. If any Senator had wanted to ascertain the background of the two men, he could have done so by merely asking J. Edgar Hoover or the State police, in order to find out the kind of men they are.

The Senator from Washington has said that the courts should decide the issue, once and for all. Let the court decide it. When the court looks at the record, it will see, as the committee has said, and as I have said, that this is nothing but a smokescreen which they blew in our faces; that these hard-boiled characters, men who had done things tremendously criminal, did not want to testify; that they did not want to be seen on television, and, therefore, they would not answer. But the record indicates that the television set was turned off, I think. The chairman, as I recall it, ordered it off, but still they would not talk. Their high-priced lawyer was there, advising them; so this was the point they wanted to raise.

Mr. President, let them raise it. They are the ones who asked for it. They think their constitutional rights have been invaded. Let the court, which is the proper arm of the Government, determine whether their constitutional rights have been invaded. They are the ones who wanted the question adjudicated, not the Senators of the committee.

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

Mr. WILEY. I yield to the Senator from Colorado.

Mr. MILLIKIN. I am sorry that I have not been able to attend the entire debate.

Mr. WILEY. I always like to have the Senator present, and I am sorry he has not been here. His smiling countenance always encourages me.

Mr. MILLIKIN. Let me ask this, whether or not it encourages the Senator: Is there any question of fact about the committee's having offered to turn off the television, and the offer having been rejected?

Mr. WILEY. Will the chairman of the committee turn to the record?

Mr. O'CONOR. Mr. President, will the Senator kindly repeat his question?

Mr. MILLIKIN. The distinguished senior Senator from Wisconsin said that the witnesses under citation for contempt were offered an opportunity to testify without television; that the committee offered to have the television turned off, and that they rejected the offer. I asked the distinguished senior Senator from Wisconsin whether there was any question of fact about that.

Mr. KEFAUVER. Mr. President, I will answer the question if the Senator from Wisconsin will yield to me for that purpose.

Mr. WILEY. I am very happy to yield.

Mr. KEFAUVER. The men stated their objection. They had a written statement, which evidently they had had prepared by their lawyer, at Cleveland, Ohio, before they came before the committee. Immediately after they had objected, as shown at page 4 of the report on Senate Resolution 120, the following occurred:

> The CHAIRMAN. Just a minute. By cooperation with the television, the television lights are not on, Mr. Rothkopf. The television is not on you, Mr. Rothkopf. Now, go ahead, Mr. Nellis.

Later it was again brought out that the television was not on at all.

Mr. MILLIKIN. Did the witness know that the television was not on?

Mr. KEFAUVER. Yes. The record showed that the television was not on. The question was read.

Mr. MILLIKIN. Did the witness refuse to testify, after he knew that the television was not on?

Mr. KEFAUVER. Yes; he refused to testify after that, saying that he would not testify until the radio and everything else was off.

Mr. MILLIKIN. Was the mechanism physically removed from the room, or simply not operated?

Mr. KEFAUVER. He did not specify. He also objected to the use of press photographers.

Mr. MILLIKIN. I would like to get it clear again whether the chairman said that if the witness objected to the television, it would not be used, or whether any other member of the committee said it.

Mr. KEFAUVER. Yes. On page 5 of the report, from which I have read, I stated this:

> The CHAIRMAN. I understand your position, Mr. Rothkopf, that even with the television lights off as they are now, you are not going to answer any questions as long as the radio and anything else is on. Is that correct?
>
> Mr. ROTHKOPF. That is right.

Mr. O'CONOR. Mr. President, will the Senator yield, so that I may supplement the answer?

Mr. WILEY. I yield.

Mr. O'CONOR. If I may have the attention of the Senator from Colorado, I think it would be of interest to the Senator for me to say that, prior to the date in question, and prior to the hearing, the Senate committee had decided that it would require no witness to be televised over his objection. From that day to this, no witness has been required to be televised, over objection.

When any witnesses, including the witnesses being questioned, would come before the committee and indicate that they disapproved of being televised, the presiding Senator ordered the television

off the witness, and from that time on he was not televised.

Mr. MILLIKIN. Was it ordered completely off, or did it show the hands of the witness?

Mr. O'CONOR. The order was that it be off the witness. We did find in one case that following the giving of the order one of the television cameramen did take the fingers of one of the witnesses. But that was not in conformity with the order of the committee. Following the order that witnesses not be televised, no witness from that time on has been televised over his objection.

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

Mr. WILEY. I yield.

Mr. KEFAUVER. Even in the case in which the hands of the witness were televised, we asked whether the witness objected, and they said they had no objection. So it was not done without their consent.

Mr. MILLIKIN. Mr. President, I wonder if the Senator would be good enough to repeat what he has just said.

Mr. KEFAUVER. I said that even in the case referred to by the Senator from Maryland [Mr. O'CONOR], the case in which the hands of the witnesses were televised, we discovered they were being televised and that it had been occurring for some time. The witness and his counsel were asked whether they had any objection to that being done, and they stated that they did not have any objection. That was done with their permission.

The chronological order, if I may make a statement as to what took place in St. Louis when I was sitting as a subcommittee of one, was as follows: In the hearing room there were television lights. A witness appeared and refused to testify before the television. I did not feel that his refusal, under the conditions, was justified, and I stated that I expected to recommend to the full committee that he be cited for contempt. Upon my return to Washington there was a meeting of the full committee, and it was decided at that time that since there was no modern law on the rights of witnesses in connection with television, because it was a new industry, the witness should be given an opportunity of testifying again without television, if he wished so to do. He was given that opportunity, and came to Washington and did testify, so that he was not cited for contempt. Thereafter, any witness who did not want to testify in front of television was not required to do so.

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

Mr. WILEY. I yield.

Mr. MILLIKIN. I am very grateful for the information. May I ask another question? Were the television lights on the witnesses while they testified, or on either of them?

Mr. KEFAUVER. When they first appeared on the witness stand they said they had a statement they wanted to read. It was a rather lengthy statement, which wound up with the announcement that they refused to testify in the presence of television, radio, newsreels, and also with press photographers present. I asked the press photographers to retire. They always cooperated in those matters after they had gotten one or two pictures. I asked that the television be turned off, and it was turned off.

Mr. MILLIKIN. Was that the case as to both witnesses?

Mr. KEFAUVER. That is correct. While they were making their preliminary statements the lights were on.

Mr. MILLIKIN. But no television picture was being taken?

Mr. KEFAUVER. Yes; it was being taken while they were making their objection to being televised. They were under television, but they were not at that time giving testimony.

Mr. MILLIKIN. They made their statements while they were being televised, and at the conclusion of their statements the committee ruled that there would be no television on the witnesses?

Mr. KEFAUVER. I simply asked the operator not to televise the witnesses, and he did not.

Mr. MILLIKIN. Did the witnesses know the chairman of the committee had done that?

Mr. KEFAUVER. Yes; they were so told, but they said that notwithstanding that, they would not testify as long as the other things were there.

Mr. MILLIKIN. I thank the Senator.

Mr. WILEY. Mr. President, it has become accepted practice to permit making of tape recordings, for example, for later radio broadcasts. Members of the Senate cannot, comparatively speaking, see any major difference between having newspaper reporters and photographers fully recording a committee scene and having radiomen record the same scene through their particular medium. Where are we to draw the line?

Are we to say that newspapers can report committee proceedings, but radio cannot? Why should there be any discrimination against radio? Why should there be any discrimination against newsreels or against television so long as suitable precautions are taken so that television lights, and so forth, do not cause such heat as to make the witness find it difficult to answer questions presented to him.

I refer my colleagues to part 12 of the printed hearings of the Senate Committee Investigating Crime. I ask them to look at page 632. At the bottom of the page it is indicated that the junior Senator from Tennessee [Mr. KEFAUVER] stated:

> I may say at this point, Mr. Rash, who is handling the television says you are not being televised. Whether that does make any difference one way or the other under your statement.

Mr. Kleinman had nothing to reply. On page 640, the chairman asked:

> I understand your objection, Mr. Rothkopf, that even with the television lights off, as they are now, you are not going to answer any questions as long as the radio or anything else is on. Is that correct?
>
> Mr. ROTHKOPF. That is right.
>
> The CHAIRMAN. That is your position. So it would not do any good to turn the televisions lights off. They are already off. It would not do any good to take or to ask the movie gentlemen to remove the movies as long as the radio is here. You would still refuse to testify.
>
> Mr. ROTHKOPF. I have stated my position.
>
> The CHAIRMAN. Is that correct?
>
> Mr. ROTHKOPF. That is right.

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

Mr. WILEY. I yield.

Mr. FULBRIGHT. Exactly what did he mean by saying "the radio is here"? Was there a microphone in the room?

Mr. WILEY. Yes.

Mr. FULBRIGHT. Did it operate directly from the witness to the outside?

Mr. WILEY. Yes. The microphone was in front of the witness, and a microphone was also in front of each member of the committee.

Mr. FULBRIGHT. That is fairly normal practice in many committees, is it not?

Mr. WILEY. Of course. That has been the practice during recent examinations of witnesses in public hearings. The Secretary of State, generals, and ambassadors have testified under those conditions. Some of the most important men in Government have been televised and catechized at the same time and have answered questions. The Committee on Foreign Relations has had television used in public hearings. There have been a number of other hearings, as Members of the Senate will recall, where some of the most distinguished men of our time have appeared and given testimony and have sent their impressions out over the ether waves to the people throughout the country.

It was quite clear that these two witnesses had not come before the committee to testify in good faith. No; they did not want to testify. They gave their extended statements under television lights. One of the reasons why they would not testify was that they were under television. They have raised what they think is a constitutional question. I say, let us have it decided. Let the record speak for itself.

As a matter of fact, they had blatantly evaded the subpenas of the United States Senate Crime Committee for over 3½ months. Diligent search had been made through the Cleveland Police Department, through various law-enforcement agencies, through the newspapers and radio, to locate Kleinman and Rothkopf. They were asked before the Special Committee To Investigate Crime exactly where they were between December 14, 1950, and March 16, 1951. They refused to answer that question.

In the course of the proceedings, the able Senator from New Hampshire [Mr. TOBEY] remarked:

> You sat back there 10 feet behind (the witness chair) for an hour and three-quarters. You took the lights then in good part, but the minute you come on the stand for questioning, then you quail under the lights. You sat right there and I saw you for an hour and one-half. You did not blink once. Then you come on here and put this bluff up to us now.

TRIBUTE TO SENATOR TOBEY

The Senator from New Hampshire was speaking with his characteristic bluntness and frankness and expressing the views of countless Americans. Now, while I am on this point, Mr. President,

I should like to say that the prayers of his colleagues and the American people are for the Senator from New Hampshire today. We are looking forward to his return to this Chamber. It was with sadness that we learned of his current illness. While there are many members of the Senate who have disagreed with the Senator from New Hampshire on numerous occasions—and I have on political questions—there are none who doubt his sterling courage and honesty.

FIVE-MAN COMMITTEE HAS BEEN HARD-PRESSED

Let me also mention at this time, this phase:

There are only five members on this Crime Investigating Committee. Every one of these five members has been heavily engaged in other tasks. The distinguished Senator from Tennessee [Mr. KEFAUVER] had practically to abandon all other committee work during the year of his chairmanship. My colleague from Wyoming [Mr. HUNT], has served on no fewer than five committees simultaneously. My colleague from New Hampshire [Mr. TOBEY], has often had to forego vital work on the Senate Banking Committee, of which he was formerly chairman. My colleague from Maryland, the present chairman [Mr. O'CONOR], has also been tremendously heavily engaged in Senate duties. He has done a splendid job as chairman of the Senate Interstate Commerce Subcommittee aimed at halting key exports to Communist countries. How he has managed in his crowded day to attend to that committee assignment, to look after the needs of his home State, which is so close to Washington that great numbers of visitors come to his office, and to handle other duties, is something at which I, for one, marvel.

SENATOR WILEY'S OTHER COMMITTEE RESPONSIBILITIES

I personally have not been able to attend as many committee sessions as I would like. I have found it necessary to be on hand almost continuously in hearings in Washington and abroad of the Senate Foreign Relations Committee, on which I serve as ranking Republican member. I also found it necessary to attend what were often conflicting meetings of the Senate Committee on the Judiciary, on which I hold a similar position. Wherever possible, I have assigned a member of my staff to represent me here and in the field, to take notes on committee decisions, and so forth, so that I would be continuously informed of what the committee was doing, why it was doing it, and so that I, in turn, could convey my reactions.

The point I am making, Mr. President, is that we of the committee have bent over backward to be conscientious in our duties. Often we would permit witnesses to read lengthy statements or to be excused temporarily for alleged illness and otherwise to perpetrate an obvious stall. We have tried to evince the patience of Job.

Now, I want to point out, Mr. President, that there are many people throughout this country who will say: "Why did not the Crime Investigating Committee do this? Why did it not look into that? Why did it not call person A or person B before its sessions?"

OUR COMMITTEE TASK HAS BEEN DIFFICULT

Well, I, for one, have asked the committee to look into certain areas which it has not looked into, but I can appreciate the tremendous problem which it faces. Requests for the committee to hold hearings have poured in from practically every State in the Union. And that is due to television.

I wish to point out further that one of the 48 States—New York State alone—appropriated a quarter of a million dollars to its crime commission, which is just about what we of the Senate Special Crime Committee have had available for studying conditions in all 48 States.

While it may seem easy to investigate criminals, there is probably no more difficult task facing any committee. In all of the year and a half of our committee's work there has hardly been an instance where a major witness has opened up with a major story, spilling out all the key facts. On the contrary, we have had to pull teeth all along, so to speak. We had to patiently drag out fact by fact from unwilling, reluctant witnesses, men often desperately afraid of gangland retribution.

Two instances come to my mind, to which I shall refer, and then I will be practically through with my statement. When the committee was sitting in California a gangster was before us. He had his lawyer with him. We got the gangster to talk. The lawyer talked a little bit. The next week the lawyer's head was shot off.

In Kansas City we had Pendergast before us. A Greek lawyer also came before us. He told about a Chicago gang muscling in on the Kansas City gang. The Greek lawyer said, "I represented some of the Kansas City boys. One night I was driving home. A car came alongside my car and pushed my car into the ditch. Five men got out of the other car and said, 'You had better quit investigating'." The lawyer said, "I went home. I did not pay much attention to what they had said." He said, "I continued to investigate, because the Kansas City boys wanted to find out about the muscling in by the Chicago gang in an effort to take over the business of the Kansas City boys." He said, "Three days later I was driving home. The same five men drove up alongside my car and stopped me. They had sawed off shotguns in their hands. They said, 'Now this is the final warning, lay off'." We asked him, "What did you do?" He said, "I quit." We asked him, "Why?" He said, "I have a wife and four kids."

Mr. President, the take by these criminals in the various fields of crime is in the billions. This is no time for the American people, on the State level and particularly on the community level, to stop investigating crime. The special committee investigating crime will end its work in 3 weeks. It will not have concluded its work, of course. That work will never be finished. But the committee will go out of business. I think it can be said that it has alerted the people of America to their responsibility. The question is whether or not in local communities and on the State level they will remain alerted.

Before I conclude, Mr. President, I should like to state that there are but 3 weeks remaining in the life of the Senate Committee Investigating Crime. Shortly we will begin to write our final report. One of the conclusions which I feel sure we will report is that the Senate Committee on Interstate and Foreign Commerce, to whom our files will go after September 1, should endeavor to carry on along certain lines which we will recommend.

It is obvious that the underworld crime syndicate which currently takes some $20,000,000,000 of revenue is far from broken. There has, indeed, been a public awakening against crime, a rise in public morality. But much more must be done along this line. Already we have seen that the pendulum has swung backwards and that several high-up individuals reputed to have underworld ties have been returned to public office. Let no one feel smug or complacent that the anticrime job has been completed.

SENATE SHOULD ACT ON ANTICRIME BILLS

There are pending before the Senate right now, as I have before stated in my remarks, a great number of bills which we of the Senate Committee on Investigation of Crime have recommended. Action has unfortunately not been taken on virtually any of these bills, but action certainly should be taken before the Eighty-second Congress completes its work. I particularly refer my colleagues on the Senate Finance Committee to those bills which we have recommended whereby Uncle Sam could tap some of the hundreds of millions of illicit revenue which today is not reported.

CONCLUSIONS

Mr. President, I should like to conclude and sum up.

First. I am glad that our colleague from Washington has evidenced such keen interest in civil liberties. I agree with him to the extent that I, for one, want the Senate ever to be a watchdog of civil liberties. I am delighted that a Member of this august body is so keenly aware of the fact that the humblest or most undesirable citizen of this land is entitled to protection. I agree with him about that.

Second. I agree with him that the word "liberal" and the word "conservative" and the word "reactionary" have been misused. But whether one is really a liberal, a conservative, or a reactionary is somewhat beside the point. The basic issue involved in this situation is whether one is going to tie up justice in legal knots or whether one is going to try to expedite the administration of justice to criminals, so that criminals will get what is coming to them. Heretofore in many instances, because they have in some places even dominated the courts, criminals have not been getting what is coming to them.

Third. I am firmly convinced that the Senate will stand by its contempt citations. To do otherwise would be to open the door to abandonment of radio, newsreel cameras, tape recordings, and every

other modern instrument. It would be like turning the clock back a century or more, which would be utterly fantastic.

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

Mr. WILEY. I shall be glad to yield to the Senator from Colorado in a moment. I have almost concluded my statement.

Fourth. Another conclusion is that the television code of fair conduct must and will be applied. As I understand, next week committee hearings will open in Washington on the final New York-New Jersey phase of the crime investigation.

I am informed that some or all of those proceedings will be televised. We of the committee have been at work on a code of practices to make sure that the televising is carried on with absolute propriety, particularly if it is sponsored.

Fifth. Mr. President, I am sorry that Messrs. Kleinman and Rothkopf may get some satisfaction out of the proceedings today. These individuals and others of their ilk are entitled to nothing but contempt from the decent citizens of this Nation. As I have pointed out, for a long time they evaded the subpena of a United States Senate committee. There are other individuals who are right now evading the committee subpenas—individuals from Atlantic City, Scranton, Pa., and New Jersey. These individuals are attempting to thumb their noses right now at the United States Senate. They are hoping that when the committee expires on September 1, the heat will be taken off, the subpenas will have lapsed, and they can go scot free. I, for one, vow, however, that we will seek every legal instrument available so that they will not be permitted to thumb their noses at the United States Senate.

If the Senate is not careful to make sure that its subpenas are observed, then we will be destroying one of the most vital authorities we have—the authority of the Senate to investigate.

Sixth. Another conclusion from this day's proceeding is that the Senate must uphold its right to hold balky witnesses in contempt. If we do not do this, then every witness appearing before our committee can thumb his nose at any committee.

I deeply regret the fact that already certain contempt actions have been lost in the United States district courts. I do not agree with the judges who have thrown out the contempt citations, either in these criminal or in the recent Communist cases. They as independent judges have a right to their convictions, but I must also state my conviction.

So I conclude that the crusade against crime must go on. The Senate must uphold its own prerogatives. The Senate must reject the proposal of the Senator from Washington.

I am very happy now to yield to the Senator from Colorado.

Mr. MILLIKIN. Mr. President, I should like to ask whether the recalcitrant witnesses also objected to the radio features of the hearings.

Mr. WILEY. I believe that if the Senator will read the statement which Kleinman read, which was prepared by his attorney, he will see that he covers a 40-acre lot, which includes that feature.

Mr. MILLIKIN. Is that statement available?

Mr. WILEY. Yes.

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

Mr. WILEY. I yield.

Mr. KEFAUVER. Both these men stated specifically that even if television were turned off, if the radio were still on they would not testify.

Mr. WILEY. I think that is correct.

Mr. MILLIKIN. Am I to understand that one of the witnesses separated his points, and that the other commingled his points?

Mr. KEFAUVER. They made exactly the same statement and the same objection. They were represented by the same counsel, and their statements are just the same, I believe.

Mr. MILLIKIN. Would the Senator mind repeating what one of the witnesses said, as to his willingness to testify?

Mr. KEFAUVER. He stated that even if the television were turned off he would refuse to testify with the radio or anything else on. That was stated specifically in the statements of both witnesses, and also in the colloquy which followed.

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

Mr. WILEY. I yield.

Mr. HICKENLOOPER. What is the nature of the proceeding now before the Senate? What is the proposal contained in the resolutions? Is this a citation for contempt of the Senate? Is it a trial for contempt of the Senate? Or is it a certification of the finding of the Senate to the Attorney General's office for such legal action as the Attorney General's office may prescribe? What is the nature of the matter before the Senate at this time?

Mr. WILEY. I understand that the proceeding is the latter.

Mr. HICKENLOOPER. In other words——

Mr. KEFAUVER. Mr. President——

Mr. HICKENLOOPER. I should be glad to have the opinion of the Senator from Tennessee on that question as well.

Mr. KEFAUVER. If I may, I should like to make a brief observation.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield for that purpose?

Mr. WILEY. I yield the floor, so that the Senator from Tennessee may carry on.

Mr. HICKENLOOPER. Mr. President, may we settle this matter? Who has the floor?

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. KEFAUVER. Mr. President, before commencing my address, I should like to clear up some matters brought out in the colloquy with the Senator from Iowa.

The immediate matter before the Senate is the question of certifying, by contempt citations to the district attorney, the facts which the Senate may decide constitute contempt. It was agreed by unanimous consent that the motion to reconsider the resolutions should be considered as having been agreed to.

Mr. HICKENLOOPER. I understand that phase of the procedure. We are beyond the motions to reconsider. I am trying to find out what is the point involved in this contempt situation. What is the meat of the question before the Senate? Is the Senate now being asked, in effect—whether by way of a reconsideration of the vote, or by a vote on the resolutions themselves—to declare these persons in contempt? Or is the Senate being asked to certify a set of facts which the Senate believes may constitute contempt, leaving the question up to the Attorney General's Office, and the courts to pass upon by prosecution? What is the situation upon which we are passing? Is it a question as to whether or not the Senate shall sit as a trial court to decide the question of contempt? Are the findings of the Senate conclusive in any way in connection with the question of contempt, or are the findings to be determined after the Senate certifies to the Attorney General's Office a state of facts, for whatever legal action it is desired to take? I am only trying to clarify the situation.

Mr. KEFAUVER. The Senate is called upon to certify a state of facts to the district attorney for the District of Columbia. Under the law, it is required that the question be submitted to the grand jury. The law does not say whether the district attorney is to recommend that the grand jury indict, or whether he shall recommend that the grand jury not indict. The Senate is not trying the question of contempt. It is merely certifying to the district attorney, under the statute, a state of facts which the Senate committee believes to constitute contempt. He can do whatever he wishes with the case after it is certified to him.

Mr. HICKENLOOPER. As I understand, the district attorney considers the facts as certified by the Senate to him, and he can make up his mind as to whether or not to submit the case to the grand jury. The grand jury then makes up its mind as to whether or not it believes that there is reasonable ground for finding that the two witnesses may be guilty of contempt. Then the case is tried before the court. Is that correct?

Mr. KEFAUVER. The Senator is correct.

Mr. HICKENLOOPER. So in fact we are not passing upon the final determination of contempt in the action to be taken by the Senate. We are going through the mechnical process of certifying facts.

Mr. KEFAUVER. Certifying facts to the district attorney, which are in turn submitted to the grand jury. The grand jury acts upon the facts presented to it, and the court then tries the case.

Mr. HICKENLOOPER. If I were called upon to pass upon the propriety or legality of the use of television in hearings, I might take one position. But I am also intrigued by the idea that perhaps that may not be any part of the action upon which the Senate is called upon to pass today, on the theory that

perhaps the courts may, in the last analysis, pass upon that question.

Mr. KEFAUVER. Section 165, I believe, of the Code, having to do with congressional citations, does not prescribe what action the district attorney shall take. He has it in his judgment. He can submit the case to the grand jury with a recommendation for a true bill, or a recommendation against it. The action of the Senate today involves only the submission of the facts to the district attorney.

Mr. HICKENLOOPER. I thank the junior Senator from Tennessee.

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

Mr. KEFAUVER. Yes.

Mr. LONG. In this particular case are we to understand that these witnesses refused to testify even when the television cameras were not on them?

Mr. KEFAUVER. That is correct.

Mr. LONG. Therefore the question of whether or not a television broadcast would be a good defense would have been removed if they still refused to testify even if they were not being televised.

Mr. KEFAUVER. That is exactly correct. They said that even if the television lights were cut off they would still refuse to testify.

Mr. LONG. So, the question of the right of a witness to refuse to answer before a television camera is actually not at issue in this case?

Mr. KEFAUVER. It is not in issue, because the witnesses refused to testify before a radio or anything else.

Mr. LONG. Are we to understand that the witnesses said that even if the television cameras were turned off but they were still subject to radio broadcast they would object to testifying if their testimony was to be broadcast.

Mr. KEFAUVER. That is correct.

Mr. LONG. So the question is not the right of the public to see a witness, but the right of the public to hear what a witness says.

Mr. KEFAUVER. That is correct. The question is whether these two witnesses are to be able to direct a Senate committee with reference to the type of investigation or the way in which the committee shall conduct its investigation. For a long time it has been the common practice to have representatives of the press and press photographers present at committee hearings, as well as radio broadcasters, and, in some cases, newsreel photographers. We offered to turn off the television camera, and it was turned off. They still refused to testify. They tried to dictate terms to the committee under which they would be willing to testify. They were not the usual terms.

Mr. LONG. Of course the actual fact was that these witnesses were not going to testify, no matter what terms the committee gave them, so long as the committee insisted on asking questions which might bring out information which the witnesses wanted to withhold.

Mr. KEFAUVER. That is my opinion. I do not know absolutely whether that be the fact.

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

Mr. KEFAUVER. If I may make a brief statement at the beginning it may serve to clarify the issue as to what our attitude was with respect to television. Some 6 weeks previous to this time the committee held a hearing at St. Louis. The television station in St. Louis had made very excellent arrangements in a hearing room. The light was not obstrusive and the heat was not oppressive. A witness by the name of Carroll appeared and stated he would not testify in front of television. I may have made a mistake about it, but I ordered him to testify in front of television. He would not testify. I said I would recommend to the committee that he be cited for contempt.

I thought about the matter further and came back to discuss it. We agreed unanimously that we would give the witness another chance to testify without subjecting him to television. He came to Washington and did testify. It was also agreed at that time by the committee, and again unanimously, that if any witness did not want to be televised when he was testifying, we would respect his wishes in that respect. That practice was carried on from that time on.

It was our feeling, since the television industry was new and there were no court decisions directly on the subject, and until we could get a code of conduct for congressional committees, as well as a proper hearing room, where television cameras could be behind glass and the heat would not be obnoxious, we should defer presenting the issue of whether a witness could be required to testify before television.

As I shall state later, I have a feeling that with respect to this great new mass medium of communication we must not differentiate between it and radio and the press, but it does require that we provide very good safeguards for the protection of witnesses. I shall discuss that point later.

I now yield to the Senator from Idaho.

Mr. WELKER. Mr. President, at the outset, if he will permit me to say so—and I am sure the Senator from Washington agrees with me—I am not critical of the very splendid job which the committee has been doing in the ferreting out and investigating criminals in America. I am mindful of the fact that since I have been a Member of the Senate no committee has done a more heroic job of saving America than has been done by the members of the Special Committee To Investigate Organized Crime in their untiring work of prosecuting the corrupt elements in our society.

I speak as a member of the bar of the State which I have the honor in part to represent in the Senate. I am addressing my inquiries to the junior Senator from Tennessee solely as a matter of law. I am interested only in the work of the committee. I want to be of assistance to it. I believe the junior Senator from Tennessee will admit that I have probably attended more of the committee's hearings than any other Member of this body, except members of the committee. I did so because of my profound interest in the committee's great work.

I saw the television show to which reference is being made today and as to which complaints are being made. A moment ago I asked my distinguished friend from Tennessee if it was not a fact that when the culprits objected to being televised the cameras were turned upon the committee members, and that then the culprits' remarks were still relayed to the television audience by way of the television receiver sets. I was in the television audience. I heard it. I saw it.

The distinguished Senator from Louisiana [Mr. LONG] propounded a question to my friend the junior Senator from Tennessee as to whether or not he had shut off the television set when objection was made. I should like to ask a question of the junior Senator from Tennessee. It is a repetitious question. I have asked it before and it still remains unanswered. Did the junior Senator from Tennessee shut off the television camera and silence the television show, and did he shut off the radio show when objections were made?

I believe the junior Senator from Tennessee will agree with me that when he had the law violators before his committee his main mission was to get testimony before the committee investigating crime. When perfectly valid objections were made—at least valid in the opinion of the junior Senator from Idaho—why did not the Senator from Tennessee shut off the television broadcast, why did he not shut off the newsreel, and why did he not shut off the radio broadcast, and then ask the witnesses the questions which he had intended to ask them? The junior Senator from Tennessee knew that the witnesses were not going to testify in any event. Had that procedure been followed, the junior Senator from Tennessee would have been in the perfectly logical position of urging citations for contempt by this body. And we would have had these suspected criminals in the hard bind of the law and I am satisfied they would have been in true contempt of the committee without hope of escape.

Mr. KEFAUVER. I appreciate the observations of the Senator from Idaho. It is true that he has been very much interested in the work of the committee. I may point out to him, however, that the disclosure of information at hearings is a very important part of the educational process. By the same rule, it could be asked why we did not order representatives of the press out of the room, or why we did not refuse to let the press photographers take pictures. It has always been recognized that in congressional investigations, which are conducted for the purpose of getting facts upon which to base legislation, the informational feature is very important.

I do not believe that a couple of fellows like these witnesses—and they are not timid men by any means, because it was my impression that they were as calm as they could be—should be able to dictate to the United States Senate the manner in which we are to conduct our hearings. For a long time the United States Senate has been carrying on its hearings in the presence of representatives of the press, with radio broadcasts

of hearings, and with press photographers taking pictures, at least to a limited degree. Moving pictures have been taken of such hearings for a long time. We offered to let the witnesses testify exactly under those conditions which had been followed ever since radio and moving pictures came into being. That is a part of the method of getting information to the public.

We had the television shut off. I cannot remember whether the lights were directed at the members of the committee. However, I do not see that that has anything to do with the witnesses. The impression I have from reading the statement on page 5 is that the television was completely turned off. In any event, it was not turned on the witnesses at the time.

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

Mr. KEFAUVER. I yield.

Mr. LEHMAN. I should like to ask a question of the distinguished junior Senator from Tennessee. I should like to ask him whether my understanding of what he and others have said this afternoon is correct. As I understand, the adoption of the resolutions does not constitute a determination by the Senate either of the wisdom or the propriety of the use of television in Senate hearings. On that question I still have some uncertainties in my own mind. I understand that all that the adoption of the resolution would do would be to certify to the district attorney of the District of Columbia the facts concerning these cases, for such action as he may decide in his wisdom to take.

Mr. KEFAUVER. The Senator from New York is exactly correct. The resolutions would certify the facts to the district attorney. He could either recommend or not recommend that the grand jury return a true bill. We have no control over the grand jury, the judge, or the jury which may try the case. The question here is not whether the witnesses refused to testify before television, because we stopped the use of television then. The question is whether they refused to testify with radio microphones and news-reel cameras in use.

I am hopeful that in this case or in some other case the court will determine whether television can be used in public hearings, and will decide under what circumstances television can be used, because this great new medium, which can bring educational and other material of all sorts into the homes of the people, of course is having a great impact already, and I think it very necessary that there be some legal definitions and some legal statements of how television can be used and under what circumstances it can be used. However, that matter is not directly involved in the present case.

Mr. LEHMAN. I thank the Senator. I simply wish to make certain that our action in this case does not constitute a yardstick or a precedent in respect to future action on or determination of this question by the Senate.

Mr. KEFAUVER. Does the Senator refer to the question of the use of television?

Mr. LEHMAN. Yes.

Mr. KEFAUVER. The Senator from New York is entirely correct as to that; the decision of the Senate in regard to these two resolutions will not establish a precedent.

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

Mr. KEFAUVER. I yield.

Mr. LONG. As a matter of fact, if the Senate refused to issue citations in these cases would not that action, as a matter of precedent, foreclose the Senate from later passing on the question of whether television should be used? Then we would have a decision that a witness could not be compelled to testify when television was used or perhaps when his voice was sent out over the air waves.

Mr. KEFAUVER. Yes; I think that would be the effect; and I also think it could then be held that radio broadcasting could not be made of hearings, if the witness complained about that, or that press photographs could not be taken at such hearings. In other words, then the witness would dictate the conditions and circumstances surrounding the hearings, rather than to have the conditions established in accordance with long-established custom.

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

Mr. KEFAUVER. I yield.

Mr. HOLLAND. If the Senate does not vote to issue the citations, will not such failure to issue them constitute a predicate which will prevent the securing of a court interpretation of this matter?

Mr. KEFAUVER. That is entirely correct.

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

Mr. KEFAUVER. I yield.

Mr. HOLLAND. Then is it not correct to say that the only way by which a predicate can be established for a judicial decision in this matter—or in the three separate matters, in the cases of the use of television, radio, and news-reel cameras—by Federal courts of appropriate authority, is for the Senate to take the action now requested as a first step toward the submission of this matter to the United States Attorney for the District of Columbia?

Mr. KEFAUVER. Of course the Senator from Florida is entirely correct. No further action at all can be taken on this matter until the Senate votes in favor of the contempt resolutions.

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

Mr. KEFAUVER. I yield.

Mr. HUNT. I should like to ask the distinguished chairman of the committee a question.

Mr. KEFAUVER. Let me point out that I am the former chairman of the committee.

Mr. HUNT. This is the question. Are not several contempt citations now before the courts, having been voted by the Senate at the suggestion of the Special Committee on Organized Crime in Interstate Commerce?

Mr. KEFAUVER. Yes; a number of such citations are now before the courts.

Mr. HUNT. Are not several of those citations in exactly the same situation as the two now under discussion, in that they relate to cases in which television was used during the appearance of the witness?

Mr. KEFAUVER. Yes, but none of the other witnesses refused to testify because of the use of television.

Mr. HUNT. Regardless of that fact, would not a refusal by the Senate to vote contempt citations in these two cases have a bearing on the decision of the court in the cases now before it?

Mr. KEFAUVER. It might have some bearing, if the persons so cited could later make such a defense during the trial of their cases. However, after having refused to appear before the committee in the beginning because television was used, I doubt that a great deal of merit would attach to such a defense. On the other hand, conceivably it could have a bearing.

Mr. HUNT. Would not the Senate be greatly limited in the case of various committees which may be formed in the future to do investigatory work of this kind, if the Senate were now to refuse to vote these two contempt citations?

Mr. KEFAUVER. Certainly there would be a decrease in the power of the Senate to conduct investigations and to fix its own rules and regulations for the conduct of investigations. The courts have always held, as the Senator from Wyoming has said, that the Congress has the right to establish its own rules and regulations to control the conduct of investigations, so long as those rules and regulations are reasonable, having in view not only to obtain information, but also to let the public know what the facts are. If various persons such as the two witnesses in this case could, after evading the service of a subpena for many, many months, dictate to the committee the way a committee should conduct its hearings, then of course the future congressional hearings and investigations would be adversely affected.

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

Mr. KEFAUVER. I yield.

Mr. LONG. Is it not true that much of the good which came from the investigation conducted by the Senator's committee was the result of exposing before the entire Nation corruption and crime, and bringing the criminals before the committee in order that the public could judge the matter for themselves and could see the two crooks who were involved in this case and could see what was being done? Would not we in the future be barred from accomplishing anything of that type, any of that sort of exposure, if we foreclosed ourselves from the use of television to bring such persons to the attention of the public?

Mr. KEFAUVER. The distinguished Senator from Louisiana has stated the matter very clearly, namely, that a very important byproduct of the investigation was the educational value it had in letting the people hear and see the witnesses who appeared before the committee. It is an important byproduct and a very important part of any congressional investigation to let the people know what

is going on, so they will take an interest in laws and the enactment of legislation in that connection. I think we always have operated on that basis, and it is a part of the function of congressional investigating committees.

Woodrow Wilson said that whenever a bad situation exists if the American people know the facts, they find some way to get at the necessary remedy. Certainly we would be precluding ourselves from taking part in this great educational process if we allowed ourselves to be pushed around in this fashion by these two witnesses.

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

Mr. KEFAUVER. I yield.

Mr. LONG. I wonder whether the junior Senator from Tennessee will agree with me that probably the Committee on Rules and Administration should give some consideration to this matter in an effort to work out at least some standard code by which, in the future, committees should be guided in connection with the use of television. I am sure the Senator will agree that it would be a mistake for us simply to foreclose ourselves from using television at all if a witness refused to testify before television.

Mr. KEFAUVER. I certainly agree with the Senator that it is most important that we have a code in connection with conducting congressional investigations.

I may state to the Senator that a subcommittee, of which the Senator from Arkansas [Mr. MCCLELLAN] was chairman, of the Committee on Expenditures in the Executive Departments—a few minutes ago I said it was the Committee on Rules and Administration, but it was a subcommittee of the Committee on Expenditures in the Executive Departments—beginning in the early part of June, took testimony on this subject for a considerable length of time.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a short statement which I prepared in regard to the necessity for a code of that sort, and also a proposal for a resolution, which I have had prepared, in order to have the matter discussed and to lead to the establishment of a code.

The PRESIDING OFFICER. Is there objection?

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

STATEMENT OF SENATOR ESTES KEFAUVER, OF TENNESSEE, BEFORE SENATE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS, JUNE 6, 1951

Mr. Chairman, I appreciate the opportunity to submit a statement in connection with the proposal to extend further the reorganization of our legislative procedures.

There are several general categories to which I should like to invite the attention of the committee.

First, the necessity for the adoption of a code for the conduct of congressional investigations to insure fair play all the way around, which discussion will include my comments on the televising of public hearings.

As to the first category, I feel my recent experiences qualify me to speak with some authority. Congressional investigations are one of the most important legislative functions. Congress constantly needs factual and well-balanced information in many different fields, and it must make full use of legislative functions in order to act in the public interest. The investigative power is a protection against abuse of government. It is the most effective means for focusing public opinion upon national problems. The flow of information to the people through the medium of congressional investigation has become more important than ever with all our means of rapid communication. The investigative functions should be retained as a means for effecting good government without permitting it to be used as an instrument for abridging constitutional rights of the citizens.

I think Congress should adopt a code of procedures for guidance of committees of House and Senate governing conduct of hearings and treatment of witnesses to assure all persons a fair hearing.

A person or organization whose activities are under scrutiny of a congressional committee should be fully apprised as to the matters which the committee proposes to inquire.

All material or evidence reflecting on the character of individuals or organizations should be reviewed first in executive session, and should not be presented at public hearings until the committee rules by a majority vote. Internal staff memoranda containing prospective hearings materials which may be derogatory of persons or organizations under inquiry or third persons or organizations should be approved by the committee before it is presented in open session.

Before derogatory material is presented at open hearings, individuals or organizations concerned should be advised of particulars of such testimony.

An accused person should be given the opportunity to present evidence in his own behalf and the right of counsel to advise him on his constitutional rights. A person adversely criticized by a witness at open hearings should have—

(a) The right to file with a committee a limited number of interrogatories which should be answered by hostile witnesses; or

(b) Have the committee subpena witnesses and permit counsel for aggrieved persons limited cross-examination of such witnesses, subject to the discretion of the committee. In laying down rules under (a) and (b) above, the committee should give the offended person a reasonable chance to procure relevant evidence.

All persons whose reputations are brought into question should also have the right to file a rebuttal statement at the conclusion of the testimony. Such a statement should be made part of the record and should be considered in the committee's report.

Subpenas to private persons—for public appearances involving affairs of private individuals—should require the vote of majority of a committee or subcommittee.

In any serious claim to privilege witness or counsel should have right to state his case before the committee or subcommittee and secure their ruling.

A private person should not be required to testify in executive session unless a majority of the committee explicitly rules that the public interest requires that testimony should be kept secret. However, such an examination should be held before at least two committee members.

Testimony taken in executive hearings should be kept secret and not released or used in public hearings without approval of the committee majority.

No witness before a congressional committee should be compelled to testify under threat of contempt citation on his religious and political beliefs, unless such testimony in the opinion of a committee majority is relevant to the inquiry or unless it is required by national security.

The right of submitting a statement for the record should also be extended to persons or organizations which have been the subject of adverse comment, even though they are not called as witnesses.

Committee members should refrain from making any comments derogatory to a witness, on or off the floor, until after the committee should have filed its report.

Committee members should be forbidden to make disclosures of evidence taken in executive hearings affecting national security or reflecting on the character of individual citizens.

Committee members should refrain from revealing the contents of a report or conclusions in a report prior to its issuance.

Minority reports should be filed at the same time as majority reports in investigations involving affairs of private citizens.

All of the testimony involving affairs of private citizens upon which a committee report, finding, or conclusion is based should be made public concurrently with such report, finding, or conclusion.

A verbatim record should be made of all hearings and transcripts of public hearings and published portions of executive hearings should be available to the public upon payment of cost.

In addition, I think as many congressional hearings as possible should be televised. The remarkable thing about the interest television stirred regarding the hearings of our crime investigating committee was that the public was interested in what our committee was doing. There was no showmanship, no teetering of committee plans, no rearranging of schedules to benefit the listening and viewing audience. We proceeded exactly as we would have had there been no cameras present. This, to my mind, means that 30,000,000 American people were interested in the actual functions of their Government.

I have the feeling, Mr. Chairman, that our Government of the people and for the people should become more and more by the people. Television provides an excellent medium through which almost facsimile presentation of governmental events may be communicated. The better informed our people become, the better governed they will be.

The television presentations of deliberations of the U. N. at Lake Success convinces me that better physical arrangements are possible than was accomplished in our hearings.

PROPOSAL FOR A RESOLUTION FOR CONDUCT OF CONGRESSIONAL COMMITTEES BY SENATOR KEFAUVER

POLICY PREAMBLE

The policy preamble should state that congressional investigations are one of the most important legislative functions; that Congress constantly needs factual and well-balanced information in many different fields; and that it must make full use of the investigative functions in order to legislate in the public interest; that the investigative power is a protection against abuse of Government; and that it is the most effective means for focusing public opinion upon national problems and that the flow of information to the people through the medium of congressional investigation has become more important than ever with all our means of rapid communication; and that the investigative functions should be retained as a means for effecting good government without permitting it to be used as an instrument for abridging constitutional rights of the citizens.

Congress should adopt a code of procedures for guidance of committees of House and Senate governing conduct of hearings and treatment of witnesses to assure all persons a fair hearing.

PROCEDURES

A person or organization whose activities are under public scrutiny of a congressional committee should be generally apprised as to the matters about which the committee proposes to inquire.

All material or evidence reflecting on the character of individuals or organizations should be reviewed first in executive session, and should not be presented at public hearings until the committee rules by a majority vote.

Internal staff memoranda containing prospective hearing material which may be derogatory of persons or organizations under inquiry or third persons or organizations should be reviewed by the committee before it is presented in open session, or released to the press.

Before derogatory material is presented at open hearings, individuals or organizations who may be reflected upon adversely should be advised of the nature of such testimony. Such individuals or organizations should be given an opportunity to file an explanation or rebuttal for the committee consideration prior to interrogation in public session.

A hostile witness should be given the opportunity to present evidence in his own behalf and the right of counsel to advise him on his constitutional rights. A person adversely criticized by a witness at open hearings should have: (a) the right to file with a committee, a limited number of interrogatories which should be answered by hostile witnesses, or (b) have the committee subpena witnesses and permit counsel for aggrieved persons limited cross-examination of such witnesses, subject to the discretion of the committee. In laying down rules under (a) and (b) the committee should give the offended person a reasonable chance to procure relevant evidence.

All persons whose reputations are brought into question should also have the right to file a rebuttal statement at the conclusion of the testimony. Such a statement should be made part of the record and should be considered in the committee's report.

Subpenas should require the vote of majority of a committee or subcommittee, but nothing shall restrict the right of the committee to delegate to the chairman the right to issue subpenas. No executive hearings shall be held by an investigating committee unless at least two committee members are present.

Testimony taken in executive hearings shall be kept secret and not released or used in public hearings without approval of the committee majority.

No witness before a congressional committee should be compelled to testify on his religious and political beliefs, unless such testimony in the opinion of a committee majority is clearly relevant to the inquiry.

The right of submitting a statement for the record should also be extended to persons and organizations which have been the subject of adverse comment, even though they are not called as witnesses.

Committee members should refrain from making any comments derogatory to a witness, on or off the floor, until after the committee shall have filed its report.

All the committee members of an investigating committee shall refrain from passing judgment until the completion of the investigation.

Committee members shall refrain from revealing the contents of a report or conclusions in a report prior to its issuance.

Minority reports should be filed at the same time as majority reports in investigations reflecting adversely on individuals or organizations.

All of the executive testimony upon which a committee report, finding, or conclusion is based reflecting adversely on individuals or organizations, shall be made public concurrently with such report, finding, or conclusion.

A verbatim record shall be made of all hearings, and transcripts of public hearings and published portions of executive hearings shall be available to the public upon payment of cost.

Subject to the physical limitations of the hearings room and consideration of the physical discomfort of witnesses, the committees should provide equal access to the various means of communications, including newspapers, magazines, radio, newsreels, and television for coverage of the hearings. However, it should be the responsibility of the committee chairman to see to it that the various communication devices and instruments do not unduly distract or frighten the witness and interfere with his presentation.

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

Mr. KEFAUVER. I yield.

Mr. WELKER. I promise the Senator I shall not interrupt him any more.

Mr. KEFAUVER. I am always glad to yield to the Senator.

Mr. WELKER. If these citations are approved, is it not a fact that any subcommittee of the United States Senate may then, under its order, televise the innocent as well as the guilty?

Mr. KEFAUVER. That is absolutely not a fact, I may say to the Senator, because television is actually not involved here.

Mr. WELKER. Very well. Let us confine it to the radio, then, and exclude television. If these contempt citations are approved, is it not a fact that the committee can order a witness, whether he be guilty or innocent, to submit to a national broadcast, and to submit to cross examination in a forum where there are no rules as to direct- or cross-examination, as to leading and suggestive questions, or as to conclusions of the witnesses? Would it not be a dangerous thing, I ask my friend from Tennessee, if we should subject an innocent person to that kind of treatment? Understand, I certainly am not saying that the two witnesses in question, who are complaining, are innocent; but would it not be rather dangerous to subject an innocent person to being televised, broadcast on the radio, and news-reeled all over the United States, in a forum which has no presiding judge to pass upon the materiality of questions or to determine whether the questions asked are pertinent, or are not an invasion of the rights of the witness? It seems to me, I may say to my friend from Tennessee, that we are opening the gate to rank injustice, if we may assume that this committee would ever have an innocent person before it.

I should like to have the Senator's observation.

Mr. KEFAUVER. I am very happy to make my observation. In the first place, the certifying of this record to the district attorney will give no committee any right insofar as television is concerned, because television is actually not involved in this issue. There is involved the question of whether a committee may use radio or may permit the presence of press photographers, and the question of whether witnesses may refuse to testify because of that situation.

I may say to the Senator from Idaho that even in the case of a witness who appears in an executive session, where his testimony is reduced to writing, an injustice is apt to be done him when his testimony is released; and yet congressional committees, of course, must proceed in that manner. I think that really more harm is apt to be done to an innocent person when testimony regarding charges against him is taken in executive session, where he cannot be present, than when the testimony is taken in an open session, to be released at some later time.

Furthermore, the same rule would apply to the presence of representatives of the press; and yet, as opposed to the possibility of doing harm, we have recognized that there is a great public interest in investigations and a public necessity for information. So, balancing one against the other, while there may be the possibility of injuring someone, and while we should take every precaution against it, it is also necessary to get the information to the public, through the press; and it is necessary and most congressional committes follow the practice when they have public hearings nowadays, to have radio facilities in the hearing room. Recently that has usually been considered to be merely an extension of the right of giving information to the public about such matters. But television is not involved in this issue.

Mr. WELKER. Mr. President, will the Senator yield for one further observation?

Mr. KEFAUVER. I yield.

Mr. WELKER. I appreciate the Senator's courtesy and kindness in helping me on this matter. Since I am new in this body, I may ask the Senator whether he can refer me to one case in which a witness has been required to be televised or to submit to a national broadcast after he has actually made an objection before the committee to being televised or having his testimony broadcast by radio throughout the country.

Mr. KEFAUVER. There is no case of a witness being televised who did not want to be televised. I made one mistake about it, in the beginning, but I changed my mind about it and joined with the committee in asking that a certain witness be given another chance.

Mr. WELKER. I wish to make one further observation. I am sure I have made my position clear, that I do not for one moment intend at any time to criticize the acts of my colleagues upon this committee. I know that there is not a fairer-minded group of men in the United States Senate.

Mr. KEFAUVER. I appreciate the Senator's statement.

Mr. WELKER. In my opinion, they would not wilfully permit a wrong to be done to any witness. But I am wondering whether the Senator, in his studies of this matter, has reflected upon the very important question of how a witness feels when, for the first time, he goes before a television camera or a radio audience. For the information of my distinguished friend from Tennessee, I may say that, until 1 year ago at this time, I had never made a radio broad-

cast. I made my first radio broadcast over a national hook-up, in Washington, D. C., on January 2, this year. I had made speeches to almost every sort of group, but I can say frankly and sincerely—and I am doing this out of consideration for the man who is subjected to radio or television broadcasts—that, on the second day of January, when I first appeared on the Columbia network, I had never been so afraid in my life. Yet today within a few hours, I will be again on a national radio hook-up and I shall be afraid all through that broadcast. I may say that I practiced law for 22 years, during which time I appeared before many courts, organizations, and groups, and I am simply wondering whether the Senator has given attention to the question of how a man, unskilled in public speaking or acting, may feel when, for the first time, he appears on radio, over a national hook-up, or on television as a witness before a committee of the United States Senate.

Mr. KEFAUVER. I may say to the Senator that the things he suggests, of course, involve human reactions, and that we should always take into consideration the possibility that a witness appearing under such circumstances may experience fright or discomfort. On Friday, June 8, of this year, in testifying before the McClellan committee in connection with proposed legislation on which I had been working, I stated I felt that the committee should consider the personality of the individual, as to whether he was going to be frightened, whether he would be caused to undergo physical discomfort, and whether he would be unable to handle himself properly if required to testify; but, of course, those are matters which have to be passed upon as we go along.

As to these two particular witnesses, they are not inexperienced men. They have been in the racketeering game for a long, long time. They were calm. They had had their statements prepared in Cleveland before appearing before the committee. They read the statements very calmly. They simply told the committee that, if either television or radio broadcasts were to be made while they were testifying, they would not testify. So it is a sort of give-and-take matter, as I see it. That is the way I have found it. But I think we ought to lay down definite rules, which, of course, must be made flexible in certain cases, and which the committee, in its own judgment, should administer.

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

Mr. KEFAUVER. I yield to the Senator from New York.

Mr. LEHMAN. I shall vote for these resolutions, because it is my belief that the two witnesses concerned used the fact of the presence of television or radio simply as an excuse for not testifying in accordance with the recognized right of the Senate to conduct examinations. If the Senate should reject these resolutions, I think its action would constitute an estoppel of the use of television, and possibly of radio, in the future, regardless of any other circumstance.

On the other hand, I shall vote for the resolutions with the assurance which has been given to me by the distinguished former chairman of the committee, the junior Senator from Tennessee, that their adoption will not in any way constitute the promulgation of a policy which might affect or control the Senate in its future determinations.

I shall vote for the resolutions with the further expression of opinion on my part that the Committee on Rules and Administration or some other appropriate committee should promptly consider rules which should be set forth governing the use of television and the ethics surrounding its use in Senate hearings. I believe there is danger of abuse, to which, of course, I would not want to lend myself. But I hope and believe that a policy, a rule, and a code of ethics may be worked out which, with due regard to flexibility, will control the use of television and radio in future hearings.

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

In regard to the first point, namely, that action on the resolutious does not constitute a decision on the question of the use of television, I wish to join in making the legislative intent clear in line with the understanding which the Senator from New York has, so far as I possibly can.

As to the second point, I believe it to be imperative that we try to establish a code for the purpose of conducting congressional committee hearings, outlining the rights and privileges which witnesses have to the extent to which that may be possible.

I am very happy that the subcommittee, headed by the Senator from Arkansas [Mr. MCCLELLAN] is considering the matter, and that the Senator from Wisconsin [Mr. WILEY] has an excellent bill on the subject. I have one in mind on which I have been working, and which I expect soon to introduce. I think the issue to be resolved does not involve radio, television, or newspapers to as great an extent as it does the conduct of hearings so as to protect the rights of witnesses in all respects.

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

Mr. KEFAUVER. I yield.

Mr. HUNT. In the remarks of the Senator from New York he mentioned only television and radio. I should like to ask the Senator from Tennessee if he does not think that any code of procedure which may be followed in the future by congressional committees would necessarily need to cover not only television, newsreels, and radio, but that it also must include the use of photographs taken of witnesses. It must clearly, I think, also define limitations with reference to news reporters. It goes clear down to the fact that we must give some consideration as to who shall and who shall not be present in the hearing room when examinations are being held, for I can see that it develops a question of degree. Where are we to stop? I do not think we can cut out television without cutting out newsreels. I do not think we can cut out newsreels without cutting out radio, and I do not think we can cut out radio without cutting out news photographers. It simply leads down to the reporters themselves and to the spectators in the hearing room. I cannot see that anything is involved except the degree to which hearings are made available to the public.

Mr. KEFAUVER. I appreciate the observation of the Senator from Wyoming. It brings my attention to an enlightened article which appeared in the New York Times magazine section on April 15, 1951, which I ask unanimous consent to have printed in the Appendix of the RECORD. It is entitled "The Issue Is Not TV, but Fair Play" and was written by Telford Taylor.

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

Mr. KEFAUVER. I do not see how, in the long run, unless there be some unusual circumstance, we can very well differentiate between newsmen, radio, and television. We must recognize them all as being great media of communication.

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

Mr. KEFAUVER. I yield.

Mr. WELKER. I have one last question. Recognizing the able Senator from Tennessee as the great lawyer I am sure he is, after he saw these culprits trying to take advantage of the committee by evading its process, by raising an objection, which I feel was well taken, to being televised or broadcast by radio or the newsreels, why did not the Senator estop them from any right of appeal to any court and ask them the very profound question, which I am sure he had in mind, as to their guilt or innocence of any crime? Why did the Senator give them the escape clause which he gave them? It seems to me we would not be here today debating this question if the Senator had said, "All right; you will not be televised; you will not be broadcast; you will not have motion pictures made of you. Now let us get to the meat of this matter. Will you stop evading and answer this question?"

Mr. KEFAUVER. Suppose they had said, "If the members of the press will leave the room we will testify."

Mr. WELKER. I think the press is fortified by thousands of decisions of the courts of the land which have given it the right to report the proceedings of a public body.

Mr. KEFAUVER. There was no different system followed from that which has been followed since these new media of communication came into operation. We certainly would not be upholding the dignity of the committee by letting a couple of racketeers fix the conditions under which they would testify. Other witnesses appeared, including preachers, police officers, and many other persons. They had no difficulty. I do not think it is incumbent upon a Senate committee or any other legislative committee to depart from the customary method of carrying on a congressional investigation. In the second place, even if we had done as the Senator from Idaho has suggested, I am pretty sure the witnesses would have tried to plead the fifth amendment.

Mr. WELKER. I am quite sure that would have been their last and final

point. We hate to see a couple of men, accused of crime, whether guilty or innocent, try to evade the process of the Senate, but I am quite sure I would not have given them an "escape hatch" by which they might foul up the work of the committee by a successful appeal to the Supreme Court of the United States.

I thank the Senator from Tennessee for his courtesy to me and for the learned discourse he has made.

Mr. KEFAUVER. I have enjoyed the colloquy with the Senator.

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

Mr. KEFAUVER. I yield.

Mr. MILLIKIN. I would not want to take the position that the audience of a committee hearing cannot be extended by television or by any other known method at the present time. I can see where any of those methods, under some circumstances, might be unfair to a witness. The thing I am probing for is whether in the particular matter before us anything that was done was unfair to the witnesses. For this limited purpose it does not make the slightest difference to me whether they are crooks or whether they are not crooks. Let me ask the distinguished chairman of the committee whether there was a great deal of noise going on.

Mr. KEFAUVER. I do not think so. I am sure that every member of the committee tried to treat the witnesses normally.

Mr. MILLIKIN. Was there excessive heat?

Mr. KEFAUVER. I do not think so.

Mr. MILLIKIN. Was anyone running cables around the room and making a lot of noise?

Mr. KEFAUVER. The hearing was held in the hearing room, and there were a great many persons present, but I do not think the witnesses were unduly excited or that they felt the heat was oppressive.

Mr. MILLIKIN. The television cameras were directed on the committee and not on the witnesses, after the objection had been stated?

Mr. KEFAUVER. They were not on the witnesses after the objection had been stated. Whether they were on the committee or not, I do not really remember. I have said the lights were already off.

Mr. MILLIKIN. I thought the Senator said the television was on the committee.

Mr. KEFAUVER. I am not certain about that.

Mr. MILLIKIN. But after the witnesses had stated their objection, they were not under television.

Mr. KEFAUVER. That is correct.

Mr. MILLIKIN. They were, I assume, under an open "mike" or radio?

Mr. KEFAUVER. Yes.

Mr. MILLIKIN. Did they offer any objection to that?

Mr. KEFAUVER. Yes; they said they would not testify if the radio or a newsreel or anything else was on.

Mr. MILLIKIN. They were really objecting then to the extension of the audience. Is that correct?

Mr. KEFAUVER. That is correct.

Mr. MILLIKIN. They were not really objecting to discomfort or interference with composure?

Mr. KEFAUVER. They made no objection to discomfort whatever. At least my impression was that they were pretty calm fellows.

Mr. MILLIKIN. They were what?

Mr. KEFAUVER. They were calm witnesses. I do not think they were unable to testify because of any discomfort. They read their statements very clearly.

Mr. MILLIKIN. Does any member of the committee recall any circumstances that would be apt to upset opportunity for the composure of a witness in the committee room?

Mr. KEFAUVER. I do not recall any, I will say to the Senator.

Mr. MILLIKIN. I think that in this case that is the key question. I do not think there is a legitimate objection under most circumstances to the extension of the audience. It may add somewhat to the nervousness of the witness but that, in and of itself, is not a conclusive factor. But when we get to the question of interfering with the composure of a witness by putting excessive lights on him, by jostling him around, or running cables between his legs, and things of that kind, then I think we come up against a point where there is a legitimate objection. As I said before, I want to know whether anyone claimed anything of that kind.

Mr. KEFAUVER. I see one line in the report that might throw a little information on that subject.

The CHAIRMAN. Let the record show that Mr. Rothkopf appears to be, as did Mr. Kleinman, calm and clear, well composed, quite healthy physically——

Senator WILEY. No claim that he is sick.

That is in the record.

Mr. MILLIKIN. I hope I made it clear, so far as my own viewpoint is concerned, that when I am talking about the extension of the audience, I am talking about a matter of committee power. I am not talking about the wisdom of it. I can imagine cases where it would be a very unfair thing to a witness. A witness might be honestly terrified. A witness might be physically crippled in a way where a humane committee might limit those even in a hearing room to a very small number. I think matters of that kind must be left to the judgment of a committee. But, as I said before, I am looking around to see whether these witnesses in this particular matter were treated unfairly, were being subjected to discomforts which might interfere with their thinking processes or their proper composure.

Mr. KEFAUVER. I think the principle stated by the Senator is very sound; that committees ought really to lean over backward to accommodate the witnesses if they have any physical discomfort or if they do not make a good appearance.

Mr. President, after the discussion by the able Senator from Wisconsin [Mr. WILEY] I do not think there is very much more that I can say or should say on this subject. But I do want to say that I am sorry the junior Senator from Washington [Mr. CAIN] felt that this discussion should be made the vehicle of a personal attack on me by him. I certainly have tried not to do anything which would cause the Senator to make such an attack. I am sorry that he has seen fit, at least inferentially, to impugn my motives. I believe that every member of the committee has worked faithfully and did the very best he could. The members of the committee certainly have spent a great deal of time in the investigation. I think the public good that has been accomplished has been of a substantial nature.

The work of the committee is now being carried on by the Senator from Maryland [Mr. O'CONOR], as chairman, and it has revealed some very bad situations, revelations which will be helpful to the Senate in legislating, particularly in the field of narcotics.

The Senator from Wyoming [Mr. HUNT] has spent a great deal of time in the investigation, although his schedule has been very crowded. Of course, the Senator from Wisconsin [Mr. WILEY] and the Senator from New Hampshire [Mr. TOBEY] have devoted a great deal of energy and time and thought to a very distasteful work.

I am sorry that, even though we may have made many mistakes, the Senator from Washington finds so many things that we have done wrong.

Mr. President, it is true that I supported a resolution to have no further special committees while I was in the House of Representatives. I still feel that way, but Congress refused to adopt the rule. It should be pointed out that the resolution I originally filed was to have the investigation by the Judiciary Committee. The special committee plan was worked out in the Policy Committee because of a jurisdictional dispute which arose between the Judiciary and the Interstate and Foreign Commerce Committees.

Mr. President, I am going to discuss the issue a little bit further upon the merits, and I shall not engage in personalities. When our committee first organized I appointed the Senator from Maryland [Mr. O'CONOR] and the Senator from Wisconsin [Mr. WILEY] to draw up a set of rules for the conduct of the committee. They presented the rules, and they were thoughtfully prepared, giving the right of counsel, the right of any person who might be spoken of in a committee hearing the opportunity of immediately testifying. The rules provided a great many splendid protections for witnesses. I do not know of any committee that has had better rules for its conduct. I think these, together with the rule for the handling of television and radio, might well be the beginning point of discussion by the Committee on Expenditures in the Executive Departments.

Mr. MILLIKIN. Mr. President, will the Senator yield for one more question?

Mr. KEFAUVER. Yes.

Mr. MILLIKIN. During the time that this performance was going on, were the Kleig lights on the witness constantly?

I assume there was a period of time when they were on the committee, because the committee shut the television off of the witness, and I assume that during that period of time the lights were on the committee. I am wondering at what period of time those lights were on the witnesses.

Mr. KEFAUVER. I will say to the Senator from Colorado that when the witness first came in he was sworn, and then his counsel said he had a statement he wanted to read. He read his statement. During that time the television lights were on him. Then at the end of the statement he said that he would not proceed with his testimony with television and radio and the newsreels, unless everything was turned off. Immediately I said:

> The CHAIRMAN. Just a minute. By cooperation with the television, the television lights are not on, Mr. Rothkopf. The television is not on you, Mr. Rothkopf.
>
> Now go ahead, Mr. Nellis.

Mr. Nellis being the counsel.

So after he made his objection they were turned off him.

Mr. MILLIKIN. Then were they put back on him after Senators started questioning him again?

Mr. KEFAUVER. After we started questioning him?

Mr. MILLIKIN. Yes.

Mr. KEFAUVER. One of them toward the end——

Mr. MILLIKIN. I think that is more or less irrelevant, because, if I understand this correctly, even after the Senator had offered to turn the lights off, they did not testify. But I am still trying to get the atmosphere at that hearing.

Mr. KEFAUVER. They were not put on Kleinman at all. He left. Rothkopf made the same objection. He was asked several questions, and he refused to answer. The Senator from Wisconsin just before he left said:

> Well, if he won't answer with the radio on or television on, just turn the television back on.

So it was turned on.

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

Mr. KEFAUVER. I yield.

Mr. HENDRICKSON. Did the junior Senator from New Jersey understand the junior Senator from Tennessee to say that the rules established by the subcommittee appointed by the Special Committee To Investigate Organized Crime would be referred to or studied by the Committee on Expenditures in the Executive Departments?

Mr. KEFAUVER. No; I said that those rules, with the addition of rules covering the use of television and radio, might well be good rules for the Committee on Expenditures in the Executive Departments on which to base their consideration and discussion. I did not say that they had been submitted to the Committee on Expenditures in the Executive Departments.

Mr. HENDRICKSON. Why should not the rules be studied by the Committee on Rules and Administration?

Mr. KEFAUVER. For some reason—I do not know why it is—I noticed that the Senator from Arkansas [Mr. MCCLELLAN], of the Committee on Expenditures in the Executive Departments, was holding hearings on this subject matter. So I assume that the question of jurisdiction was settled, although it seems that it should be a matter for the Committee on Rules and Administration.

Mr. HENDRICKSON. I think so, Mr. President.

Mr. KEFAUVER. I think the difficulty may have occurred when the committee of the Senator from Arkansas was considering the general matter of reorganizing the legislative machinery. This question may have arisen in that connection. There was a good deal of testimony before the subcommittee of the Senator from Arkansas, beginning on Friday, June 8, on the subject of rules of procedure.

Mr. HENDRICKSON. It was the thought of the junior Senator from New Jersey that a matter which properly fell in that category should be subject to the functions of the Committee on Rules and Administration.

Mr. KEFAUVER. I certainly think it should be, unless there were some agreement to the contrary.

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

Mr. KEFAUVER. I yield.

Mr. HAYDEN. In the last Congress Senator Lucas of Illinois submitted an amendment to the rules to provide for procedure in cases of investigating committees. The Senator from Tennessee may remember about that.

Mr. KEFAUVER. Yes; I remember.

Mr. HAYDEN. It was submitted late in the session. I inquire if the rules adopted by the Senator's committee to which he has referred are available in print?

Mr. KEFAUVER. Yes; they are available. The Senator from Maryland [Mr. O'CONOR] has them here. They are in the records of the committee, and we have a copy here.

Mr. HAYDEN. Will the Senator be kind enough to direct the clerk of his committee to bring them to the attention of the clerk of the Committee on Rules and Administration, so that we may have them before us?

Mr. KEFAUVER. Yes, indeed. I hope the Senator from Maryland will place the rules in the RECORD when he speaks on this subject.

Mr. HAYDEN. I thank the Senator.

Mr. KEFAUVER. Mr. President, the Senator from Washington [Mr. CAIN] has had a good deal to say about the fact that I had proposed rules for the conduct of congressional committees, and he then went on to say that, although I had proposed such rules, the Senate Special Committee To Investigate Organized Crime violated all the rules. Undoubtedly the Special Committee has made many mistakes, but I assure the Senator from Washington that we have done our level best with a very difficult job. We have tried to be as thoughtful of the rights of witnesses as we knew how to be. Of course, different persons see matters differently. However, the press of the Nation has generally applauded the committee for trying to give fair treatment to witnesses.

The one organization in the United States which I think concerns itself more than any other with individual liberties and the rights of people under the Constitution is the American Civil Liberties Union, which has its principal office in New York. For the information of the Senate, and particularly the distinguished Senator from Washington, I shall be very happy to read a letter which the chief counsel for the Civil Liberties Union wrote to the editor of the New York Herald Tribune on March 30, 1951. The letter reads as follows:

> AMERICAN CIVIL LIBERTIES UNION,
> *New York, N. Y., March 30, 1951.*
>
> To the EDITOR, NEW YORK HERALD TRIBUNE,
> *New York, N. Y.:*
>
> The tremendous impact of the disclosures of the Kefauver committee have all but obscured the vitally important contribution that the committee made to the improvement of congressional investigating procedures. In contrast to other investigating committees, the Kefauver committee has given persons attacked in testimony a right to testify personally in their own behalf; has given witnesses the privilege of the fullest aid and advice of counsel; has sought affirmatively to prevent disclosure of names of persons who might be unjustly prejudiced; and has permitted statements to be submitted. And most important, the hearings were conducted, with one or two exceptions, in an atmosphere of fairness and sober fact finding, without resort to the hysteria and wild accusations which has marked other congressional probes.
>
> The American Civil Liberties Union has repeatedly urged the Congress to adopt these, and other procedures, into a code of fair procedures which all committees would have to follow. That such a code, contrary to what some critics have said, does not hamper congressional investigations is certainly affirmed by the outstanding success of the Kefauver committee. Indeed, its findings have been given wider public acclaim precisely because of the safeguard it established.
>
> But the respect for individual rights shown by the Kefauver committee does not mean that more cannot be done. Aside from the particular question of whether the televising of congressional hearings is proper, an issue which deserves the most careful scrutiny, as Senator WILEY has pointed out, these revisions should be accepted if investigations are to give the individual involved the protection which is his right in a democracy; giving a person accused the opportunity to have a limited number of witnesses testify in his behalf and to cross-examine his accuser; the prohibition of members or employees of committees from publicly writing about the committee or its report for compensation; and the giving of advice to all witnesses of their legal and constitutional right.
>
> The Kefauver committee has paved the way. Let Congress complete the job.
>
> HERBERT MONTE LEVY,
> *Staff Counsel.*

At the beginning of every session the committee announced, almost without fail, that anyone whose name was used could immediately testify, and that if a person wished to ask a question of another witness who might be accused, he would have that privilege. Witnesses were given the right of counsel. We tried to prevent testimony too far removed from being introduced. We certainly tried to conduct the hearings fairly and squarely.

As to these two particular witnesses, Rothkopf and Kleinman, the facts are that subpenas were issued for them to appear before the committee when it met at Cleveland, Ohio, on January 17, 18, and 19, but although a diligent effort was made, it was impossible to locate them. They avoided service of subpena. We tried every method in the world to locate those two men, who are quite notorious in the underworld. It was finally necessary to file a petition for a citation for arrest, to authorize the Sergeant at Arms of the Senate to arrest them and bring them in. They were found in that manner and brought to Washington. The record shows the relevancy of their testimony and the reason why we wanted them.

We have the report of the criminal record of these two men in part 6 of the testimony, on page 455. Exhibit No. 32 deals with the record of Morris Kleinman. It reads as follows:

Area of operations: Cleveland, Las Vegas.

Criminal record: Place, Cleveland; name and number, Morris Kleinman; date, 1933; charge, income-tax evasion; disposition, 3-year sentence.

Associates: Morris Dalitz, Sam Tucker, Frank Costello, Joe Adonis, Jerry Catena, Art Samish, John Grosch, Phil Kastel.

Activities and general information: Morris Kleinman was reportedly engaged in rumrunning during the prohibition era. He was said to be the No. 1 suspect during an investigation of the murder of a Cleveland city councilman in the 1930's. Kleinman, Morris Dalitz, and Sam Tucker are the principal owners of the Desert Inn, Las Vegas, a resort-type hotel with a large gambling casino (46–5/24). He is reputed to be a top man in gambling circles having a financial interest in the Latin Quarter, Lookout House, and Beverly Hills Clubs in Cincinnati, Covington, and Newport areas (57–5/8–P).

It is reported that Moe Kleinman makes periodic trips to Hot Springs.

The report then states the names of those with whom he has been associated.

The Rothkopf record is also on page 455. It is substantially the same.

The testimony is to the effect that these men are members of one of the largest and most successful gangs in the United States, operating from the Cleveland area, with interests in Michigan, Ohio, and across the river in Kentucky. Some members of the gang had substantial interests in Florida and in Las Vegas. When the builder of the Desert Inn needed $1,500,000 to complete the Desert Inn, he called upon this criminal gang to put up the money. This is the type of interstate crime, on a syndicated, organized basis, in which the operators themselves stay pretty far removed from the scene of operations. These two men were two of the most important witnesses the committee wished to talk with. Anyone who might read the record of their operations would know that a little matter like testifying on the radio, or with the press present, would not excite them.

After they had read their statements and the television was ordered to be turned off they were asked a number of questions with reference to where they were during the time when we were looking for them and what they had done in certain operations. They refused to answer all the questions. There can be no doubt about their being in contempt of the committee and in contempt of the Senate, and the record should be certified to the district attorney.

Mr. President, I wish to state again that we can get some further statement by the courts upon the matter of television broadcasting and the rights of witnesses in such situation. We cannot get any statement by the court in this case unless the record is certified.

In that connection I should like to call attention to the case of Irwin against Ashurst et al., reported in Pacific Reporter, second series, 74, at page 1130. It is an Oregon Supreme Court case. In that case the trial judge had authorized a radio to be installed in a courtroom. A suit was brought against the judge. The Supreme Court, among other things, said:

It is difficult to see any difference in principle between radio broadcasting of court proceedings and the publication of the same in newspapers. The fundamental principles of the law of libel applicable to the publication of judicial proceedings by newspapers apply also to the broadcasting of such proceedings by radio stations.

The court cites several cases. The court goes on to say:

In the instant case there was no comment by the radio company concerning the proceedings. All it did was to transmit to the public a true and accurate report of what was going on in the trial of the murder case.

Of course, the case involved a court proceeding. The public does not get any particular educational value from a court proceeding. I have a great deal of doubt as to whether or not the use of radio and television broadcasting ought to be used in court proceedings. I would feel that they should not be.

We are dealing with a congressional investigation, in which a part of it is the informing of the public about what is going on, so that the laws may be considered, pro and con, when they are presented in the legislative body.

I do not believe that by our vote today we should deprive ourselves of a right which congressional committees have enjoyed for such a long time.

Mr. President, I yield the floor.

SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF LABOR

Mr. O'CONOR obtained the floor.

Mr. McKELLAR. Mr. President, will the Senator from Maryland yield?

Mr. O'CONOR. Very gladly.

Mr. McKELLAR. Mr. President, yesterday I asked unanimous consent for the consideration of a joint resolution (H. J. Res. 311) making a supplemental appropriation for the Department of Labor for the fiscal year 1952. It would appropriate the sum of $950,000. Objection was made by the Senator from New Hampshire [Mr. BRIDGES], and consideration of the joint resolution went over. This morning the Committee on Appropriations directed that the joint resolution be reported, subject to the approval of the Senator from New Mexico [Mr. CHAVEZ] and of his subcommittee. Such approval has been given.

Mr. President, from the Committee on Appropriations, I ask unanimous consent to report favorably, without amendment, House Joint Resolution 311, making a supplemental appropriation for the Department of Labor for the fiscal year 1952, and request its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. CONNALLY. Mr. President, I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 2, line 9, after the word "law", it is proposed to insert a colon and the following proviso: "*Provided*, That in carrying out the provisions of title V of the Agricultural Act of 1949, as added by the act entitled 'An act to amend the Agricultural Act of 1949,' approved July 12, 1951 (Public Law 78, 82d Cong.), the Secretary of Labor is authorized, without regard to the civil-service laws or the Classification Act of 1949, as amended, to appoint Mexican nationals for temporary employment in Mexico."

Mr. CONNALLY. Mr. President, in administering title V of the Agricultural Act of 1949, the joint resolution provides for the establishment of certain centers in Mexico at which laborers may register before being brought to the United States. As a practical matter, however, it is found impossible to have Americans go to Mexico except at very high expense. Many of them cannot speak the Spanish language. The law prohibits the employment of Mexican nationals, and the amendment is designed to permit the appointment of Mexican nationals for temporary duty. It would be possible to secure the services of such Mexican nationals, and also to save some money on their salaries and expenses.

The purpose of the amendment has been endorsed by the House committee which handled the proposed legislation. I have before me a rather lengthy statement, prepared by the labor representatives of our Government, who have the responsibility of enforcing the laws, and they are in favor of the amendment. The amendment deals with the temporary employment of Mexican nationals, particularly with reference to the picking of cotton. The cotton season is now under way in that area. Unless these temporary employees can be obtained, thousands of bales of cotton will be lost.

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

Mr. CONNALLY. I yield.

Mr. KNOWLAND. The Committee on Appropriations had before it this morning an appropriation bill calling for temporary funds to implement legislation passed about a month ago. At the suggestion of the able Senator from New Mexico [Mr. CHAVEZ], who is the chairman of the Subcommittee on Labor and Federal Security Agency, the committee met this afternoon and heard testimony with regard to the appropri-

ation features of this situation. The senior Senator from California raised the question as to the employment on a temporary basis of nationals of Mexico in Mexico, when necessary to do so in order to implement the law. The Department witnesses testified that they were not sure whether it could be done without legislation. I believe legislation may be necessary. At least there seems to be some ambiguity about it. However, I wanted the Senator from Texas to have the background of the situation, and to know that the Committee on Appropriations had already acted on an appropriation bill.

Mr. CONNALLY. I thank the Senator from California. My information is that the labor representatives of the Government say they cannot employ Mexican nationals under the present law. My amendment would permit them to employ such people temporarily.

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

Mr. CONNALLY. I yield.

Mr. CHAVEZ. As stated by the Senator from California, we asked the representatives of the Department of Labor who appeared before us whether they had the authority. They were not quite sure. I am sure that the amendment of the Senator from Texas will not in any way interfere, provided, of course, the persons who are employed are employed on only a temporary basis.

Mr. CONNALLY. That is correct. This amendment provides for their employment on a temporary basis.

Mr. CHAVEZ. Then I have no objection.

Mr. CONNALLY. I thank the Senator.

Mr. CHAVEZ. The amendment is a short one, as I recall. May I see it.

Mr. CONNALLY. Yes, I am glad to show it to the Senator, and I now do so.

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

Mr. CONNALLY. I yield.

Mr. KNOWLAND. As I recall, the testimony before the committee indicated that in practically all cases, or certainly in most cases, the employment would not exceed a period of 90 days. Certainly it would not be worth while for a person to be sent there from Washington, and to find housing for him, when his employment was to be only temporary.

Mr. CONNALLY. That is true.

Mr. KNOWLAND. The amendment relates only to temporary employees in Mexico.

Mr. CONNALLY. Yes.

Mr. CHAVEZ. Mr. President, the last part of the amendment submitted by the Senator from Texas reads as follows:

> Is authorized * * * to appoint Mexican nationals for temporary employment in Mexico.

Mr. WHERRY. Mr. President, I inquire if the joint resolution itself includes a limitation as to the maximum number of days such persons may be employed temporarily. Is there such a limitation within the joint resolution itself?

Mr. CHAVEZ. No; there is no such limitation in the joint resolution itself. That is why the Senator from Texas has submitted his amendment. The joint resolution itself does not refer to the employment of Mexican nationals.

Mr. WHERRY. Does the joint resolution itself confine the employment to a maximum of 90 days?

Mr. CONNALLY. No; it does not. Instead of 90 days, it is generally said that 60 days would be a sufficiently long period.

Mr. WHERRY. Of course, if that is provided in the joint resolution itself, there will be no difficulty.

Mr. CHAVEZ. But the joint resolution does not provide for the employment of Mexican nationals. That is why the Senator from Texas is offering his amendment. The joint resolution as it now stands merely provides for the execution of the law.

We heard the testimony. I do not think anyone is more concerned about the employment of outsiders than I am. However, in this instance it is necessary to employ Mexican nationals, because our typists and our stenographers and other employees who may be used to compile records will not go there for a period of 6 weeks or so.

Mr. WHERRY. I understand the purpose of the joint resolution. Although there has been much discussion to the effect that such temporary employment will not interfere, yet in view of the fact that the joint resolution does not contain a limitation as to the maximum period of time of such temporary employment, I wonder whether the Senator from Texas—if that will be agreeable to the Senator from California, who raised this question—will include in his amendment a limitation to not more than 120 days?

Mr. McKELLAR. That will take care of the matter, and I hope the Senator from Texas will accept such a modification of his amendment.

Mr. CONNALLY. Very well, I accept the modification; I now modify my amendment by adding, at the end, the words "for a period of not to exceed 120 days."

Mr. McKELLAR. I think that will be satisfactory.

Mr. WHERRY. I think that will take care of the matter.

The VICE PRESIDENT. Does the Senator from Texas modify his amendment accordingly?

Mr. CONNALLY. I do.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Texas, as modified.

The amendment, as modified, was agreed to.

The VICE PRESIDENT. The question now is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. McKELLAR. Mr. President, I thank the Senator from Maryland very much for his kindness in permitting this matter to be handled at this time.

Mr. O'CONOR. The Senator from Tennessee is very welcome.

The VICE PRESIDENT. The Senator from Maryland has the floor.

CITATION OF MORRIS KLEINMAN AND LOUIS ROTHKOPF FOR CONTEMPT OF THE SENATE

The Senate resumed the consideration of the resolutions (S. Res. 119 and S. Res. 120) citing Morris Kleinman and Louis Rothkopf for contempt of the Senate.

Mr. O'CONOR. Mr. President, I expect to be very brief. There are certain phases of this question which I think need correction for the RECORD, or at least need a brief further discussion. Therefore, I address myself to them now because of the lack of information on the part of many Members of the Senate who have been engaged in other matters.

There has been a general feeling that this question involves the right of a committee to compel witnesses to be televised. However, no such question is involved, because neither in this case nor in any other case, other than the one which was referred to by the junior Senator from Tennessee, has there been any compulsion or any requirement that a witness submit to television.

I agree wholeheartedly with what has been said by the Senator from Wisconsin [Mr. WILEY], and I think there have been certain misunderstandings among Senators in regard to both what took place and what the committee undertook to do.

I believe I can speak of this question objectively because it happens that I was not able to be present on the night in question, when the junior Senator from Tennessee [Mr. KEFAUVER] was presiding and when the Senator from Wisconsin [Mr. WILEY] and the Senator from New Hampshire [Mr. TOBEY] were also in attendance. Of course, I have examined the record very carefully, and in connection with it I have studied the question of whether the proceedings at that time conformed to the rules which had been adopted.

Let me say at this juncture, Mr. President, that, as the junior Senator from Tennessee has already stated, when the committee was formed a set of rules was adopted. Those rules were given consideration, first, by a subcommittee consisting of the Senator from Wisconsin [Mr. WILEY] and myself, and the rules were then adopted by the special committee. It was our purpose to accord every proper consideration to those who appeared before the committee, not only to those who might be accused of some wrongdoing, but to every witness. I think it is not only pertinent but my duty to refer to this matter, in view of certain statements which have been made today in the Senate.

Of course, I am positive that the Senator from Washington [Mr. CAIN] does not intend to reflect upon the motives or the good faith of the committee. However, if certain statements which have been made are not answered, it might be felt that other Senators agreed with those statements.

I do not agree that there has been any ruthless disregard of rights. I do not agree that in the conduct of the committee hearings there was any circus performance or any extravaganza or any situation or factor which would result in shocking or disturbing a witness

or affecting the manner in which he testified.

At every meeting of the committee it has been stated, and every witness appearing before the committee has been told, that any person whose name was mentioned unfavorably would have a right immediately to come forward and make known any facts bearing upon the accusation leveled against him. The rules which were adopted went even further than that. I should like to refer briefly to one portion of them, although a little later I shall submit all of them for inclusion in the RECORD.

After stating that every person who was summoned could be accompanied by counsel, who would be permitted, while the witness was testifying, to advise him of his rights, a number of other rules were adopted; and then the committee's policy was announced in a memorandum which is incorporated in the rules which were adopted at that time. Among other things, the following is included in the rules and now I quote as follows from the declaration of policy:

It shall be the policy to give that person—

Meaning every person appearing before the committee—

reasonable opportunity to call witnesses in his own behalf and otherwise and to answer adequately the charges made against him.

So, Mr. President, I should like to disabuse the mind of anyone of the belief that any unfair advantage was taken by the committee of any person who appeared before it.

Furthermore, I think the conduct of the junior Senator from Tennessee [Mr. KEFAUVER]—and I refer specifically to him because, of course, he was chairman of the committee throughout the major portion of its existence—has been a model of decorum, a model of judicial temperament, a model of eminent fairness. Because of my attendance at the meetings, I can say that remark applies not only to the junior Senator from Tennessee, but also to the other three members of the committee; excluding myself; it applies to the Senator from Wisconsin [Mr. WILEY], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Wyoming [Mr. HUNT].

As to the question at issue, as I said before, it is not whether a witness may be required to be televised, although in that connection I think it might be very well to have a study made of that matter, and I hope that as a result of this discussion—which I think has had a very salutary effect and, as it has been instituted by the Senator from Washington, I think will have a wholesome bearing on future committee hearings—a study will be made. However, let it not be said that the issue is whether the use of television is an improper thing.

Despite what has been said on the floor of the Senate today, television has been permitted of congressional proceedings. Joint congressional meetings, addressed by the President of the United States, have been televised. Meetings of the Senate and House, presided over by the Vice President and the Speaker of the House, have been televised. When certain distinguished personages have addressed the two Houses, sitting jointly, those sessions have been televised and broadcast, and no one thought that the dignity of the Senate was offended thereby.

Moreover, so far as the Crime Investigating Committee is concerned, in every case in which television has been used, the chairman has announced, at one time or other during the conduct of the hearings, that any witness who declined or who did not desire to be televised would be excused from being televised, and that he would not be required to submit to it.

But, Mr. President, I emphasize one other point. It is that, despite all that has been said here today as to the terrible effect of television, in our own opinion it actually has no improper bearing upon an individual witness, because, in many cases, the witness does not even know that television is on. I distinguish between the very faint lights of television and the strong lights of newsreels. For example, in the House of Representatives, when the President was addressing a joint session, there were two little red lights which were not even observable by many of the Members, but which allowed the proceedings to go to the American public with no indication to the Members that television was on. There might be some objection to the strong lights of newsreels, but that point has not been emphasized here and, as I have understood it, it is not the major point involved.

I think, Mr. President, the real question here is one of degree. If in a public hearing, where the general public is permitted to be in attendance and the representatives of the press are admitted—and we have heard no one deny that there should be, because, obviously, the representatives of the press must be allowed to be in attendance in order to report what goes on, and, from public hearings, to transmit information to the American public—there is no reason why newspaper photographers, under reasonable conditions, ought not to be permitted to take photographs of witnesses, without, of course, interrupting the orderly proceedings, and without doing it in a manner which is offensive or which disturbs the witness unduly.

Then, if newspaper photographers are allowed, there is no reason why radio and newsreels ought not to be permitted, of course under strict supervision by the committee; and, in the event that there is any possibility of preventing the orderly presentation of testimony, then to have such safeguards imposed as will allow the witness, and, indeed, assure him of an undisturbed opportunity to present his testimony.

Mr. President, I have heard no one urge that the press ought not to be admitted; I have heard no one urge that the radio, used in connection with a small microphone, is a terrible affront or a handicap to a witness giving his testimony. I have heard no one say that the occasional taking of a photograph, before the testimony begins, is unduly disturbing, and I have heard no one say that newsreels of themselves are objectionable. If we concede all that, then it certainly is difficult to understand how, in a given case, the mere presence of a television set, with even the two little red lights in operation, can be held to be such an abuse as to justify a witness in avoiding interrogation by a Senate committee.

Mr. President, the fact is that in this instance these two witnesses came to Washington already prepared to announce to the Senate that they were not going to testify, that they were not going to permit an agency of the United States Senate to interrogate them; and it did not matter whether television lights were on, whether newsreel lights were on, whether newspaper photographers were present, or whether newspaper reporters were present to report the proceedings. They came there with their statements already prepared, and they defiantly indicated that they were not going to testify.

Mr. President, I find it hard to understand why criticism should have been voiced of the junior Senator from Tennessee, since all this happened prior to the expiration date of the Senate committee's term of existence, which was April 30. The Senate had an opportunity to evaluate the work of the other four members of the committee, under the chairmanship of the junior Senator from Tennessee; and, without a dissenting voice, this body extended the life of the committee for another 4 months; which was, in itself, I submit, a vote of approval of what had been done.

Incidentally, everything which has been done in connection with the operations of this committee has been done unanimously. There has been no difference of opinion because of political affiliations. There has been no difference of opinion during the whole life of the committee. I do not think of a single major question on which there has been the slightest difficulty or difference between or among the members of the Special Committee. There has been a single effort made to carry out the assignment which was given to the committee, in order that we might assemble information upon which to base legislative proposals. In this connection, Mr. President, of course it is obvious to everyone that already the Senate committee has caused to be introduced numerous legislative proposals which are now pending as the result of the committee's work.

I might also say that the work of the committee, under the chairmanship of the Senator from Tennesse, met with the approval of the American Bar Association, because the work of the committee, up to that time, evoked the approval of the special committee of the bar association, under Judge Robert Patterson, the former Secretary of War.

So, Mr. President, the immediate question is whether the Senate should merely refer these two cases to the district attorney for his consideration. Of course we cannot control his action; we are not undertaking to tell him what to do. We merely refer the record in the cases to him for such action as in his judgment may be warranted and may be justified.

I feel, Mr. President, that if the Senate should do other than to vote these citations, it would be not only a repudiation of what the Senate has done in other cases which are not essentially dissimi-

lar to this, but I think it would be an unwarranted approval of conduct on the part of these two men. I shall not characterize them in any other way than as witnesses, although their criminal records have been exposed here, but, coming before the Senate committee, they obviously were entitled to certain rights which should be accorded to every individual, regardless of his prior record, and regardless of his background. Certainly, however, they should receive no better treatment than that given to others, and which, as I said before, was given in conformity with rules which were drawn up and which have been adhered to during the entire life of the committee.

For these reasons, Mr. President, I sincerely trust that the Senate will vote to approve the unanimous recommendation of the committee, so that the cases of the two witnesses involved may be studied and considered by the United States attorney for whatever action may be warranted and justified in the premises.

The VICE PRESIDENT. The question is on agreeing to the resolutions.

Mr. CAIN. Mr. President, I was very much distressed earlier in the afternoon to hear the Senator from Tennessee [Mr. KEFAUVER] say he thought the Senator from Washington had personally attacked him. That was not my intention or desire, nor will it ever be. I trust the Senator from Tennessee will live to change his mind. My only purpose this afternoon has been to suggest my considered view that the Senate special committee has been guilty of errors which should not be repeated.

I should like to say publicly that it is my view that the special committee has done a great deal of constructive and worth-while work. My criticism lies in that portion of its work which on occasions, has constituted a spectacle, an extravaganza, or something similar to a sideshow.

I raise the question for myself, Is the success of the committee to be gaged by its success as a vaudeville show or public entertainment, or shall its success be gaged only on the information it secured from which can be designed legislation which will help to minimize and stop organized crime?

I care not, Mr. President, to carry on any personal vendetta or colloquy with the junior Senator from Tennessee, but I want to make it very clear that I remain strongly in support of much of that sound position which the then Member of the House of Representatives [Mr. KEFAUVER] maintained in 1948. It is to some of the conduct to which he has been a party in 1951 that I have seen fit to take exception.

I desire to recur, for it will take only a moment, to the position of the Senator from Tennessee in 1948. He was as sound as any American could ever be. I hope to join with the Senator from Tennessee or with any other Senator or group of Senators in seeing that the position established in 1948 becomes a continuing fact from this time on.

I quote from the Senator's statement:

Some of the hearings which are staged in the supposedly hallowed halls of Congress are much more of a disgrace, however, than even the most blatant junket. Some are worse than useless; they are harmful to the welfare of the country, and they invade the constitutional rights of American citizens, and unfairly smirch the reputations of many good people who are unable to fight back.

Another quotation:

To my mind, the right of an American citizen when accused—be he Democrat, Republican, mugwump, Communist, or whatnot—to cross-examine his accuser is a traditional American right. I would not give two cents for the phony argument that Congressional committees could not afford to have their time wasted by permitting cross-examination.

If a minute was devoted to cross-examination by those who have been accused in the Special Committee's hearings, the Senator from Washington is not aware of it.

The last quotation I care to give is this:

Furthermore, there should be a definite policy established by Congress as to the scope of investigations. Congress has a right to use its investigatory power when it is anticipating passage of a law to correct some injustices or some bad situation that has developed.

Mr. President, with reference to this particular aspect of the question, and without any criticism—I merely want to see it stopped if I can—I refer to this paid advertisement which appeared in the Washington Evening Star of Friday, March 30, 1951:

FLASH—STARTS TOMORROW—ONE HOUR OF DRAMATIC THRILLS—MOTION PICTURES OF THE KEFAUVER CRIME INVESTIGATION

Senate Committee: Senator Kefauver, Senator Tobey, Senator O'Conor, Senator Hunt, Chief Counsel Halley.

Witnesses: Frank Costello, Virginia Hill Hauser, Ambassador William O'Dwyer, Frank Erickson, Joe Adonis, Albert Anastasia, Jacob "Greasy Thumb" Guzik.

Open 10:45 a. m., RKO Keith's, 15th at G.

A natural consequence of some of the hearings which have been held in the recent past is a statement to which I am about to refer. I offer it without criticism of a gentleman whom I personally have met once or twice but do not consider that I know him. The reference comes from a column by Jack Lait, entitled "Broadway and Elsewhere." It appeared in the Sunday New York Mirror of July 29, and reads as follows:

Rudy Halley will draw $3,000 a week in contrast with his $110 as the master of ceremonies on the Kefauver TV hippodrome—as the narrator in Gangbusters, a television serial. Meanwhile, he is running on the hopeless Liberal Party ticket for president of the New York City Council, which keeps his ballyhoo unbroken so that he can begin his professional acting career on September 4, sponsored by a razor corporation.

Mr. President, what is more important to me is a question which was raised by the junior Senator from Colorado [Mr. MILLIKIN] earlier in the afternoon in which he asked one of the members of the special committee whether there was any discomfort imposed on the witnesses whose contempt citations are in before us at this time. I merely want to read to the Senator from Colorado from the committee's report.

Mr. McMahon, who was one of the counsel, had this to say:

I would like the record to show basically these facts: That to the rear of the witness, at a distance of what I estimate to be about between 15 and 20 feet there appears five high-powered floodlights, which are focused, three of which are focused behind the committee and in the face and on the person of the witness.

I should also like the record to show that in the room there are three television cameras, which are in varying degrees focused upon the members of the committee, counsel, and the witness.

I would like the record also to show that to the left of the witness there are five news-reel cameras which are focused in his general direction.

I should also like the record to show that immediately to the left of the witness, at a distance of about 4 feet, there are two cameramen poised, ready to take a photograph.

Mr. President, I think it was the Senator from Maryland [Mr. O'CONOR] who stated earlier that a decision had been made by the special Senate committee not to require a witness to be televised against his will before Kleinman and Rothkopf were called as witnesses in the Senate caucus room on the evening of Monday, March 30, 1951. That appearing to be a fact, as I assume it is, I raise a question which by no means has yet been answered: Why then was not the witness asked before the curtain went up on the first act of that drama whether he, the witness, desired to be a party to this television show or whether he did not?

I must of necessity, in order to make this point clear, read briefly from the report, or rather, Mr. President, in an effort to save time I think I can suggest that, beginning on page 2 of the committee report on proceedings against Louis Rothkopf, it is shown that the witness was called at 8 o'clock p. m. and the testimony began. All of us should bear in mind that before a word was spoken by anybody the cameras were prepared to be cranked, the television cameras were ready to begin, the curtain was about to go up, and nobody yet had asked anybody what his or their views were regarding whether they wished or did not wish to be televised. The chairman began the colloquy by saying:

Are you Mr. Rothkopf?

The witness responded:

Yes.

The CHAIRMAN. Do you swear the testimony you are about to give this committee will be the truth, so help you God?

The witness said:

I do.

It has been stated on many occasions during the course of this afternoon that, up until this time, the committee knew that the witnesses intended to answer no questions under any circumstances. But here we have a witness saying, when the hearing opens, that he will not only answer questions but he will answer them truthfully.

The chairman continued:

Now, Mr. McMahon, I think you have an associate counsel sitting behind you.

And so on. That sort of testimony continues on down page 3 of the report,

during which we find that Rothkopf, the chairman of the committee, and Rothkopf's counsel, are asking and answering questions. There has thus far in this hearing been no reluctance on the part of the witness to answer questions.

In the middle of page 3 of the report it is shown that the witness says that he would like to offer a statement. He reads the statement, the last paragraph of which is to be found on page 4. As the witness reads the statement, which appears on part of page 2 and on all of page 3 and a large part of page 4, we must not be unmindful that the radios are on, the television is being broadcast, the show is in its first act. Everybody is in good form. The last paragraph of the witness' statement in the presence of television—which twenty-odd million Americans or more saw—is as follows:

I do not know to what extent this question has been raised before the committee, but I am stating now that I believe that such procedure is a violation of my constitutional rights, and before I have anything further to say I wish to respectfully inform the Senate committee that I will not, in danger to my rights, perform to aid the TV industry, the radio industry, and the news reels, and I will proceed no further until this apparatus is shut off and removed.

The chairman during that month of March of the Senate Special Committee To Investigate Crime has told us this afternoon that, following this sturdy comment by a witness, who had been appearing, I suppose, for the better part of 20 or 25 minutes in front of a television—he, the chairman, said:

Just a minute. By cooperation with the television, the television lights are not on, Mr. Rothkopf. The television is not on you, Mr. Rothkopf.

Now, go ahead, Mr. Nellis.

And Mr. Nellis said:

Have you been in the State of Nevada?

The witness responded:

I have nothing further to say. I have stated my position.

What I want the Members of the Senate, and the courts, and the people generally to remember is that the Senate committee authorized the use of television and radio and newsreel cameras without ever asking the witness whether that suited his concept of fairness or whether it did not. When the witness thought that he had a right to object to being exposed to those particular kinds of pressures, the committee said "All right. We will turn the television light off you."

But, by inference—and I hope this will not be construed to be disrespectful even though it might seem to be—the chairman of the committee said:

Mr. Rothkopf, there is a doubt about whether we can force you to be televised. There is no doubt about whether the committee wants to be televised. This hearing is going to continue with or without you as a witness, and can be seen by 20 or more million Americans. The committee is going to be televised.

I could stand here and read the remainder of the report of that to which I listened as an average audience-spectator-witness, and Members of the Senate would be as concerned as I was, that over the television the audience for a period did not see the witness, but at all times saw either the committee counsel or the committee. The witness, even though he was not seen, was being subjected to a trial in the presence of some 20,000,000 other American citizens.

It has been my contention this afternoon, Mr. President, that Rothkopf and Kleinman are not to be held in contempt of the Senate of the United States for refusing to participate in what to my mind was unreasonably an approximation of some theatrical performance.

The courts, as we all know, are going to reach their own decision if these citations are sent to them, and for reference sources I wish the RECORD to include the following information.

Mr. President, I ask unanimous consent that a short article by Thurman Arnold, the title of which is "Mob Justice and Television," published in the Atlantic Monthly of June, 1951, be made a part of my remarks at this point.

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

The article is as follows:

MOB JUSTICE AND TELEVISION

(By Thurman Arnold)

I

The production put on by the Kefauver committee on crime is unquestionably the best show of the year. My introduction to it was during the examination of Mr. Costello. I missed an entire morning at the office, fascinated and at the same time appalled by the dramatic quality of this new form of public inquisition.

Mr. Costello was not visible. Instead the camera focused on his hands, which constantly moved and twitched in a decidedly guilty way. It was apparent that the committee did not regard Mr. Costello as a pillar of the church or as otherwise an object of hero worship. They were at the moment going back to his career during prohibition. Counsel for the committee would read selected answers made by Costello at a previous examination and ask him if he didn't remember so answering. It was an effective dramatic device, particularly when the camera would switch from the stern and righteous faces of the committee and its counsel to the guilty twitching hands of the gambler. It soon appeared that Costello had started as a bootlegger. It became equally apparent that the questions were not for the purpose of finding out anything. The committee already had the information. And so Mr. Costello's attorney thought he had a point. He objected on the ground that all the committee was doing was castigating his client in public for misdeeds in the dim and distant past. He implied that an investigation into the violations of the prohibition laws had become somewhat dated since the repeal of that great experiment. But the presiding Senator had the answer. He observed that if Mr. Costello had been engaged in a conspiracy to violate the prohibition laws at the time of his naturalization it might be a present ground for revoking his citizenship as fraudulently obtained. Counsel agreed, and Mr. Costello's hands twitched violently. The possibility was considered sufficient to establish the relevancy of going back 20 years. The camera then switched to Mr. Costello's attorney, whose face registered complete frustration as effectively as I have ever seen it done by any professional actor. In fact, the entire cast was good. Everybody was having fun except Mr. Costello, and certainly no one would suggest that gamblers deserve to be comfortable in a land where gambling is quite often and under certain circumstances illegal.

Nor, as is apparent from a later incident, are persons who associate with unsavory characters entitled to consideration. Mr. Crane testified that he gave Mayor O'Dwyer $10,000 in cash on a front porch in the dark. Ambassador O'Dwyer, frantically flying up from Mexico, denied it. The publicly announced verdict of the committee was that one of the two had perjured himself. This verdict of guilt in the alternative against a public figure is a new weapon in the arsenal of law enforcement for which I predict a bright future. It gets two birds with one shot, and at the same time is so simple to operate that even a child can handle it without danger to himself.

Captious critics might, of course, argue that Mayor O'Dwyer's official conduct in New York and Governor Dewey's alleged indifference to Saratoga gambling were, under our Federal system, none of the business of Congress. But if so, New York has an easy answer. If Senators investigate State officials over television, then let State legislators use the same medium to investigate the Senators whenever they catch them in their State. Governor Dewey requested the committee to come to Albany and learn about crime from him. They declined. Immediately thereafter they should have been hauled to Albany under subpena for a compulsory course in the problem of crime. It makes a better game if the opposing side occasionally gets the ball.

Bishop Cannon must be turning in his grave with disappointment because he lived before criminal inquisition by television. He had to contend with the grand-jury system, a relic of the days when it was thought that investigations of crime had to be conducted in secret. The notion was that even suspicious and unsavory characters should not be publicly accused by a responsible tribunal unless there was enough evidence to support an indictment. And so the bootleggers who supplied liquor to respectable but wayward citizens escaped. If Senators who followed the inspiration of the good bishop could have compelled the convivial elements of our various cities either to tell over television the names of their bootleggers or to decline on the ground of self-incrimination, they would have cleaned up every country club in the land.

Today the utility of this device in getting rid of subversive ideas on the screen, in the theater, on college campuses, is as yet unexplored. Anyone who has been on television knows the camera fright involved in a first appearance. College professors are shy and retiring folk. When their opinions are inquired into before 20,000,000 listeners by an investigator experienced and skilled in television showmanship, millions of American housewives are going to enjoy the entrancing spectacle of seeing them go to pieces before their eyes with twitching hands, nervous voices, hesitating answers, and similar evidences of guilt which made the ancient trial by ordeal the effective instrument that it was.

Unfortunately Senator MCCARTHY has not yet attained the chairmanship of an investigating committee. He can now go on television himself, but he can't examine unwilling witnesses there. This is like trying to conduct a fox hunt without a live fox. But the process of time and seniority will soon remove that handicap, and when the Senator does put on his show I'll lay a substantial wager with my bookie (provided the Kefauver committee has not deported him) that MCCARTHY will make the efforts of the present committee look like the work of inept amateurs.

Trials in our courts of justice are public, but the audience is so limited that the ordinary housewife can't see the show because, as we go to press, cameras are still banned. I suggest that if this rule can't be changed all the judge has to do is to hold a trial like that of Alger Hiss in the Yankee Stadium.

By this method, while the judge could not get television rights, he would still have quite a crowd in any cause célèbre. And since judges do not have to run for office as often as Senators, this minor disadvantage creates no real injustice.

The beauty of criminal investigation by television is that it permits us to preserve intact our traditional principle against self-incrimination and at the same time prevents that privilege from getting in our way. No respectable public figure would dare invoke it over a coaxial cable, so that it is a rare case in which a verdict of guilty in the alternative between the accuser and the accused cannot be obtained against any prominent individual.

These are the outstanding virtues of this new technique for public hearings. Others might be added. This kind of presentation makes the problems of Government simple enough to be understood by readers of comic strips. It eliminates the bores who are unable to discuss a public issue as a matter of black and white. When ex-Mayor O'Dwyer was testifying about the problem of crime from his vast experience as a prosecutor and a mayor, I am informed the stations were flooded with calls to get him off and put Virginia Hill back on. In my view these people had a point. How can anyone enjoy a good detective story when his train of thought is constantly interrupted by tiresome undramatic interpolation?

Yet in spite of these many and obvious advantages, I am prepared to argue that the entire show should be taken off the road and that hereafter no investigator should ever be permitted to use the long arm of a Government subpena to force any witness, however unsavory, to confess (or discuss) his sins before 20,000,000 people. And I would maintain this view even if I were convinced that it meant the continuance of the horrid gambling at Saratoga that has shocked the conscience of the civilized world. And if the great television audience protested I would have Arthur Godfrey appear and read to them what Moses said to the children of Israel when they began the worship of the golden calf: "Ye have sinned a great sin." Exodus 32, 30. I would have him explain that justice is even more important than the enforcement of sumptuary laws.

II

The thing which I believe is overlooked by those who argue that television is a legitimate extension of our traditional public hearing is this. The reason that a criminal trial is public is not to obtain the maximum publicity for judges or prosecutors. It was not intended to make a cause célèbre out of criminal prosecutions. It is public for the protection of the accused against star-chamber methods, and for the protection of the public against secret deals and alliances. The notion that since a criminal trial is usually entertaining it should be so staged as to provide the greatest entertainment to the greatest number is not an American tradition. A criminal hearing should not be a star chamber. It is equally important that it should not be a circus.

I recognize that a legislative investigation of crime, such as the Kefauver committee, is not strictly speaking a criminal proceeding. But anyone viewing the proceedings in New York will understand how easily it can be turned into one and how great the temptation is to do so. If the committee succeeds in arousing the American housewife, it is inevitable that there will be a counterreaction and the American housewife will arouse the committee. If this mutual excitement becomes a common incident to the legislative hearing, blind forces will be unleashed which I do not like to contemplate. When a congressional hearing becomes through the osmosis of television more of a trial than an attempt to obtain information for legislative action, the punishment may be as severe as fine or imprisonment. For the screen actor it may be the loss of his career. For a college professor it may be the end of his job. The fact that these incidents can happen in a hearing even without television does not in my view justify magnifying them a thousand times in order to entertain housewives.

But apart from the injustice to witnesses, there is the effect on the legislative committee itself. It tends to degrade the subject matter of the hearings. The crucial non-military problems before us concern inflation and the economics of mobilization. But these are dull subjects. Their Hooper rating would be nil. The sure-fire topics are sin, sex, and subversion, not presented abstractly but pepped up with live witnesses. Sex presents its difficulties under our present mores. But properly buttered up as an educational show there is no reason why an investigation of vice in our high schools would not be accepted. After all, are we trying to protect the American home or aren't we?

My trouble here is not a moral one. It is only that the really important investigations cannot compete with these circuses. As a result, at a time of national peril we see the time of our most important Senators engaged in arousing the public on dangers which the historian is going to regard as of the utmost triviality. Indeed, if a sensible list of priorities for the expenditure of congressional effort and for the education of the public were made today and then turned upside down with the least important thing put first, we would have the present situation. For this distortion of Government objectives, investigation by television will bear an increasing responsibility.

And then there is the degrading effect of an audience of 20,000,000 on the manner in which the material is presented. It may be that fox hunts began as an honest attempt to exterminate these predatory animals. I do not think they are that today—at least not the hunts I have seen. And I had an uneasy suspicion, as I watched the Senate crime hearing, that the same metamorphosis was taking place there. I could be wrong, but it did not seem to me that putting an unwilling witness under the strain of a hot lamp and an audience of 20,000,000 was any way of obtaining objective information to be used in drafting legislation on a national problem. And why was Mr. Costello asked to repeat before this vast audience information about his activities of 20 years ago which the committee already had?

I do not charge the Kefauver committee with intolerance or vindictiveness in the conduct of the hearings. Senators KEFAUVER and TOBEY, who played the principal roles, have long been distinguished for their fairness and generally liberal attitudes. But the requirements of the television stage on which they have been appearing make an objective investigation almost impossible. It is too apt to become dull, and if it does it will go off the air. And what will happen when intolerant men take over the management is not comfortable to contemplate.

The vice of this television proceeding is not in the way this particular committee conducted it, but in the proceeding itself. Any tribunal which takes on the trappings and aspects of a judicial hearing, particularly where there is compulsory examination of witnesses, must conform to our judicial traditions, or sooner or later it will develop into a monstrosity that demands reform. Those traditions are:

1. It must be public and at the same time not a device for publicity.

2. It must protect the innocent even at the cost of letting the guilty escape.

Television has no place in such a picture. For witnesses it is an ordeal not unlike the third degree. On those who sit as judges it imposes the demoralizing necessity of also being actors. For the accused it offers no protection whatever. Former Federal Judge Rifkind recently said that our judicial procedure, forged through the generations to the single end that issues shall be impartially determined on relevant evidence alone, works fairly well in all cases but one—the celebrated cause. As soon as the cause célèbre comes in, the judges and lawyers no longer enjoy a monopoly. They have a partner in the enterprise, and that partner is the press. I would add that when television is utilized in investigations or trials, causes célèbres will increase like guinea pigs and still another partner will be added—to wit, the mob.

Mr. CAIN. Mr. President, the Ohio State Bar Association has recently been considering the question of what properly ought to be done in the use of television. One of their recommendations is as follows:

It is further recommended that this committee seriously consider the following suggestions in conjunction with the preceding recommendations.

1. No photograph or moving pictures of a witness, and no televising or radio broadcasting of the voice or image of a witness while testifying shall be permitted without his consent.

Then follows a comment which is worth repeating:

Comment: Questions as to treatment of a witness as raised by the conduct of the recent Kefauver committee prompt the suggestion that consent be first obtained, particularly in cases where pictures, radio, or television are dealt with on a commercial basis. Moreover the provision of the Ohio Constitution restricting legislative investigations to procuring information affecting legislation under consideration or in contemplation raises a question as to the use of devices not directed to that end but rather calculated merely to inform the public.

Next, sir, I should like to make a reference to the New York State Bar Bulletin of July, which says, on page 258:

CIVIL RIGHTS COMMITTEE STUDIES TELEVISION PRACTICES

The committee, under the chairmanship of Louis Weldman of New York City, has undertaken a twofold study of television procedures. The first will be on the practice of televising public hearings of executive or legislative committees and the proposed televising of courtroom trials and their effects upon the civil rights of those subpenaed to testify at such hearings. Simultaneously the committee will investigate the whole question of congressional and legislative hearings to develop a code that would harmonize public interest with the individual's civil rights.

An interesting article appeared in the New York Times magazine section of April 15, 1951. I have marked several paragraphs in the right-hand column, and ask unanimous consent that the marked passages be made a part of the RECORD at this point.

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

The purpose of the Kefauver hearings, accordingly, was not to decide whether Frank Costello or any other person had been guilty of a crime. The facts disclosed by the investigation may, indeed, bear on such matters, but the committee's authority under the Senate resolution which established it is to study whether organized crime utilizes the

facilities of interstate commerce * * * for the development of corrupting influences in violation of the law of the United States or of the laws of any State, and on the basis of its study to bring before the Senate such recommendations as to necessary legislation as it may deem advisable.

It is fundamental, therefore, that neither Costello nor any other witness was on trial and that the hearings were in no sense a judicial proceeding. Yet, indubitably, thousands of people who read the newspapers or watched the television screen assumed or concluded that the hearings indeed constituted a trial. Even journalistic comments on the hearings has been replete with references to "the trial," "court attendants," and other verbiage suggestive of judicial proceedings.

These misunderstandings, indeed, are the basis of one of the objections most strongly raised against televising the hearings. It is argued that television gave wide currency to the erroneous notion that the guilt or innocence of the witness was being adjudicated.

Mr. CAIN. In the Dayton Times, of Dayton, Ohio, there is a news story which bears the heading "Lawyers debate TV'ing congressional hearings." It carries the arguments both for and against the televising of committee hearings. I ask unanimous consent that that brief article be printed in its entirety in the RECORD at this point as a part of my remarks.

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

LAWYERS DEBATE TV'ING CONGRESSIONAL HEARINGS

(By Brainard Platt)

Televising of congressional hearings was seen yesterday as a means of reducing public apathy toward governmental activity as well as a move toward rule by justice without law.

The occasion was a debate before the Dayton Bar Association at the Van Cleve Hotel held by Robert Landis, Jr., and Judge Don R. Thomas.

The two men were selected to debate "Should Congressional Investigations Be Televised?" with Landis speaking in favor and Judge Thomas in opposition.

CON

Judge Thomas argued:

1. Such hearings theoretically start out as committees seeking information so Congress can pass needed laws but end up as legislative tribunals of justice without rule or law to guide them.

2. A man is charged with a wrongdoing before the bar of public opinion, but no forum is provided in which he may defend his name.

3. A witness' rights are sacred, but if he attempts to exercise his rights and refuses to answer, he is prejudiced in the minds of the television viewers.

4. The whole "body politic" suffers an actual injury when a constitutional safeguard, erected to protect the rights of citizens, has been violated in a person of the humblest or meanest citizen.

5. There is no congressional provision giving Congress power to make investigations and exact testimony to the end that it may exercise its legislative function. This power is obtained through interpretation of the Supreme Court.

6. Congress only has such as are granted by the Constitution, or implied powers necessary to carry into effect such powers as are granted. Therefore, television could not be considered as necessary to carry into effect any power granted by the Constitution.

7. The committee claimed it developed certain information through the hearings, yet it should have had that information all the time for it had access to police files, prison records, tax returns, grand jury reports, etc.

8. Witnesses were not charged with violation of the law. If they had been they would have had the protection of certain constitutional safeguards—one cannot be compelled to testify against himself—speedy trial—innocent until proved guilty.

9. Some believe they have a right to attend a trial and that it should be televised if all seats are taken. Actually, the public attendance at a trial is designed to let the public know the accused has had a fair trial and not to satisfy the idle curiosity.

PRO

Landis argued:

1. Rights of privacy yield to the paramount right of the public to information on matters of general interest.

2. The fourth amendment, prohibiting illegal search and seizure, could not hamper television because, the courts have held, it could only cover elements that might have been contemplated by the framers of the Constitution.

3. The first amendment, granting freedom of speech and of the press, covered everything the framers knew about at the time they drafted the amendment and, therefore, might be construed as covering all means of disseminating ideas.

4. An honest witness has very little to worry about from such hearings, but they give the people a chance to see the men who fall back on the Constitution for protection.

5. They provide people with a window on government—a chance to see who is actively representing them and who is goofing off.

6. It may be a possible answer to government by lobbies. The people can get an education while the committees get information, and they influence decisions with letters and wires.

7. It has obvious educational advantages, being ideally suited to use in the classroom, and deserves a trial.

Mr. CAIN. Mr. President, I make reference to the May issue of the Catholic World, which carries an article which I think will be of concern and interest to many people. The title of it is "KEFAUVER'S Court: Trial by Camera." I ask unanimous consent that the article be printed in the RECORD at this point as a part of my remarks.

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

KEFAUVER'S COURT: TRIAL BY CAMERA

Last May the Kefauver committee came into being. Senator WHERRY insinuated that the Democrats were hatching a trick to cover up political corruption and even Democratic Senator CONNALLY belittled the committee as a project for chasing "crapshooters." But KEFAUVER and his aides have now wound up their phenomenal tour of more than a dozen cities and have certainly made a whacking success of the task assigned: investigation of organized crime in interstate commerce. In city after city they have piled up mountains of evidence proving a tie-up between criminals and local politicians.

PASSING THE BALL

One of the main conclusions of the investigators is that Federal action against crime is limited and that the local prosecutors in each city must get after the gamblers and corrupt politicians. From now on, therefore, benevolent KEFAUVER, ingratiating O'CONOR, pious TOBEY, are handing the ball to local officials. Did Costello dictate the choice of New York City judges? Did the police throw witness Reles out the window to his death in order to protect Anastasia? How much did Moran get from Weber, the policy king? These and a thousand other questions must be answered by the New York City district attorneys. Indeed, Edgar Hoover testified in Washington recently that the local authorities in any city, if they care to do so, can clean up organized gambling in 48 hours.

TWENTY MILLION TELEVIEWERS

There are, however, a few questions that the ordinary citizen would like to ask about this tremendously successful investigation. First, was it legal? To many of us the whole show had a very unpleasant odor. It seemed to trifle with the established principles and practices of common law. Here was a committee empowered by Congress to gather information about organized crime. They certainly gathered it, but how? By televising the proceedings they put the witnesses on public exhibition and for all practical purposes changed the information-gathering inquiry into a trial. For in the eyes of the 20,000,000 televiewers, ex-Mayor O'Dwyer and the other accused were defendants as in a court of law.

It is true that no verdict was rendered. But in the eyes of the 20,000,000 spectators, the defendants did suffer the loss of reputation. Consider the case of ex-Mayor O'Dwyer for instance. Here was an American Ambassador who had voluntarily appeared before the committee. He not only lost reputation but may lose his post, as Commissioner Moran lost his. He could be cited for contempt or perjury, and receive a jail sentence. Briefly, he was on trial and stood the chance of suffering heavy penalties. Yet he was robbed of the ordinary rights of the accused in a court of American law. He was not allowed to cross-examine his accusers.

John Crane could testify that he gave $10,000 to the then mayor of New York, but before O'Dwyer could say a word in his own defense the committee had folded its tents and stolen away to Washington. O'Dwyer could not summon his own witnesses; he could not object to the admission into evidence of irresponsible gossip which any court will throw out as hearsay; he could not take exception to the flagrant inferences and implications made by the committee.

The argument in favor of such extra-legal procedure is that organized crime is hard to get at, and that special devices are needed to smoke out gangsters and gamblers. That is very true, but it only proves the need of special senatorial committees to gather information about gambling. It certainly does not prove the need of conducting these inquiries on TV so that the inquiry becomes a public trial. The TV camera does more than enlarge the audience; it alters the atmosphere.

FATHER PARSONS

There is no reason under heaven why such an inquiry could not be conducted privately with all the secrecy that enfolds a grand jury. In fact, the questioners could function far more efficiently behind closed doors than in the atmosphere of a TV extravaganza. I concur heartily with Father Parsons (America, March 31, 1951), who described the TV hearings as a hippodrome, and at the same time I beg to disagree with the editorial in the same issue of America. It claimed that the loss of legal efficiency due to the commotion of televising the sessions is compensated for by the opportunity afforded Americans to attend the hearings. The editorial assumption is that the televiewers will be roused out of their moral apathy to organized crime.

David Lawrence, in the United States News and an editorial in the New York Times a week after the Foley Square pageant, gave the impression that the TV performance was vindicated by the wave of moral indignation sweeping over our country. Thus far I have seen no sign of the anguish of outraged public conscience; there is not a peep out of

it. No anticrime wave surges through our streets; no battalion of stalwarts marches on the bookie dens and the horse parlors. The people saw a very good TV show—the best ever—and that was that.

VIRGINIA HILL AND TOBEY

Perhaps the TV trial did more harm than good. It made some of the gangsters and gamblers rather attractive personalities. No vultures they—in fact, they smiled and joked and at times looked naively juvenile. The amoral Virginia Hill was applauded by the courtroom spectators when she left the witness stand, and I have no doubt that millions of televiewers silently applauded her act. After all, they were looking at television for entertainment, not for lessons in morality, and certainly Senator TOBEY's sermons to sinners and his ready flow of tears did not help the good cause. The ordinary American citizen could only say to himself, "If that's virtue, I want none of it." TOBEY's histrionics were "corn," unadulterated "corn," with a maximum of entertainment value and a minimum of moral indignation. No doubt when it was all over the TV trial faded into the spectators' collective memory along with the ghosts of old Captain Video programs.

As citizens we should keep a jealous eye on the expanding power of the Government at Washington. If it is necessary to create congressional commissions to investigate crime, we should be very tight-fisted in granting these committees any special powers. Where the menace of communism or any question of treason is involved, we can make a special exception to our general rule. But as for gambling and political corruption, we can keep in mind that the danger of a totalitarian bureaucracy is graver than the danger of organized crime.

TV: THE PEOPLE'S COURT

This noxious trend to statism is ever developing and eternal vigilance is necessary to keep the long arm of the state from growing any longer. We have been at great pains through the centuries to build up our system of legal procedure. Our predecessors in the common law have laboriously constructed, out of hard experience and mellow wisdom, the basic jurisprudence that every man is good and reasonable. Our courts operate on the presumption that a defendant is an innocent man of good character until he is proven guilty. Today we are asked to smash this venerable legal system to smithereens and why? To take part in a questionable experiment, a fishing expedition to gather information for antigambling legislation. Our answer, it seems to me, is to stubbornly refuse to surrender one single constitutional safeguard for the honor and glory of a TV program. TV hearings, say the columnists, are the people's courts: there are enough people's courts behind the iron curtain.

A senatorial committee to investigate organized gambling in interstate commerce was a crying need. But it was the political corruption revealed that was more frightful than the gambling. The politicians got their share of the take because they helped to circumvent the laws. But why these laws? Why not allow legalized gambling and keep it out of politics?

KEFAUVER PLAYS POKER

The present situation is absurd and hypocritical. The wealthy tycoon on Central Park West drives out in his chauffeured Cadillac and bets to his heart's content at the track, and it's all very legal. But the Third Avenue grocery clerk has to sneak into a bookie den to place his bet. One of the witnesses at the Kefauver investigation in Washington spoke of gambling as a biological necessity. (KEFAUVER himself enjoys a game of stud poker.) Call it biological or psychological, the impulse to bet seems to be rooted in human nature. In itself, the impulse has no moral significance. But if a man bets money that his family needs for clothing, it takes on a moral significance. Like alcohol and dancing, gambling may be sinful for one man and not for another. But certainly to allow a rich man to speculate in Wall Street and to forbid a poor man to bet in a candy store is legal hypocrisy of the worst kind.

Of course, a self-righteous soul like Blanchard will say that opposition to anti-gambling laws springs from Catholic ethics. At least we will grant that the notion that all gambling is immoral certainly does not come from Catholic ethics but from Puritanism. The Christian Century (March 21) claims that a large share of the responsibility for the shadow government of gambling criminals rests upon the Catholic Church. The writer goes on to say that gambling is wrong because it undermines character, destroys respect for honest industry, corrupts social relations, makes marriage more difficult and starts a train of evils leading to fraud, theft, lying and murder.

This of course is the old Puritan idea that proximate occasions of sin for certain people are necessarily proximate occasions of sin for all people: if some individuals imbibe too much alcohol, draw up a national prohibition law to forbid the use of intoxicating liquors by anyone.

The Christian Century writer quotes from Virgil W. Peterson's Gamling—Should It Be Legalized? The book's answer to the title question is of course no. The author bases his conclusion on experience with lotteries in the American colonies and in the first century of United States history. But why does he go so far back in time? Why not look at the present time? First, let him look at the present situation in America with its $20,000,000,000 business in extortion, gangsterism, blackmail and general manipulation of politicians by law-breaking gamblers. Not a very glowing recommendation for the system of antigambling legislation.

GAMBLING IN BRITAIN

Then let him look at other countries. Passing over Ireland and its very successful system of legalizing gambling (since Ireland is Catholic), let him study the gambling problem in England. But he will find there is no problem. We are the wonder of Britain because gambling is quite respectable and law-abiding in that country. Bribery is extremely uncommon; bribery accusations against London police average about three per year; racketeers do not run the police force, gunmen do not get political jobs for their cohorts. Gambling is also legalized in Paris, in Stockholm, in Rome. In general, any tie-up between gambling and political corruption is peculiar to the United States.

The present gambling laws are most unrealistic: they try to prevent the poorer classes from gambling while they allow the rich not only to bet at the tracks but to speculate on stocks. But laws should be framed not for a special class but for the common good, not in vacuo but according to the customs of the people, suitable to place and time. The prudent Saint Thomas would doubtless look with suspicion on our gambling laws. "Now, human law," he says, "is framed for a number of human beings, the majority of whom are not perfect in virtue. Wherefore human laws do not forbid all vices, from which the virtuous abstain, but only the more grievous vices, from which it is possible for the majority to abstain."

CHURCH AND STATE

How then can the state attain its proper peace and harmony if it cannot repress all vices? Here we come once more upon the old question of church and state. The Christian Century is unconditionally opposed to any form of direct cooperation between church and state, so it would logically have to support gambling laws. If the state cannot get help from the church in repressing vice, it must do it alone. But the Catholic Church favors cooperation of church and state and thereby the church can help the state by requiring that its members repress all vices. If gambling is a vice for a particular individual, the church says: "You must promise to quit this vice for the future or else you cannot have the sin forgiven."

There is a grave danger in legislating morality in matters that are not essentially immoral. De Tocqueville long ago referred to the folly in certain democratic nations of giving the people freedom in great matters, such as choosing their rulers, and then denying them the exercise of freedom in little things. "To manage those minor affairs in which good sense is all that is wanted—the people are held unequal to their task, but when the government of the country is at stake, the people are invested with immense powers; they are alternately made the playthings of their ruler, and his master—more than kings, and less than men."

A STRANGE PARADOX

It is a strange paradox that Americans are judged competent to elect a President but incompetent to gamble.

The Catholic idea is that personal morality cannot be legislated by any government. It must come from personal virtue in obedience to a higher law, the law of Christ. As Saint Thomas says: "* * * government of this kind pertains to that King who is not only a man, but also God, namely, to our Lord Jesus Christ, who by making men sons of God, brought them to the glory of Heaven."

ALERTING THE PEOPLE

It is an ugly picture, this picture of municipal governments throughout America rotten to the core. What is the solution? Reform must come from below, not from above; it must come from the people, not from the legislators. First, the whole unworkable system of antigambling laws should be liquidated. They are the rat holes where the gangsters and the grafters and the irresponsible politicians breed. Secondly, the appalling moral apathy of the general public can be stirred only by a return to religion. Truer now than ever are Washington's words: "Religion is the bulwark of morality."

Mr. CAIN. Mr. President, I hold in my hand a copy of the Cuyahoga County Bar Association Bulletin for July, 1951, which carries an address by Charles J. Margiotti, who is a former attorney general of the State of Pennsylvania. This illuminating article bears the title "Congressional Crucifixion." I make reference to it so that others can find it as a source if they are interested.

In the New York Times magazine section of a recent Sunday there appeared an article which bears the title "The Right To Refuse To Answer," written by Florence Perlow Shientag. I ask unanimous consent that the article be printed in the RECORD at this point as a part of my remarks.

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

THE RIGHT TO REFUSE TO ANSWER—OUR RULE WHICH HOLDS THAT NO MAN IS GUILTY TILL PROVED SO INCLUDES AN ANCIENT PROTECTION AGAINST SELF-INCRIMINATION

(By Florence Perlow Shientag)

When witness after witness told the Kefauver Committee To Investigate Organized Crime, "I refuse to answer on the ground that it might incriminate me," millions of persons watching this spectacle on television were amazed. By what right could the witness refuse to answer, even if his answer

would furnish evidence which might be used against him in a criminal prosecution?

It was not just some legal abracadabra when a Harry Russell, or a Jake Guzik, or a Frank Erickson, or a Frank Costello, or a Joe Adonis, and the many others cited for contempt repeated the well-known line. They were asserting their Constitutional privilege, calling on the protection that James Madison drafted for inclusion in the Fifth Amendment to the United States Constitution. This privilege is firmly imbedded in our fundamental law. It did not spring into being overnight. It has an ancient history.

Interwoven strands of time, place and circumstance show its development from the sixteenth-century court of Star Chamber in England. There a victim was interrogated so that the charges against him could be drawn; in short, he was required to accuse himself. Probably those who were pressed by this oath had usually done the acts of which they were accused and which they regarded as justified, although their judges regarded them as crimes. In those days a defendant could not testify in his own behalf in a criminal case, and he was not allowed counsel.

In 1637, in the famous Lilburn trial, the ex officio oath and the procedure of the court of star chamber were denounced by one Lilburn, who refused to take the oath and testify against himself on the ground that it was contrary to the laws of God and to the natural law. In 1641 the English Parliament abolished the court of star chamber which, with its use of physical and mental torture, had grown more and more obnoxious to a freedom-loving people.

The privilege against self-incrimination gradually came to be recognized by the common-law courts in England; it was extended not only to defendants accused of crime but to witnesses in civil as well as in criminal cases and, in the course of time, to witnesses before administrative tribunals and legislative investigating committees.

In this country we were not confronted with the conditions leading to the adoption of the privilege against self-incrimination in the English common law. Nevertheless, in response to overwhelming popular demand it was embodied in the Bills of Rights in our Federal Constitution proposed at the first session of the American Congress and effective on December 15, 1791. The privilege against self-incrimination is to be found also in the Constitution of practically every State of the Union. Undoubtedly it sprang from an ingrained aversion to compelling a man to testify against himself with the consequent abuses that might arise in his examination, even under judicial scrutiny.

In 1807, the "privilege" was upheld by Chief Justice Marshall of the United States Supreme Court, when invoked by Mr. Willie, the secretary of Aaron Burr. At Burr's trial for treason Willie refused to say whether he understood the code in which Burr's treasonable letter was written. In laying down the principles which have guided today's courts, the great Chief Justice said:

"It is the province of the court to judge whether any direct answer to the question which may be proposed will furnish evidence against the witness. If such answer may disclose a fact which forms a necessary and essential link in the chain of testimony, which would be sufficient to convict him of any crime, he is not bound to answer it so as to furnish matter for that conviction. In such a case the witness must himself judge what his answer will be; and if he say on oath that he cannot answer without accusing himself, he cannot be compelled to answer."

The fifth amendment to the Federal Constitution provides that no person shall be compelled in a criminal case to be a witness against himself. Thus, the witness may lawfully refuse, under the privilege, to testify concerning facts which would make him presently liable to criminal prosecution. That is his right; that is his privilege. It gives the witness the option to refuse to testify; it does not prohibit the congressional committee from inquiring.

Very often, particularly in congressional committee investigations, a witness may say: "I refuse to answer that question on the ground that it would degrade and incriminate me." The right to avoid disclosing facts involving disgrace (rather than criminality) is entirely different from the privilege against self-incrimination. There is no constitutional right to refuse to answer on the ground of disgrace or infamy. That is a matter which, for the most part, is left to the good judgment of the examining body.

Since it is a misdemeanor to refuse to answer any question of a congressional committee pertinent to the matter under inquiry, the witness, particularly one with a criminal background, is often in a dilemma (1) whether to refuse to answer and if so, on what ground, (2) whether to answer and possibly furnish evidence or an admission that would incriminate him in a State or Federal prosecution, or (3) fearing either of those alternatives, to answer falsely under oath and subject himself to prosecution for perjury.

What was so engrossing in the Kefauver inquiry, aside from the important revelations of crime syndicates tied up with political protection, was the self-torment of some of the witnesses called upon to decide which of the three alternatives to follow.

The privilege against self-incrimination does not spring into being automatically: it must be claimed, and there must be a real basis for the claim. The privilege is a personal one; the witness cannot refuse to answer on the ground that someone else would be incriminated. The witness has no privilege and no choice but to answer, under certain circumstances. The first of these is where the testimony would relate to a crime for which the witness is now immune from prosecution. He may be immune because the time during which the Government might prosecute has expired, that is, the statute of limitations has run.

For the majority of Federal offenses, such as counterfeiting, smuggling, immigration violations, mail fraud or narcotic peddling, the Government must prosecute within 3 years from the time the crime is committed. Where there is an income-tax violation, the defendent may be prosecuted no later than 6 years after the crime. For the crime of murder there is no time bar for prosecution.

At the Kefauver hearings Frank Costello spoke "freely" about his alcohol-tax violations committed during the days of prohibition. He could not be prosecuted for those acts, and therefore could not claim his privilege against self-incrimination on that point.

The witness has no choice but to answer about a crime for which he has been given immunity from prosecution. Despite his claim of privilege against self-incrimination, a witness may be compelled to testify, if granted, pursuant to statute, immunity from subsequent criminal prosecution flowing from the testimony given by him. To facilitate enforcement of the law, by making "evidence available which otherwise could not be got," Congress and State legislatures have passed what are known as immunity statutes covering different specified areas of the law and prescribing the conditions under which immunity will be granted.

In New York State there are immunity statutes, for example, covering gambling and bribery. So, if a man is compelled to testify and implicate himself in those crimes, he becomes immune from prosecution.

In New York State courts, generally speaking, a witness who has testified under subpena as to self-incriminating matters is protected by the immunity statutes though he did not claim his constitutional privilege against self-incrimination. That is one reason why firemen and policemen subpenaed by District Attorney Hogan in Manhattan and by District Attorney McDonald in Brooklyn were required to sign waivers of immunity before their testimony was taken. On the other hand, Federal immunity statutes apply only where a witness has claimed his constitutional privilege before testifying. It is significant that immunity statutes do not bar prosecutions for perjury.

When, in a congressional committee hearing, a witness is ordered to testify after a claim of privilege, the witness would be answering at his peril since the congressional investigating body cannot grant immunity in the absence of a statute authorizing it to do so. Let us assume, for example, that Frank Erickson were asked directly by the Kefauver committee whether he evaded income-tax payments in 1948 and he refused to answer the question on the ground that it would incriminate him; and assume further that he was directed to answer the question and told, "You are hereby given immunity from prosecution."

If Erickson, in reliance upon that assurance, said that he had failed to pay taxes on an additional $1,000,000 income during that year, he would not have gained immunity from prosecution because the committee had no power to grant him such immunity. For his protection the witness is obliged to persist in his refusal to answer and have the question tested in proceedings to punish him for contempt. The circumstances under which immunity from prosecution is secured by being forced to testify before congressional committees is still clouded with ambiguity sufficient to encourage earnest argument by counsel.

John P. Crane, president of the Uniformed Firemen's Association, when first called, refused to testify before the Kefauver committee. Thereafter he testified before a New York City grand jury about what he did with the association's funds, receiving immunity from State prosecution thereby. His testimony to the Kefauver committee that he gave $55,000 to Mr. Moran and $10,000 to William O'Dwyer was then given without claim of privilege.

Another circumstance under which a witness loses his privilege is when he testifies without claiming privilege, thus waiving the constitutional right. If he waives his privilege, the waiver is good for all time and he may not thereafter seek to close the door which he has himself opened.

Frank Costello claimed his privilege against self-incrimination when asked questions as to his net worth. Certainly, an admission from him as to his present net worth might be incriminating in an income-tax prosecution. If Mr. Costello had told the committee that his net worth today was, for example, $2,000,000, and the Government could established that in 1949 his net worth was $500,000, the increase in net worth is proof of income which if willfully unreported would be sufficient to convict him in an income-tax prosecution.

There is a real question whether Mr. Costello waived his privilege as to his net worth when he testified without claiming privilege concerning cash on hand, legitimate business investments, and when he promised to furnish the committee with figures as to his net worth. The courts may be called to pass upon whether Costello waived this privilege. Costello evidently is tax-conscious, since his testimony to the committee disclosed he reported income of $15,000 for each of 4 years which he received from George Morton Levy of the Roosevelt Raceway at Westbury, Long Island, for "doing nothing."

Police Inspector Hofsaes signed a waiver of immunity when he testified before the Brooklyn grand jury investigating bribery in New York City police by gamblers. Thereafter

Hofsaes resigned from the force. When he was again called before the grand jury he refused to answer further questions concerning a certain television set sent to his home by gambler Harry Gross, asserting that he withdrew his waiver and claiming for the first time his privilege against self-incrimination. A few days ago, the highest court in New York State decided that the former police inspector might not withdraw his waiver of immunity.

The gangster, the member of the interstate crime syndicate, the Communist who would seek to destroy the foundations of our Government by force, have been held entitled to the protection of the fifth amendment, if they claim it. The recent trend of court decisions is toward a broad interpretation of the witness' right of refusal to testify under the fifth amendment. In the Hollywood Ten cases, involving John Howard Lawson and others who were asked about their membership in the Screen Writers Guild by the House Un-American Activities Committee, the privilege against self-incrimination was not claimed. They, as did Eugene Dennis and Gerhardt Eisler, refused to answer that committee's questions as to Communist Party membership on the ground that their right to freedom of speech was invaded under the first amendment of the Constitution. The courts rejected that contention; they were held in contempt.

The trend of full recognition of the privilege under the fifth amendment is shown in the recent case of Blau versus United States. Mrs. Irving Blau had been asked about her employment by the Communist Party of Colorado, and claimed her privilege under the fifth amendment.

Mr. Justice Black, speaking for the Supreme Court, said that Mrs. Blau could reasonably fear that a criminal charge would be brought against her if she admitted such employment or an intimate knowledge of the workings of the party.

Mr. CAIN. In the Cleveland Plain Dealer, under dates of March 29 and March 31 there appeared two articles by the radio and television editor of that newspaper, on the question of televising the hearings. The articles are written by Philip W. Porter. I ask unanimous consent that the articles be printed in their entirety at this point in the RECORD as a part of my remarks.

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

[From the Cleveland Plain Dealer of March 29, 1951]

TURNING OF SERIOUS RACKET PROBE INTO ENTERTAINMENT VEHICLE HAS GONE TOO FAR

(By Philip W. Porter)

Put me down as one who believes that this turning of the Kefauver hearings into a New York and Washington television show has gone too far. I think witnesses, whether they be shady characters who make money out of gambling or pure as the driven snow, have reason to protest when they find the legislative inquiry's hot seat to be a prop on a klieg-lighted stage, featuring a new form of third degree.

I don't condone witnesses refusing to answer questions under normal procedure. The contempt penalty for refusing outright is something they knowingly take a chance on, and may pay. The fact that they are embarrassed doesn't cut any ice, if the questions are pertinent—and they have been plenty pertinent.

If this hearing were a trial in a court of law, TV with all its paraphernalia of lights, cameras, and technicians would not be permitted. But it is not a trial, though thousands of people obviously think it is.

It is a fishing expedition which has legal status. The questions and answers are privileged (that is, newspapers and radio can't be sued for libel for publishing them) but there are no rules of evidence, no set procedure. It can subpena witnesses and demand answers.

PUBLICITY HELPS PRESSURE

Because it has a free-wheeling procedure, the committee has permitted radio and TV, in addition to the coverage by 100 reporters and photographers, for there is obvious high public interest. But let's not kid ourselves—the committee is wise to the fact that this annoying machinery of publicity helps them to pressure difficult witnesses. In this particular hearing, plenty of witnesses have been difficult. But I wonder if the introduction of TV as part of the perssure has not gone too far.

TV must of necessity be relayed to its customers through a mechanical setting similar to a movie set, for it is a living movie. That includes dazzling lights, movable cameras, and sound booms, long wires, and lots of workmen. It is bound to give everyone present the feeling he is part of a show; Senator TOBEY didn't take long to move right in with the eagerness of an old-time ham.

CALLED FOR DATA, NOT DRAMA

When a witness is subpenaed, he is called to provide information, not to provide an actor in an entertainment. If the machinery for making him an actor is removed, he has no excuse for not providing the information. But he has a right to refuse to be an actor, or what amounts to a participant in his own public whiplashing.

Senator KEFAUVER is an earnest, quiet digger, and his retiring personality has helped dignify the hearings, which are sensational in their very nature.

But I hesitate to think what might happen if the precedent were set, and a witchburner like RANKIN, or the late Huey Long, or others you can think of, would get hold of a witness whose political or economic views he might not like, and who wouldn't be a syndicated racketeer, or have a prison record, either.

WHAT PULLED VIEWERS

If you want to get up a good argument, ask a group of intelligent people why the enormous increase in audience TV reaction—so large that it slowed up retail business and produced an epidemic of unmade beds and dirty dishes left in the sink.

Was it indignation over the dough most of the characters had made out of betting and gambling casinos? Or was it simply curiosity at seeing a better form of entertainment provided by slightly murky but glamorous names they had read in the papers, instead of vaudeville or exhortations to drink beer? Was it just an excuse to loaf, to put off unpleasant chores?

Myself, I vote for curiosity. There was some educational benefit, to be sure, for those who had previously taken only a remote interest in processes of Government. But only temporary, I fear. Ask anybody who listened if he was trying to improve his or her education in political science. Not likely. He listened because it was the best show he'd seen in a long time, spontaneous, unrehearsed, sometimes startling and often funny.

REGISTER ONLY ATTENTION

I doubt if people registered as much indignation as some of our commentators believe. They registered absorbing attention—that's for sure—but how many women will write letters to their Congressmen, demanding a new law? Mostly those few whose dopey husbands feed their pay regularly to the bookies.

As for indignation, I felt some when I found the TV showing was commercially sponsored. The day may come when televising of such business will be permitted, even become commonplace, but selling goods and advertising has no place in proceedings of Government.

[From the Cleveland Plain Dealer of March 31, 1951]

PRESENTING DOINGS OF GOVERNMENTAL BODIES TO PUBLIC IS A GOOD IDEA—SOMETIMES

(By Philip W. Porter)

I can't seem to tear myself away from the subject of televising the doings of governmental bodies. While writing last Thursday's column, I thought of a lot of places it might be tried, if the practice becomes general. Not such spectacular stuff as that of the Kefauver committee, but ones with astounding possibilities.

A lot of folks who watched the gambling syndicate czars squirm under the lights—many of them whom mistakenly believed these birds were on trial for something—have thought that if a congressional committee is such high-powered entertainment, other sessions would be too. They have suggested televising Congress, legislatures, and councils. They remember last year they were fascinated by the United Nations Security Council.

Unfortunately for this theory, as those of us who have been bored stiff by many legislative gum beatings can testify, all such proceedings would not hold the audience. Big debates with fire and color don't come up often. Endless hours are spent in passing routine bills without a line of news in them, frequently without roll call or debate.

Once in a blue moon, a filibuster or a really sharp debate is worth watching and listening to. But usually Congressmen or legislators don't even bother to attend some of the tiresome sessions where some minor leaguer is droning on purely for local consumption, to get a speech into the CONGRESSIONAL RECORD about a post office back home. They use these periods to get some business done in their offices.

HAS WRONG IMPRESSION

To televise such routine would create the wrong impression. A Senator whose job is to sit there temporarily as presiding officer or as whip (to call the boys back if something really important comes up) would get in the doghouse with constituents if he sat there half asleep or reading a magazine. But that would be a perfectly normal thing for him—or you, too, in his shoes.

However, there would be some sense in televising sessions where the lobbyists bring their gangs in to put on the heat. It would be most illuminating to see a pressure group for any controversial measure packing the galleries. It would create a much different impression than just reading what the legislators said and how they voted.

I can think of a few I've seen which would have been dandies on TV—dozens of uniformed cops in the gallieries when the legislature was voting on a compulsory police pension bill; scads of cross-roads preachers and righteous WCTU members lobbying en masse for prohibition and rigid enforcement; union officers by the score; pleaders for compulsory FEPC, farm subsidy lobbyists, truck operators, bus operators. The camera would show them menacingly in the background, threatening by their very presence, scowling, whispering, often applauding while the uncomfortable elected representatives sweated it out on the floor.

WRITES OWN EDITORIAL

Such televised backgrounds would write their own editorials. They would give thoughtful citizens a far better picture of actual lawmaking than they get now from occasional sketchy contact with it. The atmosphere of pressure would be right there

for all to see, just as televising reluctant witnesses makes it easy to see whether they are lying or not. Their eyes, their hands, their attitudes give them away more than their words as reported in print.

Most of these human backgrounds are dredged up strictly for scenery and are phony. For instance, the gang of 200 which was lugged down in taxis last Monday to the Cleveland Council meeting, to prove to Mayor Burke that all Cleveland demands bingo.

Televising speeches in a city council would often produce brutally revealing results, which neither councilmen nor voters would like, just as it has from some witnesses before Kefauver and company. Reporters have the gentlemanly habit of cleaning up the grammar of public figures when they write what the great men say, but on television they can "moiduh da langwidge and youse'll know wot dey sez is fuh da boids."

It might even be a novelty for TV viewers to see some of the administrative branches of Government at work. Why not set up a camera and lights in the hall of some big Government building and watch the help rushing out en masse for coffee at 10:30 or 3:30 or charging home in a stampede promptly on the stroke of 5?

Or even just sitting there, shuffling paper or making four copies of the latest gobbledygook directive to go in the out basket. Why not televise a complaining taxpayer getting a bored brushoff from a civil-service protected clerk who isn't paid much and gives service in proportion?

Such scenes would really be educational. But the weary audience would long since have gone back to vaudeville puppets and yackety-yak.

Mr. CAIN. Mr. President, I should like to make a brief reference to one paragraph from an editorial in the Cleveland Plain Dealer of March 28, entitled "TV and Privacy."

Nevertheless, brand-new questions are raised because radio and television have only yesterday, so to speak, come upon the scene. Rudolph Halley, the brilliant chief counsel of the Kefauver committee, in a television interview, pointed out that the status of the new media remains in doubt until the courts have spoken. Halley said that there is no such thing as the law, but that certain procedures become accepted and, by acceptance, a part of law.

In the New York Times of May 27, 1951, there appeared a letter to the editor from Dean Alfange. It bears the title "Protecting Witnesses." I ask unanimous consent that the letter to the editor be printed in the RECORD at this point, as a part of my remarks.

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

PROTECTING WITNESSES—CODE OF PROCEDURE PROPOSED FOR CONDUCT OF PUBLIC HEARINGS

To the EDITOR OF THE NEW YORK TIMES:

Now that the excitement generated by the Kefauver committee has subsided, it is time to review dispassionately the extent to which the innovations it employed impaired basic individual rights. Once that is done, the next step is to formulate a code of procedure for such hearings calculated to protect those rights.

The problem is more serious than most people think, for to subpena a man who is not a defendant and make him look like a defendant; replace in effect the presumption of innocence with the presumption of guilt; deprive him of the right of cross-examination when accused; destroy his composure by the clatter of equipment and the scorching glare of klieg lights; reduce him to a tense and wretched spectacle in the sight of countless millions; and do that under the auspices of a private corporation, such as Time magazine, which sponsored some of the hearings, is, in my judgment, a ringing challenge to our concept of civil liberty and a frontal assault upon the body of private rights guaranteed by the Constitution.

Government business is not show business. It is the function of government to reconcile liberty with authority and freedom with organization. This is essentially a judicial process, even at the legislative level. It cannot operate at its best under the scrutiny of ubiquitous floodlights, before invisible galleries, and in the confusion of the clashing elements of light and sound. The fulfillment of justice requires sober reflection and quiet deliberation.

Most of us missed the dangerous implications of the Kefauver hearings because we were enthralled by the glamorous entertainment they provided. It is also understandable that the public was delighted to see gangsters and shady politicians put on the spot and exposed. Yet we must bear in mind that if a hoodlum can be deprived of his rights today with public approbation, tomorrow an innocent man, by the same precedent, can also be deprived of his rights.

Lawyers, who as officers of the court are sworn to uphold the Constitution, ought to assume the leadership in creating a public awareness of the risks inherent in the practices introduced by the Kefauver committee and in canalizing these practices into proper constitutional channels. We must not permit any practice, however popular, to go unchallenged if it tends to weaken the fabric of the Bill of Rights.

On May 14 I urged the adoption of a code of procedure to protect witnesses in televised public hearings. I made this appeal over the air and in the presence of Senator KEFAUVER when we both appeared as speakers at a public banquet at the Waldorf-Astoria.

As a member of the bar, it is my hope that the leading bar associations will get together and formulate a code that will protect those hallowed rights which we regard as inalienable and inviolate and submit it to the Congress for its adoption as a future guide to its investigating committees.

DEAN ALFANGE.

NEW YORK, *May 22, 1951.*

Mr. CAIN. From the Cleveland Plain Dealer I have a reprint of an editorial which appeared in the New York News of recent date. This editorial bears the title "TV and Rights of Witnesses." I ask unanimous consent that that article may be printed in the RECORD at this point as a part of my remarks.

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

TV AND RIGHTS OF WITNESSES

At the Kefauver hearings in Washington two gamblers from Cleveland squared away and pitched the courts a question which we think the courts will have to clear up swiftly and conscientiously.

The Cleveland guests of the Kefauver committee were Morris Kleinman and Louis Rothkopf, alleged to belong to "one of the most active and important interstate gambling syndicates in the United States," to quote Senator KEFAUVER.

They could have given some important testimony, no doubt. Instead, each of them read an elaborate statement explaining his refusal to answer questions, and stood by that refusal. In due time they were bound over in $10,000 bail apiece for reappearance.

Kleinman and Rothkopf claimed that the television apparatus in the hearing room violated their constitutional rights in various ways. The bright lights slowed down their thought processes; they were in danger of being tongue-tied by stage and mike fright; they objected to being put on exhibition before millions of televiewers, and so on.

That went, too, said both men, for the newsreel cameras and the reporters, and—by inference—even for members of the general public personally in the hearing room.

And that goes to the heart of this particular matter.

A Senate investigation is not a court trial. In the courts proceedings are held quietly, with TV ruled out up to now and news photographers admitted or excluded as the judge decides. The American Bar Association holds that a witness at a trial has a right to appear at his best.

Should the same rule apply to hearings before congressional committees? To repeat, these things are not trials, but they can turn up facts leading to trials.

Within rather vague limits there is a recognized right of privacy. Stage or mike fright is a real affliction, and apparently incurable in numerous cases. It undoubtedly handicaps many a witness.

On the other hand, congressional investigations are held in the public interest. Their objective is to spade up facts which the people need to know. Is there any valid ground for barring the TV audience from such hearings, while letting as many people as possible crowd physically into the place where the proceedings are held?

To what extent is it proper to respect witnesses' feelings?

How far should Kefauver-like committees go in telling them to quit playing the shrinking violets, which plenty of them probably are not, and go ahead and talk?

The sooner the courts can lay down some fair and definite rules on this subject the better we think it will be for all concerned.

Mr. CAIN. In the Cleveland Plain Dealer of March 28 there appeared a news story by Wilson Hirschfeld, the title of which was "Probe on TV Held Denial of Rights." I ask unanimous consent that that article be printed in the RECORD, at this point, as a part of my remarks.

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

PROBE ON TV HELD DENIAL OF RIGHTS—LAWYERS SEE SOUND CASE FOR BALKY WITNESSES

(By Wilson Hirschfeld)

Those civic prides, Morris Kleinman and Louis Rothkopf, would appear to be on solid legal ground in their attitudes on the burning social question TV or not TV, according to the considered opinions of a number of judges and attorneys polled in off-the-record discussions yesterday.

If the United States Supreme Court gets the issue, as it doubtless will, it will have a particularly difficult case on its hands, legal experts believe.

To thank for their position, Kleinman and Rothkopf have what the courts regard as a law greater than all others: divine or natural law. The right to privacy, on which these racketeers stand, is one of the privileges which come to all men as human beings. It is an inherent right, lawyers say.

PUBLIC IS INTERESTED

On the other hand, the public has its rights. The people have been vitally interested in the telecasts and broadcasts, and the cause of good government has been advanced as a result, it was said.

Should not the interests of the people as a whole be advanced over the interests of Kleinman, Rothkopf, and others, it was asked. The answer is "Yes," but the Supreme Court may decide that the people will best be served in this case by ruling for those

who cry out against being televised, the lawyers felt.

As for the right to privacy, it was regarded by one able judge as a corollary to man's right to be let alone. The right of privacy was viewed as something free governments would not lightly infringe on. It was pointed out this country's forefathers founded this Government to secure man's inherent rights, not to take away from them.

Several lawyers pointed out that one of the basic rights is that to a fair and impartial trial. For the average person a trial is of itself an ordeal, they said. Defendants are nervous enough without tensions being heightened by television, radio, movie cameras, and flash bulbs.

Most courts, particularly the Federal courts, do not allow movie cameras, microphones and flash bulbs. Such factors have long since been condemned by the American Bar Association. Television scarcely would be regarded otherwise, it was believed.

It was also said no person could be made to perform for a private sponsor, television or radio. The same proposition could well apply even if the telecasts and broadcasts were sustaining programs, it was argued, because certain benefits inure to the broadcasters.

It was observed by one judge that the TV objectors were not defendants on trial in a court but merely witnesses at an investigation hearing for legislative purposes.

All those interviewed were agreed that the issue was one of great importance.

Mr. CAIN. The Cincinnati Enquirer of April 5, 1951, carried an editorial entitled "Absorbing Legal Issue." I should like to read one paragraph from the editorial:

It would be foolhardy to attempt to prejudge the constitutional validity of the point made by the shy witnesses from Cleveland. But as a lay observer, we may venture one belief. It is quite within the rights of legislators to combine public business with public entertainment, but it does not seem proper that they should also enjoy coercive power to determine who shall join them in the production of public spectacles.

A few minutes ago the distinguished Senator from Maryland [Mr. O'CONOR], said:

The question is not whether a witness should be required to be televised. The question is rather one of degree.

That question, I think, is in the minds of many persons. Certainly I gave consideration to it, as a result of which I asked our own fine Library of Congress to provide as best it could, and in a hurry, the arguments which could be made for and against the legality of telecasting the testimony of witnesses at congressional committee hearings. I was provided with a summary the concluding paragraphs of which I desire to emphasize by reading. They are as follows:

The decided cases have done no more than establish the right of Congress to compel the disclosure of information which is pertinent to the performance of its duties. Although the right to require testimony in open hearings has been assumed to exist, the point has not been settled by adjudication. Moreover, even if this power to compel a witness to testify at an open hearing be conceded, it does not necessarily follow that the witness could be required to appear before a television camera. That the difference between the two situations is merely one of degree does not conclusively establish that the latter must be valid if the former is within the power of Congress. Differences of degree are often decisive in the law (Holmes, J., in *Le Roy Fibre Co.* v. *Chicago M. & St. P. R. Co.* ((1914) 232 U. S. 340, 354); Frankfurter, J., concurring, in *Francis* v. *Resweber* ((1947) 329 U. S. 459, 471)).

The substantial aggravation of the embarrassment suffered by a witness whose testimony is televised might lead the courts to conclude that the telecasting of proceedings constitutes an unnecessary and unreasonable enhancement of the burdens of a witness and hence that it constitutes an infringement of liberty without due process of law.

The interest of witnesses or accused persons in minimizing the publicity to which they are subjected has been cited occasionally in defense of the power of a trial judge to forbid the taking of pictures in the courtroom or its immediate environs. *Ex parte Sturm* ((1927) 152 Md. 114, 136 A. 312). See also Report of the Special Committee on Cooperation between Press, Radio, and Bar to the American Bar Association, 62 Annual Report of the American Bar Association 851, 862–864 (1937).

Without passing upon the power of Congress to permit or require the telecasting of hearings, the courts might hold that the practice is unlawful where it has not been expressly authorized by act of Congress, or at least by the House which authorized the investigation. It can be argued that a general resolution directing a committee to undertake an investigation furnishes a legal basis only for proceedings conducted in the usual and customary manner, and does not constitute authority for the committee to make what is, in fact, a much more serious intrusion into the privacy of a witness by televising his testimony over his objection.

Mr. President, I now ask that the summary in full be printed in the RECORD.

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

TELECASTING TESTIMONY AT CONGRESSIONAL COMMITTEE HEARINGS

The arguments which can be made for and against the legality of telecasting the testimony of witnesses at congressional committee hearings can be summarized as follows:

PRO

The only constitutional restriction on the power of Congress to conduct investigations which have been recognized by existing precedents arise from two sources: (1) the principle that this power of inquiry is limited to matters pertinent to the performance of the legislative function (*Kilbourn* v. *Thompson* ((1881), 103 U. S. 168, 190); *Interstate Commerce Commission* v. *Brimson* ((1894) 154 U. S. 447, 478); *McGrain* v. *Daugherty* ((1927), 273 U. S. 135, 173); *Sinclair* v. *United States* ((1929) 279 U. S. 263, 291); and (2) the protection of individual rights against self-incrimination and unreasonable searches and seizures afforded by the fourth and fifth amendments. *Interstate Commerce Commission* v. *Brimson*, supra; *Sinclair* v. *United States*, supra, page 292.

In both cases, the limitations pertain only to the nature of the information which Congress is entitled to obtain by compulsory process. There is nothing in either of these principles, and no suggestion in the decided cases, that where the testimony sought is of such a character that Congress may compel its disclosure, there is any constitutional limit on the manner or extent to which the testimony may be publicized. There is no difference in principle between compelling a witness to testify in the sight and hearing of those members of the public who are admitted to the hearing chamber, and requiring him to give evidence within the sight or hearing of a Nation-wide television or radio audience.

In 1924, when the conduct of the Teapot Dome investigations was the subject of heated controversy, Professor (now Mr. Justice) Frankfurter wrote that "The power of investigation should be left untrammeled, and the methods and forms of each investigation should be left for determination of Congress and its committees, as each situation arises. The safeguards against abuse and folly are to be looked for in the forces of responsibility which are operating from within Congress and are generated from without" (38 New Rep. 329, 331).

An analogous problem was presented to the Supreme Court of Oregon in *Irwin* v. *Ashurst* ((1938) 158 Ore. 61, 74, p. 2d 1127), where a witness in a murder prosecution sued the trial judge, the defendant's attorney and others for libel in consequence of alleged defamatory remarks made during the course of the trial which was broadcast by radio. She contended that the installation of the microphone in the courtroom for the purpose of broadcasting the proceedings was an "extrajudicial and illegal act" and that the absolute privilege of the court did not "extend beyond the four walls of the courtroom." In denying recovery, the Court said, "It is difficult to see any difference in principle between radio broadcasting of court proceedings and the publication of the same in newspapers." See also *Anthony* v. *Morrison* ((1948) 83 F. Supp. 494), affirmed in the opinion of the district court ((1949) 173 F. 2d 897, cert. den. (1949) 338 U. S. 819).

CON

The decided cases have done no more than establish the right of Congress to compel the disclosure of information which is pertinent to the performance of its duties. Although the right to require testimony in open hearings has been assumed to exist, the point has not been settled by adjudication. Moreover, even if this power to compel a witness to testify at an open hearing be conceded, it does not necessarily follow that the witness could be required to appear before a television camera. That the difference between the two situations is merely one of degree does not conclusively establish that the latter must be valid if the former is within the power of Congress. Differences of degree are often decisive in the law (Holmes, J., in *Le Roy Fibre Co.* v. *Chicago, M. & St. P. R. Co.* ((1914) 232 U. S. 340, 354); Frankfurter, J., concurring, in *Francis* v. *Resweber* ((1947) 329 U. S. 459, 471)).

The substantial aggravation of the embarrassment suffered by a witness whose testimony is televised might lead the courts to conclude that the telecasting of proceedings constitutes an unnecessary and unreasonable enhancement of the burdens of a witness and hence that it constitutes an infringement of liberty without due process of law.

The interest of witnesses or accused persons in minimizing the publicity to which they are subjected has been cited occasionally in defense of the power of a trial judge to forbid the taking of pictures in the courtroom or its immediate environs. (*Ex parte Sturm* ((1927) 152 Md. 114, 136 A. 312.) See also Report of the Special Committee on Cooperation Between Press, Radio, and Bar to the American Bar Association, 62 Annual Report of the American Association 851, 862–864 (1937).

Without passing upon the power of Congress to permit or require the telecasting of hearings, the courts might hold that the practice is unlawful where it has not been expressly authorized by act of Congress, or at least by the House which authorized the investigation. It can be argued that a general resolution directing a committee to undertake an investigation furnishes a legal basis only for proceedings conducted in the

usual and customary manner, and does not constitute authority for the committee to make what is, in fact, a much more serious intrusion into the privacy of a witness by televising his testimony over his objection.

Mr. CAIN. Mr. President, as I stated at the outset, it is my understanding that the prime if not the sole objective and purpose of a committee of the Senate of the United States is to seek and collect information from which corrective legislation may be designed and approved. If I thought that by televising and by the use of radio and news reels some legitimate and desirable legislative purpose or objective could be served, I might be perfectly willing to agree that television and the other media, under an understandable and approved rule or regulation, should be employed by special or standing committees of the Senate.

With reference to the contempt citations which are now before the Senate, as they run to two individuals called Kleinman and Rothkopf, I have long been convinced that the use of television, radio, and news reels served no legitimate objective or purpose.

I am further of the opinion that until the Senate of the United States has laid down its own rules, no American citizen, whether we think him to be innocent or guilty, should be required against his will to be televised as a witness before a Senate committee.

My last word is this: I do not hold it to be valid, as the junior Senator from Tennessee says, that the committee offered to take the television lights off the witnesses in question. What the committee did was to create, on a particular evening, a show in which the witnesses were two single participants. If the members of the committee had in mind getting the information they sought from those to whom they had referred as recalcitrant witnesses, all they had to do was to dissociate themselves as committee members from the show which they had sponsored, and ask their questions of witnesses in the absence of pressures to which, in my opinion, the average American citizen should not be exposed.

Mr. O'CONOR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McFARLAND. Mr. President, I ask unanimous consent that the further call of the roll be dispensed with, and that further proceedings under the call be dispensed with.

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

The question is on agreeing to the two resolutions, which are to be voted on en bloc.

On this question the yeas and nays have been ordered, and the Secretary will call the roll.

Mr. IVES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. IVES. Will the Chair please state again the pending question?

The VICE PRESIDENT. The question is on agreeing to the two resolutions, Senate Resolution 119 and Senate Resolution 120, which are to be voted on together, citing the persons named in them for contempt of the Senate for the reasons set forth in the resolutions.

Senators who favor the adoption of the resolutions citing those persons for contempt of the Senate will vote "yea." Senators who oppose the adoption of the resolutions will vote "nay."

The Secretary will call the roll.

Mr. AIKEN. Mr. President, let me ask the Chair to state the question again, please.

The VICE PRESIDENT. The question is on agreeing to the two resolutions (S. Res. 119 and S. Res. 120), reported by the Special Committee To Investigate Organized Crime in Interstate Commerce, citing the two persons named in the resolutions for contempt of the Senate on the ground that they refused to answer certain questions asked of them by the committee.

The question now is on the adoption of those two resolutions, which are to be voted upon together.

The motions to reconsider the votes by which the resolutions were agreed to some time ago have already been agreed to; and the question now is on agreeing to the resolutions themselves.

On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the name of Mr. AIKEN, who voted in the affirmative when his name was called.

Mr. CAIN. Mr. President, will the Chair please have one of the resolutions read at this time, for the information of the Senate?

The VICE PRESIDENT. Yes. The resolutions are identical in form, and the clerk will read one of them.

The Chief Clerk read as follows:

Senate Resolution 119

Resolved, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States Senate as to the refusal of Morris Kleinman to answer a series of questions before the said special committee, together with all the facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that the said Morris Kleinman may be proceeded against in the manner and form provided by law.

The VICE PRESIDENT. The roll call is in progress, and the Secretary will proceed with the call of the roll.

The legislative clerk resumed and concluded the call of the roll.

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON] is absent by leave of the Senate.

The Senators from Connecticut [Mr. BENTON and Mr. MCMAHON], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Texas [Mr. CONNALLY], the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator from Iowa [Mr. GILLETTE], the Senator from Missouri [Mr. HENNINGS], the Senator from Colorado [Mr. JOHNSON], the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], the Senator from Oklahoma [Mr. KERR], the Senator from Washington [Mr. MAGNUSON], the Senator from Nevada [Mr. MCCARRAN], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Michigan [Mr. MOODY], the Senator from Montana [Mr. MURRAY], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Florida [Mr. SMATHERS] is absent because of illness.

I announce further that if present and voting, the Senator from Iowa [Mr. GILLETTE], the Senator from Washington [Mr. MAGNUSON], and the Senator from West Virginia [Mr. NEELY] would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Ohio [Mr. BRICKER], the Senator from Nebraska [Mr. BUTLER], and the Senator from Indiana [Mr. CAPEHART] are necessarily absent.

The Senator from Illinois [Mr. DIRKSEN], the Senator from Idaho [Mr. DWORSHAK], the Senator from Indiana [Mr. JENNER], the Senator from Missouri [Mr. KEM], the Senator from Nevada [Mr. MALONE], the Senator from Pennsylvania [Mr. MARTIN], the Senator from California [Mr. NIXON], and the Senator from North Dakota [Mr. YOUNG] are absent on official business.

The Senator from Vermont [Mr. FLANDERS], the Senator from Oregon [Mr. MORSE], and the Senator from New Hampshire [Mr. TOBEY] are absent because of illness.

The Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Oregon [Mr. CORDON], the Senator from Montana [Mr. ECTON], the Senator from North Dakota [Mr. LANGER], and the Senator from Wisconsin [Mr. MCCARTHY] are detained on official business.

The result was announced—yeas 38, nays 13, as follows:

YEAS—38

Aiken	Humphrey	O'Conor
Butler, Md.	Hunt	Robertson
Carlson	Ives	Saltonstall
Case	Johnson, Tex.	Schoeppel
Clements	Kefauver	Smith, Maine
Douglas	Kilgore	Smith, N. J.
Duff	Knowland	Thye
Ellender	Lehman	Underwood
Ferguson	Lodge	Watkins
Green	Long	Wherry
Hendrickson	McFarland	Wiley
Hickenlooper	Monroney	Williams
Holland	Mundt	

NAYS—13

Cain	Hoey	Stennis
Fulbright	McKellar	Taft
George	Millikin	Welker
Hayden	Russell	
Hill	Smith, N. C.	

NOT VOTING—45

Anderson	Dirksen	Kerr
Bennett	Dworshak	Langer
Benton	Eastland	Magnuson
Brewster	Ecton	Malone
Bricker	Flanders	Martin
Bridges	Frear	Maybank
Butler, Nebr.	Gillette	McCarran
Byrd	Hennings	McCarthy
Capehart	Jenner	McClellan
Chavez	Johnson, Colo.	McMahon
Connally	Johnston, S. C.	Moody
Cordon	Kem	Morse

Murray	O'Mahoney	Sparkman
Neely	Pastore	Tobey
Nixon	Smathers	Young

So the resolutions (S. Res. 119 and S. Res. 120) were agreed to, as follows:

Senate Resolution 119

Resolved, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States as to the refusal of Morris Kleinman to answer a series of questions before the said special committee, together with all the facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that the said Morris Kleinman may be proceeded against in the manner and form provided by law.

Senate Resolution 120

Resolved, That the President of the Senate certify the report of the Special Committee To Investigate Organized Crime in Interstate Commerce of the United Steates Senate as to the refusal of Louis Rothkopf to answer a series of questions before the said special committee, together with all the facts in connection therewith, under the seal of the United States Senate, to the United States attorney for the District of Columbia, to the end that the said Louis Rothkopf may be proceeded against in the manner and form provided by law.

CIVIL-FUNCTIONS APPROPRIATIONS, 1952

Mr. McFARLAND. Mr. President, I ask unanimous consent that, on Monday next, House bill 4386, civil-functions appropriations, 1952, if reported by the committee in the meantime, be made the unfinished business of the Senate.

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

EXECUTIVE SESSION

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

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

EXECUTIVE MESSAGES REFERRED

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

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

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. MURRAY, from the Committee on Labor and Public Welfare:

Wilton L. Halverson, for appointment in the Regular Corps of the Public Health Service; and

James J. Callaway and sundry other candidates for appointment in the Regular Corps of the Public Health Service.

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

COLLECTOR OF INTERNAL REVENUE

The Chief Clerk read the nomination of Monroe Davis Dowling to be collector of internal revenue for the third district of New York.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COLLECTOR OF CUSTOMS

The Chief Clerk read the nomination of Katharine D. Nordale to be collector of customs for customs collection district No. 31, with headquarters at Juneau, Alaska.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

DEPARTMENT OF DEFENSE

The Chief Clerk read the nomination of General of the Army Omar Nelson Bradley, United States Army, to be chairman of the Joint Chiefs of Staff in the Department of Defense.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

The VICE PRESIDENT. Without objection, the nominations in the Army are confirmed en bloc.

THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

The VICE PRESIDENT. Without objection, the nominations in the Navy are confirmed en bloc.

THE MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the Marine Corps.

The VICE PRESIDENT. Without objection, the nominations in the Marine Corps are confirmed en bloc.

THE COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the United States Coast Guard.

The VICE PRESIDENT. Without objection, the nominations in the United States Coast Guard are confirmed en bloc.

Without objection, the President will be immediately notified of all nominations confirmed today.

LEGISLATIVE SESSION

The VICE PRESIDENT. Without objection, the Senate will resume legislative business.

Mr. McFARLAND. Mr. President, I understand that the distinguished Senator from Colorado [Mr. MILLIKIN] wishes to make a statement, and I yield the floor to him.

THE WEST POINT SITUATION

Mr. MILLIKIN. Mr. President, I should like to read into the RECORD a copy of a letter which I sent to a Colorado constituent, dated August 10, 1951:

AUGUST 10, 1951.

DEAR MR. ———: Thanks for your telegram about the West Point situation.

I doubt whether the real substance of the complaint goes to the tutoring system for the benefit of West Point athletes.

It goes to the matter of examinations where it is alleged that some of the boys passed on the questions and possibly the answers to others taking the same examination later on. (As I understand it they have so many students that the same examinations are given to successive sections.)

As I said to you in a note yesterday I think the whole thing is unduly harsh. We are asking young men who have only had a few years of manhood to have complete and infallible maturity of judgment which is not possessed by their elders. I am not quarreling with the ideal; a breach of it cannot be condoned; it must be punished. But the nature of the punishment should have some humane relationship to human fallibility, should avoid brutal consequences.

I read in the paper just the other day that some years ago there were some similar infractions at the Naval Academy. According to the paper, they solved it by making the 4-year course into a 5-year course for those who were guilty and thus gave them ample opportunity to ponder on their errors and to earn their graduation by strictly honest means.

I mention this to show that there are ways of enforcing the proper lessons and of securing a correction of bad practices.

RECESS TO MONDAY

Mr. McFARLAND. Mr. President, I move that the Senate stand in recess until Monday next, at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 51 minutes p. m.) the Senate took a recess until Monday, August 13, 1951, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 10 (legislative day of August 1), 1951:

COMMODITY CREDIT CORPORATION

Gus F. Geissler, of North Dakota, to be a member of the Board of Directors of the Commodity Credit Corporation, vice Ralph S. Trigg, resigned.

IN THE AIR FORCE

The following-named officer for promotion in the United States Air Force, under the provisions of sections 502 and 509 of the Officer Personnel Act of 1947. This officer is subject to physical examination required by law.

To be captain

MEDICAL

Meyers, John Cleveland, [redacted].

The following-named officers for promotion in the United States Air Force under the provisions of section 107 of the Army-Navy Nurses Act of 1947, as amended by Public Law 514, Eighty-first Congress. All officers are subject to physical examination required by law.

To be captains

AIR FORCE NURSES

Coffee, Katheryne Jane, [redacted]
Falkenhagen, Irene Catherine, [redacted]
Soto, Lillian Maria, [redacted]

WOMEN'S MEDICAL SPECIALIST

Skellchock, Julia Valentine, [redacted]

NOTE.—Dates of rank will be determined by the Secretary of the Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 10 (legislative day of August 1), 1951:

DEPARTMENT OF DEFENSE

APPOINTMENTS

General of the Army Omar Nelson Bradley, United States Army, to be Chairman of the Joint Chiefs of Staff in the Department of Defense. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE

Monroe Davis Dowling, of New York, N. Y., to be collector of internal revenue for the third district of New York.

COLLECTOR OF CUSTOMS

Katherine D. Nordale, of Juneau, Alaska, to be collector of customs for customs collection district No. 31, with headquarters at Juneau, Alaska.

IN THE ARMY

Brig. Gen. Claude Henry Chorpening, to be Assistant to the Chief of Engineers, United States Army, and as brigadier general in the Regular Army of the United States.

NATIONAL GUARD BUREAU

Maj. Gen. Raymond Hartwell Fleming, to be Chief of the National Guard Bureau, with the rank of major general, for a period of 4 years from date of acceptance.

UNITED STATES MILITARY ACADEMY

Col. John D. Billingsley, [redacted] to be professor of ordnance, United States Military Academy.

APPOINTMENT, BY TRANSFER, IN THE JUDGE ADVOCATE GENERAL'S CORPS, REGULAR ARMY OF THE UNITED STATES

Maj. Charles David Thomas Lennhoff, [redacted]

Maj. Frank Thomas Holt, [redacted]

Capt. Lysle Iver Abbott, [redacted]

Capt. James Clyde Waller, Jr., [redacted]

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

The nominations of Paul DeWitt Adams et al., for promotion in the Army of the United States, which were confirmed today, were received by the Senate on August 2, 1951, and appear in full in the Senate proceedings of the CONGRESSIONAL RECORD for that day, under the caption "Nominations" beginning with the name of Paul DeWitt Adams, which is shown on page 9408 and ending with the name of Janet Marion Rasmussen, which appears on page 9410.

IN THE NAVY

The following-named line officers indicated for temporary appointment to the grade indicated, subject to qualification therefor as provided by law:

To be rear admirals

Leslie A. Kniskern
Bernard E. Manseau
Logan McKee
George A. Holderness, Jr.
Selden B. Spangler
Joseph N. Wenger

APPOINTMENTS IN THE NAVY

To be ensigns

Norman R. Gearhart
Robert R. Thompson
John P. Howard

To be lieutenant (junior grade) (special duty officer)

Raymond O. Kellam

To be commander, Medical Corps

Lewis S. Sims, Jr.

To be lieutenants, Medical Corps

John R. Lee
LaVerne F. Pfeifer

To be lieutenants (junior grade), Medical Corps

Robert W. Ard
Donald P. Bernard
George R. Brown, Jr.
Clarence N. Melampy
Thomas G. Price
Donald G. Rumer
Warren W. Schoetzau

To be lieutenants (junior grade), Chaplain Corps

Jesse M. Ashcraft
Robert E. Hargis
George M. Hershberger
Paul G. Riess
Theodore E. Schultz
Lester D. Somers
Richard K. Titley
Charles W. Young, Jr.

To be lieutenants (junior grade), Dental Corps

Robert P. Fitzgerald
William L. Hart
Harold J. Montgomery
Clement S. O'Meara
John J. Pascoe
Clyde W. Peel, Jr.
Donald G. Pollie
Norman R. Shock
George W. Thompson, Jr.
Irving J. Weber, Jr.

To be ensigns, Medical Service Corps

Homer A. Caruso
Nicholas Hahon
Robert D. Jordan
Ralph H. Kathan
Samuel "C" Peckham, Jr.
Angelo R. Petoletti
Donald L. Pipkin
Henry S. Rudolph
Charles H. Sawyer

To be ensigns, Nurse Corps

Doris M. Arnfield
Miriam M. Baugh
Mazie P. Combs
Charlotte J. Miller
Blanche O. Miller
Helen L. Rhodes
Rosemary Ryan
Rose L. Vanatta
Stana E. Verich
Anna L. Walters

IN THE MARINE CORPS

The following-named officers for temporary appointments to the grade indicated subject to qualification therefor as provided by law:

To be major generals

Thomas J. Cushman
William O. Brice
Vernon E. Megee
John T. Selden

The following-named persons to be second lieutenants:

Robert J. Anthony
Harold H. Bennefeld
William C. Bittick, Jr.
Leonard F. Blake
William K. Buskirk
Francis X. Clegg
Robert E. L. Closson
Samuel R. Coffey
Ulysses F. Cunha
Paul L. Lavis
Gearl M. English
Walter W. Fleetwood
Everett W. Frank
William E. Gardner
James E. Hendry
Willis L. Kay
Wesley D. Lamoureux
James F. Lancaster
Charles H. May
John H. Menjes
George M. Olszewski
Harry D. Persons
Charles M. Schmidt
Cecil O. Seal
Stephen Sedora
Kenneth D. Smith
Walter R. Swindells
Claud R. Swisher
Waldron E. Thomas
James W. Wilson

IN THE UNITED STATES COAST GUARD

The following Coast Guard officers for promotion to the permanent rank of rear admiral in the United States Coast Guard:

Russell E. Wood
James A. Hirshfield

The following-named persons for appointment in the United States Coast Guard:

To be captains

Peter V. Colmar
George H. Bowerman
Allen Winbeck
William B. Chiswell
Oliver A. Peterson
Marius De Martino
Carl G. Bowman

To be commanders

Randolph Ridgely III
Harold L. Wood
Arthur W. Johnsen
Thomas K. Whitelaw
Douglas B. Henderson
Robert Wilcox
Robert H. Farinholt
Chester R. Bender
Richard R. Smith
Samuel G. Guill
Paul E. Trimble
Arthur H. Nesbit
Russell R. Waesche, Jr.
Joseph P. Martin
George W. Playdon
Thomas F. Epley
Julius E. Richey
Frederick J. Statts
Alexander G. Moberg

To be lieutenant commanders

William E. Long
Charles F. W. Cullison
Arthur J. Schletker
Wilber S. Doe
George M. Bishop
John L. Barron
Clarence J. Gilleran
William E. Ehrman
Gordon H. MacLane
William J. L. Parker
Henry C. Keene, Jr.
Ellis L. Perry
Loy W. A. Renshaw
Cecil E. Meree, Jr.
Clyde L. Olson
Joseph G. Bastow, Jr.
Bob Kirsten
John B. Speaker, Jr.
Louis F. Sudnik
John F. Thompson, Jr.
William E. Chapline, Jr.
Albert Frost
William F. Adams
William F. Rea III
James L. Lathrop
Vincent J. Cass
Austin C. Wagner
Stephen G. Carkeek
Norman L. Horton
Henry A. Pearce, Jr.

To be lieutenants

William H. E. Schroeder
David R. Permar
Jason S. Kobler
Robert D. Fuller
Richard H. Britt
James McMenamin
Bertrand S. Dean
William L. Monks
Donby J. Mathieu
David W. DeFreest
William G. Blandford
Albert G. Jones
Stanley G. Perret
John R. Allums
Norman E. Dion
Daniel J. Garrett
John R. Mackey
Earl W. Rinehart
Joseph F. Furlough, Jr.
Ottis H. Abney
Curtis H. Jurgens
Benjamin J. Kowalski
John J. Jordan
Allen E. Armstrong
Charles D. Budd
Howard A. Linse
Harry H. Chapin
Robert L. Lawlis
Joseph J. Lamping
James W. Dodson
George D. Winstein
Joseph W. Finnegan
Robert J. Mackie
Kenneth H. Langenbeck
Robert D. Johnson
Robert F. Henderson
Paul R. Peak, Jr.
Virgil N. Woolfolk, Jr.
Elmer M. Lipsey
James A. Hodgman
Robert C. Phillips
Albert J. McCullough
Wesley M. Thorsson

To be lieutenants (junior grade)

Maurice D. Bowers
Harry A. Davenport III
John D. Crowley
Virgil W. Rinehart
Robert E. Dolliver
Robert S. Hall
Robert W. Durfey
Robert J. McCune
Robert J. Bosnak
William P. Butler, Jr.
Luigi Colucciello
Robert F. Goebel
Edward L. Hauff
Richard J. Tomozer
Robert A. Duin
Alfred Prunski
James B. Brook
Kenneth J. Boedecker, Jr.
William H. Fitzgerald, Jr.
James R. Hope
Herbert E. Lindemann
Eli C. Nielson
Philippe C. Gaucher
George Schmidt
Stuart S. Beckwith
Carl S. Mathews
Wayne E. Caldwell
Samuel M. Moore III
Stuart T. Scharfenstein
Bernie E. Thompson
Harry F. Gregg
Howard W. Pagel
Robert E. Walsh
Irving L. Apgar II
Robert C. Taylor
Clarence R. Hallberg
Darrel W. Starr, Jr.
John K. Byerlein
Joseph C. Dorsky
Thomas T. Wetmore III
Norman P. Ensrud
James T. Clune
Charles B. Hathaway
Bernard Shapiro
Duane G. Ross
Donald M. Chapman
LeRoy Reinburg, Jr.
Robert E. Deaver
Walter C. Ochman
Maxwell S. Charleston
Richard C. Taylor
Paul W. Tifft, Jr.
William R. Weadon

HOUSE OF REPRESENTATIVES

FRIDAY, AUGUST 10, 1951

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal God, our Father, the supreme source of all wisdom and strength, we pray that the leaders and representatives of our beloved country who administer the affairs of government may daily receive special revelations of Thy guiding and sustaining spirit.

We thank Thee for the founding fathers who sought to secure the inalienable rights of life, liberty, and the pursuit of happiness for all who were willing to accept the responsibilities as well as the privileges of true and loyal citizenship.

Grant that in these days, when these rights are being threatened by evil forces within and without our Republic, we may see more clearly that a strong, God-fearing citizenry is absolutely essential