CONGRESSIONAL RECORD — SENATE

February 5

By Mr. PRIEST: H. Con. Res. 194. Concurrent resolution requesting the President to set aside and proclaim a national day of prayer; to the Committee on the Judiciary.

By Mr. BUSHEY: H. Con. Res. 195. Concurrent resolution requesting the President to set aside and proclaim a national day of prayer; to the Committee on the Judiciary.

By Mr. CRESSER: H. Res. 516. Resolution to provide additional funds for the expenses of the investigations authorized by House Resolution 51; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By Mr. HESELTON: Resolutions relative to an investigation by the President of the United States for a complete investigation of criminal acts against minority groups in the State of Florida; to the Committee on the Judiciary.

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts relative to an investigation by the President of the United States for a complete investigation of criminal acts against minority groups in the State of Florida; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BARRETT: H. R. 6406. A bill for the relief of Constantine Malakal and family; to the Committee on the Judiciary.

By Mr. BUSHEY: H. R. 6412. A bill for the relief of Joseph Menard St. Pierre; to the Committee on the Judiciary.

By Mr. COLE of New York: H. R. 6411. A bill for the relief of Elda Rastian (Resiau); to the Committee on the Judiciary.

By Mr. D'EWAIT: H. R. 6413. A bill for the relief of Mrs. Frances Gatti Otta; to the Committee on the Judiciary.

By Mr. KEATING: H. R. 6414. A bill for the relief of Alexander Newman; to the Committee on the Judiciary.

By Mr. MANSFIELD: H. R. 6415. A bill for the relief of George Rodney Gilther (formerly Joji Wakahama); to the Committee on the Judiciary.

By Mr. MILLER of California: H. R. 6416. A bill for the relief of Quan Bing Fay; to the Committee on the Judiciary.

By Mr. POULSON: H. R. 6417. A bill for the relief of Magdalena F. Bristol; to the Committee on the Judiciary.

By Mr. PRESTON: H. R. 6418. A bill for the relief of Beatrice De Pra Lannantuono; to the Committee on the Judiciary.

By Mr. RADWAN: H. R. 6420. A bill for the relief of Patrick Joseph Biewett; to the Committee on the Judiciary.

By Mr. REES of Kansas: H. R. 6421. A bill for the relief of Motoko Aoki, the racially ineligible fiancee of a United States citizen veteran of World War II; to the Committee on the Judiciary.

By Mr. SABATH: H. R. 6422. A bill for the relief of Joseph (Giuseppe) Gasparini; to the Committee on the Judiciary.

By Mr. THOMAS: H. R. 6423. A bill for the relief of Russell William Karbach; to the Committee on the Judiciary.

PETITIONS, ETC.

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

326. By Mr. FORAND: Resolution from Ruth Whipple and others urging upon Congress the enactment of legislation prohibiting the advertising of alcoholic beverages through interstate commerce and over the air; to the Committee on Interstate and Foreign Commerce.

327. Also, resolution from Helen D. Bridger and 27 others urging upon Congress the enactment of legislation prohibiting the advertising of alcoholic beverages through interstate commerce and over the air; to the Committee on Interstate and Foreign Commerce.

328. By the SPEAKER: Petition of Department of Colorado, Veterans of Foreign Wars of the United States, Denver, Colo., urging enactment of legislation and the appropriation of money for the purpose of supplying the necessary equipment and technicians to properly and adequately receive blood from all citizens in all parts of the country; to the Committee on Armed Services.

329. Petition of West Texas Chamber of Commerce, Abilene, Tex., relative to resolutions passed on November 14 at the annual convention of the West Texas Chamber of Commerce dealing with the tidelands question, the St. Lawrence seaway, and the employees of the Bureau of Internal Revenue; to the Committee on Expenditures in the Executive Departments.

330. Also, petition of Townsend Club, No. 1, Saint Cloud, Minn., relative to requesting enactment of House bills 2678 and 2679, known as the Townsend plan; to the Committee on Ways and Means.

331. Also, petition of Kay Edmonston, Washington, D. C., relative to stating grievances pertaining to a number of cases involving Kay Edmonston and pending in the United States District Court for the District of Columbia; to the Committee on the Judiciary.

SENATE

TUESDAY, FEBRUARY 5, 1952

(Legislative day of Thursday, January 10, 1952)

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

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

Since it is of Thy mercy, 0 gracious Father, that another day is added to our lives, we pause in this quiet moment to dedicate it to the service of our fellow mortals and to keep with deep humility that we are summoned to live and give in such a time. Keep us ever mindful that we have been set apart to serve in a climactic hour, that our thoughts, our attitudes, our words, and our acts are not our own, but go out from this place to influence and to mold the structure of human relationships. For the fabric and fiber which we shall put into our task this day, we beseech Thee, 0 God. Amen.

THE JOURNAL

On request of Mr. McFarland, and by unanimous consent, the reading of the Journal of the proceedings of Monday, February 4, 1952, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2169) authorizing the acquisition by the Secretary of the Interior of Ola Pueblo, in Gila County, Ariz., for archeological laboratory, storage purposes, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 401. An act to amend the Nationality Act of 1940, as amended;

H. R. 1056. An act to provide for the conveyance of certain lands in Monroe County, Ark., to the State of Arkansas;

H. R. 3695. An act to authorize the Secretary of Commerce to transfer to the Department of the Navy certain land and improvements at Pass Christian, Miss.;

H. R. 4199. An act to authorize the transfer of lands from the jurisdiction of the Secretary of the Interior to the jurisdiction of the Secretary of Agriculture;

H. R. 4407. An act to amend sections 213 (b), 213 (c), and 215 of title II of the Hawaiian Homes Commission Act, 1920, as amended;

H. R. 4408. An act to amend section 73 (1) of the Hawaiian Organic Act;

H. R. 4515. An act to authorize the acquisition by exchange of certain lands in Death Valley National Monument, Calif., and for other purposes;


H. R. 4799. An act to amend section 73 (1) of the Hawaiian Organic Act;

H. R. 4800. An act to further amend section 202 (a) of the Hawaiian Homes Commission Act, 1920, as amended, relating to membership on the Hawaiian Homes Commission;

H. R. 5369. An act to authorize the exchange of certain lands located within, and in the vicinity of, the Federal Communications Commission's primary monitoring station, Portland, Oreg.;

H. R. 5669. An act to provide for the conveyance of the Centre Hill Mansion, Petersburg, Va., to the Petersburg Battlefield Museum Corporation, and for other purposes.

H. R. 5661. An act relating to the disposition of certain former recreational demonstrations project lands in the State of Virginia to the School Board of Mecklenburg County, Va.; and
"Resolved then, That the Congress of the United States be implored to return to the intent of our Constitution and take steps at once to include nonfinancial and noncommercial representation on the board of directors, not only on the board of the various 12 district banks, but in the Federal Reserve Board in Washington itself, to represent the great consumer public."

Trust that favorable action will be taken on the above resolution, we remain

Sincerely yours,

DOMINIC ZAPPALÀ, Recording Secretary.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. FERGUSON:
S. 2598. A bill for the relief of Basil Peter Kisy; and
S. 2590. A bill for the relief of Elissa Albergina Ciocco; and Elissa Ciocco; to the Committee on the Judiciary.

By Mr. JENNER:
S. 291. A bill to amend section 5a of the Commodity Exchange Act, as amended, so as to provide for the same discount on grain delivered against futures contracts as in the case of grain sold in the cash market; to the Committee on Agriculture and Forestry.

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

By Mr. CAPEHART (for himself, Mr. JOHNSON of Colorado, Mr. JENNER, Mr. MATTHEWS, Mr. ROBERTSON, Mr. BERGER, Mr. IVES, Mr. KEM, Mr. THYE, Mr. BRICKER, Mr. WILLIAMS, Mr. ECTON, Mr. WATKINS, Mr. MARTIN, and Mr. SALTONSTALL):
S. 2992. A bill to amend section 423 (b) of the Civil Aeronautics Act of 1938 so as to permit the granting of free or reduced-rate transportation to ministers of religion; to the Committee on Interstate and Foreign Commerce.

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

By Mr. PARKLAND:
S. 2983. A bill for the relief of Jean Hama-moto, also known as Sharon Lea Brooks; to the Committee on Interstate and Foreign Commerce.

By Mr. MAYBANK:

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

By Mr. CAPI:
S. 2958. A bill for the relief of Constance Breunler Scheffer; and
S. 2956. A bill for the relief of Louis R. Chadbourne; to the Committee on the Judiciary.

By Mr. McMAHON:
S. 2997. A bill for the relief of Antonio Joseph Alkier; to the Committee on the Judiciary.

By Mr. IVES:
S. 2988. A bill for the relief of Emilio Veschi; to the Committee on the Judiciary.

By Mr. McMAHON:
S. 2999. A bill to establish a Presidential Honors Board; to provide for the conferring of awards, including the Presidential Gold Medal, the Presidential Silver Medal, and the Presidential Bronze Medal; and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. IVES:
S. 2000. A bill for the relief of Samuel V. Goekjian; to the Committee on the Judiciary.

By Mr. HUMPHREY:
S. 2901. A bill for the relief of Lucy Per- sonius; to the Committee on the Judiciary.

By Mr. BENTON, Mr. LEHMAN, Mr. MOODY, and Mr. MURRAY:
S. 2902. A bill to promote greater economy in the operations of the Federals' Government by providing for a consolidated cash budget, a separation of operating from capital expenditures, the scheduling of legislation action on appropriations measures, ye-annually on amendments to appropriation measures, and a Presidential item veto; to the Committee on Expenditures in the Executive Departments.

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

By Mr. FISHER (for himself and Mr. WILLIAMS):
S. J. Res. 128. Joint resolution designating the period beginning before the Thanksgiving Day and ending on the Sunday after Thanksgiving Day of each year as "Veterans' Week"; to the Committee on the Judiciary.

AMENDMENT OF COMMODITY EXCHANGE ACT, RELATING TO DISCOUNT ON CERTAIN GRAIN IN FUTURES MARKETS

Mr. JENNER. Mr. President, I introduce for appropriate reference a bill which would amend the Commodity Exchange Act in such a way as to require uniform discounts for grain delivered in the futures markets and cash markets of the Nation.

The present abuses which this proposed legislation is designed to correct are described very ably by Mr. Philip H. Hanna in an article published in the Chicago Daily News of January 19, 1952.

As Mr. Hanna points out, there is often a wide variation in the discount applied against the same quality of grain in the cash market and in the futures market. For example, No. 3 yellow corn of 17½ percent moisture content is discounted 6 cents per bushel when the farmer sells it in the cash market. Yet this same corn can be delivered to the Chicago Board of Trade at a discount of only 2 cents per bushel. This difference of 4 cents rightfully belongs to the producer but he is not receiving it under present practices.

The differential in cash oats and futures oats prices has also brought a flood of Canadian oats into the United States. During the last crop year some 30,000,000 bushels of Canadian oats entered the United States market and it is estimated that 40,000,000 bushels will come in during the 1951-52 crop year. At one time last summer, approximately one-third of all the storage space in Chicago was occupied by Canadian oats—this at a time when American farmers were forced to market their oats at prices well below parity.

It certainly makes no sense to attempt to support American farm prices even at minimal levels when we not only permit but of actively encourage the importation of foreign grains. Because Canada has, in addition to large quantities of oats and barley, a huge supply...
of low-grade feed wheat, we may expect to see feed grain importations from that country within a few months this year unless something is done to protect American agriculture against indiscriminate dumping.

Although the Department of Agriculture has some authority under the so-called section 22 to shut off imports whenever they are jeopardizing our domestic price-support program, I have never had any authority invoked in the case of grains, and I can only assume that it never will be used by this administration to protect American farmers.

During the last session I introduced S. 2204, which would prohibit the delivery of foreign-grown grains and certain other specified commodities against futures contracts in the United States.

This bill is currently before the Senate Committee on Agriculture and Forestry. While it would not shut off the flow of foreign farm commodities completely, I am certain it would discourage such importations, particularly in cases where the grains are brought into the country, not for normal distribution in regular commercial channels but solely for delivery against futures contracts, with a view toward depressing futures prices.

It is an indisputable fact that some Canadian oats were brought into this country at a loss by a low grade high moisture, a foreign port to whom obviously expected to recoup by delivering them in the futures market and forcing prices downward.

The American farmer, harassed by high taxes, rising labor costs, and soaring machinery prices, is entitled to protection against cheap foreign farm goods. He must look to Congress for that protection. Certainly he will never get it from the free traders in the State and Agriculture Departments.

I ask unanimous consent that the article by Phil S. Hanna, published in the Chicago Daily News of January 19, 1952, be printed in the Record at the conclusion of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred. Without objection, the article will be printed in the Record.

The bill (S. 2591) to amend section 5a of the Commodity Exchange Act, as amended, so as to provide for the same discount on grain delivered against futures contracts as in the case of grain sold in the cash market, introduced by Mr. JENNER, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

The article presented by Mr. JENNER is as follows:

**BLAME GRAIN TRADE LOSS ON MARKET'S OLD RULES—CHICAGO BUSINESS ELPS AWAY; OAT AND CORN MERCHANTS COMPLAIN.**

(Parly S. Hanna)

Chicago, historically the gateway for moving the surplus grain of the West to the consumer centers, has been steadily losing ground in recent years.

We still have the board of trade, world's largest open market for grain, but the supply and demand dash to fix a free and open price for grain throughout the world. But various factors have diverted some of the grain from the Chicago market. The shift is a detriment to Chicago commerce.

One of the reasons for loss of business is the movement of grain to ports on the Gulf of Mexico.

But there are important other causes why Chicago has lost business.

The farmers of the country have been increasing yields per acre and increasing the quality of their grain, but the Chicago Board of Trade still conducts its business under the same old rules and regulations formulated 50 to 75 years ago.

There has been no real attempt to recognize the changes that have taken place in agriculture.

Hence Chicago is not getting the grain that otherwise might come here.

A good example of how obsolete regulations can affect Chicago trade can be seen in the handling of the oat crop.

During the last 2 decades the science of raising oats has vastly improved, the hulls are heavier, the farmers are raising more oats per bushel.

The weight of a bushel of oats has been raised several pounds a bushel.

A survey was made of all the oats received in Chicago during 1950. This showed an average weight of 35.7 pounds a bushel.

Yet the standard delivery weight on the board of trade still is 32 pounds.

It is even permitted oats weighing 27 pounds a bushel on contracts.

There are of course premiums and discounts for varietal and moisture variances as permitted in the board's standards. But the futures prices of oats are still predicated on 32 pounds a bushel.

This penalizes the seller as high as 7 cents a bushel on his heavy oats.

From the Minnesota point of view it is difficult to sell oats weighing 32 pounds a bushel when competitive markets are offering oats weighing 35 or 36 pounds on a relatively cheaper basis. This hurts the Chicago market.

The Canadian oat situation is as follows:

Canadian oats have poured into the United States by the millions of bushels, in part because Canadian standards recognize that farmers are producing heavier oats.

The differential draws oats to the United States, but the American dealer does not get any benefit therefrom on account of the 32-bushel standard at the board of trade.

At times, with futures at the same price in both Canada and the United States, Canadian oats cost a few cents more or a bushel below Chicago prices.

This creates a tremendous import movement into our country and depresses Chicago prices still further.

One effect of this is to establish a two-price system in the United States, prices in Iowa and other major oat producing areas being 10 to 15 cents a bushel higher than Chicago prices.

Normally oats in outlying areas sell at a discount to permit shipment into this market.

A further aggravation is the rule that permits the presence of black hulls in the oats received from Canada and applied on Chicago futures contracts.

Naturally such oats do not appeal to feed manufacturers who desire uniform color.

Discounts of as much as 7 cents a bushel have existed before.

Thus, according to the Board of Trade, the Canadian No. 3 extra heavy white oats with uniform color, and the Canadian oats containing black hulls. But the board's regulations do not square with that situation.

In corn there is a similar situation.

Farmers suffer pricewise by the unrealistic system of grading corn; wet corn, and much of the popular hybrid corn is wet corn.

According to the rules, No. 3 yellow corn, for example, with a moisture content of 17½ percent is worth 6 cents a bushel under the contract price to the seller.

Yet such corn may never be delivered on futures contracts at 2 cents under contract price.

Here is 4 cents a bushel profit that belongs to the farmer. Penalties on higher moisture corn are even more severe. The farmer who brings in corn the more money the elevator makes on its resale.

Both producers and consumers are hurt by this process. Either the scales that determine moisture are obsolete or else the discrimination should be changed to meet the realities.

If standards were changed to meet the times the trade could merchandise grains better and more widely both at home and abroad.

Grain merchants appre ciate that someday we must sell competitively in foreign markets without Government subsidies. Hence they say Chicago standards should be changed so they will not suffer these serious disadvantages.

New grading provisions and an acceptance of the realities of the cash grain situation would tend to improve the merchandising abilities of the grain merchants in this area. If this were done, Chicago could insure its preeminence as the world's commodity center.

AMENDMENT OF CIVIL AERONAUTICS ACT, RELATING TO FREE OR REDUCED-RATE TRANSPORTATION TO MINISTERS OF RELIGION

Mr. CAPEHART. Mr. President, on behalf of myself, the Senator from Colorado [Mr. JOHNSON], the junior Senator from Indiana [Mr. JENNER], the Senator from South Carolina [Mr. MAYBANK], the Senator from Virginia [Mr. ROBERTSON], the junior Senator from Delaware [Mr. FAYE], the Senator from Illinois [Mr. DOUGLAS], the Senator from New York [Mr. IVER], the Senator from Missouri [Mr. KEM], the Senator from Minnesota [Mr. THYE], the Senator from Ohio [Mr. BEEZER], the senator from Oregon from [Mr. ECTON], the Senator from Utah [Mr. MCKINLEY], the Senator from Pennsylvania [Mr. MARTIN], and the Senator from Massachusetts [Mr. SALTONSTALL], I introduce for appropriate reference a bill to amend section 403 (b) of the Civil Aeronautics Act of 1938, which permits the granting of free or reduced-rate transportation to ministers of religion.

The bill reads as follows:

*Be it enacted, etc., That the second sentence of subsection (b) of section 403 of the Civil Aeronautics Act of 1938, as amended, is amended by inserting immediately after the clause "persons injured in aircraft accidents and physicians and nurses attending such persons;" the following: "ministers of religion.">*

Mr. President, the purpose of the bill is to give to ministers of the gospel of all faiths the same right to half-fare on airlines which they have enjoyed for many years on railroads and busses.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2592) to amend section 403 (b) of the Civil Aeronautics Act of 1938 so as to permit the granting of free or reduced-rate transportation to ministers of religion, introduced by Mr. CAPEHART (for himself and other Senators), was received by its title, and referred to the Committee on Interstate and Foreign Commerce.
to meet the military needs. A great deal of interest has been expressed in this document. I have consulted the chairman of Joint Committee on Printing, the minority leader and the majority leader, all of whom have concurred. I, therefore, ask unanimous consent that this material be printed as a Senate document.

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

HOUSE BILLS REFERRED
The following bills were severally read twice by their titles, and referred as indicated:
H. R. 4191. An act to amend the Nationality Act of 1940, as amended; to the Committee on the Judiciary.
H. R. 4192. An act to provide for the conveyance of certain land in Monroe County, Ark., to the State of Arkansas; to the Committee on the Judiciary.
H. R. 4199. An act to authorize the transfer of lands in the jurisdiction of the Secretary of the Interior to the jurisdiction of the Secretary of Agriculture; to the Committee on the Interior and Insular Affairs.
H. R. 4408. An act to amend section 73 (1) of the Hawaiian Organic Act; to the Committee on Appropriations.
H. R. 4515. An act to authorize the acquisition by exchange of certain properties within Death Valley National Monument, Calif., and for other purposes; to the Committee on Appropriations.
H. R. 4797. An act to amend and confirm Act 291 of the Session Laws of Hawaii, 1949, section 2 of Act 152 of the Session Laws of Hawaii, 1951, and section 2 of Act 171 of the Session Laws of Hawaii, 1951, which included Maui County Waterworks Board, Kauai County Waterworks Board, and the board of water supply, county of Hawaii, under the definition of "municipality" in the issuance of revenue bonds pursuant to the Revenue Bond Act; to the Committee on Appropriations.
H. R. 4799. An act to amend section 73 (1) of the Hawaiian Organic Act; to the Committee on Appropriations.
H. R. 4530. An act to further amend section 223 (b) of the Hawaiian Home Commission Act, 1920, as amended, relating to membership on the Hawaiian Home Commission; to the Committee on Appropriations.
H. R. 5339. An act to authorize the exchange of certain lands located within, and in the vicinity of, the Federal Communications Commission's primary monitoring station, Portland, Ore.; to the Committee on Appropriations.
H. R. 5599. An act to provide for the conveyance of the Centre Hill Ranch, Peters­burg, Va., to the Petersburg Battlefield Museum Corporation, and for other purposes; to the Committee on Appropriations.
H. R. 5601. An act relating to the disposition of certain former recreational demonstration project lands by the Commonwealth of Virginia to the School Board of Mecklenburg County, Va.; to the Committee on Appropriations.
H. R. 5680. An act to amend the act of October 6, 1949 (Public Law 323, Stat. Cong.), as amended, to extend the time ofFecha informações de que os termos de coisas cobertas estão localizadas, em Agua Caliente Indian Reservation; to the Committee on Interior and Insular Affairs; to the Committee on Agriculture and Forestry.

EXECUTIVE REPORTS OF A COMMITTEE
As in executive session, the following favorable reports of nominations were submitted:
By Mr. CONNALLY, from the Committee on Foreign Relations:
By Mr. Bevington of Virginia, now Ambassador Extraordinary and Plenipotentiary to France, to be Under Secretary of State, vice James E. Webb, resigned; and
Henry S. Villard, of New York, a Foreign Service officer of class 1, to be Envoy Extraordinary and Minister Plenipotentiary to the United Kingdom of Libya.

ADDRESSSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX
On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:
By Mr. WELKER:

By Mr. MCMAHON:
A radio address delivered by him on the subject Justice for Poland, together with introductory remarks by Attorney Stanley F. Jorczak.


By Mr. BYRD:
Address delivered by Gov. James F. Byrnes, of South Carolina, before the joint session of the Virginia General Assembly, held in Williamsburg, Va., on Friday, February 1, 1952.

By Mr. MARTIN:
Letter addressed by Senator Bryan to Charles E. Oakes, of Allentown, Pa., de­
ing the situation confronting the United States.

By Mr. LEHMAN:

By Mr. CONNALLY:
Statement by AMTRAK relating to friendship among the peoples of the world.

By Mr. KILGORE:

By Mr. KEM:

By Mr. HUMPHREY:
Letter from Mr. Robert Heller, chairman of the national committee relative to increasing the efficiency of Congress.

Excerpts from address delivered by Tef­ford Taylor, Administrator, Small Defense Plants Administration, before the Minne­apols Chamber of Commerce, Minneapolis, Minn., January 6, 1952.


By Mr. MAGNUSON:

By Mr. ANDERSON:
CALL OF THE ROLL
Mr. McFARLAND. Mr. President, I suggest the absence of a quorum.

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

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

Alaska
Anderson
Bennett
Birch
Bridges
Bricker
Capehart
Chavez
Cain
Byrd
Bridges
Bricker
Capehart
Chavez
Case
Cain
Duff
Ellender
Flandres
George
Humphrey
Huntington
Young
Williams
Welker
(with the clerk)

Mr. JOHNSTON of Texas. I announce that the Senator from Connecticut (Mr. BENTON) and the Senator from Oklahoma (Mr. KERR) are absent on official business.

The Senator from Arizona (Mr. HAYDEN) is necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from Nebraska (Mr. BUTLER and Mr. SEATON), the Senator from Iowa (Mr. HICKENLOOPER), the Senator from Kansas (Mr. SCHOPPEL and Mr. CARLSON), and the Senator from Wisconsin (Mr. WILBY) are absent on official business.

The Senator from Illinois (Mr. DICKSEN) is necessarily absent.

The PRESIDENT pro tempore. A quorum is present.

EXTENSION OF DEFENSE PRODUCTION ACT

Mr. MAYBANK. Mr. President, I am sending to the desk a bill to extend the Defense Production Act, including the programs of material allocation, price, credit, and rent controls, and the life of the Small Defense Plants Administration.

While the administration has not as yet sent up its specific legislative recommendation with respect to the Defense Production Act, on January 30 we held a public hearing on the nomination of Mr. Putnam as Economic Stabilization Administrator, that hearing. Mr. Putnam testified that he felt the economy had achieved reasonably good balance, and that, putting it in his words, "I think by this time next year, if we are still on the same sort of an even keel as we are now, the problem will be all behind us, and we will see daylight."

While Mr. Putnam was in doubt about the conclusions drawn from the provisions of the act, I think the committee got the general impression from him that, on the whole, the act had worked fairly well in restraining the increase in the cost of living, at least since the provisions of the act were put into effect on January 1, 1951.

He pointed out that during last year the cost of living index increased by 2.9 percent from February 1951 to December 1951, as compared with an increase of 8 percent for the period June 1950 to February 1951.

Mr. Putnam emphasized, however, that "this coming 1952, the calendar year, starts May 20, 1952. Local controls will be more important than they have ever been."

I agree with him. It is for this reason that I am introducing this bill now, so that there will be no excuse for Congress not to act in plenty of time, and to give the American people assurance, if so far as I am able, as the chairman of the committee which bears the heavy responsibility for recommending economic control legislation to the Senate, that I shall do everything in my power to prevent any further inflation and help make our economic system function at its full potential. Only by so doing can we achieve peace and maintain our democratic way of life.

Mr. President, as I have stated on many occasions, no one can question, it seems to me, the good sense of the continuation of the present control program or the importance of a vigorous enforcement of all its provisions. Notwithstanding this, however, I believe the efficiency in administering the act can be increased and unnecessary red tape can be greatly decreased by devolving those materials which are now selling, and probably will continue for some time to sell, below their present price ceilings, so long as such decontrol has no adverse effect on any segment of the economy remaining under control.

I discussed the advisability of such a decontrol action with Mr. Putnam when he was before the committee last week, and he told me that he would have his staff study the feasibility of taking such action. He indicated that, while he thought there was much sense in this position, he wanted to be certain that any such action would not have derogatory effects on the remainder of the price control program.

It is my intention to set an early date to hold hearings on this bill and any amendments that may be proposed to it. I hope that Senators who intend to offer amendments will do so fairly promptly so that the committee can consider them during the course of the hearings on the bill.

The PRESIDENT pro tempore. The bill introduced by the Senator from South Carolina will be received and appropriately referred.

The bill (S. 2984) to extend the provisions of the Defense Production Act of 1950, as amended, and the Housing and Rent Act of 1947, as amended, introduced by Mr. MAYBANK, was read twice by its title, and referred to the Committee on Banking and Currency.

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed at this point in the Record, as part of my remarks, a summary of the bill which I have introduced.
the action taken by him, because it gives
the Senate and the committee ample time
to act on the question of renewal of the
Defense Production Act.
Mr. MAYBANK. That was my inten-
tion. I wish to allow ample time for the
witnesses to be heard, regardless of
whether they favor strengthening some
of the controls or whether they favor
some of the decontrol actions which I
think should be taken.
Mr. MAGNUSON. Mr. President, the
Senator from Indiana inquired if the bill as
it is introduced is exactly the
same as the existing Defense Production
Act. I wish to ask whether the bill being
introduced includes section 104.
Mr. MAYBANK. No; section 104 ex-
pires.
Mr. MAGNUSON. The bill being in-
troduced does not contain section 104;
is that correct?
Mr. MAYBANK. Yes, that is correct.
Section 104 expires.
Mr. McFARLAND. Mr. President, I
am hopeful that the distinguished Sena-
tor from South Carolina will hold hear-
ings on the bill at an early date. I think
it is important that the bill come before
the Senate for consideration as early as
possible, because the present act expires
on June 30 of this year.
One of our difficulties last year was
that we hardly had time to consider the
bill on the floor of the Senate before the
then existing act expired.
Mr. MAYBANK. The Senator from
Arizona is correct.
Mr. McFARLAND. So I congratulate
the Senator from South Carolina for in-
troducing the bill at so early a date.
Mr. MAYBANK. Of course, I assure
the Senator that whatever the Senate
desires to do in this matter will be agree-
able to me.
Mr. LEHMAN. Mr. President, the
Senator from South Carolina said that,
with certain exceptions to correct faults,
the bill being introduced is exactly the
same as the existing statute, and that
Senator
leader has suggested, it will be possible
with certain exceptions to correct faults,
for the good of all concerned, do so as quickly
as possible, so that, as the majority
leader has suggested, it will be possible
to bring the bill before the Senate promptly
for debate in order not to tie
up the Congress at a late date in the
session.
Mr. McFARLAND. Mr. President, I
wish to state to the Senator from New
York that this is done with the knowl-
edge of the committees that are inter-
ested, and they agree that it is impor-
tant to begin hearings on the bill and that the President send us his message
as soon as possible.
Mr. LEHMAN. I understand that
fully, but I wished to make sure that the
committee was not closing the door to the
consideration of amendments.
Mr. MAYBANK. Mr. President; but I repeat that if Senators wish to
submit amendments I hope they will do
so by March 1, because otherwise pro-
gress on the bill will be delayed.

STATEMENT BY SECRETARY OF DE-
FENSE L. B. JOHNSON, BEFORE
THE DEPARTMENT OF DEFENSE 1953 BUDGET

Mr. MAHONEY. Mr. President, yes-
day the Appropriations Committee
began open hearings on the defense
budget, as the President pro tempore
who now is well known: At
the hearings a very important statement
was made by the Secretary of Defense,
Mr. Lovett; and I believe the statement
he made at that time should be brought
to the attention of all Members of the
Senate. In the course of his statement, the Secretary of Defense said that in
connection with preparations of the bud-
get-
we have tried to bear in mind that in
preparation against the dangers of a hot war we must not be trapped by our own efforts
into losing the war. Therefore, Mr. President, I ask unani-
mous consent that the full text of Sec-
retary Lovett's statement may be printed in
the body of the Record.

There being no objection, the state-
ment was ordered to be printed in the
Record, as follows:
STATEMENT BY HON. ROBERT A. LOVEIT BEFORE
THE ARMED SERVICES SUBCOMMITTEE OF THE
UNITED STATES SENATE ON THE BUDGET
OF THE DEPARTMENT OF DEFENSE, FEB-
RUARY 4, 1952.

The opportunity to discuss the broad
aspects of the President's budget estimates of
$52,100,000,000 for the Department of Defense
for fiscal year 1953 is of great proportion and has utilized
the major portion of the total funds appro-
priated by the Congress. On June 30, 1950, the Department of Defense was
expending about $200,000,000 per month for needed goods
such as aircraft, ships, tanks, guns, and
ammunition—now, 18 months later, expendi-
tures for this type of material have expanded
more than fivefold. These expenditures in-
cluded substantial amounts for the estab-
lishment of a mobilization base which would
permit rapid mobilization should world con-
ditions require it.

Our civilian employment has increased
from 763,000 on June 30, 1950, to an esti-
imated 1,280,000 on December 31, 1951. This
increase is directly related to expansion nec-
essary within the Department of Defense to
increase our manufacturing, overhaul, and
procurement activities.

The great majority of these employees are
engaged in work pertaining to the repair and
rebuilding of equipment, ammunition, air-
craft and engines, and the opera-
tion of the supply systems, and in the pro-
curement and production of major items of
equipment, such as aircraft, ships, combat
vehicles, ammunition.

To achieve this expansion of military
forces and production, the Department of Defense, in its own account $18,-
200,000,000 in fiscal year 1951; during the
first 7 months of fiscal year 1952, the De-
partment has expended over $20,000,000,000.
It is anticipated that by next June expendi-
tures during fiscal year 1952 for the Depart-
ment of Defense will be approximately
$40,000,000,000. These figures are exclusive of expenditures for the military portion of
the foreign aid funds.

As of January 1, 1952, approximately
$75,000,000,000 has been obligated of the
$106,000,000,000 appropriated for fiscal
year 1951 and fiscal year 1952. Part of the un-
obligated $33,000,000,000 represents funds for
aircraft, ships, and other major items of
procurement for which we will be let
and obligated during the second half of
the year. Another part of the unobligated
balance also represents operating expenses that are normally obligated
month by month; for example, military and
civilian pay, contracts for services at posts,
camps, and stations, and similar items. Ex-
cept for accounts necessarily reserved for
subsequent engineering changes, substantially all fiscal year 1953 and prior year money would be obligated by the end of this fiscal year.

During the past year the Department has, I believe, made considerable strides in improving the management of the procurement program. Among the more important of the improvements that have been made is the technical assistance bureau for the development of requirements and the scheduling of procurement. This procedure was initially started a year ago. As I reported then the time I appeared before this committee and first advised you of our plans to provide a substantial improvement in the basis for decision. The first attempts at this analysis and scheduling were not altogether realistic because we lacked information on industry capabilities and raw material availability. However, during the year we have continued to review and revise production schedules and, in cooperation with the Office of Defense Mobilization, to determine more accurately the raw materials and tools required to carry out our programs. On the basis of this experience it is believed that the Department will be able to improve operation to more realistically schedule production.

As I indicated to the Congress in September the preparation of the fiscal year 1968 $52 billion budget request is now under way. The computations were made as to the force levels we planned to maintain. The Joint Chiefs of Staff, on the basis of these material requirements, the Department of Defense provided estimates based generally on the material requirements and the forces previously approved. Preparation of the budget was immediately started, both on a ‘reduction basis’ and on a planning or ‘benchmark’ basis.

As background for the military budget for fiscal year 1953 it is essential to serve a useful purpose to outline the basic considerations which were taken into account in the preparation of the three military departments' requirements for this period.

First of all, the three military departments recognize and fully accept the fact that the essential requirement of our entire structure is a sound, vital and progressive economy. We cannot have security against an extremely vital and intensive enemy if our national economy is not in healthy substance.

On the other hand, we have taken note of the fact that the elasticity of our economy and its power of recovery are so great as to permit the absorption of unusually heavy burdens during the period of capital investment, provided always the period of strain is restricted in time and that relief from the unusual burdens is promptly and intelligently given.

Secondly, we have tried to bear in mind that in preparation against the dangers of a hot war, we must not be trapped by our own efforts into losing the cold one. By seeking to avoid causing these companies to go into operations below which it is impossible for reproductive enterprises will be forced to cut back and perhaps shut down altogether as a result of the inability to obtain the essential raw materials and components. It is a matter of both the elementary economic sense and as to the impact on our military economy as a whole.

As I said earlier in the previous year the program did not have to be reduced because of shortages of basic raw materials or because the forecast rate of expenditures would cause excessive financial or economic strains.

In fiscal year 1968 we face the problem of using the funds which were required to finance the world armament race. We come up against the hard realities that the requests from the military would, in some instances, be the result of the lack of materials within the compressed period of time. In other cases the requests of the military departments for total military expenditures which would be excessive in the judgment of other competent agencies of the Government and which, in their opinion, would either endanger the economy or financial stability of the country to a degree which was unacceptable and undesirable. The initial budget submitted to my office by the three armed services, based on military requirements and early readiness dates, totaled approximately $71,000,000,000, exclusive of the requirements of the military portion of the foreign aid program. As a result of the review conducted by the Office of the Secretary of Defense with the three military departments, and as a consequence of the screening process at that stage of budget development, the services in their rough form were reduced to a finished budget of approximately $55,000,000,000.

The Department again recommended to the latter figure to the Bureau of the Budget and to the President as a reasonable fund requirement. To this, the state of readiness as of July 1, 1953, in the case of the Army and Marine Corps and later for the Navy and Air Force would have involved, according to the original estimate of the three military departments, expenditures in fiscal year 1953 totaling approximately $73,000,000,000 exclusive of expenditures for military assistance to other countries.

Subsequent to our budget submission to the Bureau of the Budget, several further adjustments were made both in terms of new obligations and in terms of estimates. As a result of these adjustments, primarily a stretch-out of the period in which readiness is to be developed, the funds being requested before you call for $52,000,000,000 in fiscal year 1953, rather than the $55,000,000,000 figure in our initial submission to the Bureau of the Budget and the President.

The funds being requested herein for fiscal year 1953 will permit the Army to expand toward a goal of 21 full-strength divisions; the Navy toward a goal of 20 fleet aircraft carrier groups; the Marines toward a goal of 3 full divisions and 3 air wings; and the Air Force toward a goal of 145 wings. All 3 services will have the appropriate support-type units.

The decision to build toward these goals rather than attempt to reach them in fiscal year 1953 or 1954 was made after careful consideration of the economic, material, fiscal, and military implications involved. The reduction from our initial request to the Bureau of the Budget was in line with the decision of the administration and the Senate Appropriations Committee limitation as directed by the President.

The result was an approval of the military budget as a whole of $60,000,000,000 by the representatives of Staff and a determination by the President that expenditures for fiscal year 1953 for the Department of Defense and military end items financed under the Mutual Security Program should be less than $60,000,000,000. During the consideration of the problem we stated that we are fully as capable to calculate which this calculated risk entails since it involves a stretch-out in production and transfers the burden upon which the services will be equipped with modern and combat-worthy arms and equipment sustaining battle. I believe you have already heard from Mr. Wilson, Director of the Office of Defense Mobilization, on the problem of scarce ma-
The production schedule is ever achieved unless initiative, effort, and follow-up are applied. Concerning higher rates, many people...
the bill is noncontroversial and that its consideration will not take very long?

Mr. McFARLAND. I hope that consideration of the bill will not require much time; if it should take long, I would advise the bill go on over till tomorrow, rather than to have it considered today, because several Senators wish to speak on the unfinished business, which is the Alaska statehood bill.

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

Mr. McFARLAND. I yield.

Mr. HUMPHREY. My interest in this measure is manifest since the first session of the Eighty-second Congress, in connection with the so-called Ellender bill.

At the present time the committee is holding hearings on the question of manpower as it affects the United States. This bill was reported by the committee yesterday, I believe. As yet, none of us have seen a report on the bill or the report which comes from the committee, nor have we had an opportunity to examine any of the hearings on the bill.

I am sure the bill meets the purposes which Senators had in mind at the time of the debate on the so-called Ellender bill. However, in view of the very hot controversy we had at the time of consideration of the Ellender bill, when the Senator from Illinois [Mr. Donnelly], who is not at this time on the floor of the Senate, as I am sure you know, is much concerned about the very measure on which the Judiciary Committee now has taken action, I think we should have at least several hours today before we agree to the proposed unanimous-consent request.

Mr. McFARLAND. Mr. President, in order that Senators may know what the procedure will be--

Mr. AIKEN. Mr. President, will the Senator from Arizona yield to me?

Mr. McFARLAND. I yield.

Mr. AIKEN. I wish to assure the majority leader that I think this bill should be considered, I hope, not later than tomorrow. However, we have heard so much discussion about illegal employment of aliens on farms that I wish to make sure that this bill treats all persons alike, because I have a suspicion that there may be more aliens illegally employed in the cities of the United States than there are on farms. So I desire to make sure that the bill covers those who are in the cities, as well as those who are on farms in the Southwestern States.

Nevertheless, Mr. President, I think the Senator should consider the bill not later than tomorrow, probably, although I must admit that this is the first time I have read the bill.

Mr. McFARLAND. Mr. President, as I stated at the beginning of my remarks, time is of the essence in connection with this bill. On the other hand, I do not wish to ask any Senator to vote for a bill which he knows he has not had sufficient time to study.

Mr. KILGORE. Mr. President, will the Senator from Arizona yield, to permit me to make a brief statement?

Mr. McFARLAND. Yes; I yield to the Senator from West Virginia.

Mr. KILGORE. Let me say that the draft of the bill which now comes before the Senate was accepted by the Department of Agriculture and representatives of the agricultural organizations, and by immigration service officials. The bill was really drafted by them, and as many safeguards as possible were placed around it. At the same time it gives us the right to obtain evidence with respect to illegal labor.

Furthermore, on the question of labor, I may say that these groups are in a dangerous situation in the Southwest. There is a legal means of getting labor over the international boundary if the agreement is renewed. But the agreement cannot be renewed, at least until the Senate passes this bill and the bill goes to the House. Renewal of the agreement will then be discussed. This bill would provide the necessary safeguards to protect us against illegal entries. I refer to illegal entries by persons who may be morally unobjectionable, but who are unable to pass the immigration tests.

Mr. AIKEN. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield to the Senator from Vermont.

Mr. AIKEN. I should like to ask the Senator from West Virginia whether he is sure that every provision of this bill applies to the illegal employment of aliens within cities, as well as upon farms. Does the bill treat both classes exactly alike?

Mr. KILGORE. It treats everyone in exactly the same way, except for one feature of the bill.

Mr. AIKEN. What is that?

Mr. KILGORE. The exception is that, along the border, the immigration officers are granted a little more authority to conduct searches within a reasonable distance from any external boundary of the United States than they now possess.

Mr. AIKEN. In other words, the bill authorizes the immigration authorities to search for illegal entries along the entire Texas-Arizona-New Mexico border, but not, for example, in the city of Chicago. Is that correct?

Mr. KILGORE. They may search any place.

Mr. AIKEN. The bill says "within a distance of 25 miles from any such external boundary" the immigration authorities may have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States. They may proceed from the district headquarters, of which there are only four, warrants authorizing them, at a day and hour fixed in the warrants, to make a search for illegal entries supposed to be harbored therein.

Mr. AIKEN. I thank the Senator from Vermont. I simply raised this question, because it seemed that last year an effort was made to obtain legislation which was apparently directed at farmers only; and I wanted to make sure that any legislation we pass would apply to everyone.

Mr. KILGORE. I may say to the Senator from Vermont that the use of one particular word in the bill should convince him. In the previous bill the word "harboring" was employed generally. This word goes to the matter of employment, no matter where the person may be employed, whether on a farm, in a factory, in a shop, or anywhere else.

On page 4, beginning at line 18, the bill reads:

"Provided, however, That for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring."

That is an additional safeguard.

Mr. MAGNUSON. Mr. President, will the Senator from Arizona yield?

Mr. McFARLAND. I yield to the Senator from Washington.

Mr. MAGNUSON. I think it should be pointed out to the Senator from Vermont that the fact that there was no hearing on this bill is not unusual, but is attributable to the time element. However, the bill itself was the result of long conferences between the State Department, the executive department, the farm labor-management groups, including, I believe, the National Grange, and a great legislative council. By reason of the time element, we have amended it in several places, and this is the result agreed upon by everyone. That is why no hearings were held.

Mr. AIKEN. I have had no opportunity to read the bill; but, with the assurance that its provisions are equitable, I have no objection.

The PRESIDENT pro tempore. The clerk will read the bill by its title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1851) to assist in preventing aliens from entering or remaining in the United States illegally.

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

Mr. HUMPHREY. Mr. President, I do not desire to object to the present consideration of the bill. I merely want to say that because of a lack of time, many of us are not going to have any opportunity whatever to study the proposed legislation. But I recognize the difficulty which our Government has encountered in the renegotiation of the agreement with the Republic of Mexico,
and if this is a part of the means to get the agreement renewed so that we can make some forward progress, then I shall not object.

However, I may say, Mr. President, that the problem of the wetback and the problem of migratory labor should not be considered as being properly treated by a bill such as Senate bill 1851. This bill treats but one aspect of the problem: it gives the Immigration and Naturalization Service and the Justice Department more direct authority to have them having safe searching, as present law. It is a limited approach to a very difficult problem, and there will be much more which needs to be done.

I shall not object, but I want the record perfectly clear that we have not as yet, from what casual study I have been able to make of Senate bill 1851, come anywhere near really getting at the problem of the bill.

I listened to testimony this morning from Archbishop Lucey, of San Antonio, Tex., and from Dr. Fuller, the executive secretary of the President's mission on Migratory Labor. There are hundreds of thousands of wetbacks in this country literally adulterating the American employment market and posing great social and legal problems to the people of the United States. This bill as an effort to strengthen our law is commendable, and on that basis, I think it should be supported. But I repeat, Mr. President, we have nowhere near met the obligation which the Congress owes to the American people in dealing with the very difficult and complex problem of migratory labor.

Mr. KILGORE. Mr. President, I should like to remind the Senator that a bill going much further than this is now in the Committee on the Judiciary, a bill which completely takes care of the immigration problem, or attempts to do so, and recodifies the entire immigration law. This is a temporary expedient to take care of an emergency. The other bill goes much further.

This bill is more or less for the purpose of strengthening the arm of the immigration service pending the passage of complete legislation on the subject of immigration, and to enable them to ferret out certain places which they have heretofore been unable to search. The bill, in short, makes it an offense to harbor or to transport or to bring in wetbacks. The previous law makes it an offense to enter the country illegally. The pending bill provides certain safeguards. It provides that employment shall not be deemed to constitute harboring, if the normal practices of the employment are followed. Second, it allows a search of vehicles within a reasonable distance of the external boundaries, without warrant. It must be realized that we have very few immigration service people and they must not be tied down too tightly. Third, it allows the entry on private lands within 25 miles of the external boundaries, but not the entry of dwelling houses, to search for entries. Fourth, it permits search to be made upon the issuance of a warrant, which warrant must be dated and limited to 30 days for its execution, and the time of day or night at which the warrant may be executed shall be specified. The search may be made at any place in the United States where there is reasonable ground to believe there are illegal entries, and the warrant must be issued either by a district director or his assistant, there being four directors in the United States and three assistant directors.

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

Mr. KILGORE. I yield to the Senator from West Virginia.

Mr. JENNER. For the benefit of the Senate, I think the Senate might explain that the pending the only disagreement in the committee.

Mr. KILGORE. That is correct.

Mr. JENNER. He might explain also that the farmers of this country are very much interested in this provision, and that it was the intention of this proposed legislation, and so written into the report, to limit the number of assistant directors.

Mr. KILGORE. The Senator is correct. The report will show that that was the intention of the committee. The bill, as originally drafted, used the term "supervisory personnel." The word "supervisory" was spelled out to mean the district directors and their assistants, there being four directors and three assistants.

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

Mr. KILGORE. In just a moment, I should first like to finish my thought. That was not put into the bill but was written into the report, because the only dispute we had was with reference to the John Doe warrant of the old prohibition days and the fear that such a warrant might be written.

I now yield to the Senator from Washington.

Mr. CAIN. If the bill is passed by the Senate during the course of the day, will the committee's report on the bill be made available to the Members of the Senate?

Mr. KILGORE. The committee's report was filed yesterday, but for some reason it has not come back from the Government Printing Office. I am assured by the Secretary that it will be here some time this afternoon.

Mr. CAIN. I thank the Senator.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield?

Mr. KILGORE. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I notice that the proviso on page 4 of the bill reads as follows: "Provided, however, That, for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring."

What is the purpose of that particular proviso if the purpose of the bill is to stop the illegal wetback system?

Mr. KILGORE. Many wetbacks have been in the country for years. They are frequently caught for American citizens. By stating that so long as an employer lets the employee carry on only the normal work of his employment and does not make any special effort of any kind to conceal him, that of itself shall not constitute harboring. But if he takes steps to do so, and by providing a place for the employee to hide out, that does constitute harboring.

Letting him carry on the normal course of employment cannot be so considered. Consider a farmer who takes a hot lunch to the field at noon. The mere fact that that is being done to save time and to give better food to the men who are not being done is, as it would be if the food were taken out into the underbrush to someone who was concealed there.

I know what the Senator has in mind. Practically every State in the Union has had the wetback problem. Some of these people cannot meet the standards of immigration. They may be criminals. Because they are are women, they can be kept in a state of peonage. We have a contract system whereby aliens can legitimately be brought into the United States.

But before they are brought in, the local employment service is available, if not available, then by the contract system aliens can be brought in to take care of crops in certain places and to perform certain types of work. But they must meet the standards of immigration. This bill would give the Immigration Service some help which it does not now have.

Mr. HUMPHREY. Mr. President, I do not wish to delay the Senate's consideration of this measure, but I want the record expressly, explicitly, and perfectly clear that this measure is but one of the many things which need to be done in terms of dealing with the problem of the wetback and migratory labor.

I also want it clear as to the restrictions in the bill, namely, the warrant, the number of persons who may issue a warrant, the supervisors or assistant supervisors, and the agents are all general; and the fact that a wetback employed under what are normal conditions of employment severely limits the application of the measure as an effective piece of legislation to deal with the wetback problem.

I am not saying that it is not progress. It is. But the testimony which we heard this morning, and which is still ringing in my mind, of one of the distinguished leaders of a great church, who came all the way from San Antonio, Tex., at his own expense, to tell us what the inurable, deplorable conditions which exist in the migratory-labor field, is something which is shocking and revealing.

I think every Member of the Senate ought to be aware of the testimony of the Archbishop of San Antonio in which he pointed out that in Texas alone some 60,000 American citizens sought employment elsewhere, whereas the Government 50,000 Mexicans were brought into the United States to replace Americans who had to go elsewhere for employment. These are not my words, but are the words of a distinguished churchman who appeared in behalf of his people.

Let no Member of the Senate think that Senate bill 1851 is an answer to the
problem. The bill is long overdue, and that is the reason why it must be passed; but it has been restricted and limited and will necessitate, I think, much more consideration of the problem by the Committee on the Judiciary. I know there is an immigration bill before us, and I know that we will take some action on the subject this year. We ought to be in the midst of the deportation of persons illegally entering from Canada, England, France, or Germany as we are with reference to Mexicans or persons from the British West Indies. There are a great many aliens in the border states and in the border lines on the basis of reference to deporting people who may have a bad idea. The books are filled with legislation providing for the deportation of Communists and Fascists. I want to see to it that those who have entered this country illegally are deported also, that the laws of this land are adequately enforced, and that there is no doubt as to what the purpose of the Congress is, namely, that illegal entries shall be barred.

The wetback problem stands as a blight and a shame on the American Republic. We talk about aid for the underprivileged; we talk about integrity and the enforcement of law. Yet one of the principal problems we face is the way we have permitted the wetback to remain here and to permit himself to be exploited and, at the same time, deprive American laborers of employment.

Mr. President, I have no objection to the consideration of the bill.

Mr. KILGORE. Perhaps the distinguished Senator from Minnesota knows that the original bill introduced was in line with his statement. There is a very strong bill in the House which is in line with the original bill introduced. However, the thought at this time was that it would work a very severe hardship; in other words, action had to be taken gradually so as to accomplish as much as we could this year and do a little more next year. Punish employers who were used to a long practice of carelessness which we had allowed to develop, and at the same time, not punish the man who wants to pay legitimate wages but cannot find the necessary labor. He wants to bring the aliens into the country temporarily and then send them back after the work is done. We do not want to punish him by having him compete with the wetbacks.

That is the reason for the modification of the pending bill. In the opinion of the Senator from West Virginia, it is a temporary expedient. I hope we shall eventually reach the ultimate.

Mr. President, will the Senator from West Virginia yield?

Mr. KILGORE. I yield to the Senator from West Virginia.

Mr. LEHMAN. Mr. President, as the Senator from West Virginia knows, I am strongly in favor of preventing the entry into this country of wetbacks, and I am also in favor of their deportation or of all other categories of persons, male or woman who has entered the country illegally. Since I feel that way, does not the Senator agree with me that the point raised shall arise from Minnesota that this bill unnecessarily limits the power of the Government in that respect, is valid?

I specifically ask the Senator about a proviso in subsection (4) of section 8, commencing in line 18, page 4, reading as follows:

Provided, however, That for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

My question is whether the Senator from West Virginia does not believe that that provision substantially weakens the force and effect of this entire paragraph in section 8.

Mr. KILGORE. No, I will say to the Senator from New York I do not believe that that proviso, properly interpreted, weakens the section, because this is a bill providing punishment for people who "harbor," and it is very hard, let us say, for the small farmer, or the factory owner, to know, when he hires a man coming into the community, what his previous status was. The Senator from New York must realize, and the Senator from Indiana well knows, that wetbacks come across the Arkansas line, more and more, and go in Texas, Arizona, or New Mexico, and then go to Indiana to work for a while on the farms there, and when the season is over, these old trucks are sent to Indiana, Ohio, Illinois, for the workers, and haul them back for the cotton-picking season. The trucks are not sent to West Virginia, because the workers labor in the mines of West Virginia, and the work is not seasonal.

Let us say a farmer picks up a wetback in Illinois from a farm there, and hauls him down to the South, as he has been accustomed to doing, through his agents. So long as he puts the man into employment in the South, that in itself shall not be considered "harboring," so as to render him liable to punishment; but the wetback may still be apprehended.

Mr. LEHMAN. Mr. President, will the Senator yield for another question?

Mr. KILGORE. Certainly.

Mr. LEHMAN. As I read that section, the words in it are as follows: "willfully or knowingly"—I emphasize the words "willfully and knowingly"—"willfully or knowingly encourages or induces, or attempts to encourage or induce, either directly or indirectly, the entry into the United States of any alien, including an alien seaman, not duly admitted by an immigration officer or not lawfully entitled to enter or reside within the United States under the terms of this act," and so on.

Once one comes within that description shall be deemed guilty of a felony. The provision starting in line 18 it seems to me nullifies the other language. A man does not subject himself to any penalty unless he has willfully or knowingly induced the admission or entry of such aliens.

Mr. KILGORE. Oh, no. If he willfully or knowingly encourages or induces aliens to come into the United States, that of itself is an offense, but the mere fact of having them in his employment shall not under the meaning of the words, be classed as "harboring."

Mr. LEHMAN. I understand that, but what I am not clear about in my mind, and possibly the Senator from West Virginia can enlighten me, is why the provision on line 18 is inserted, limiting the word 'employment' to the other part of the section. I am trying to strengthen the bill.

Mr. KILGORE. So am I, but at the same time I am trying to do it, not at the expense of some many unwittingly or unknowingly, or thoughtlessly hires a man he does not know to be a wetback, who may be pretty well in the interior of the country, and who is seeking employment. The man to whom I am referring may need an employee, and hires the alien. That of itself should not subject him to a penalty. Once he finds out the real situation he is knowingly and willfully harboring the man, and the authorities can go after him.

Mr. KNOWLAND. Mr. President, will the Senator from West Virginia yield?

Mr. KILGORE. I yield to the Senator from California.

Mr. KNOWLAND. As a matter of fact, is it not true, particularly in the border States of Texas, New Mexico, Arizona, and California, and with their Spanish-Mexican background, there are a great many people living on our side of the border who are American citizens, while on the other side there are a great many from the other side who come over who speak English, and it is difficult at times, no matter if one is trying to prevent illegal entry, to differentiate between the American citizen and the person who may have come across?

As I understand the situation, what the Senator from West Virginia has been trying to accomplish is this: If there is in fact a conspiracy to bring in inadmissible persons knowingly and willfully, those guilty would be subject to the penalty. But if in the course of employment one happens to get a wetback in his group, he should not then be penalized for a condition to which he has not been a party except in a non-willful way.

Mr. KILGORE. The Senator from California is correct in his statement. Not only is it true of the border States, but also of my own State of West Virginia, where great numbers of legally entered people of Spanish or Mexican ancestry work in the mines and factories. If someone drifts in, speaking the same language and associating with them, it is very difficult for an employer to know which ones are in the country illegally.

A mine operator, for instance, who may have a hundred Spanish-speaking employees working in his mine, may suddenly learn that there is one wetback among them, but hr. has not induced that wetback to come there. Unless there is in fact an agreement, he cannot be penalized in accordance with the definition as given by the Supreme Court, such an employer could be held guilty of a felony by reason of the fact that he had harbored a wetback.

Incidentally, that could operate also against a Spanish-speaking person, or a person of Spanish, Italian, or other foreign ancestry, who has come into this
country, who is a bona fide citizen, and who tries to find work, because employers would be reluctant to hire a person who speaks a foreign language.

Mr. LEHMAN and Mr. ELLENDER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from West Virginia yield, and if so, to whom?

Mr. KILGORE. I yield first to the Senator from New York.

Mr. LEHMAN. I expect to vote for the bill because I believe it is a step forward. But my desire is to make it much stronger than it is at the present time.

It seems to me that, on page 4, lines 18 to 21, beginning with the word "Provided;," weaken the effect of the bill very materially. I do not believe that language belongs in the bill or is needed because no one may be found guilty of a crime or a felony unless it can be shown that he has willfully or knowingly encouraged the admission or entry of a webback into this country.

The amendment on the part of a citizen to induce illegal entry willfully or knowingly, it does not seem to me that he is subject to any penalty at all. Therefore, I believe it is not necessary or is improper to have inserted a clause which is inserted at the end of this subsection.

Mr. CHAVEZ. Mr. President, will the Senator yield to me for a moment?

Mr. KILGORE. Perhaps the distinguished Senator from New York has not read all the provisions of the bill.

Mr. LEHMAN. I could not have read all of it, but I did not see the bill until a few minutes ago.

Mr. KILGORE. Subparagraph (3) of section 8 reads as follows: "willfully or knowingly conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, in any place, including any building or any means of transportation."

This does not define the meaning of the word "harbor" in subsection (3).

I now yield to the Senator from New Mexico.

Mr. CHAVEZ. Mr. President, the point I wish to make in response to the question raised by the distinguished Senator from New York is this: All of us, of course, wish to have some provision adopted affecting the webback or any other immigrant who is here illegally, but unless there is such a definition as that outlined by the Senator from West Virginia, we shall be completely violating the criminal laws of the country.

Why should a man be punished, or why should he be deemed to have committed a crime if he has not acted willfully and unlawfully? If he acts as a matter of course, by mistake, because he does not know whether a person is a citizen or not, if he does it in an innocent manner, and does not do it premeditatedly, why should he be punished? I am just as sincere as any other Senator in trying to solve the webback problem, because I am as much affected by it as anyone else.

As was previously stated by the Senator from Minnesota, what Archbishop Lucey said before the committee this morning was correct. Our citizens, brothers of the boys who are dying in Korea, boys from Texas, New Mexico, and Arizona, are in many instances unable to obtain work because of the webback problem. However, I do not want to punish an American citizen because he makes a mistake and inadvertently allows someone to come into the United States illegally, or who employs a person when he innocently thinks that he is either a legal entrant or a citizen of this country.

Mr. LEHMAN. Mr. President, I should like to point out to the Senator that I am eager to see this problem solved. I have bills which have been introduced or will be introduced, which would permit the liberalization of our immigration laws, so that decent men and women who conform to the standards set by our Government may be permitted to enter this country.

Mr. CHAVEZ. I should like to associate myself with that idea.

Mr. LEHMAN. On the other hand, I desire to close this matter of the entry of certain persons, and to deport anyone who has entered this country illegally, because I think illegal entries are bad for the country.

Mr. CHAVEZ. So do I.

Mr. LEHMAN. I also believe that the existence of large groups of immigrants, numbering several hundred thousand, who come into the United States illegally militates against the possibility of decent law-abiding, honest men and women coming into this country legally.

Mr. CHAVEZ. You wish to associate myself with the Senator from New York that idea. However, I believe that so far as the wetback problem is concerned, this bill represents progress. In dealing with this problem time is of the essence. The law, or the contract made pursuant to the existing law, expires on the 11th of this month, as I understand. I should like to have some action taken. I feel as does the Senator from New York, that the committee has made progress.

Mr. LEHMAN. I thank the Senator. I certainly will not object to the consideration of the bill.

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

Mr. KILGORE. Mr. President, I yield the floor.

Mr. ELLENDER. Mr. President, I hope there will be no objection to the consideration of this bill. It will be recalled that the bill which was considered last year to permit the importation of Mexican farm labor was debated to a considerable extent on the floor. I am sure that Senators will remember the amendment which was proposed by the Senator from Illinois [Mr. Douglas], and adopted by the Senate, but later eliminated in conference.

The amendment to the immigration law which we are considering does not, I admit, go even as far as the so-called Douglas amendment. However, as has been stated many times, the proposed amendment goes a large part of the way. It is my hope that within the next few months the Senate will consider the omnibus bill now on the calendar, which would further strengthen the immigration laws.

The enactment of this amendment is necessary, I understand, because the Government of Mexico is now entering into another contract pursuant to existing law unless we strengthen our immigration laws. It will be recalled that when the agreement was entered into by the President of the Republic of Mexico, as well as our own President, decided to limit the contract to 6 months, in the hope that the Congress would enact a law to assist in solving the wetback problem.

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

Mr. ELLENDER. I yield.

Mr. KILGORE. The Senator from Louisiana probably well knows that the Republic of Mexico wants to restrict the migration to the United States of Mexicans from northern Mexico, because Mexico is trying to build up her own agriculture. For that reason the Mexican Government is just as much opposed to the wetback as we are. Labor is required from the border and agricultural section of Mexico into the United States, and then returned to Mexico.

It is for these reasons that we must strengthen the wetback law. Otherwise other countries of Mexico will not enter into an agreement.

Mr. ELLENDER. When we entered into the contract last year there was a provision whereby labor was to be taken from the southern part of Mexico, to meet the very point to which the Senator is now calling attention.

I find that there is a lack of cooperation on the part of the Mexican Government in fighting the webback problem. For example, there is a law on the statute books of Mexico which makes it a crime punishable by fine and imprisonment if a wetback, returned to Mexico, is shown to have crossed illegally. The Mexican Government can legally prosecute him. However, the Mexican Government will not do the entire burden on the American Government. It is my hope that if this bill is passed, we shall get more cooperation from the Mexican Government, so that it will assist us in fighting the webback problem. I am certain that our present problem would have been substantially reduced if the Mexican Government had taken action to punish, under its existing laws, the thousands of wetbacks who have been returned to Mexico by us. I suggest that this entire webback problem can be solved only if we get more cooperation from the Mexican Government.

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

Mr. ELLENDER. I yield.

Mr. KNOWLAND. Let me say for the purpose of the Record that during the period Congress was in adjournment I went into the Imperial Valley, where reception centers have been established. I commend the Immigration Service and the Department of Labor for the job they are doing. The fact of the matter is that many of the farm groups, as well as some of those in the Labor Department, have told me that the wages paid were comparable to those paid to other
labor, and that the Mexican labor actually cost the farmer a little more than other labor would cost, because of the expense of bringing the labor in, the bond, and so forth. It is not entirely a one-sided affair. If Mexican labor were allowed to come from the region immediately south of the border, the situation would not be quite so serious, because the agricultural problems in that region are, to some degree, at least, comparable to those in Imperial County. When the labor is farther down in Mexico, many persons come into the United States who have not had very much agricultural experience under modern methods.

When Mexican labor is employed in this country it accumulates a substantial number of dollars to take back to Mexico. I was given certain figures relative to the amounts which Mexicans had accumulated and taken back into Mexico. They also accumulate and take back with them large quantities of American merchandise.

Moreover, a practical point 4 program, they are taking back with them to their farms and neighborhoods modern methods of agricultural development, which I think will prove highly beneficial in improving the standard of living, the production of food, and the general economic condition in certain agricultural regions of Mexico which have not heretofore had the benefit of such modern methods.

Mr. Connally. I am glad that the Senator from California has made that point. It seems that the officials in Mexico do not appreciate the benefits mentioned by the Senator from California.

In a measure they are forcing us to get labor from far down in southern Mexico, in the hope that the labor in northern Mexico will remain for agricultural employment in that area.

So long as the Mexican Government takes the position it does, we will never have the kind of cooperation that is necessary to solve the wetback problem. I am sure that if the Mexican Government took the proper steps and actually punished wetbacks after they are returned, the rate of illegal immigration would be substantially reduced.

Mr. President, imagine the amount of money we spent last year to solve the problem. We not only assisted on our own border by making it as hard as possible for wetbacks to enter initially, but when we found them over here, we transported them a few hundred miles into the interior of Mexico, so that they could not just turn around and thumb their way back across the border. That did not stop them. The Mexican Government, and the interior authorities, have punished these people. They could have had them arrested and tried under Mexican law. That would have been a great boon, if we could proceed. Of course, if such a proposal was made, there was nobody at home. The Mexican Government expects us to do all the work.

It is my hope that this bill will pass as it is now written, and that from now on the Mexican Government will be a little more cooperative concerning the problem of wetbacks.

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

Mr. Ellender. Certainly.

Mr. Connally. I should like to ask some questions of the distinguished Senator from Louisiana, because I know that he has been very active in this field and I know what he has done to solve the whole problem. Is it not true that the main problem—and this question should be addressed to the Mexican, as well as to the United States, in this matter—is that of allowing the aliens who want employment to come across the border, to be employed here, to receive good wages, and then to see to it that they are returned to Mexico? Is not that the problem in a nutshell?

Mr. Ellender. That is it.

Mr. Connally. Is it not correct to say that the experience of our Government and of the people of the United States demonstrate that when the so-called wetbacks cross the border and are employed in the United States and receive many times the compensation they would have in Mexico, if something can be worked out to guarantee their return to Mexico, the problem would be solved?

Mr. Ellender. That is correct.

Mr. Connally. It is not so much a question of getting them into the country, but being permitted to come into the country if there was the demand, and do no harm to either government or either people, so long as there was some assurance that they would return to Mexico?

Mr. Ellender. That is correct.

Mr. Connally. Could that problem not be worked out by giving each one of the wetbacks a card or a certificate of some kind, when they entered the country, which would identify them and make it possible for the officers of the law to detect them and thus see to it that they returned?

Mr. Ellender. That could be done.

Mr. Connally. As the Senator from Texas knows, the border between Mexico and Texas is very long, and it would require quite a number of inspectors of employees to check thoroughly on all the Mexicans who cross it, and then check again to see that they returned.

Mr. Connally. The Government has employees there now; does it not?

Mr. Ellender. Yes, but the method the Senator suggests would require many more employees. It is my belief that more cooperation on the part of the Mexican Government in actually punishing those who attempt crossing the border illegally, would go a long way toward solving the problem. The difficulty is that Mexico is putting on us the one-sided nature of the question involved that they should disagree with everything we want to do, except to undertake to put someone in jail. I very much regret that the original bill provided the absolutely necessary to insert this provision in the bill in order to get any adjustment with Mexico.

Mr. Ellender. Under the present law, which expires in December of this year, our Government and the Government of Mexico entered into a contract.

Mr. Connally. The Government of Mexico, or the Government of the United States.

Mr. Ellender. The Mexican Government. There is a contract between the Governments. When we were in Mexico City, in the last year, it was on the insistence of the President of Mexico—and, of course, our own President agreed to it—that the contract was limited to only 6 months, although it could have been made effective until December 31 of this year.

Mr. Connally. When does the act expire?

Mr. Ellender. December 31 of this year, 1952.

The point is that when the Senate passed the original bill, it included the so-called Douglas amendment. However, when the bill reached the House, the amendment was eliminated. We tried in conference to retain the amendment, but there was serious objection, and the legislation was delayed. However, the law as it now reads will become inoperative, that is, the Mexican Government will not agree to another contract unless the controlling measure—which is a very much modified form of what the Senate approved when the original bill was enacted during the last session of Congress—is passed.

Mr. Connally. In other words, we are letting Mexico dictate our policies; if
The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert :

That section 8 of the Immigration Act of 1917 (39 Stat. 880; 8 U. S. C. 144), is hereby amended to read as follows:

'Sec. 8. (a) Any person, including the owner, operator, pilot, master, commanding officer, agent, or employee of any means of transportation who—

"(1) brings into or lands in the United States, by any means of transportation or otherwise, or attempts, by himself or through another, to bring into or land in the United States, by any means of transportation or otherwise—

"(2) knowing that he is in the United States in violation of the provisions of this section, and knowing or having reasonable grounds to believe that his last entry into the United States occurred less than 3 years prior thereto, transports, moves, or attempts to transport or move, within the United States by means of transportation or otherwise, in furtherance of such violate—

"(3) willfully or knowingly conceals, harbors, or shields from detection, or attempts to conceal or shield from detection, aliens, in any place, including any building or any means of transportation; or

"(4) willfully or knowingly encourages or induces, or attempts to encourage or induce, either directly or indirectly, the entry into the United States, or the admission into the United States of an alien, who is not entitled to enter or to remain in the United States, or

shall not be deemed to constitute harbor­ing—

"(b) No officer or person shall have authority to make any arrest for a violation of any provision of this section except officers and employees of the Immigration and Naturalization Service designated by the Attorney General, either individually or as a member of a class, and all other officers of the United States whose duty it is to enforce criminal laws.

"(c) When the Attorney General or any district director or any assistant district director of the Immigration and Naturalization Service has information indicating a reasona­ble probability that in any designated lands or other property aliens are illegally within the United States, he may issue his warrant authorizing the immigration officer named therein to go upon or within such designated lands or other property other than a dwelling, and thereupon such officer may enter or be or remain in the United States. Such warrant shall state therein the time of day or night for its use and the period of its validity which in no case shall be for more than 90 days.

Sec. 2. The last proviso to the paragraph headed "Bureau of Immigration" in title IV of the act of February 27, 1925 (43 Stat. 1049; 8 U. S. C. 169), as amended by the act of August 7, 1946 (60 Stat. 885), is hereby further amended so that clause numbered (2) shall read:

"(2) within a reasonable distance from any external boundary of the United States, or to conceal, harbor, or shield from detection, or attempts to conceal or shield from detection, or attempts to encourage or induce, either directly or indirectly, the entry into the United States, or the admission into the United States of an alien, who is not entitled to enter or to remain in the United States, or

the President pro tempore. Without objection, the amendment is agreed to.

Without objection, the bill is passed.

Mr. DOUGLAS. Oh, Mr. President—

The PRESIDENT pro tempore. The Chair begs the pardon of the Senator from Illinois, and withdraws the statement about the passage of the bill.

Mr. DOUGLAS. Thank you, Mr. President, for the announcement was made quite rapidly.

Mr. President, we know that enormous numbers of so-called wetbacks enter the United States illegally every year.

Mr. Gladwin Hill, who made an in­vestigation of this matter for the New York Times, last year estimated that between 500,000 and 1,000,000 Mexicans crossed the border in this way in a single year.

The Senate Agriculture Committee placed the number at more than a million in its report on S. 884 last year and conceded the importance of this illegal im­migration.

We know also some of the effects of this illegal migration. The presence of this large number of laborers who enter our country illegally serves to keep down the wages of American farm workers. Furthermore, since these persons are not subject to the Immigration and Naturalization Service, we know that they are at the mercy of their employers, because their employers can turn them over to the authorities at any time and can have them deported. And, therefore, the workers have forced to accept low wages and not very good working conditions.

I believe we must deal with this ques­tion much more vigorously than the committee has done, although I wish to pay tribute to the committee for acting to improve the present situation. The committee has voted to tighten up the prohibitions and penalties against transport­ing wetbacks illegally into the United States and harboring wetbacks, but the committee proposes a specific exemption for employment. It specif­ically provides that employment shall not constitute harboring. In other words, under the committee proposal it is not illegal for an employer knowingly and willingly to hire a wetback who has illegally entered the United States.

Mr. KILGORE. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I yield.

Mr. KILGORE. I think the Senator from Illinois misinterprets the bill, which provides that the employment itself shall not constitute harboring. If it can be proved that an employer knowingly and willingly has permitted such a person to enter the United States, the bill provides that a penalty shall be imposed.

Mr. DOUGLAS. Very well; then I wish to have the Senate adopt an amendment to cover that point of employment, and to the committee amendment I shall submit my amendment and...
send it to the desk and ask that it be stated and considered.

The PRESIDENT pro tempore. Without objection, the action previously taken by the Senate on the committee amendment will be reconsidered, and the committee amendment is now before the Senate.

The amendment submitted by the Senator from Illinois to the committee amendment is as follows:

The CHIEF CLERK. On page 5 of the committee amendment, between lines 17 and 18, it is proposed to insert the following:

(d) Any person who shall employ any Mexican alien not duly admitted by an immigration officer or not lawfully entitled to enter or to reside within the United States under the terms of this act or any other law relating to the Immigration or expulsion of aliens, when such person knows or has reasonable grounds to believe or suspect that such alien is not lawfully within the United States and who has not obtained such information by reasonable inquiry or has not taken reasonable measures for obtaining such information, shall be punishable by a fine not exceeding $2,000, or by imprisonment for a term not exceeding 1 year, or both, for each alien in respect to whom any violation of this section occurs.

Mr. DOUGLAS. Mr. President, this is the precise language of the amendment adopted last year by the Senate.

Mr. MC FARLAND. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I am very glad to yield.

Mr. MC FARLAND. I hope the Senator from Illinois will not offer the amendment.

Mr. DOUGLAS. Mr. President, I have already offered the amendment to the committee amendment, and I hope my amendment to the committee amendment will be accepted.

Mr. MC FARLAND. Mr. President, I may state to my distinguished friend from Illinois that this amendment to the committee amendment presents a highly controversial question. There are those who honestly believe that the amendment proposed by the Senator from Illinois to the committee amendment would make the proposed law too strict.

On the other hand, the bill before the Senate is proposed as stopgap legislation to enable the farmers to obtain the needed labor. Mr. President, it is another 6 months. If at the time for the renewal of the law in regard to the use of this labor, the Senator from Illinois wishes to submit his amendment, that will be a different proposition. But what will happen if the amendment is insisted upon at this time? The committee has worked a long time in preparing a compromise bill, but if the bill cannot be passed by us if it includes the amendment the Senator from Illinois has submitted to the committee amendment, because there will be considerable debate on that subject. The bill was taken up by the Senate today with the understanding, of course, that it would be passed as it is and that there would not be a great deal of controversy.

On the other hand, if we throw open to debate the subject matter of the amendment proposed by the Senator from Illinois to the committee amendment, and that controversy which has existed for the last 6 months, the result will be that the United States may not obtain the important fiber and food which are needed in order that our defense efforts may proceed successfully.

Mr. President, everyone must at least agree that this bill constitutes a step forward, and that those who have worked on the bill, including the Department of Labor, the Department of Agriculture, and the various agricultural organizations, know that they think it is best under the circumstances.

It would be unfortunate to throw this subject into controversy after the departments and farm organizations have agreed upon the language and after the Judiciary Committee made a unanimous recommendation that it pass as reported. As I stated before, time is important and I am hoping that you and others will agree that this bill constitutes a step forward, and that those who have worked on the bill, including the Department of Labor, the Department of Agriculture, and the various agricultural organizations, know that they think it is best under the circumstances.

Mr. DOUGLAS. Mr. President, the language contained in my amendment to the committee amendment is nothing new. It is the precise language which was adopted last year by the Senate itself, when the question was fully discussed and when the Senate reached agreement that the penalties should be made to apply not only to those who transport such labor illegally, not only to those who conceal or harbor such labor illegally, but also to those who employ such labor which has entered this country illegally. Mr. President, I may say this is the real test and the real milk in the coconut. This will actually determine whether we are to have a really effective law or whether we are to have no law at all.

So I am proposing in this amendment to the committee amendment only what the Senate itself did last year. And I hope the Senate may without delay adopt this proposal again.

It is true that the amendment was eliminated in conference last year; but during the course of the debate on the amendment, the Senator from Louisiana pledged that he was thoroughly in agreement with the principle it involves. I read from the Congressional Record, volume 97, part 4, page 4427:

Mr. President, I wish to state that in order to further assist in connection with the whole problem and in conformity with the promise which I made to many members of the Mexican delegation that I would sign such a law, I am now offering an amendment to make it punishable for an American employer knowingly to employ an alien illegally in this country, which was prepared and introduced by me today.

The point is that whenever this issue comes up, it is said that now is not the time to dispose of it, but it should be considered at some other time. I submit that now is the time, when we are dealing with this bill. So I hope very much the Judiciary Committee and the Senate will accept the amendment, so as to reaffirm the strong position the Senate took last year.

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

Mr. DOUGLAS. I am glad to yield to the Senator from Minnesota.

Mr. HUMPHREY. My reason for questioning the advisability of bringing up this bill at this time was because of the situation to which the Senator has directed his remarks. As I stated a few moments ago, on this floor, it was the Senator from Illinois who proposed the amendment which he now reoffers, and all of us recall that it was hotly debated, and it was finally voted upon and accepted by the Senate.

I pointed out in my discussion of this bill, which is hot off the press, so to speak, with no report on it before the Members of the Senate—which is a most incredible situation—and which is contained in it is a limiting proviso which is contained in it is a limiting proviso. The wetback problem is not one which is produced as a result of people who are buying Mexican labor and bringing them across the border. The wetback problem is exactly what it implies—they walk across the river.

Mr. DOUGLAS. That is correct.

Mr. HUMPHREY. They walk across the Rio Grande, come into the United States, and are lost in the population of the United States. The Senator from Illinois is eminently correct when he says, No. 1, the depression of the local labor market, and, No. 2, it provides an avenue of employer blackmail. All an employer need say is, "If you do not like the working conditions and the pay, I will report you," and under this bill the wetback could be deported. But, further than that, and which I think is the real crux of this situation, it provides for human degradation. There is a time at hand when we must get to this thing, and the wetback problem is the No. 1 problem which faces the country today in terms of illegal entries. It is a problem which is unique to the Southwest. It is a problem which has caused great confusion in agricultural employment throughout America.

I may say to my friend, the Senator from Illinois, that the growers in my own State, meeting with me on the eighth day of January, told me that if the wetback problem was not ended, they could not possibly compete in the agricultural market. It is required in my State that all children attend school; there are prevailing certain social standards which are enforced by the State government, and wetbacks coming in under those conditions, and make it completely impossible for the growers who are trying to operate legitimately to operate at all. I submit to the Senate this amendment, one which has been prepared and introduced by me today.
Senator has heard the debate. The Record is filled with debate. It seems to me that the least that can be done is for the Senate to reassert its power. If the House finds that it cannot go along with us, that is another matter; but the fact is that we should reassert the original position which we took; and that is what I am glad he offered his amendment. That is exactly what I wanted him to do.

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

Mr. DOUGLAS. I yield.

Mr. McFARLAND. I agree with the distinguished Senator from Minnesota that the Senate adopted this precise language as to what it has already indicated to be its position. I have not been in the habit of supporting the two Houses. I do not think it would be shooting for the sky or shooting for the moon or getting everything I wanted, and so I do it now. Because we have before us a bill which deals directly with the wetback problem. I know of the keen interest of the Senator from Illinois in this problem. I intend to support that interest. I am glad he offered his amendment. That is exactly what I wanted him to do.

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

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

Mr. AIKEN. Mr. President, I yield.

Mr. HUMPHREY. Mr. President, I direct my remarks to delay legislation, but I do not think it would be shooting for the sky or shooting for the moon or getting everything I wanted, and so I have usually contended myself with getting what I could and doing the best I could. I think that is what the Senate should do at this time.

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

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

Mr. DOUGLAS. I yield.

Mr. AIKEN. The Senator from Illinois was not on the floor when I raised a question in connection with bringing up the bill; that is, why not have it apply equally to all types of aliens? I notice that the amendment offered by the Senator from Illinois applies only to Mexicans. I was wondering why it should not apply to Europeans, Asians, South Americans, South Pacific aliens, and all others.

Mr. DOUGLAS. I may say to the Senator from Vermont that language which was adopted last year, because we were dealing specifically with Mexican immigration, was being contained in order to help bring about more effective policing of illegal entrants on the Mexican border and more acceptable operations under the agreement with the Mexican government. Since the treaty this bill is intended to affect aliens of Mexicans, we thought the amendment would deal with Mexican law. But does the Senator think we can discriminate constitutionally against the aliens of one particular nation, or the employers of the aliens from one particular nation? As I understand, many Mexican wetbacks who are first employed on farms, later leave the farms and go into the cities. I think the nature of my amendment of last year was not to the law to Mexican wetbacks alone who are on farms, but to have a law applicable to all aliens who are illegally in the country, and to all employers of aliens, regardless of the countries from which the aliens come.

Mr. DOUGLAS. I may say to my good friend from Vermont that that was the nature of my amendment of last year. Objection was raised that it would be difficult to ascertain, for instance, whether Canadians who crossed the line were legally or illegally in this country. In order to remove that objection, I consented to the insertion of the term "Mexican." But if the Senator from Vermont is solicitous about the subject, we shall expand it to include all of them. I welcome his support, therefore, for the amendment as a whole.

Mr. AIKEN. I think it should include all of them. I may say to the Senator from Illinois, but I know of no instances of illegal employment of Canadians, although there may have been some. Certainly it is not common. I think probably more aliens may be in this country from other countries of the world illegally than from Canada.

Mr. DOUGLAS. If it will satisfy the Senator from Vermont, I shall be glad to modify my amendment to strike out the word "Mexican" in the second line so that the provision will apply to any alien lawfully admitted.

I hope that having jumped out of the frying pan to please the Senator from Vermont I shall not be pushed upon the roaring fire.

Mr. AIKEN. I thank the Senator from Illinois for modifying his amendment, which I think improves it greatly, although I shall read and study it before I promise to fight against it.

Mr. MAGNUSON. Mr. President, I was not present when the Senator from Illinois offered his amendment, but I am familiar with the conferences and the Senator from Illinois was originally my own bill, and it then became the bill of the Senator from West Virginia [Mr. Kilgore] and myself, and finally the bill of the Senator from Mississippi.

Several departments of the Government, including the Immigration Service, foreign labor-management groups, the cooperatives, and several others, agreed upon its provisions.

The only reason, as I recall, for the absence of language similar to that which the Senator from Illinois now proposes is that a provision in the original bill was that a problem might arise.

Mr. DOUGLAS. I may say to the Senator from Vermont that this language was adopted last year, because we were dealing specifically with Mexican immigration was being contained in order to help bring about more effective policing of illegal entrants on the Mexican border and more acceptable operations under the agreement with the Mexican government. Since the treaty this bill is intended to affect aliens of Mexicans, we thought the amendment would deal with Mexican law.

Mr. AIKEN. But does the Senator think we can discriminate constitutionally against the aliens of one particular nation, or the employers of the aliens from one particular nation? As I understand, many Mexican wetbacks who are first employed on farms, later leave the farms and go into the cities. I think the nature of my amendment of last year was not to the law to Mexican wetbacks alone who are on farms, but to have a law applicable to all aliens who are illegally in the country, and to all employers of aliens, regardless of the countries from which the aliens come.
language of the amendment. That question might be brought up as a practical matter.

Mr. DOUGLAS. The language of the amendment provides that it shall apply only if the employer willfully and knowingly violates the law, or if he has reasonable grounds for believing that an alien has illegally entered or by reasonable inquiry could have ascertained that fact.

Mr. MAGNUSON. But does it not also place the burden of inquiry upon the employer to make ascertainment of the fact?

Mr. DOUGLAS. I think under my amendment he should make a reasonable effort to ascertain the fact.

Mr. MAGNUSON. It would be very difficult for a large employer of this type of labor to do that. He might have a crop which he has to harvest in 3 or 4 days. He might have to triple or quadruple his normal employment. He would have no time to find out.

Mr. DOUGLAS. It would be a simple thing, as the men come in, for the straw bosses to examine them.

Mr. MAGNUSON. Let me ask a further question. Is it the Senator's opinion that under the terms of his amendment if something similar to that were done it would constitute a reasonable inquiry?

Mr. DOUGLAS. Yes, certainly.

Mr. MAGNUSON. I wanted to clear that up, because the question may come up later.

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

Mr. DOUGLAS. I yield to the Senator from Oregon.

Mr. CORDON. I just had occasion to make a personal examination of the amendment of the Senator from Illinois. In my opinion, the bill which is pending is little more than a gesture. There are two questions which bother me. In the first place, there is no requirement on the part of an employer to make an examination over and above the information he would have available to him when he sought to employ a given individual. I should like to see an amendment which would limit its scope to two propositions: First, that the employer knew that the alien was unlawfully in this country or that there was reasonable ground to believe that he was unlawfully in this country, and stop there. Then there would be the basic requirement of knowledge on the part of the employer, which certainly ought to be adequate to justify the imposition of criminal punishment.

Second, that the employer had information which would afford reasonable grounds for believing that the individual was unlawfully within the United States. Would the Senator consider modifying his amendment to exclude the affirmative requirement of investigation, to relieve the employer of the requirement to become affirmatively a policeman thereafter?

Mr. DOUGLAS. I shall be very glad to accede to any change in language. Mr. CORDON. With those changes I think the amendment offered by the Senator ought to go into the bill, and then we shall have teeth in it for the first time.

Mr. DOUGLAS. I shall be glad to work out such a change in phraseology.

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

Mr. DOUGLAS. I yield, but I hope I do not have to make any further concession.

Mr. McFARLAND. The colloquy which just occurred shows that it is not practicable to try to write legislation on the floor of the Senate.

What is a reasonable inquiry? Who is going to decide what is a reasonable inquiry?

Mr. DOUGLAS. I have eliminated the words "reasonable inquiry."

Mr. McFARLAND. It is not practicable to work out legislation of this kind in a moment. The committee has brought in a compromise bill, and I hope the Senate will agree to it.

Mr. DOUGLAS. Mr. President, I have already moved that in line 2 of my amendment the word "Mexican" be eliminated. I now modify my amendment so that the provision for an inquiry on the part of the employer be eliminated, letting the remainder of the amendment stand.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Illinois, without cutting the question. The "noes" seem to have it.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

- Allen
- Anderson
- Bennett
- Brewer
- Bricker
- Bridges
- Butler, Md.
- Byrd
- Caln
- Capehart
- Case
- Chaves
- Clements
- Connally
- Cordova
- Douglass
- Douglass, Miss
- Duff
- Dworkshak
- Eastland
- Ecton
- Elder
- Anderson, Bill
- Monroy
- Moody
- Morse
- Mundt
- Hunt
- Neely
- Nixon
- O'Connor
- Knowland
- Leiner
- Geharty
- Macoupin
- Magnuson
- Macoupin
- Martin
- Maybank
- Underwood
- McCarthy
- Waitskin
- McConnell
- McFarland
- McKeelar
- Mahan
- Mahon
- Taff
- Tobey
- Underwood
- Watkins
- Welker
- Williams
- Young

The PRESIDING OFFICER. A quorum is present.

CACT. KURT CARLSEN

Mr. HUNT. Mr. President, for the information of the Members of the Senate as well as that of the galleries, I am very much pleased to say that we have with us in the gallery a very distinguished hero in the person of Capt. Kurt Carlsen of the ill-fated Flying Enterprise. I am wondering if the captain will be kind enough to rise so that we may all see him.

(Capt. Kurt Carlsen rose and was greeted with applause.)

The PRESIDING OFFICER (Mr. Frear in the chair). We are very glad to have Captain Carlsen with us today.

IMPORTANCE OF MANGANESE AND CHROMITE IN THE DEFENSE PROGRAM

Mr. ECTON. Mr. President, I shall take but a few minutes of the Senate's time to call attention to a very vital problem concerned with the defense of America.

Defense Mobilization Director Charles E. Wilson recently called attention to the accomplishments of his organization in the expansion program for production of essential materials. At the same time he warned that production facilities would soon feel the lack of certain raw materials.

I know that the Members of the Senate realize, as well as does any government agency, that the ability of this Nation to resist any foreign power or combination of powers depends upon ready sources of raw materials as well as it does upon our manpower and economic strength.

Our great steel industry, for example, cannot produce the kind of steel necessary for today's defense equipment without manganese and chrome. These two items mean more to us, in a defensive sense, than all the gold stored at Fort Knox. Yet, today we depend upon foreign production for approximately 80 percent of the 2,000,000-plus tons of manganese and chrome so necessary for steel production.

Leaders of Nazi Germany attribute their defeat in some measure to the lack of sufficient manganese, although their source of supply was much closer than ours is today. Our air and naval forces cut off that supply to a great extent.

We cannot even estimate the real price America paid for our supplies of manganese and chrome during World War II. The bonuses, the loss of life, and the shipping tonnage sent to the bottom of the sea by Hitler's submarines during our efforts to import sufficient amounts of those raw materials are beyond calculation.

Fortunately, we did overcome that costly handicap before it was too late. In the meantime, we made frantic and costly efforts to speed up American production of manganese and chrome, but we continued to be at a disadvantage before we regained control of the seas lanes because we had imported sufficient manganese and chrome. Fortunately, however, our own production totaled more than one-eighth or one-tenth of our needs.

In my own State of Montana the Government spent about $25,000,000 in facilities to produce chrome. But that required time, and the 50,000 tons of concentrates produced stand today in a pile near the site of operation. We are still paying rent for the space it occupies. The production facilities were sold at
the customary insignificant war-surplus prices.

We might not overcome shipping troubles as quickly next time we become entangled in a war. A single strike will make waste without quick production, and this could mean national disaster.

It requires 12 to 14 pounds of manganese per ton of steel. Our needs are approximately 2,000,000 pounds of manganese per year. Montana alone furnishes approximately 10 percent of that total, and that 10 percent constitutes 1 percent of America's total production of this critically short item.

Several other States have manganese deposits. However, in one county in Montana is located the largest deposit of chromite in America.

It is many months since Russia cut off its shipments of manganese to America. It is quite willing to load us up with raws and even sold in exchange for our dollars or roubles; but we can buy no manganese or other strategic materials from the Soviet Union. Russia will have more than 300 modern seaplane submarines. We know something of what German submarines did to allied shipping in 6 years of war. Are we to stake our entire future on the daring, courage, and strength of our merchant marine? For without capacity steel production we are almost defenseless. To ignore these facts is to discount good.

I am somewhat disturbed by the lack of attention given to the development and maintenance of vigorous, healthy production of these two very strategic materials—manganese and chromite. We are now dipping heavily into our stockpiles and we have not yet actually begun to really mobilize. Our greatest weapons for defense of this Nation are still mere figures and drawings on the draftsmen's tables.

The steel industry is greatly expanding its production facilities. That means we must still more manganese and chrome, and it is now ® ! time. A shortage of these raw materials renders greater steel facilities impotent.

I seriously urge the Congress and the Office of Defense Mobilization to give the manganese and chromite industry a program such as was made available for tungsten and other strategic materials, so that we can be assured that our dependence on imports will be reduced to the minimum, and that we can create a domestic industry that will benefit all industries and add immeasurably to our national security.

We must not place too much reliance in, nor remain shackled to, foreign sources of supply when that risk is entirely unnecessary.

NINETEEN-YEAR PATTERN OF FREE TRADE

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

Mr. ECTON. I am very happy to yield to the Senator from Nevada.

Mr. MALONE. I should like to ask the distinguished Senator from Montana if he is aware of the pattern, which has existed for the last 19 years, of buying and importing strategic and critical minerals and materials from foreign sources and drying up our own sources of supply through a long-range policy of free trade, as the result of which no protection is given to the labor or to the investors of this country from, as the Senator from Montana so ably said, the sweatshop and slave labor of Europe and Asia?

Mr. ECTON. I will say to the distinguished Senator from Montana that I have been aware of this policy, and I believe all of us who come from mining States know that it has practically wrecking the mining industry in the Western States.

At this time, when we are faced with the possibility of an all-out world war, we find ourselves primarily dependent upon foreign importations for some of the most strategic metals known to man in the manufacture of essential steel.

SEVENTY-FIVE PERCENT OF MINES CLOSED

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

Mr. ECTON. I am glad to yield further.

Mr. MALONE. I know that the Senator from Montana is aware of the fact that 75 percent of the mines in the United States have been closed since the end of World War II because of the operation of that same free trade policy.

However, is the Senator aware that not only has the mining industry suffered, but that the textile, crockery, and precision industries, and manufacturers of all those things without which we cannot live in peace or war, are in the same category, and that all those industries have been sold down the river by the operation of the same policy?

Mr. ECTON. Yes, I realize all that. It is hard to list the specific industries which are affected, because all of them are affected, both directly and indirectly, and at the present time we certainly are faced with a situation which makes us consider with fear and trembling what may happen overnight to our country.

Mr. MALONE. Mr. President, if the Senator from Montana will yield further, let me ask whether he is aware that we were importing about a million barrels of oil a day, and as a result the oil industry was being closed on account of the rationing of the price of oil throughout the Texas and California fields, a policy which was inaugurated before the President started his police action in Korea and before the sale of all the oil and all the strategic materials he could get. Is the Senator aware that even before Korea the oil industry was being curtailed?

Mr. ECTON. Yes, I am aware of that fact. If the present situation continues, we might find ourselves in the same position with respect to oil that we are in with respect to strategic materials, if it were not for the fact that in the past year American oil companies, wildcatters, and independents have successfully discovered an entirely new field. I refer to the large field which was opened in North Dakota and Montana, and I think it will help us in this situation.

Mr. MALONE. Mr. President, if the Senator from Montana will yield further, I wish to congratulate him upon the statement he has just made.

I know he will agree with me that it is most important that we maintain the
incentive for wildcatting in oil exploration and the prospecting and exploration in connection with mineral production and the incentive for the investment of private capital in the textile business, the cakery business, and other businesses, and the incentive for further investments by stockholders, so as to persuade the American people to engage in new developments and new explorations for minerals, oil, and other products. Is not that true?

Mr. ECTON. I certainly believe it is true. As the Senator from Nevada well knows, I agree with him that if our country is to remain great, we must preserve that incentive, not only in the case of investors but also in the case of the operators and the laboring men who work in those industries. If we are to destroy completely every incentive, by means of free trade, low cost competition, and higher taxes, the time will soon come when there will not be anyone at work in productive or other fields in our great land.

Mr. MALONE. Mr. President, will the Senator from Montana yield further to me?

Mr. ECTON. I yield.

Mr. MALONE. Then is it not a fact that from the time when we adopted the so-called reciprocal trade theory and placed the authority to determine tariff and import fees in the hands of a Secretary of State, who has no more knowledge of what makes industry feasible than a hog has about holy water, and from the time when Congress washed its hands of that responsibility, although it is the constitutional responsibility of the Congress to regulate foreign trade, we acted to lower the standard of living in the United States?

Mr. ECTON. I believe the Senator from Nevada has put his finger on a date which may have been the dividing line. I am not prepared to say definitely whether it was the date that I think we can say definitely that unless we look after our own industry and our own people and our own country, any sensible person must come to the conclusion that no one else in the world will do so.

FAIR AND REASONABLE COMPETITION

Mr. MALONE. Mr. President, if the Senator from Montana will yield further, I would add to the fine statement he has just made, by saying that the only way we can do that is by having a floor under wages and investments, sometimes called a tariff or import fee of a flexible nature, so as to provide for the differential between wages and living standard in the United States and that abroad, so there will be a floor under those costs, with the result that when the emergency is over—let us hope it will be over in the near future, for now we have had 19 years of emergencies—and when normal competition exists once more, the workmen and working women of the United States will know that we are operating on a basis of fair and reasonable competition to preserve their investments. Is that not the only way by which we can main-

tain fair and reasonable competition and preserve the incentive of our people to work and invest their money?

Mr. ECTON. I believe it is. It does not make sense to me to have our Government pay foreign importers a higher price for strategic minerals and metals than the price paid to domestic producers of the same commodities. Such a procedure simply does not make sense.

Mr. MALONE. I agree most heartily with the Senator from Montana. Let me ask him whether he is aware that at this time, in the case of several of the minerals, we are paying the foreign producer a higher unit price—for instance, in the case of copper, lead, zinc, and many of the other strategic minerals—than we are paying to American producers of those minerals, on whom we place a ceiling price which is relatively low.

We gift-loan to foreign countries money to enable them to outbid us in the world market for these same materials, and those countries are not subject to any ceiling price. However, at this moment the price of copper is being banded about in Europe at from 50 to 60 cents a pound a day, whereas American producers are paying the foreign price for copper on a 15 cents a pound basis, whereas foreign labor is paid anywhere from $2 to $3 a day, whereas American labor is paid anywhere from 50 cents to $5 a day. They are paying these prices on our gift-loans of billions of dollars to them.

Under such circumstances I certainly agree that it does not make sense for the Senate to insist on the passage of such legislation.

Does not the Senator from Montana agree that it makes it impossible for us to take cognizance of the situation confronting our producers and to take steps to encourage them by establishing fair and reasonable competition through the flexible import fee principle?

Mr. ECTON. I thank the Senator from Nevada for his remarks, and I certainly agree that it is high time that we take cognizance of the discrepancy between the prices paid to our own miners and mine owners and the prices paid to foreign producers.

I thank the able Senator from Nevada very much for the contribution he has made to this discussion.

MESSAGE FROM THE HOUSE

A message from the House of Representa­tives, by Mr. Snader, its assistant reading clerk, announced that the House had passed, with amendment, the fol­lowing bills of the Senate:


ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2169) authorizing the acquisition by the Secretary of the Interior of the Gila Pueblo, in Gila County, Arizona, for archeological laboratory and storage purposes, and for other purposes, and it was signed by the President pro tempore.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on Tuesday, February 5, 1952, he presented to the President of the United States the enrolled bill (S. 2169) authorizing the acquisition by the Secretary of the Interior of the Gila Pueblo, in Gila County, Arizona, for archeological laboratory and storage purposes, and for other purposes.

PREVENTION OF ILLEGAL ENTRY OF ALIENS

The Senate resumed the consideration of the bill (S. 1851) to assist in preventing aliens from entering or remaining in the United States illegally.

Mr. DOUGLAS. Mr. President, in the interest of simplification and to meet the suggestions of the Senator from Oregon (Mr. Contest), I further modify my
amendment to the committee amendment, and I request that the amendment as now modified be read.

The PRESIDENT pro tempore. The amendment as now modified will be read.

The LEGISLATIVE CLERK. As modified, the amendment to the committee amendment reads as follows:

On page 5, after line 17, insert the following:

"Any person who shall employ any alien not duly admitted by an immigration officer or who is not lawfully entitled to enter or to reside within the United States under the terms of this act or under any other law relating to the admission of the immigration of aliens, when such person knows or has reasonable grounds to believe that such alien is not lawfully within the United States, shall be guilty of a misdemeanor and be punished by a fine not exceeding $2,000, or by imprisonment for a term not exceeding 1 year, or both, for each offense.

Mr. LEHMAN. Mr. President, this amendment is designed to make the pending bill more effective. The bill now drawn merely imposes penalties for those who bring labor illegally into the United States or who harbor labor illegally. We well know that immigration authorities are virtually helpless in dealing with them. They enter in such large numbers as to cause them not to be brought in. They come across the Rio Grande River generally when it is rather low. Sometimes they get their backs wet, sometimes they only get their feet wet. They come in to the United States illegally by the hundreds of thousands each year. At present the immigration authorities are virtually helpless in detecting them. They enter in such large numbers as to drive down the wages of American farm labor; and they are not well paid, themselves.

In 1950, Mexican labor in the lower Rio Grande Valley, according to testimony, was apparently receiving 25 cents an hour, which was half the rate paid to domestic labor in that area, and tended to depress the domestic labor rate to the same level. In the Imperial Valley of California, the so-called wetbackers, namely, Mexicans who had illegally entered have received appreciably less than domestic labor. So, I think there can be no doubt that these aliens who enter this country in large numbers receive low wages, and they receive low wages in part because the employers know that they have entered illegally, and the employer, therefore, has a whippoorwill over them and can turn them over to the immigration authorities if they do not accept the terms which are offered them.

The working conditions are also bad; the sanitary and living conditions are bad; and this situation exercises a depressing influence on community standards of health and on the general level of wages for domestic labor as well.

Mr. KNOWLAND addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Illinois yield; and, if so, to whom?

Mr. DOUGLAS. I yield first to the Senator from New York.

Mr. LEHMAN. Mr. President, I congratulate the Senator from Illinois on his perfected amendment, which, I believe, he will agree, remedies a weakness which I pointed out in the debate earlier in the day.

Mr. DOUGLAS. That is correct.

Mr. LEHMAN. As I understand, the pending bill, without this amendment, would permit a man to employ an immigrant whom he knows to be illegally in this country. He could employ him without any question whatever. Am I correct?

Mr. DOUGLAS. At present the bill has no provision to the contrary.

Mr. LEHMAN. Therefore, this amendment, which the amendment as now modified will be read. The amendment to the committee amendment reads as follows:

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

Mr. DOUGLAS. I yield for a question.

Mr. KNOWLAND. First of all, I should like to ask the Senator from Illinois not to limit me strictly to a question. I will not take more than a minute or two of his time, but I think he wants clarity in the debate. Knowing the able Senator's fair-minded attitude, I wish to point out that the Senate will find that the Mexican labor employed there is being paid a wage comparable with wages paid other laborers for comparable work in the Imperial Valley and obtaining first-hand information, desires to return to the Senate to offer an amendment to similar legislation, which will be introduced. I think that will be the time for him to propose his amendment.

Mr. DOUGLAS. I was glad to yield to the Senator from California for his questions. Of course, the Mexicans who come into this country illegally generally find better conditions here than they had in Mexico. If they did not find better conditions here, they would not continue to come here. But the question is not whether we afford conditions which are slightly better than those in Mexico. The question is whether we shall have an American standard for agricultural labor and not allow our farm labor to be dragged down to a point approximating the Mexican standard.

We have established what purports to be a legal way of handling the matter by contracts. We make contracts with the Mexican Government for Mexican labor to come into the United States. I believe that in the State of Texas such labor is paid 40 cents an hour, and in other sections of the country, 60 cents an hour. This can be done legally. But the point is that large farming interests in the South and the Southwest do not want to have labor under those legal conditions, because that means higher wage scales than they have to pay the labor which is illegally brought into the country. They have the legal right to petition for them to have illegal labor than for them to follow the legal method which should be enforced.

Mr. DOUGLAS. Mr. President, will the Senator from Illinois stand for another question?
Mr. DOUGLAS. I yield to the Senator from California.

Mr. KNOWLAND. The Senator from Illinois does not maintain, does he, that so far as the Imperial Valley of California is concerned, the workers are paid less than the legal rate? As a matter of fact, the statement was concurred in by Government officials with whom I talked in that area that in a number of instances it is costing the farmers more to employ Mexican labor because of the transportation and the bond, and they would rather have American labor if they could get it. The problem is that the crop comes along and it is either harvested or wasted. We are dealing with the Nation's food supply in this emergency.

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

Mr. DOUGLAS. I yield.

Mr. LEHMAN. I wonder if the Senator from California knows that this morning there was held a hearing conducted by a Subcommittee of the Senate Committee on Labor and Public Welfare, and that was offered in evidence the fact that in 1951 we had about 600,000 migratory laborers who were American citizens or were legally resident in this country, and at the same time it was estimated that in the United States there were more than 200,000 Mexicans who had come here illegally and who had not been deported in spite of efforts made to deport them. I wonder whether the Senator from Illinois will not agree with me that under the provisions of the pending bill, the purpose of which I believe is good, there is no way of punishing the employer if he knows or has good grounds to believe that the laborer has illegally entered the United States.

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

Mr. DOUGLAS. I yield.

Mr. CASE. Was not a similar provision placed in the previous bill?

Mr. DOUGLAS. That is correct. It was a stronger provision than is this one.

Mr. CASE. What happened to it?

Mr. DOUGLAS. It was eliminated in conference.

Mr. CASE. Is not the Senator afraid that if this provision is now put into the bill, there will be the same result?

Mr. DOUGLAS. No, I hope not. I think the Senate should not retreat from the position which it took. It was a sound position last year, and it is a sound position this year, and we should not back down.

Mr. CASE. Does the Senator feel that it is necessary to have this legislation on the subject?

Mr. DOUGLAS. Oh, yes. Reasonable men should have no objection to this proposal.

Mr. CASE. It failed before to get by the conference committee. Does the Senator think it will succeed this time?

Mr. DOUGLAS. Time, facts, and logic have a great influence on many people. I think this bill will be more amenable than they were last year.

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

Mr. DOUGLAS. I yield.

Mr. LEHMAN. Will the Senator not agree with me that it is a remarkable thing that at a time when we are trying to exclude persons who have been guilty of moral turpitude or who have committed crimes or have given definite indications that they would not be loyal to this country and might even be subversive, we are endeavoring to pass legislation which would make it difficult to exclude certain other persons for whom there has been no test whatsoever?

By the very nature of the situation, the men and women, particularly the men, who have come illegally into the United States from Mexico have been subjected to no examination, no test, and no survey. Yet they may stay here for a long period of time, even though they may not have passed any test of eligibility for immigration, and we are depriving the Government of the power to deport them because we are placing no penalty, or any other means of discouragement, upon their employers, although it is known that these aliens are in this country illegally and have passed no test whatsoever. It seems to me to be an entirely unrealistic and contradictory situation.

Mr. DOUGLAS. Certainly it leaves the back door wide open.

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

Mr. DOUGLAS. I yield to the Senator from Vermont.

Mr. AIKEN. I should like to ask the Senator from Illinois a question. Suppose an employer hires persons referred to him by the United States Employment Service, and later finds that one of them is an illegal entrant. Would the employer then be liable, or would he be justified in relying upon the employment service not to refer illegal entrants to him for employment?

Mr. DOUGLAS. The question by the Senator from Vermont is as to liability of an employer if a worker has been referred to him by the employment service.

Mr. AIKEN. That is correct. If an employer hires persons who have been referred to him by the United States Employment Service, and later finds that one of them is an illegal entrant, would the employer himself then be responsible, or would the responsibility fall upon the employment service?

Mr. DOUGLAS. The employer would not be responsible under those circumstances, because the wording of the amendment is such that the employer must know or have reasonable grounds
to believe that the alien has illegally entered. If an alien had been referred to him by the Government Employment Service, the impression would be that the alien was a legal entrant, and the employer in that case certainly would not be responsible.

Mr. AIKEN. I thank the Senator from Illinois.

Mr. DOUGLAS. Mr. President, while the Senator from California (Mr. KNOWLAND) is in the Chamber, in answer to questions he has raised about Imperial Valley, I should like to read from the report entitled "Migratory Labor in American Agriculture. Report of the President's Commission on Migratory Labor." At page 78 there appears the following:

Notwithstanding the strong and clear tendency for wages to rise as one moves westward, I am not the highest of the group, we found wages in the Imperial Valley on the Mexican border to represent a complete reversal of this pattern. The going wage rate, common and hand labor in the Imperial Valley was 50 cents per hour. Thus Imperial Valley farm employers pay no more to their farm workers from Mexico than do farm employers in southern New Mexico and probably less than do Arizona farm employers.

I shall skip a sentence which I do not believe has any bearing, and shall resume reading, as follows:

It is thus clear that the Imperial Valley, with its large wetback traffic, represents a substantial deviation to a great extent, the same consistent general tendency for farm wages to improve toward the West. The force of the Imperial Valley wetback traffic is strong enough to upset this well-established East-West wage pattern; at the same time, it is strong enough to institute in one of the high-farm-wage States of the Nation, the same type of wage differential that is found on the Texas border. While common farm labor wages in 1930 in the Imperial Valley were 50 cents per hour, the going rate in the San Joaquin Valley was 85 cents per hour.

Mr. President, that is all I wish to say on this amendment. I hope it may be approved.

The PRESIDENT pro tempore. The question is on agreeing to the amendment, as modified, offered by the Senator from Illinois (Mr. Douglas).

Mr. LANGER. Mr. President, I rise to speak in opposition to this modified amendment. Already the American farmer is the "fall guy" for practically all the leaders of industry, and those who live off the farmer and the worker. The small-business men usually give him a square deal.

The greatest gambler today is the farmer. He is dependent upon the weather and upon a conglomerate variety of other things which he is unable to avoid. Under this modified amendment, a group of men may be employed by a farmer who needs men to work, for example, in the sugar-beet fields. This work cannot wait. It must be done in season. If by chance one of that group is an alien, but the farmer does not know it, and does not have time while operating his farm to make an investigation, the farmer could be found guilty of a felony and be sent to a penitentiary.

It seems to me that the Senate ought to be much more interested in protecting the American farmer, who has practically everything against him, than in preventing the employment of groups of aliens from Mexico or any other country.

The committee had before it an amendment similar to this. After much discussion, the proposed amendment was discarded. That amendment now being offered on the floor is, in my opinion, an amendment which is very dangerous to the welfare of the farmer, and I hope it will be defeated.

Mr. DOUGLAS. Mr. President, I call for a vote on the amendment, as modified.

Mr. CORDON. Mr. President, I rise to speak in favor of the modified amendment. I believe it because without it the bill is little more than a gesture so far as effectiveness is concerned. The bill without the amendment would be much more than no legislation, but it is not as good as it would be if it contained an effective provision such as that now offered by the Senator from Illinois.

If there is a situation along the Rio Grande where it is necessary, for the benefit of the economy of that section, for employers to hire aliens who are illegally in the United States, that is one thing; but it should meet it as a fact. If, on the other hand, the policy of the Federal Government is to prevent the entrance of aliens into the country except in accordance with our laws; if it be the policy of the Government to prevent our citizens and others from aiding and abetting any such entry; if it be the policy to prohibit our citizenry from crossing our borders giving aid and assistance to illegally entered aliens, why should we hesitate to say to the employers that they also must use ordinary care in their employment relations? Furthermore, we cannot say to them that they also have a duty to their country?

Mr. President, the amendment which is now offered has never been rejected by any conference committee because it has never before been in a bill in the form in which it now appears. The amendment which was before the conference on a previous occasion carried two further provisions which I can readily understand were exceedingly objectionable to some. The amendment as it was rejected by the conference committee prohibited the employment of aliens who were unlawfully within this country when the employer knew that the aliens were here unlawfully, it not only prohibited such employment but it prohibited reasonable ground to believe that the aliens were unlawfully in this country, but it prohibited such employment if the employer did not take the affirmative step of making inquiry of each of his employees.

Further than that, it required of every employer that he become an adjunct to the law enforcement service, to the Immigration Service. It required him to look up the appropriate immigration official, and seek to get from him such information as he could acquire with reference to any alien as to whom there was any question.

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

Mr. CORDON. I yield in a moment.

All of those provisions were in the amendment as it was adopted by the Senate and rejected by the conference.

The pending amendment simply prohibits an individual in the United States from employing an alien unlawfully within the United States under circumstances in which, first, the employer knows as a fact that he is employing an alien unlawfully within the United States, or, second, when he has possession of such knowledge as would reasonably lead him to believe that the alien is unlawfully within the United States. Only then is he in violation of law.

I now yield to the Senator from North Dakota.

Mr. LANGER. Mr. President, take the case of a farmer who needs help immediately. A group of men come along and he hires them. When he hires them, he may know that nine out of 10 have a right to be here. The farmer assumes that the tenth man is also legally in the United States. That farmer would be placed at the mercy of the tenth man, who might blackmail him. He might work for him for a short time and then say, "Unless I get so much money from you I am going to the United States district attorney and have you arrested." In order to protect himself and keep out of the penitentiary a farmer employing aliens might have to hire a Philadelphia lawyer.

The modified amendment provides that any farmer who has reasonable ground to believe that the alien was illegally within the United States and hires him is in violation of the law. In other words, he can be arrested and tried before a jury on the question as to whether or not he had reasonable ground to believe that the alien was illegally within the United States. That would place another burden on the farmer, who is already overburdened by the Federal Government with scores of regulations.

Mr. CORDON. Mr. President, I disagree with my friend from North Dakota almost 100 percent. I concede that any man desiring to blackmail a farmer might lie about him and perhaps cause him some trouble. We cannot stop that by any law I know of. I know no branch of law which can change human nature. The Senator from North Dakota is correct to that extent, but no further.

This amendment does not require any employer to make a single inquiry of any kind or character before he employs any
prospective employee. He is not re­
required to ask him whether he is an alien. He is not required to believe him if he
says he is an alien. The farmer or the
employer has an individual who seeks em­
ployment. But if he knows as a fact that
the alien is unlawfully within the United
States, then he may not employ him.

How can he know? In only one way
could he have absolute knowledge, and
that is if he saw the man cross the border. There is no other way. So if we
limit this provision to personal knowl­
dge, we have simply used words. If we
include a prohibition in the case in which
the employer has reasonable ground to
believe that an alien is unlawfully within
the United States, then we say to the
employer, “You may employ any aliens who
come to you seeking employment.
You are not required to inquire as to
whether or not they are legally within
the United States. You may act on the
presumption that they are entitled to be
here. But if before you employ any indi­
dvidual, he himself says to you that he is illegally within the
United States, and that fact can be
proved, or if a dozen others say that
they know he is illegally in this country
because they saw him cross the Rio
Grande, for example, or if you have
possession of enough facts of that char­
ter—not the fact of an illegal entry, but
the fact that someone has told you that
there was an illegal entry—if there has
come to your knowledge enough informa­
tion from other sources, information which
you are not required to seek, but of
which you may be in possession, infor­
mation which would lead an ordinary
reasonable mind to the conclusion that
a certain individual is illegally within
the United States, then you may not
employ him without rendering yourself
liable to prosecution under this act.”

There is no obligation upon the em­
ployer to do more than receive the in­
formation which comes to him. When
he receives it, he need do no more than
give it the ordinary evaluation which
a reasoning mind gives to the informa­
tion. That flow past it every day.

Mr. President, we need the amend­
ment in the bill if we are honestly to
try to do the job we seek to do.

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

Mr. CORDON. I am happy to yield to
the Senator from West Virginia.

Mr. KILGORE. I would not myself
sponsor or vote for the provision with
respect to which I should like to ask the
Senator a question. I wonder if the Sena­
tor from Oregon would be willing to
add to the amendment the proviso that
every American citizen must carry a card
of identification, just as every immigrant
must have his record of immigration
with him, so that the employer may be
assured, by an inspection of an official
record, as is the case in Europe and other
countries, that he is employing a person
legally within the country. I wonder if
the Senator and the other proponents of
this amendment would want to place
such a provision in the bill, to afford
the employer a little safeguard.

Mr. CORDON. Mr. President, I think
the idea is a good one, and I believe
you will agree that this amendment gives
to every honest employer every protection he needs.

Mr. President, the reason they find
such conditions so much better than con­
ditions in their own country is that, if
there is no other condition under which
they can work, they find a very much higher level
of living in the United States, and I say that we do not need
this vicious amendment. It would expose the farmer to the
charge of having committed a felony, when they are at all crim­
ine with evidence that would be worthy citizens and not come into con­

By the same token, Mr. President, I
have always taken the position that men
and women who are in this country
illegally should be deported by due proc­
ess of law as promptly and as definitively
as can be provided.

The men who are the subject of the
bill before the Senate have come into
the country illegally. There can be no
question about that. The law itself defines
the presence of these men as being ille­
gal. I cannot understand why anyone
should say that a citizen of this country,
even though he is a person of good character,
who have given evi­
dence or indication that they would be
worthy citizens and not come into con­
employment. It is sound legislation if any
 provision in the bill is sound legislation.
I hope the amendment will be adopted.

Let me say before I take my seat that
I am not moved by the argument that the
bill itself will fail if this amendment is
placed in it. I am not ready to confess
futility on the part of the United States
Senate. If it believes that a thing ought
to be done, it should be done, and
we should abide by the event when the
result comes before us.

Mr. WELKER. Mr. President, as a
taxpayer and resident of Oregon, I rise
not to prolong the debate, but to disagree with the remarks of the dis­
tinguished Senator from Oregon.

I wish to associate myself with the re­marks of the distinguished senior Senator from North Dakota [Mr. Lang.

In this amendment I can see only utter
confusion and prospective damage to the
farmers who hire migrant labor.
inflicted whatever on a man who offered employment or gave employment to such an alien, even though he had the most definite proof, such as the proof of the prospective employer's own word, or said, that he was in the country illegally.

Mr. President, I want to see such men returned to their own country. I want to see deported the men who have come here illegally. I want to see those who are subjected to no test whatever by our immigration officials or by our State Department. I want to see the law strengthened so that they can be sent back. The pending bill alone would not accomplish that result. It would be rendered ineffective, because no penalty would be provided for the employment of men who have come into the country illegally, and who may stay here illegally for an indefinite number of years. No penalty would be provided for such illegal entry. Therefore the law could be disregarded and made completely ineffective.

Mr. KILGORE. Mr. President, will the Senate yield for a question?

Mr. LEHMAN. I yield.

Mr. KILGORE. I have refrained from taking part in the debate. I have been sitting on the floor while other Senators have gone to lunch. I should like to see the debate concluded as soon as possible. However, does the Senator from New York realize that an alien who comes into the country illegally may remain in the country as long as 3 years and is an automatic beneficiary of execution, whereas the farmer who employs such an alien would have an automatic term in the penitentiary? Are we out to get the employer, or are we out to get the wetback?

The question I should like to ask of the junior Senator from New York is this: We are dealing with men who grow millions of dollars worth of crops. American labor will not handle what we call stoop work. It has always been necessary to import labor from abroad to do that kind of work. We used to bring in Orientals, Chinese, Japanese, and Mexicans. If we defeat the bill we do not get a new contract; we merely invite another invasion by wetbacks, or bankruptcy among the farmers who are concerned with the problem.

Mr. President, I believe that we should look at the problem in a logical way. I agree with the senior Senator from New York that we should eliminate illegal entries. At the same time, I am also in favor of protecting both the American worker and the American employer to the fullest extent. I believe the enactment of the bill with the amendment would invite an invasion by wetbacks. Either we would invite an invasion, or we would subject the farmers who raise the crops which make the farmers' worth of crops. The farmers are concerned raise a great canning and deep-freeze crop.

I wonder whether the senior Senator from New York realizes that we have forgotten the facts that the proposed legislation does not legalize wetbacks, and the Immigration Service says it strengthens their opportunity to catch the wetbacks. I am a little like the old mountain farmer in my State who said that he believed in doing things by the little. We cannot accomplish it all in one fell swoop. I prefer to do it by the little. We are doing a little, at least. The Immigration Service says they can work with this bill, without the proposed amendment, and they say they can stop the aliens and can apprehend the aliens who have been coming in to the United States. I do not want to punish only American employers. Like my distinguished friend, the senior Senator from Illinois (Mr. DOUGLAS), I do not believe in starting 6-year-olds in college. I believe we must start them in the first grade. I realize that American employers—

Mr. DOUGLAS. Mr. President, let me say to my good friend the Senator from West Virginia.

Mr. KILGORE. Mr. President, did not so far yield to the Senator from Illinois, and I wonder whether the Senator from New York, who has the floor and who yielded to me, has yielded to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I rise to a question of personal privilege.

Mr. KILGORE. Very well, Mr. President.

Mr. DOUGLAS. I think the Senator has been reading in the New Yorker an article which is unkindly in nature and which is, in my opinion, as it relates to the city of Chicago and the University of Chicago, is exaggerated and at variance with the actual situation.

Mr. LEHMAN. Mr. President, I have yielded to the distinguished Senator from West Virginia.

Mr. KILGORE. Mr. President, let me say to the distinguished Senator from Illinois that I never have read the New Yorker. I was trying to draw an analogy in this debate to the idea of wetbacks, for so long that our employers have to be educated from the first grade up, in order to the wetback problem; and we cannot start the employers on a college house in the south; they have had education in the lower grades.

Although last year I was just as ambitious and just as buoyant as was the Senator from Illinois in supporting his proposals in regard to this matter, at the same time I think we must handle it according to the suggestion of the West Virginia farmer, namely, "by the little," and must not begin to publish Americans for things about which our predecessors in Congress were lax, and in regard to which those of us who serve in Congress are in part responsible because of our failure to provide the Immigration Service with appropriations sufficiently large to permit the employment of adequate personnel to patrol the border. My friend, the Senator from Texas, knows, as I used to know, the number of Immigration Service inspectors we maintain on the Mexican border.

So we must use our slights in regard to the proper number of immigration inspectors and we must try to realize the present situation as it is, and must try to improve it a little at a time.

Mr. LEHMAN. Mr. President, let me ask the Senator from West Virginia whether that was a question which was addressed to me.

Mr. KILGORE. Yes; the question is, Does not the Senator think that is the situation?

Mr. LEHMAN. Mr. President, the question is a long one. [Laughter.]

I interpret the question as an inquiry whether I wish to get after the wetbacks or after the farmers. Of course, my answer is a very simple one, namely, that I wish to get after the wetbacks. However, I am afraid this bill will render ineffective any efforts we may make to get after the wetbacks.

It may be that the contract we have had, which we now seek to extend with the Mexican Government, providing for the importation into the United States of a certain number of farm laborers, may be of value to American farmers. However, as I know, there is nothing in the contract which recognizes or legalizes wetbacks, except the Mexican Government, I believe, assures our Government that it will cooperate with the United States Government in stopping the entry of wetbacks. However, the Mexican Government has not stopped it, and our Government has not stopped it; and our growing seasonal nearly 300,000 wetbacks were in the United States.

Mr. KILGORE. Mr. President, will the Senator from New York permit a supplemental question?

Mr. LEHMAN. Of course.

Mr. KILGORE. Such a person who enters the United States legally is provided with a card which has on it his photograph, fingerprints, and so forth. References have been made to a situation which the farmers in the Southwest attempt to use slave labor. We recall that the farmer there pays, in addition to wages, transportation charges and other costs for the labor. As I have said, the laborer is provided with an identification card which he carries with him to the job.

I find that without exception the Southwestern farmers wish to employ legally the laborers they need, and wish to have a legal way of getting them into the United States. That is why I concur in the bill now before the Senate and in the committee amendment submitted to the bill.

Mr. McCLELLAN. Mr. President, I should like to ask the author of the amendment a question or two about it, if I may do so.

Mr. DOUGLAS. I shall be very glad to try to answer any questions the Senator from Arkansas may ask.

Mr. McCLELLAN. I am somewhat concerned about the portion of the amendment which reads "reasonable grounds for belief." Under that language of the amendment, would not it be possible to convict a farmer of a felony, and send him to the penitentiary, on less evidence than is required to convict a person of knowingly receiving stolen property?
In other words, the penalty for employing a wetback would thus be made more severe than the penalty which is imposed upon a person who knowingly receives stolen property and the possibility of conviction would be increased beyond a reasonable doubt that the farmer in question had reasonable grounds for believing that the worker was an illegal entrant. In other words, the Government would have to demonstrate beyond a reasonable doubt that the farmer either knew or had reasonable grounds for believing that the alien was not illegally within the United States.

MR. McCLELLAN. Yes, but the statute which would make the farmer or any other person guilty of a felony for knowingly receiving stolen property does not include a provision similar to the one from Illinois which has included in his amendment to the committee amendment. In this instance the Senator from Illinois goes further and, in respect to knowledge or belief, would require more of a farmer who hires a wetback than would be required to convict a farmer or any other person for receiving stolen property.

MR. MCCLELLAN. I am not familiar with the statute in regard to receiving stolen goods, and therefore I am not competent to speak about it.

I should think that the same criminal law rule would apply, namely, that the burden of proof beyond a reasonable doubt would be upon the Government, and it would have to show that the employer's Government had reasonable grounds for believing that the person he was hiring was an illegal entrant.

MR. McCLELLAN. In other words, according to my interpretation, it would take less proof to find a farmer to the penitentiary for trying to harvest his crop if he happened to hire a wetback to help him harvest it, than it would to send a professional "fence" to the penitentiary for knowingly receiving stolen property.

I should like to ask the Senator from Illinois another question: In this case are we not making a felon out of a farmer because he employs someone who happens to be illegally in the United States, to help him harvest his crop, rather than to permit the crop to go to waste and deteriorate and spoil, whereas it is the responsibility of the Federal Government itself to police the border and to keep out such persons? Thus we would make the farmer a victim of the Government's own failure and inefficiency in policing the border, so far as immigration is concerned. Is not that true?

MR. DOUGLAS. I am sure the Senator from Arkansas joins me in the high respect and regard I hold for the competence and ability of the senior Senator from Louisiana [Mr. ELLENDER] who, I may say, originally drafted a bill far more stringent than the amendment I am proposing. The Senator from Louisiana had that proposal incorporated in a similar bill which he introduced last year as S. 1391; and what is referred to as the Douglas amendment of last year is really the Ellender amendment somewhat watered down.

This year, however, there is a still further dilution of the Ellender bill, and I am quite certain that the senior Senator from Louisiana would take every proper step to protect the planters and the agriculturists.

I am even more lenient on them than was the senior Senator from Louisiana. So I am sure the historic explanation I gave should serve to reassure the Senator from Arkansas that I have not advocated undue severe penalties on American farmers. If my amendment is made to be more strict, on the basis of receiving stolen property, it is just possible that a legal provision dealing with the labor of human beings and affecting community and farm labor standards might be sought to afford these greater protections.

The PRESIDENT pro tempore. The question is on agreeing to the modified amendment of the Senator from Illinois [Mr. DOUGLAS] to the committee amendment.

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

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

The following Senators answered to their names:

- Atten Hennings Millikin
- Anderson Hill Monroney
- Bennett Holm Moody
- Bridger Holland Morse
- Bridges Humphrey Mudd
- Butler, Md. Work Munn
- Byrd Ives Noey
- Cain Jennings Nixon
- Ceapheart Johnson, Colo. O'Conor
- Case Johnson, Tex. O'Mahoney
- Chavez Johnson, S. C. O'Mahoney
- Clements Kem Robertson
- Connally Kirke Rudder
- Cordell Knowland Saltonstall
- Douglas Langer Smathers
- Fears Lasho Smith, Maine
- Eastland Lodge Smith, N. J.
- Etchen Long Smith, N. C.
- Elevender Magnuson Sparkman
- Ferguson Malone Stennis
- Flanders Martin Stennis
- Friar Maybank Thye
- Fulbright Mayers Underwood
- George McClellan Watkins
- Gillette McFarland Wilbur
- Hays Hayden Wilson
- Hendrickson McMahon Young

The PRESIDENT pro tempore. A quorum is present.

The question is on agreeing to the amendment, offered by the Senator from Illinois, as modified.

Mr. DOUGLAS and other Senators asked for the yeas and nays.

The yeas and nays were not ordered.

Mr. STENNIS. Mr. President, I shall not detain the Senate more than a very few minutes to give a statement of the factual operation of labor from Mexico as it applies to the cotton-picking problem in Mississippi. These laborers from Mexico are used for only a few weeks, during the peak of the cotton-picking season. My State is approximately a thousand miles from the Mexican border. There is considerable competition for those workers. Men are brought in by trucks, motor transportation, some times arriving in the night. There is considerable confusion and scrimmage. They are there only a few weeks. If they are not used during those few weeks, it is sometimes too late to use them.

Mr. President, I think we are placing an unreasonable burden upon the employer who is acting in good faith, with all the facilities he may have available. I think the best statement which has been made with reference to the question, as it applies to a matter with which I am familiar, was made by the Senator from Arkansas [Mr. McCLELLAN]. I should like to ask the Senator from Arkansas if he will not compare this bill to the operation of the law regarding the receiving of stolen property. If the Senator will again explain to the Senate what he has said as to the Ellender amendment.

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

Mr. STENNIS. I yield.

Mr. McCLELLAN. Mr. President, I have no desire to repudiate the amendment I made a few moments ago. It was made upon the basis of the pending amendment.

What we are doing, when we place in the bill the provision with reference to the farmer having reasonable grounds to believe, and so forth, is simply to require less proof to convict the farmer of a felony and send him to the penitentiary for employing a wetback than would be required to convict a professional fence for receiving stolen property, because, in order to be convicted of receiving stolen property, the law requires that he knowingly received stolen property. Here we temporize and say that if a farmer in distress, trying to harvest his crop, happens to employ a wetback who, there is reasonable ground for believing, is illegally in the country—it may be only rumor, but the farmer cannot stop to inquire—it could be convicted. But that kind of proof would not convict, under the statute, a professional fence who knowingly receives stolen property. The farmer has no other desire than to keep his crop from perishing and to preserve it. Do we want to impose on him a higher obligation when it comes to employing a wetback than we would impose on a professional fence for receiving stolen property?

Mr. STENNIS. Mr. President, I thank the Senator from Arkansas for his very fine statement and to make the point that this amendment, like it, applies not only to the importation of migratory labor, but it is a general amendment to our immigration laws and will apply to all types of persons who happen to be in this country illegally. In this connection, Mr. President, may I ask the Chair to have the pending amendment now read by the clerk?

The PRESIDENT pro tempore. The clerk will read the pending amendment.

The Chief Clerk. On page 5, after line 17, it is proposed to insert the following: Any person who shall employ any alien not duly admitted by an immigration officer
or not lawfully entitled to enter or to reside in the United States under the terms of this section, or any other law relating to the immigration or expulsion of aliens, when such person knows or has reasonable grounds to believe that such alien is not lawfully within the United States, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine up to exceeding $2,000, or by imprisonment for a term not exceeding 1 year, or both, for each alien in respect to whom any violation of this section occurs.

Mr. STENNIS. I thank the Chair for having the amendment read, and I wish to point out that it applies not to each general offense, but to each alien who might be involved in the transaction.

Mr. CHAVEZ. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. Of course. I am happy to yield to the Senator from New Mexico.

Mr. CHAVEZ. The Senator from Mississippi knows how hard I have worked in trying to have provisions adopted dealing with immigrants who have come into this country illegally.

Mr. STENNIS. The Senator from New Mexico has been very helpful.

Mr. CHAVEZ. I have consistently been against the wetbacks, for several reasons, including the fact that we have sufficient local labor to take care of the workload.

But in matters of law I endorse the idea that all must be treated alike. Notwithstanding the fact that I should like to see provided some kind of punishment for anyone who promiscuously and knowingly, according to American law, employs wetbacks, I could not in conscience support this particular amendment, which makes a specialty of punishing the farmer. If the law were to apply generally to everyone, and then the farmer, knowingly, promiscuously, and with full knowledge and intent, violated the law, I might be for some such provision.

But when it is proposed that under a certain set of circumstances the farmer is to be held guilty of an offense different from any other offense heretofore described in the criminal statutes, I cannot in conscience support such an amendment.

Mr. STENNIS. I appreciate the Senator's contribution.

I now yield the floor.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified, offered by the Senator from Illinois [Mr. Douglas].

Mr. MAGNUSON. Mr. President, I merely wish to take a minute or so to state to the Senate my views upon this matter.

I therefore have to oppose this amendment; but I believe that in the omnibus immigration bill, which is designed to block the general problem of aliens, including wetbacks, which is now on the Senate calendar, an amendment might be adopted similar in language to that proposed by the Senator from Illinois. But here we have an altogether different problem.

Time is of the essence, and all the information that is to the effect that this bill is about as strong a measure as we can pass and still solve the problem of the farmer, involving the labor he needs to harvest his crop, and at the same time protect immigration into this country. The immigration officials have wholeheartedly agreed to the language of the bill now before the Senate.

Mr. CAIN. Will the Senator yield?

Mr. MAGNUSON. I yield the floor.

Mr. CAIN. I wish to ask my colleague a question about the pending amendment, if I may.

My understanding of the amendment is that if a farmer unintentionally hired 50 wetbacks, he would be subject, under the terms of the amendment, to a possible jail sentence of 60 years and a fine of $50,000. Am I correct in that understanding?

Mr. MAGNUSON. I may say to my colleague that it will probably be a rare case when a farmer would be sent to jail for an offense like the one provided for. When the burden is placed upon the farmer to do something, which I think is technically the case here, he is likely to find himself in court, and it will then become a question whether he did make reasonable inquiry, and the court can decide that in any way it wishes.

I think there would be an injustice done, in this particular situation, because a farmer sometimes has to employ labor on short notice. He has little time, perhaps, and is somewhat lax in making inquiries and he may be caught. That is why I think this matter should be taken up in connection with the general immigration law.

Mr. CAIN. My question applies to the amendment as written. I am concerned with its potential. I think, from reading of it, it means potentially that a farmer is subject to a thousand-dollar fine and a year in jail, or both, for each alien discovered on his premises.

Mr. MAGNUSON. And it puts the burden on him affirmatively to act in some way. How the courts would determine whether that was adequate or reasonable, I would not know.

Mr. CAIN. I thank my colleague. Mr. KNOWLAND. Mr. President, I ask unanimous consent that a copy of the report of the committee on the pending bill be printed immediately following the address by the Senator from Washington.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the report (No. 1145) was ordered to be printed in the Register.

The Committee on the Judiciary, to which was referred the bill (S. 1851) to assist in preventing aliens from entering or remaining in the United States and seeking and working in the usual and normal practices incident to employment, thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

"That section 8 of the Immigration Act of 1917 (39 Stat. 880; 8 U. S. C. 144), is hereby amended to read:

"(1) Any person, including the owner, operator, pilot, master, commanding officer, agent, or consignee of any means of transportation, who

"(2) knowing that he is in the United States in violation of law, and knowing or having reasonable grounds to believe that his last entry into the United States occurred less than 3 years prior thereto, transports, or moves, or attempts to transport or move, within the United States, by any means of transportation or otherwise, or attempts, by himself or through any third person, to bring into or to cause to be brought into the United States, by any means of transportation or otherwise;

"(3) willfully or knowingly encourages, induces, or attempts to encourage or induce, either directly or indirectly, the entry into the United States of any alien, including an alien seaman, not duly admitted by an immigration officer, who is being or has been lawfully entitled to enter or to reside within the United States under the terms of this act or any other law relating to the immigration or expulsion of aliens, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment for a term not exceeding 5 years, or both, for each alien in respect to whom any violation of this subsection occurs; Provided, however, That for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

"(4) No officer or person shall have authority to make any arrest under any provision of this section except officers and employees of the United States Immigration and Naturalization Service designated by the Attorney General, either individually or as a member of a class, and all other officers of the United States whose duty it is to enforce criminal laws.

"(5) When the Attorney General or any district director or any assistant district director of the Immigration and Naturalization Service has information indicating a reasonable probability that in any designated lands or other property aliens are illegally within the United States, he may issue his warrant authorizing the immigration officer named therein to go upon any lands or other property designated for the purpose of investigating such aliens concerning their right to enter or to remain in the United States. Such warrant shall state therein the time of day or night for its use and the period of its validity which shall in no case be for more than 30 days.'
The purpose of the bill, as amended, is to overcome a deficiency in the present law by making it an offense to harbor or conceal aliens who have entered this country illegally and to strengthen the law generally in preventing aliens from entering or remaining in the United States illegally.

STATEMENT

While section 8 of the Immigration Act of 1917 (53 Stat. 686; 8 U.S.C. 485) held that the existing statute does not provide a penalty for such an offense. The instant bill, as amended, corrects this deficiency and provides conviction of an alien not exceeding $2,000 or imprisonment for a term not exceeding 5 years, or both.

The bill as initially introduced also provided that any "employee of the Immigration and Naturalization Service authorized and designated under regulations prescribed by the Attorney General, whether individually or as one of a class, shall have power and authority with his official insignia or presenting his official credentials and engaged in the performance of his duties in the administration of laws relating to the immigration and expulsion of aliens, to go upon or within any place of employment other than a dwelling within or upon which he believes there are aliens who are illegally within the United States, for the purpose of interrogating such aliens concerning their right to be or remain in the United States."

The bill, as amended, substitutes for the above-quoted language of the bill as initially introduced an administrative search warrant procedure which reads as follows:

"(c) When the Attorney General or any district director or any assistant district director of the Immigration and Naturalization Service has information indicating a reasonable probability that in any designated lands or other property aliens are illegally within the United States, he may issue his warrant authorizing the immigration officer named therein to go upon or within such designated lands or other property other than a dwelling in which the warrant states there may be aliens illegally within the United States, for the purpose of interrogating such aliens concerning their right to enter or to be or remain in the United States. Such warrant shall state therein the time of day or night for its use and the period of its validity which in no case shall be for more than 30 days."

It is the intention of the committee that there shall not be more than one assistant district director in any district who may issue administrative warrants. On the Mexican border where there are three districts of the Immigration and Naturalization Service, there will be three district directors and three assistant district directors who will be authorized to issue administrative warrants, making a total of six officials who will be authorized. It is felt that the administrative search warrant procedure as provided in the bill will be conducive to effective enforcement of the immigration laws but will at the same time safeguard the rights of the property owners.

The bill, as amended, also strengthens the enforcement procedures of the Immigration and Naturalization Service by amending the present law so that enforcement officers may, within a distance of 25 miles from any external boundary of the United States, have access to private lands but not dwellings for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States.

The bill, as amended, also provides that employment (including the usual and normal practices incident to employment) of an alien illegally in the United States shall not be deemed to constitute harboring. It is the intention of the committee that this will not, however, preclude prosecution of an employer who violates other provisions of the act.

EXISTING LAW

BRINGING IN OR HARBOURING OR CONCEALING CERTAIN ALIENS; PENALTY

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector, or other lawful entrant, and upon conviction thereof shall be punished by a fine not exceeding $2,000 and by imprisonment for a term not exceeding 5 years, for each and every person so landed or brought in or attempted to be landed or brought in.

PROPOSED LAW

That section 8 of the Immigration Act of 1917 (39 Stat. 880; 8 U.S.C. 144) is hereby amended to read:

"SEC. 8. (a) Any person including the owner, operator, pilot, master, commanding officer, agent or consignee of any means of transportation who—

"(1) brings into or lands in the United States, by any means of transportation or otherwise, or attempts, through another, to bring into or land in the United States, by any means of transportation or otherwise, any alien illegally in the United States,

"(2) knowing that he is in the United States in violation of law, and knowing or having reasonable grounds to believe that his entry into the United States occurred less than 3 years prior thereto, transports or moves, or attempts to transport or move, within the United States by means of transportation or otherwise, in furtherance of such violation of law;

"(3) willfully or knowingly encourages or induces, or attempts to encourage or induce, either directly or indirectly, the entry into the United States of any alien, including an alien seaman, not duly admitted by an immigration officer or not lawfully entitled to enter or reside within the United States under the terms of this act, or any other law relating to the immigration or expulsion of aliens, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $2,000 or by imprisonment for a term not exceeding 5 years, or both, for each alien in respect to whom any violation of this subsection occurs: Provided, however, That for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

"(b) No officer or person shall have authority to make any arrest for a violation of any provision of this section except officers and employees of the United States Immigration and Naturalization Service designated by the Attorney General, either individually or as a member of a class, and all other officers of the United States whose duty it is to enforce criminal laws.

"(c) When the Attorney General or any district director or any assistant district director of the Immigration and Naturalization Service has information indicating a reasonable probability that in any designated lands or other property aliens are illegally within the United States, he may issue his warrant authorizing the immigration officer named therein to go upon or within such designated lands or other property other than a dwelling in which the warrant states there may be aliens illegally within the United States, for the purpose of interrogating such aliens concerning their right to enter or to be or remain in the United States. Such warrant shall state therein the time of day or night for its use and the period of its validity which in no case shall be for more than 30 days."
Mr. LEHMAN. Mr. President, I should like to ask the junior Senator from Washington a question. As I heard his inquiry of his colleague, he used the words "unintentional." Am I correct in this?

Mr. CAIN. The Senator is correct.

Mr. LEHMAN. I may say that that does not reflect the purpose of the amendment. Under any circumstances, I might ask the Senator from Illinois to read the amendment.

Mr. CAIN. Then I would ask the same question I propounded, deleting the word "unintentional."

Mr. LEHMAN. If the Senator deletes the word "unintentional," it changes the entire purpose of the amendment.

Mr. DOUGLAS. Does the Senator from Washington wish to know the wording of the amendment?

Mr. CAIN. I was asking my colleague a question with reference to the amendment. If I have been misinformed or am uninformede, I should be grateful for any explanation the Senator from Illinois wishes to make.

Mr. DOUGLAS. The amendment I offered is not to impose a liability on the employer only when he "knows or has reasonable grounds to believe" that such alien is not lawfully within the United States, but only when he has reasonable grounds to believe.

Mr. MAGNUSON. He must do something else also; he must make reasonable inquiry.

Mr. DOUGLAS. No; that requirement has been eliminated in the amendment as later presented, to accord with the suggestion made by the senior Senator from Oregon.

The PRESIDENT pro tempore. The President, will a question be made and answered in the committee?

Mr. DOUGLAS and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Connecticut [Mr. BRUWER], the Senator from Rhode Island [Mr. GREEN], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Oklahoma [Mr. KERR] are absent from the Senate business.

Mr. SALTONSTALL. I announce that the Senators from Nebraska [Mr. BUTLER and Mr. SEATON], the Senator from Iowa [Mr. HICKENLOOPER], the Senators from Kansas [Mr. SCHOFFEL and Mr. CARLSON], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

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The amendment which I am now submitting is identical with the previous amendment except for the fact that the words "or has reasonable grounds to believe" are omitted. In this amendment we have the single standard, that it is a felony when an employer "knows" that the alien is not lawfully within the United States.

Objection was made to the previous amendment on the ground that it included the phrase "or has reasonable grounds to believe" that the alien illegally entered. Some Senators seemed to feel it would be unfair if the employer merely had reasonable grounds to believe, that he could be subjected to a penalty. This objection has been removed by the omission of the phrase referred to. I hope the objectors will not further deride the amendment of its coloring. It is now down to the irreducible minimum, namely, employment with knowledge that the laborer is an illegal entrant; and I see no good reason why the committee and the Senate should not accept the amendment. I hope very much that it will.

The PRESIDENT pro tempore. The amendment offered by the Senator from Connecticut in the committee amendment will be stated.

The CHIEF CLERK. On page 5, after line 17, in the committee amendment, it is proposed to insert:

"Any person who shall employ any alien not duly admitted by an immigration officer or not lawfully entitled to enter or to reside within the United States, under the terms of this Act or any other law relating to the immigration or expulsion of aliens, when such person knows that such alien is not lawfully within the United States, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine of not exceeding $2,000, or by imprisonment for a term not exceeding 1 year, or both, for each alien in respect to whom any violation of this section occurs."

Mr. CORDON. Mr. President, I ask for the yeas and nays.

Mr. MAGNUSON. Mr. President, if the Senator from Illinois will yield, I believe that the question of acting knowingly is provided for in the bill.

Mr. FERGUSON. Mr. President, will the Senator from Washington please speak louder?

Mr. MAGNUSON. I believe the bill now includes a penalty if one knowingly does these things, and the bill says that mere employment is not to be construed as knowing employment. That is the only difference. I see no objection to the amendment offered by the Senator from Illinois with that one exception, that we do say that mere employment is not to be construed as knowing employment.

Mr. DOUGLAS. As I read the bill there is no specific inclusion of employment. At page 4, in subsection 4 of the bill, there is the specific exemption that employment shall not be deemed to constitute harboring.

Mr. MAGNUSON. If the Senator will read the bill he will see that subsection 4 of page 4 to line 8 says:

"For the purposes of this section—that is, doing willfully or knowingly what is prescribed—that is, including the usual and
Mr. DOUGLAS. I wish to point out that the bill provides that employment shall not be deemed to constitute harboring.

Mr. MAGNUSON. The bill refers to knowingly and willfully harboring. The Senator from Illinois would eliminate that proviso by his amendment.

Mr. DOUGLAS. No, I would not change subsection (4) on page 4; I would merely add my amendment after line 17 on page 5 of the bill.

Mr. EASTLAND. Mr. President, will the Senator from Illinois explain his amendment? I do not understand it.

Mr. DOUGLAS. The amendment merely provides that if an employer knows that an alien whom he employs merely provides that if an employer knowingly and willfully harbors an illegal entrant, then the bill would provide that the employer would be guilty of felony.

Mr. EASTLAND. Is that the amendment?

Mr. DOUGLAS. Yes.

Mr. EASTLAND. Mr. President, I cannot conceive of any amendment which could be more unfair to the farmer or the Mexican involved than the amendment proposed by the Senator from Illinois. Some farms of the agricultural industry of the Midwest, including that of the Senator's own State of Illinois, are founded to a considerable extent on the labor of Mexican workers who go to Illinois to work live in south Texas. They go to Indiana, Michigan, Ohio, and Illinois to harvest vegetables. Most of those Mexicans entered this country legally 30 or 40 years ago. They have reared families in the United States. I know one such family which has lost a son in Europe in the American Army. The farmer knows that those Mexicans came to this country illegally 30 or 40 years ago. They cannot be deported from the United States. If an attempt were made to deport such a man his family would be broken up. There is no solution to the problem that confronts us. I should like to have Senators say why it is, even though 500,000 deportations of wetbacks took place last year, that nevertheless we still have a million or more wetbacks living illegally in the United States. The explanation, as was pointed out in the testimony, lies in the lack of enforcement. Leaders of religious, lawyers, and members of the Government have testified that unless the wetback legislation is put along the lines proposed by the Senator from Illinois, there is no solution to the problem. There may be no real solution in any event, but at least we can tighten up the law.

The Senator from Illinois surely has drawn up an amendment which is as reasonable as it is humanly possible to draw up such an amendment. The amendment provides that a man who knowingly employs an illegal alien will be subject to the penalty of the law. The penalty is the kind of employment which is now open to wetbacks. Anything that can be done to tighten up the law ought to be done. That is what the Senator from Illinois is proposing to do.

Mr. DOUGLAS. Mr. President, I like, in one sentence, to state what it is we are trying to accomplish. We are trying to eliminate the magnet which draws such illegal aliens across the border. That is what it is we are trying to do. We are trying to eliminate the magnet by which large numbers of Mexicans are drawn illegally across the border. They do a few weeks' work, and then the immigration officials must send them back, as many as five or six times a year. That is what we call the wetback problem. Anything that can be done to tighten up the law ought to be done. That is what the Senator from Illinois is proposing to do.

Mr. DOUGLAS. Mr. President, I should like to introduce the argument on the basis of which I propose to amend the bill. The Government of Mexico is sick and tired of having the importation of illegal aliens create a great drain on our labor supply. The Mexican Government has testified that unless the immigration officials can prevent the illegal immigration of Mexicans, they cannot control their own labor force. They wish to employ an organized labor force, as we do in the United States. The Government of Mexico is sick and tired of the wetback problem. The Government of Mexico is sick and tired of having the wetback problem.
section 8 provides for penalties or punishment in the event of the transportation of such persons into the United States by illegal means, the harboring or protection of such persons who illegally enter the United States, namely, the wetbacks; and that section provides for the fining or punishment of those who knowingly encourage or induce the migration of aliens into the United States by illegal methods. However, in that section no mention whatever is made of employment.

As a matter of fact, the last part of subsection (a) of section 8 does not prohibit the employment of such a person, because that subsection provides, in part:

Prohibited, however, that for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

In other words, the committee amendment would destroy one of the provisions of section 8 without in any way substituting a prohibition against knowingly employing a person who has illegally entered the United States.

Mr. DOUGLAS. That is correct.

Mr. President, I am ready to yield the floor.

Mr. MAGNUSON. Mr. President, I should make a statement at this time. Reference has been made to a statement which I made a moment ago. What I said was that we are trying to prevent illegal entry into the United States and we are trying to take care of violations by persons who knowingly employ or harbor aliens whom they know to be illegally in the United States. But we would provide that the mere act of employment itself shall not be considered as knowingly harboring an alien who illegally has entered the United States.

If the Senator from Illinois and the Senator from New York examine Senate bill 2550, Calendar No. 1072, a bill to revise the laws relating to immigration, naturalization, and nationality, they will find that it is an omnibus immigration bill which has been reported from the Committee on the Judiciary. That bill covers all the evils which have been referred to by the Senator from Minnesota; and if the bill does not cover them, we hope to include in the bill provision for covering them.

So, I hope the Senator from Illinois will do in the ease of that bill what he is trying to do in this case. If he believes the omnibus bill is not so strong as he thinks it should be.

I do not see much objection to the amendment of the Senator from Illinois in connection with this minor matter, and I would be perfectly willing to accept the amendment, so far as it is within my power to do so. However, I point out that we have on the calendar the omnibus bill to which I have referred, namely, Senate bill 2550, and it will take care of the matter. Furthermore, we have on the calendar, in connection with that bill, some amendments in the nature of a substitute, and I am a cosponsor of some of them.

Mr. LEHMAN. Let me ask the Senator from Washington whether it is a fact that Senate bill 2550 and the amendments in the nature of a substitute have not yet been acted on by the Senate.

Mr. MAGNUSON. That is true. The bill has been reported from the Judiciary Committee, however. Furthermore, the House committee held long hearings on a similar bill, and is ready to report it. For a very long time we have been hoping to have the Senate take up the entire immigration bill, of which the Senator from Minnesota has discussed; and I am sure Senate bill 2550 will be sufficiently strong to cover that subject.

I again say that I do not see much objection to the amendment submitted by the Senator from Illinois, because he would leave in the exception as to mere employment.

The PRESIDENT pro tempore. The question is on agreeing to the modified amendment of the Senator from Illinois.

Mr. LONG. Mr. President, since there probably will not be a yeas-and-nays vote on the amendment of the Senator from Illinois to the committee amendment, I should like to say for the Record that I shall vote for the Senator's amendment in its present form. The change which has been made by the Senator from Illinois is sufficient, so far as I am concerned, when I consider the present version and the former version of the amendment, to justify me in voting for the amendment as it now has been modified.

Mr. NEELY. Mr. President, in the faint hope of checking the epidemic of mouth disease which again has broken out in the Senate, I ask unanimous consent that subsequent debate on the pending measure be limited to 10 minutes on each amendment and 3 hours on the bill.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from West Virginia?

Mr. McCLELLAN. Mr. President, reserving the right to object, let me say that I did not understand that the proposal includes a provision in regard to the generalness of amendments. In the absence of such a provision, I shall be compelled to object. I have no objection personally; however, without the inclusion of such a provision regarding generality, I certainly must object.

Mr. NEELY. Mr. President, the pertinent amendment suggested by the able Senator from Arkansas is cheerfully accepted.

The PRESIDENT pro tempore. The question is on agreeing to the unanimous-consent request of the Senator from West Virginia?

Mr. McCLELLAN. Mr. President, reserving the right to object, let me say that I did not understand that the proposal includes a provision in regard to the generalness of amendments. In the absence of such a provision, I shall be compelled to object. I have no objection personally; however, without the inclusion of such a provision regarding generality, I certainly must object.

The PRESIDENT pro tempore. The question is on agreeing to the unanimous-consent request, as modified, of the Senator from West Virginia. Is there objection? Without objection, it is so ordered.

The question now is on agreeing to the modified amendment of the Senator from Illinois to the committee amendment. Mr. President, I am surprised at the opposition which has been evidenced to this amendment, after it has been cut down to a mere skeleton and there can be no question that a person must knowingly be in violation of the law before he can stand convicted of violating it.

Moreover, there seems to be some concern that the bill might work an injustice in the case of persons who unlawfully entered the United States many years ago, but who by virtue of the lapse of time cannot be deported from the United States. With reference to persons of that type, I suggest that they no longer are unlawfully in the United States. They may have entered unlawfully; but when the right to deport and arrest and convict them lapses, there is no law against their remaining in the United States, and any person who employs them would not be subject to the prohibition or the penalty provided in the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the modified amendment of the Senator from Illinois to the committee amendment. (Putting the question.)

The Chair is in doubt.

Mr. KNOWLAND. Mr. President, I call for a division.

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

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

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


The PRESIDENT pro tempore. A quorum is present. The question is on agreeing to the second amendment of the Senator from Illinois (Mr. DOUGLAS). (Putting the question.) The "noes" appear to have it.

Mr. DOUGLAS. I request a division. On a division, the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is open to amendment. If there be no other amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.
ADVICE TO MR. NEWBOLD MORRIS

Mr. FERGUSON. Mr. President, Mr. Newbold Morris, new special assistant to the Attorney General, was appointed by the President to look into the question of corruption in Government. After being named, Mr. CHARLES POTTER, a Representative from Michigan who has been a member of the House Un-American Activities Committee, disclosed to the public what the record of the Un-American Activities Committee showed.

Representative Potter has rendered you a service by his frankness to the Nation and to the Nation. He has given genuine service to the committee. He is a firm believer in the principles of the Constitution and in the fundamentals of America. In giving the public this information, he was rendering a service. In effect, what he was doing was giving the public what the record shows.

The Senator from South Dakota (Mr. MUNDT) saw the printed remarks of Mr. Newbold Morris with reference to Representative Potter. Today the Senator from South Dakota wrote a letter to Mr. Newbold Morris, Jr., and I think it is worthy of the attention not only of Members of the Senate, but others who read the CONGRESSIONAL RECORD. I ask unanimous consent that the letter be printed in this Record?

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

Mr. NEWBOLD MORRIS;

Special Assistant to the Attorney General, The Justice Department, Washington, D. C.

DEAR MR. MORRIS: I was greatly disturbed this morning by newspaper stories appearing in the morning press reporting a statement issued by Congressmen. As part of my responsibility as Chairman of the subcommittee, I was disappointed to discover that Congressmen's statements were actually asinine or otherwise grossly unwarranted. I regret also that you permitted yourself to indulge in the smear tactics of the Communists by implying that Congressman Potter is a man of no significance since you are acquainted with the Washington Times-Herald of this morning as saying:

"I never heard of Congressman Potter. Although I have no knowledge of his reputation for veracity, his statement is too asinine for reply."

"I never have been a member of any Communist-front organization—unless he is referring to the American Society for Russian Relief."

Really, Mr. Morris, that is a rather shocking statement since Congressman Potter is not only a decorated veteran of World War II, who has lost his legs while leading the One Hundred and Ninth Battalion of the Twenty-eighth Infantry Division in an attack on France, but he has also established a reputation for himself in Congress as an honest, hard-hitting, patriotic American who is held in high esteem by colleagues on both sides of the aisle. He was awarded the Order of the Purple Heart with two clusters that you denied him.

It is even more startling that you have never heard of Congressman Potter by virtue of the fact that the Washington Sunday Star for January 14, 1948, published a large feature article on Congressman Potter on his being recognized as one of the outstanding young leaders of the Nation. He was given this award by the Junior Chamber of Commerce, which is a most responsible and respectable organization.

Congressman Potter was selected by a panel of 12 great Americans, including such distinguished critics as Frank Pace, Secretary of the Army; William Green, president of the American Federation of Labor; J. Edgar Hoover, Director of the Federal Bureau of Investigation; Dunn Rusk, Assistant Secretary of State, and other citizens of like standing and significance.

Incidentally, I might offer the good-natured suggestion that your choice of the word "asinine" in application to Congressman Potter's statement was a bit too choice of terms. That is the very word President Truman used in trying to laugh off the original charges when he stated the corruption in the Federal Government which you have been appointed to investigate and eliminate actually exists and that they are anything more serious than just another "red herring."

What most Americans are interested in, of course, is the fact that Congressman Potter, whose reputation is well established in American history and who never has had his name linked with any communist or subversive movements in this country, but whether or not his statements linking your name with any communistic or communist-front organizations is factual or erroneous. On that point the public is certainly entitled to a frank and forthright answer rather than simply an ill-tempered attack upon the Congress.

As one who served for many years as a member of the Un-American Activities Committee of the House during the time I was a Member of the House, your curious answer to his specific allegations sufficiently aroused my curiosity so that I took the time today to examine the files of the Committee to Investigate Activities. Frankly, I was disappointed to discover that, in fact, the files of that committee disclose clear evidence that your name has been associated with a number of communist-front organizations in this country which the Department of Justice, which has now employed you, has listed as communist.

So that the record may be completely clear, therefore, and that no injustice can be done against either you or the American public, I would appreciate it if you would answer specifically, the following questions:

1. Were you or were you not a sponsor of the American Committee for Yugoslav Relief? (Attorney General Tom Clark cited the American Committee for Yugoslav Relief as communist both on June 1 and on September 1, 1948.)

2. If you were a member of the American Committee for Yugoslav Relief, and upon discovering that it was a communist organization you withdrew from that organization, did you do so publicly? If so, will you indicate on what date you actually carried your renunciation and denunciation of that communist organization?

3. Were you a signer of a statement issued by the Action Committee to Free Spain Now? (The Action Committee to Free Spain Now was condemned by Attorney General Clark in a letter to the Military Review Board which was released to the press April 1, 1948.)

4. If you were one of the signers of the statement issued by that communist front, and if you severed all participation with that congress upon learning it was a communist organization, will you give me the date that you publicly carried your renunciation and denunciation of that front?

5. Were you or were you not a speaker at the model legislature of the American Youth Conference as being communist in an at-tack on the American Youth Conference as being communist? If so, will you please supply the dates when such statement of yours appeared in the press?

6. The files of the Un-American Activities Committee also carried a photostat of a letterhead listing Newbold Morris, Jr., as a member of the lawyers committee for the American League for Peace and Democracy; are you known as Mr. Newbold Morris, Jr., or does that name refer to some other member of your family? (I have no such attribute a responsibility to you for the activities of other members of your family, but you should know that the American League for Peace and Democracy was established in this country as a successor to the American League Against War and Fascism, and that Attorney General Tom Clark also referred to the American League for Peace and Democracy as communist in a press release on June 1 and September 1, 1948.)

7. The files of the Un-American Activities Committee carry a number of other references indicating that either Mr. Newbold Morris or Mr. Newbold Morris, Jr., have had additional associations with communist and communist-front organizations. It is not necessary to list them all in this communication, however, as you answer to the foregoing questions, if you will make them clear and candid, should be sufficient to satisfy the American public and Members of Congress as to whether or not the statements made by the press by Congressmen Potter were accurate in enumerate or whether or not in reality they are statements of most alarming and disturbing significance.

In this and in almost all of the past several years a number of Innocent, although not very astute or discerning Americans, have been duped, flattered into joining Communist organizations without specifically sharing the Communist convictions of such groups. However, most such gullible Americans who are sincere foes of communism have been quick to publicly repudiate and denounce such organizations once the Department of Justice has published the fact that they are Moscow-run and Moscow-dominated. It is for that reason that we have asked you with the dates and occasions on which you have repudiated and denounced the Communist organizations which you have been associated—unless, as I sincerely hope, you can categorically advise me that such associations with Communist organizations have never actually occurred.

It is not my purpose to prejudice this controversy, Mr. Morris. For that reason I have asked you questions clear-cut, definite, and fair. This affords you an opportunity to clarify the record publicly. I have examined the files and I am greatly disturbed by what I find. If it is in error you are entitled to make a definite and specific denial to this. If you do not this does not mean that you have the right to remain silent. If you do not you have the right to remain silent. If you do not your statement will be taken as an admission of guilt. If you do not your statement will be taken as an admission of guilt.

If the evidence is factual on the other hand, the American public has the right to
know the truth. Obviously, if the evidence is factual, the least it indicates is a continuing inability on your part to understand the operations of the Communist apparatus in this country and throughout the world and a sense of the fact that it is what is required to investigate, expose, and correct the corruption in the Federal Government, existence of which lead to your appointment by Attorney General McCracken.

For the sake of the country, I sincerely hope you can categorically deny the charges made by Congressmen Potter and records carried in the files of the House Committee To Investigate Un-American Activities. Otherwise, you can make any of those records by Congressman Potter will do no harm and will impede the honorable fulfillment of the great responsibility you have undertaken. In that event, I shall be glad to see that your reply to this letter is given the same publicity as that accorded to the exchange of statements between Congressman Potter and you in the morning press.

I am sure, Mr. Morris, that I need not tell you that there is a strong operating link between communism and corruption in this country. It is, of course, obvious that anyone who might have associated himself with communist causes is in no position to do battle with communist, and the resulting nature of these two forces which make common cause in an effort to sabotage confidence in clean government and the capability of honest, representative government to serve the people.

Since I am one who believes that public business should be publicly arrived at, I am releasing a copy of this letter upon dispatching it to you and I hope you will follow a similar practice when you write your reply to me, or in the absence of that, I hope you will authorize me to publish whatever reply you make.

The elimination of corruption and communism in our Government is one of the major challenges of our time. It is going to require the best collective effort of us all. The Communists and all other elements who would corrupt American officialdom are rendering a most serious disservice to the cause of freedom and democracy. It requires a clear perspective and a definite ability to discriminate between right and wrong and between patriotism and the operation of the government of the elements which have been sabotaging democracy by their fanatical devotion to, or their greed for, the use to public position for private profit. It is for that reason and for that reason alone that I feel that the record should be clarified completely and openly concerning the disturbing statements attributed to both you and Congressman Potter in this morning's newspaper.

I hope that a prompt reply from you may serve to provide this clarifying evidence.

Sincerely yours,

KARL E. MUNDT

United States Senator

Mr. FERGUSON. I think the Senator from South Dakota states the matter so well that I would merely be repeating if I tried to do the job of letting the Members of the Senate know how the distinguished Senator from South Dakota felt about it. He had at one time been a member of the Un-American Activities Committee of the House, and therefore knew about some of the facts in this particular case. He asked some very pertinent questions in his letter, and requested me to give attention to them now.

As Mr. Morris is now a public servant in the employ of the Attorney General of the United States, the Department of Justice, I think he should answer the questions fairly and openly so that everyone may know what the answers are.

I certainly hope Mr. Morris will be able to furnish the ramifications of corruption in the United States Government. I hope he has the skill and the ability to do so.

Mr. FERGUSON. Having had at one time in Wayne County, Mich., the job of ferreting out corruption in the city and county governments, I know something about the problems involved in such a task. If I know the nature of work; I know how essential it is not to rely upon those who have had any connection with a particular agency of the Government that is being investigated. I know that if the job is to be done successfully, it must be done by outside help and the help of a few persons who may be in a department, but as to placing any reliance upon those who are under suspicion, it is very difficult to obtain evidence.

Let me say, Mr. President, that a department of the Government is some­what like a porcupine. The minute someone says there is something wrong in the department, it throws out its quills as a means of defense as the porcupine does when he is attacked. That is something for which Mr. Morris will have to watch. He says he is going into the Department of Justice and use the members of that department as a means of arriving at whether there is corruption there. I can see the bristles of the porcupine ready to defend that Department against any word or any evidence as to corruption.

Mr. President, that is human nature. That is why in the investigation of Wayne County we could not rely upon the prosecuting attorney to give us aid in ascertaining conditions because of which the prosecuting attorney later went to jail. How could we have asked those who were loyal to him to ferret out the corruption that he was no longer in his office? Naturally, the porcupine would have bristled up and defended that office.

Mr. President, I was greatly surprised that Mr. Morris, a lawyer who had reached the age of 50 years, would think that he could bring into the open corruption in Government without the ability to swear witnesses and to punish them for contempt, or for perjury if they did not speak the truth under oath.

I hope he will take this job seriously and not be so naive as to think he can solve the problem through those who are being accused of corruption. I wish him well, but I hope he will get a staff and will not feel that he can write a report in a few months. It may take 6 months or a year. I know the first 6 months of the work I had to do in Wayne County did not tell the complete story at all. It only scratched the surface.

Mr. President, I was given some advice; it would be to watch that the small fry are not delivered to him on a silver platter in order that the large ones may escape, because many a red kingfisher would clean up the trail, and it will be no larger than a sardine.

Let us hope he will look for the big ones, the sardines, the ones which will break the line if it is not held tight; let him not look at the red herrings that is drawn across the trail which is no larger than a sardine.

If Mr. Morris desires to perform his duty, he will not be so naive as to think he can watch for the porcupine quills and the sardines. If he will wait and watch for the big ones, America will be fortunate.
the marketing, sale, and distribution of such agricultural commodities."

Mr. WILLIAMS. Mr. President, I have proposed an amendment to the bill (S. 1322), providing a Federal charter for the Commodity Credit Corporation. Under section 12 of the present practice of the Commodity Credit Corporation. The Corporation has been operating as satisfactorily now as it has at any time in its existence, and I have no objection to the amendment.

Mr. WILLIAMS. Mr. President, I merely wish to say that the two amendments to be offered by the Senator from Delaware are in line with the present practice of the Commodity Credit Corporation. Generally consistent the Commodity Credit Corporation has followed the practices called for by the two amendments. But since the amendment is in line with the method now being used by the Commodity Credit Corporation. The Corporation is not to be granted a charter over a period of years, the Corporation will be operated from the Government agency to the Commodity Credit Corporation. The present practice of the Corporation has been operating as satisfactorily now as it has at any time in its existence, and I have no objection to the amendment.

Mr. WILLIAMS. Mr. President, I telephoned the Secretary of Agriculture this morning and asked him to which section of the law he referred, and I was advised that it was section 4 (h) of the Eighty-first Congress had amended the law-repealing my amendment. He could explain the fact that even since its repeal on June 7, 1949, we still find him blaming the Eightieth Congress but still following the same procedure as before the provision was repealed. Even he now admits that under the existing law there is nothing to prohibit him from leasing these Government facilities direct from the Government agency to the Commodity Credit Corporation. Should he deny this, how can he account for the fact that at least four Government properties are owned by the Government which were leased to third parties.

Mr. WILLIAMS. All of these above properties are owned by the Government and are now for storage. That is not true as the following facts will demonstrate. I shall now place in the record a list of 29 different properties owned by the Government which were leased to third parties during the Eighty-eighth Congress.

All but two of these leases were negotiated since my amendment was repealed. Secretary Brannan just cannot justify his not having leased these 29 properties and then leased back to the Department of Agriculture. All these leases were negotiated since my amendment was repealed. Secretary Brannan just cannot justify his not having leased these 29 properties during the Eighty-eighth Congress.

Former defense facilities which were controlled by United States at time of utilization for storage of CCC commodities—Lease to third parties

<table>
<thead>
<tr>
<th>Operator</th>
<th>Original name of defense plant, number, and location</th>
<th>Controlling agency</th>
<th>Date of original lease with United States</th>
<th>Commodity</th>
<th>Maximum quantity stored (CCC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Methylated Processing Co., Illinois, Ill. (Massion County Seed Co., Dealer, Elgin)</td>
<td>Massion County Seed Co., Elgin, Ill.</td>
<td>GSA</td>
<td>May 16, 1950</td>
<td>Dried milk</td>
<td>3,924,000 pounds.</td>
</tr>
</tbody>
</table>

1 Bushels.
2 Pounds.
Mr. WILLIAMS. I repeat there is absolutely nothing in the law today nor was there anything in the law at the time he leased those Government plants which would have prohibited the Department of Agriculture from leasing them directly from the particular Government agency which owned them.

Two of these Government properties, namely, the Camp Crowder, Mo., facilities are the properties leased to the Mid West Realty Co. and the V. M. Harris Grain Co., both of which leases I have previously criticized.

These are among the leases now being investigated by the Senate Committee on Agriculture, along with their investigation of the $7,000,000 shortage.

I remind Secretary Brannan that a large part of his shortage of adequate storage capacity is directly due to his own stupid policy of declaring as surplus and selling grain bins which were needed at the time they were sold.

The fact remains that during the same period he was out making speeches at the taxpayers' expense, his agency was declaring surplus and selling new grain bins which had never been dismantled.

Mr. President, I ask unanimous consent to have printed in the Record a list of sales of train bins sold by the Department of Agriculture during the period from 1946 through 1948.

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

Schedule of sales of steel and wooden bins—Continued

<table>
<thead>
<tr>
<th>Operator</th>
<th>Original name of defense plant, number, and location</th>
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<tbody>
<tr>
<td></td>
<td>Midwest Storage &amp; Realty Co., Kansas City, Mo.</td>
<td></td>
<td>Dec. 22, 1949</td>
<td>(Corn) 385,936 bushels.</td>
<td></td>
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<tr>
<td></td>
<td>Cleveland, Ohio</td>
<td></td>
<td>July 21, 1949</td>
<td>(Wheat) 269,935 bushels.</td>
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<tr>
<td></td>
<td>Buffalo, N. Y.</td>
<td></td>
<td>July 21, 1949</td>
<td>(Potato starch) 390,216 bushels.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kansas City, Mo.</td>
<td></td>
<td>July 21, 1949</td>
<td>(Dried milk) 129,413 bushels.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fort Worth, Texas</td>
<td></td>
<td>July 21, 1949</td>
<td>(Dried milk) 912,069 bushels.</td>
<td></td>
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<tr>
<td></td>
<td>Dallas, Texas</td>
<td></td>
<td>July 21, 1949</td>
<td>(Dried milk) 301,216 bushels.</td>
<td></td>
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<tr>
<td></td>
<td>Seattle, Wash.</td>
<td></td>
<td>Sept. 25, 1947</td>
<td>(Dried milk) 1,056,245 pounds.</td>
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<tr>
<td></td>
<td>Northeastern Wool scouring Co., Fort Worth, Texas</td>
<td></td>
<td>June 14, 1949</td>
<td>(Wheat) 1,516,025 bushels.</td>
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<tr>
<td></td>
<td>Rawhide &amp; Leather Co., Fort Worth, Texas</td>
<td></td>
<td>June 14, 1949</td>
<td>(Dried milk) 2,849,345 pounds.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ira Snavely, New York, N. Y.</td>
<td></td>
<td>June 14, 1949</td>
<td>(Dried milk) 5,256,324 bushels.</td>
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<tr>
<td></td>
<td>Fort Worth Warehouse Co., Fort Worth, Texas</td>
<td></td>
<td>June 14, 1949</td>
<td>(Wheat) 2,849,345 pounds.</td>
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<td></td>
<td>Do</td>
<td></td>
<td>June 14, 1949</td>
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<td>Do</td>
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<td>Dec. 15, 1948</td>
<td>(Wheat) 1,282,877 bushels.</td>
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<td></td>
<td>Dec. 15, 1948</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(Beans) 76,656,265 bushels.</td>
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<td></td>
<td>(Dried milk) 66,863 pounds.</td>
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<td>(Wheat) 2,316,295 bushels.</td>
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storage. He said that what was urgently needed was 150,000,000 bushels of capacity to pull the farmers out of their troubles. In other words, he needed 150,000,000 bushels of storage space, which was 100,000,000 less than he had actually sold as surplus a few months before, and he was still selling such facilities at the same time he was speaking to the American farmers.

This is the same Secretary of Agriculture who, during the time he has held office, sold out the mineral rights of the American taxpayers as a whole. When the farms were sold, those rights were reserved, but instead of being held, they were later sold, in some instances to employees of the Department of Agriculture or the Federal land bank.

The farmers who owned the surface were never given a chance to bid or buy these mineral rights under their farms. They were sold from the top to the bottom of the Government, and there was a deliberate policy to hold the Government's buildings that were erected solely to protect the American farmers.

Mr. President, I ask unanimous consent to have printed in the Record a series of articles in reference to the recent administration of the agricultural program. The first is from the Wall Street Journal, page 14, September 27, 1951, and it is entitled "The Senate Agriculture Committee has been talking loudly in recent days about this which may get a public airing next year."

In his answer, Mr. Shannon admitted a shortage but denied it was so large. He asked that the Government set out each date on which a shortage occurred.

The Government's complaint says "practically all of the property" described, except the original elevator, was bought by Mr. Shannon after the sale of the CCC grain. His operation was bonded for about $47,000 by the St. Paul-Mercury Indemnity Co., of St. Paul, Minn. The Government's grain storage bond agent, E. C. Swanson, said that as far back as 6 months ago it took a strike to the Shannon operation and tried to get out of the burden. Swanson declares he can't understand how the shortage went on so long without the CCC or FMA agents knowing of it.

One of the largest shortage cases in the Midwest involves nearly $300,000 in grain and the Spillman Feed & Grain Co., of Rochester, Ill., controlled by Francis Spellman, Jr., who, in his early thirties, is a comparative newcomer to the warehousing business.

Mr. Spellman entered into his CCC agreement in 1946, and the Government contends it shipped him 163,000 bushels, principally corn. Not until this summer, when it issued a loading order, did it discover the shortage. Pressed by the Agriculture Department, Mr. Spellman petitioned for bankruptcy of Spillman Feed & Grain Co., listing liabilities greater than assets, but continued to do business and maintained concern partnership maintained with a brother, James. The Government sought a consolidation of the corporation and the partnership.

Photographs were obtained by the United States attorney's office in Chicago indicating that falsification was made in the Spellman elevator so that, covered with a little grain, it would appear that the bins were empty. On June 15, Mr. Spellman was fined against Francis Spellman, charging conversion of United States grain to his own benefit and false statements to the
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CCC about the grain. He was released on $2,000 bond and though nearly half a year has passed no grand jury has as yet decided whether or not to carry this case to the stage of a formal indictment.

THE WILLIAMS CASE

A leading citizen of Ashburn, in southern Georgia, is under both civil and criminal charges for an alleged shortage of corn.

H. G. Williams, owner of a storage firm bearing his name, signed a pact with the CCC in 1950 in order to store corn for farmers who placed their product under loan with the agency. Farmers under the arrangement were paid 45,386 bushels of corn to the Williams storehouse and received negotiable warehouse receipts. These certificates were then taken by the farmers to banks and other lending agencies and discounted for cash—this being the usual system whereby farmers place their crops under price-support loan.

Between December 7, 1949, and June 27, 1950, the CCC bought all the notes held by the lending agencies. According to court papers, the Agriculture Department's inspectors came around in June of last year to look at the Williams stock and found it deteriorating. So during August and September 1950 they ordered it sold. Mr. Williams, however, the Government now claims, delivered only 17,222 bushels.

Approximately a year elapsed before any legal action was begun. The suits were filed on August 21 and September 8, 1951.

The United States now seeks about $54,000 for the 28,173 bushels of corn it declares are missing, and about $13,000 for deterioration in the stock which it failed to deliver. The criminal charge claims conversion of just 650 bushels of this corn.

THE TANNER CASE

Early this month, on December 5, Harold D. Tanner, of Cortez, Colo., pleaded innocent to a four-count criminal indictment charging him with disposing of the CCC's dried pinto beans, and with falsely claiming storage fees while the beans were not in storage. The indictment had been filed October 26; no trial is expected before next February, at the earliest.

A companion civil action was filed early this month, on December 5, by John W. Calkins, Inc., with warehouses in Cabone, Dolores, Pleasant View, Dove Creek, and Cortez, Colo., was placed in receivership. The suit indicated this was one of the largest CCC shortage cases—the Government asked $872,000 for missing pinto beans plus $8,000 for unearned storage charges.

Much of the loss had gone long undiscovered, according to the criminal indictment.

Mr. WILLIAMS. The next is an article entitled "Twenty-two in CCC Took Gifts, Probers Say," published in the Philadelphia Inquirer on February 4, 1952.

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

TWENTY-TWO IN CCC TOOK GIFTS, PROBERS SAY

WASHINGTON, February 3.—House investigators said today that at least 22 Commodity Credit Corporation employees received gifts ranging from $25 to $500 in value and were suspended for a month, and three others were reprimanded. Action is still pending against the others.

SECRETARY PAID $1,374

W. Carroll Hunter, department solicitor, informed the House unit that the Government had asked the United States attorney in Virginia to present evidence to a grand jury involving Jack Cowart, fired last August as assistant to Gus Geissler, CCC President.

The Hunter statement said department investigators in Texas grain bin manufacturer had paid Cowart's secretary $1,374.40 to settle a claim involving freight rates on portable grain bins shipped under Government contracts.

According to Hunter's report, the money was turned over to Cowart, but the latter said it was in payment of a personal debt.

SENATORS TO INVESTIGATE

In addition to the House probe, the Senate Agriculture Committee has been granted $50,000 to go over each of the same ground. These are in addition to inquiries by the Department itself and the General Accounting Office.

The department stepped up its investigative efforts a year ago when it became evident that more and more private warehousemen and grain brokers were unable to deliver CCC commodities on demand.

Thirteen cases have been brought to court, involving legal action for the unpaid amount of Benit's claims and in payment of a personal debt.

SECRETARY PAID $1,374

So secret was it that Benit * * * has been reemployed by the Office of Price Stabilization," the committee report said.

"There seems to be no justification for any such action by the Civil Service Commission and the hiring agency. Further investigation of the Federal personnel procedures which would permit this to happen appears to be warranted."

Brannan testified that after an investigation of his activities within the Agriculture Department, Benit submitted his resignation which "was accepted without prejudice."

The Secretary testified that "although our records were made known to his new employer, Benit was given a job at a salary of $4,575 with "another agency," which he identified, under questioning, as the OPS."

However, Max Hall, Information Director at OPS, last night declared that when OPS hired Benit last May it had "no inkling" that he had been involved in the bribery allegations. Hall said Benit was "cleared on his references" and given employment. Later, he said, Benit received the OPS's firing, record, and, upon being advised of the facts, the OPS dismissed Benit about the 1st of last September.

Mr. WILLIAMS. The next article is entitled "Deals Behind Cowart Ouster Revealed by Brannan at Quiz." Published in the Washington Post of February 5, 1952.

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

DEALS BEHIND COWART OUSTER REVEALED BY BRANNAN AT QUIZ

Part of the mystery surrounding the stunning last August ouster of Aide to Secretary of Agriculture, Mr. 10,600 Assistant to the Administrative of the Agriculture Department's Production and Marketing Administration revealed by a congressional committee yesterday.

Cowart's discharge followed investigation of financial transactions involving Cowart's secretary and his mother-in-law with companies having dealings with PMA, a report of hearings before a sub-committee of the House Appropriations Committee revealed.

The House group, headed by Chairman Jamie L. Whitten (Democrat, Mississippi) demanded that Agriculture Secretary Charles P. Brannan tell why Cowart was fired. Brannan said that because the matter in due course probably will be presented to a grand jury the matter should not be revealed. When committee members insisted, a report of the Cowart case was presented by W. Carroll Hunter, solicitor of the Agriculture Department.

The original information Hunter asserted came from the Housing and Home Finance Administration. An investigator said disclosed that a manufacturer of grain bins in Texas has paid $1,374.40 in April 1950, to Cowart's secretary, who in turn paid $1,100 of this amount to Cowart.

"The payment," Hunter reported, "is said to have been made for services rendered to the manufacturer in settling the latter's claim against the Commodity Credit Corporation in connection with freight rates paid on grain bins shipped under contracts of the CCC."

Later, an additional investigation was made by the Agriculture Department's Compliance and Investigation Branch involving a warehousing corporation in Baton Rouge, La. The report of this investigation was given to the solicitor, he said, last night.
Mr. WILLIAMS. Mr. Brannan in his statement has indicated that he was very much opposed to the law enacted by the Eightieth Congress.

The amendment to which Mr. Acheson referred the request for the files of the State Department dealing with John Carter Vincent, a high official of the Department, accused under oath in open hearings before the Senate, of having been a member of the Communist Party. Mr. Acheson referred the request to the President.

Mr. Truman's reply is so astounding that I think the Senate must take immediate cognizance of it.

I believe we are all in agreement that under the separation of powers doctrine of the Constitution the Congress is a coordinate branch of government, equal in power and importance to the executive branch. We also are in agreement, I believe, that secret Communist and secret agent files in the Department of State and other Government offices would be as abhorrent to patriotic members of the Civil Service as they are to Congress. Mr. Truman does not think so.

In his reply to Mr. Acheson, President Truman says:

"Dear Mr. Secretary: I have given very careful consideration to Mr. Humelstein's memorandum of January 22, relating to Senator McCarran's request for Mr. John Carter Vincent's loyalty file. It is understood that the Senate Internal Security Subcommittee desires these documents for the protection of Mr. Vincent against misinterpretation of his position and that Mr. Vincent for the same reason has urged compliance with this request. While it is earnestly desired to accommodate Mr. Vincent and the subcommittee to the maximum extent possible, the paramount consideration in ruling upon this matter must be the protection of the interests of the United States.

The surrender to a legislative investigating committee of this type of report and other documents from the confidential files of the State Department would create a serious danger of intimidation and demoralization of personnel, which is of overriding importance to our national security. Internal as well as external, that officers of the foreign service are free to present their reports and express their views as to problems of international relations, without fear or favor, completely and honestly, as they see them at the time and not in anticipation of the possible reaction of some future investigating committee—hence the holding of opposing views. Accordingly, it is considered that it would be clearly contrary to the public interest and by the public interest.

The release of individual loyalty files to congressional committees has consistently been denied under term of my directive of March 13, 1948, as contrary to the public interest in that it would involve the disclosure of confidential information and sources of information which would tend to undermine the integrity of the loyalty program. The request of Mr. Vincent's loyalty file should be rejected.

Very sincerely yours,

Harry Truman.

Mr. Truman's refusal to give the Senate the documents, because, he implies, the Senate is engaged in "intimidation and demoralization of Foreign Service personnel." If anything is more demoralizing to our loyal Foreign Service officers than the administration which rewarded and protected secret Communists in high office for many years, I cannot imagine what it is.

The President refuses to give the Senate the documents because, he implies, it is the business of Foreign Service officers—at Yalta, for example—to serve only the administration and its interest regardless of their conscience, so that they can freely let anyone see what they have written.

Under what authority does the President deny the Senate the right to see Government records? It is an act of hostility, he says, of his own directive of March 13, 1948. In other words the President has decided that the President has the power to prevent the President's employees from reporting to Congress and the public.

This, Mr. President, is total impudence. It is open defiance of Congress. The principles of responsible government cannot afford to ignore this challenge to its powers, to its right to information collected in the course of public business, by employees on the public payroll.

In the last session I introduced a bill to put an end to all secrecy orders at once. It is now in the Judiciary Committee. This bill (S. 2355) reestablishes two principles of responsible government. First, all information and records arising in the course of public business and of the work of employees on the public payroll are the property of the United States. And second, public records are not the property of the President or his employees. They are public property, as much as anything else bought with public money.

I want to say to the Senate that as a member of the Senate, as one who understands that there is no power of the President that he should resent more, I was compelled to write off as "unaccounted for" some $81,000,000 in the same Department of Agriculture, for his alertness in catching this short-
can get statutory approval for protection of its records. The point is that the case for secrecy must be made in the open.

There is no room in this country for an Executive power which protects itself against criticism by keeping secret the public records.

There is no room in this country for an Executive power which clothes its political activities in secrecy by pretending they are national defense.

This Administration has let the Hisses and the Marzans, the Coplans and the John Stewarts have access to private, confidential records vital to our national defense, and transmit copies of them to military and espionage agents of the U. S. R. It closes the records only to the American Congress, the American press, and the American people.

Americans do not need secrecy, except in the extreme cases. Free people conduct their business in the public eye. Even military strategy cannot be kept secret, as Gen. Bonner Fellers has pointed out. Even in those extreme cases, the free nations have been willing to take chances with free and full discussion of their government's operations and they have always fared better than those nations whose governments made a cult of secrecy in the name of defense.

This new cult of secrecy in this country is imported from the dictator nations of Europe along with the other seeds of dictation. We cannot tolerate either the secrecy or the executive arrogance any longer.

I hope my bill clarifying the status of Government records will be quickly passed; but in the meantime I propose that Congress take up immediately and exercise to the full its right to demand all public records, not specifically declared by law to be secret, that Congress summon individual employees in the executive branch who have refused to surrender the record and hold them in contempt of Congress, subject to imprisonment for contempt if they place their duty to the President above their obligation to the law.

RECESS
Mr. McFARLAND. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, February 6, 1952, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES
TUESDAY, FEBRUARY 5, 1952

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty and ever-blessed God, may Thy grace, mercy, and peace rest upon us during all the hours of this new day.

Grant that we may respond more eagerly to the lofty aspiration of placing a higher premium on the virtues of integrity, fidelity, and chivalry.

May we never part company with the cardinal virtue or break faith with Thee and our better self. Help us to live out each day in faith, in faithfulness, and in the fear of the Lord.

We pray that all the legislation that we are proposing and seeking to enact may be for Thy glory and for the welfare of the members of the human family and in enabling them to find a healthier and happier and more hopeful way of life.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPECIAL ORDER GRANTED
Mr. RAMSAY (at the request of Mr. PRIEST) asked and was given permission to address the House for 15 minutes on the legislative business of the day and any other special orders heretofore entered.

SUBCOMMITTEE ON ELECTIONS
Mr. BURLESON. Mr. Speaker, I ask unanimous consent that notwithstanding the fact the House may be in session today the Subcommittee on Elections may be allowed to sit.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

4-H CLUBS

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, I would like to read portions of a letter I have received from Mr. Cheebie Graham, executive secretary of the Oklahoma City Milk Producers Association.

I came across some information the other day at a meeting of the Oklahoma Agricultural Advisory Council that disturbs me very much. As you know the money is allocated to the extension division of the college according to the number of farms. The last few years Oklahoma suffered a big loss in population and much of this has been in rural sections. Mechanized farming has increased the size of farms and lowered the number.

Under the allocation arrangements, Oklahoma will lose $96,000 and Texas $200,000. In our particular case the director of the extension division tells me that we will have to dispense with 24 assistant county agents who are leading 4-H Clubs work in the state. We have 75,000 members in these clubs at this time.

The years since the war and particularly the last few years I have been working with the milk producers in these 20 counties, I have learned to place a real value on the work done in this State by the extension division. We have never asked for help that they haven't done everything possible, with the tremendous load, production for defense has placed on us and shortages of labor on the farms, if we don't do something to encourage these youngsters to stay on the farms, the next generation is going to be in a very bad shape for food supplies. I am enclosing a list of figures of other States who are losing on this same arrangement and anything that can be done will be a real help to agriculture I know in Oklahoma.

I urge this House to consider these remarks and to act on them.

SPECIAL ORDER GRANTED
Mr. SMITH of Wisconsin asked and was given permission to address the House for 10 minutes today, following any special orders heretofore entered.

THE PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the calendar.

HELEN DICK

The Clerk called the bill (S. 64) for the relief of Helen Dick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Stanislas d’Erceville, of Long Beach, Calif., shall be deemed to have been born in England, which was the birthplace of her father, Robert Mc Culloch Dick.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STANISLAS D’ERCEVILLE

The Clerk called the bill (S. 366) for the relief of Stanislas d’Erceville.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Stanislas d’Erceville shall be held and considered to have been admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and bond tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AI MEI YU AND AI MEI CHEN

The Clerk called the bill (S. 471) for the relief of Ai Mei Yu and Ai Mei Chen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, the minor children, Ai Mei Yu and Ai Mei Chen, shall be held and considered to be the natural-born alien children of Adellia L. Eggestein, a citizen of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.