WITHDRAWAL

Executive nomination withdrawn from the Senate March 20, 1953:

FEDERAL COMMUNICATIONS COMMISSION

Eugene H. Merrill, of Utah, to be a member of the Federal Communications Commission.

SENATE

MONDAY, MARCH 23, 1953

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

Almighty God, our Father, facing the tasks of this new day, make us mindful that upon the free soil of this continent our fathers with holy toil reared a house of faith hallowed by Thy name. We would make our hearts, cleansed by Thy forgiving grace, a temple of Thy presence, knowing that only to the pure dost Thou grant the vision of Thy face. We come asking not that Thou wouldst give heed to the faltering petitions our lips frame, but that Thou wilt bend thine ear to the crying of our human need. We bring to the altar of prayer our inmost selves, cluttered and confused, where good and evil, the petty and the great, are so entwined. May the eternal immensities shame our little thoughts and ways. May the vision of what we might be convict us of what we are. In this creative day of human destiny may we not miss the things belonging to our peace and to the peace of the world. Amen.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of Friday, March 20, 1953, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 1362) for the relief of Rose Martin, and it was signed by the Vice President.

LEAVES OF ABSENCE

Mr. LANGER. Mr. President, I ask unanimous consent to be excused from attendance on the sessions of the Senate the remainder of this week, in order to be able to accompany the body of my niece, Miss Mary McGurren, to North Dakota, for burial.

The VICE PRESIDENT. Without objection, leave is granted.

On request of Mr. JOHNSON of Texas, and by unanimous consent, Mr. GEORGE was excused from attendance on the sessions of the Senate today and for the remainder of this week.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. McCARTHY. Mr. President, I ask unanimous consent that the permanent Subcommittee on Investigations of the Committee on Government Operations be allowed to sit this afternoon during the session of the Senate; also that the Committee on Government Operations be allowed to sit this afternoon during the session of the Senate.

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

Mr. McCARTHY. In that connection, I urge Senators who are members of the Committee on Government Operations to go over to room 357, so that we may obtain a quorum and act on Reorganization Plan No. 1.

On request of Mr. KNOWLAND, and by unanimous consent, a subcommittee of the Committee on Interior and Insular Affairs was authorized to meet this afternoon during the session of the Senate.

On request of Mr. AIKEN, and by unanimous consent, the Committee on Agriculture was authorized to meet on Wednesday next, beginning at 2 o'clock, to hear Secretary of Agriculture Benson.

EXECUTIVE COMMUNICATIONS, ETC.

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

LAWS ENACTED BY MUNICIPAL COUNCIL OF ST. CROIX, V. I.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Municipal Council of St. Croix, V. I. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON CONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report on contracts negotiated for experimental, developmental, or research work, for the 6 months ended December 31, 1952 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Colorado; to the Committee on Interior and Insular Affairs:

"Senate Joint Memorial 15

"Joint memorial memorializing the Congress of the United States to enact legislation authorizing the Colorado River storage project and participating projects in the States of Colorado, New Mexico, Utah, and Wyoming

"Whereas the proposed Colorado River storage project and participating projects is the result of many years of investigations, thoroughly and ably conducted by the Bureau of Reclamation in cooperation with the State of Colorado, particularly its water conservation board, as well as in cooperation with the appropriate agencies and officials of the States of New Mexico, Utah, and Wyoming; and

"Whereas conditions precedent to the authorization of the Colorado River storage project and participating projects have been performed in good faith by the State of Colorado, as well as by the other upper Colorado River Basin States, through the execution and ratification of the Upper Colorado River Basin Compact, the creation of the Upper Colorado River Commission, and other acts; and

"Whereas the Colorado River storage project and participating projects will control the flow of the Colorado River in such a way as to assure fulfillment on the part of the United States of its water treaty obligations to Mexico and fulfillment on the part of the upper Colorado River Basin States of their water delivery obligations to the lower Colorado River Basin under the terms of the Colorado River Compact of 1922; and

"Whereas the Colorado River storage project and participating projects will enable the States of Colorado, New Mexico, Utah, and Wyoming to make further considerable uses of water of the Colorado River system without liability to ruinous interruption that must otherwise be expected in the light of the historically erratic flow of the Colorado River and of the obligations mentioned in the immediately preceding paragraph of this preamble; and

"Whereas the welfare of the people of this State, the preservation of a sound and dynamic economy, and the interests of the United States require the authorization and the construction in due course of the Colorado River storage project and participating projects: Now, therefore, be it

"Resolved by the Senate of the 39th General Assembly of the State of Colorado (the House of Representatives concurring herein), That the Congress of the United States be, and it is hereby, memorialized to enact legislation authorizing the Colorado River storage project and participating projects, in substantial accord with the recommendations of the Upper Colorado River Commission; and be it further

"Resolved, That copies of this memorial be forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States, as well as to the Members from Colorado in the Congress.

"GORDON ALLOTT,
"President of the Senate.
"MILDRED H. CRESSWELL,
"Secretary of the Senate.
"DAVID A. HAMIL,
"Speaker of the House of Representatives.
"LEE MATTIES,
"Chief Clerk of the House of Representatives."

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

"House Joint Resolution 11

"Joint resolution of the Senate and the House of Representatives of the State of Utah relating to draft deferments and memorializing the President and the Congress to take such action as is necessary to avoid the drafting of young men of 18 and 19 years of age and to limit deferments of older men

"Be it resolved by the Legislature of the State of Utah:

"Whereas drafting of young men between the ages of 19 and 26 years is now taking place under selective-service laws and it appears that the age limit is to be reduced to include young men of the age of 18 years; and

"Whereas it appears under the present draft laws and the rules and regulations thereunder that many classes of exemptions are provided for, and especially deferments are provided for students, married men, farmers, and other classes; and

"Whereas it is the feeling and belief of the members of this legislature that the young men of the ages of 18 and 19 years should not be called upon to serve in the military service of this country while deferments are being freely granted and extended to the young men of the ages of 20 to 26 years, but that all young men of the ages of 20 through 26 years should be drafted before any young

men in the 18- and 19-year-old group: Now, therefore, be it

"*Resolved,* That the President and the Congress of the United States be called upon to, individually and collectively, enact appropriate legislation and rules and regulations to be promulgated thereunder, to strictly limit deferments for any reason for young men in the age group of 20 to 26 years, and to avoid so far as possible the drafting of young men of the ages of 18 and 19 years; be it further

"*Resolved,* That copies of this resolution be forwarded to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives, to each Senator and Representative in the United States Congress from the State of Utah."

A joint resolution of the Legislature of the Territory of Alaska; to the Committee on Interior and Insular Affairs:

"Senate Joint Memorial 10

"*To the Honorable E. L. Bartlett, Delegate to the Congress from Alaska; and to the Congress of the United States:*

"Your memoralist, the Legislature of the Territory of Alaska, in 21st regular session assembled, respectfully represents:

"Whereas in 1949 the Congress of the United States passed a statute known as the Alaska Public Works Act (63 Stat. 627); and

"Whereas the Congress there declares it to be its policy 'to foster the settlement and increase the permanent residents of Alaska, stimulate trade and industry, encourage internal commerce and private investment, develop Alaskan resources, and provide facilities for community life'; and

"Whereas the Congress intended that that policy should become effective through 'a program of useful public works'; and

"Whereas the Congress authorized the appropriation of $70 million to carry out that purpose; and

"Whereas under the provisions of the Alaska Public Works Act, the Territory and its political subdivisions would cover half that sum into the United States Treasury, through purchases of these useful public works; and

"Whereas in effectuating the purposes of this act, the Congress, in four fiscal years has appropriated less than 50 percent of the authorized program, specifically $29¼ million, or approximately an average of $7½ million per year; and

"Whereas the program has by its terms only 2 more years to run; and

"Whereas that time and the average appropriations to date will permit the act to expire without accomplishing its purpose of building the proposed useful public works; and

"Whereas the Territory and its communities are sorely in need of these public works and the financial assistance with which to build them; and

"Whereas the Territory and its communities have diligently complied with all of the conditions laid down for obtaining these public works; and

"Whereas after the adoption of the Alaska Public Works Act, the President declared an emergency based upon the United Nations action in Korea; and

"Whereas this emergency resulted in a vastly expanded military program in Alaska which intensified these conditions upon which this Alaska Public Works Act was predicated, increased the need for these public works, and by application proved the wisdom of the policy established; and

"Whereas a bill has been introduced into the 83d Congress (H. R. 2683), which provides for a 4-year time extension to the expiration date of the Alaska Public Works Act, which will permit the Congress to appropriate the authorized funds at the average annual rate of previous congressional appropriations.

"Now, therefore, your memorialist, the Legislature of the Territory of Alaska, respectfully prays that Congress will enact H. R. 2683 to provide for the orderly appropriation of funds to carry out the policy of the Congress, to build useful public works in Alaska, by extending the expiration date of the Alaskja Public Works Act to June 30, 1959.

"And your memorialist will ever pray."

A concurrent resolution of the Legislature of the Territory of Hawaii; to the Committee on Labor and Public Welfare:

"Senate Concurrent Resolution 1

"Whereas labor disputes along the waterfront have, during the recent past, frequently interrupted ocean transportation service between the mainland of the United States and the Territory of Hawaii; and

"Whereas the effect of these waterfront disputes have been to paralyze and impair the development of the economy of the Territory; and

"Whereas on January 7, 1953, the Honorable HUGH BUTLER, United States Senator from the State of Nebraska, introduced into the United States Senate a bill, S. 225, designed to prevent interruptions to ocean transportation service between the United States and its territories and possessions as a result of labor disputes; and

"Whereas the prompt passage of S. 225 by the Congress of the United States will promote the welfare and economic well-being of the people of the Territory of Hawaii: Now, therefore, be it

Resolved by the Senate of the Twenty-seventh Legislature of the Territory of Hawaii (the House of Representatives concurring), That we do hereby endorse the provisions of S. 225, introduced by Senator BUTLER, and earnestly request the early passage of this important legislation by the Congress of the United States; and be it further

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

A resolution adopted by the board of governors of the West Virginia State Bar, Charleston, W. Va., relating to the eligibility of practicing attorneys for benefits under the Social Security Act; to the Committee on Finance.

A resolution adopted by the board of directors of the Santa Rosa (Calif.) Chamber of Commerce, relating to the construction of a dam at Coyote Valley, Calif.; to the Committee on Appropriations.

By Mr. MAGNUSON:

A joint resolution of the Legislature of the State of Washington; to the Committee on Public Works:

"House Joint Memorial 11

"Joint memorial relating to the improvement and preservation of the fishing industry

"*To the Honorable Dwight D. Eisenhower, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress assembled:*

"We, your memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas there now exists an utmost urgency to the economy of the fishing industry in and about the city of Blaine, Wash., and the tributaries and harbor in said area in which the principal industry is that of fishing; and

"Whereas the number of fishing vessels is so great and the depth and breadth of the Blaine, Wash., harbor should be widened and deepened in order to provide adequate moorage and safety for the fishing fleet; and

"Whereas it is in the national interest that the progress of our fishing industry be borne in mind; and

"Whereas the deepening and enlarging of the Blaine, Wash., harbor is of great importance in order to provide adequate moorage facilities for fishing fleets; and

"Whereas there has been an increase of approximately 33⅓ percent of employees engaged in or related to the use of the Blaine port facilities; and

"Whereas approximately 695 different fishing vessels made approximately 3,500 trips into Blaine harbor to deliver fish during the 1952 fishing season; and

"Whereas for a long time the increased use of the harbor facilities has created a potential danger of fire; and

"Whereas the value of fishing boats and fishing equipment in the said Blaine harbor exceeds $1,500,000; and

"Whereas expansion by widening and deepening the said harbor is of primary importance to the development of the fishing industry in the northwest area of the United States; and

"Whereas numerous lives and property have been and are placed in great jeopardy, particularly during such times as there are storms, because of inadequate harbor facilities to accommodate the entire fishing fleet.

"Now, therefore, your memorialists respectfully petition the Congress of the United States to enact legislation and make adequate appropriation for the development of the facilities for fishing fleet moorage in the Blaine harbor; and be it

"*Resolved,* That copies of this memorial be transmitted to the President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives and to each member of the Washington congressional delegation."

By Mr. BUTLER of Maryland:

A joint resolution of the General Assembly of the State of Maryland; to the Committee on Finance:

"House Joint Resolution 10

"Joint resolution petitioning and memorializing the Congress of the United States to study the Federal liquor tax policy and to enact legislation to reduce the present excessively high tax rate

"Whereas the 21st amendment to the Constitution of the United States vests in the individual States control over the trade in and use of alcoholic beverages; and

"Whereas in the exercise of such control 46 States, including the State of Maryland have recognized the compelling demand for alcoholic beverages, and have enacted laws to protect the health, welfare, safety and morals of the people by allowing only those who are morally responsible to engage in the production and distribution of alcoholic beverages, and by strictly supervising such production and distribution; and

"Whereas the aforesaid 46 States have levied excise taxes on alcoholic beverages for the purposes of encouraging temperance, reimbursing the States for their costs in maintaining such strict supervision and control, and providing revenue; and in fixing the amount of these excises, States have sought an optimum figure which will achieve a balance between the three enumerated objectives; and

"Whereas the Federal Government has so substantially increased its excise tax on alcoholic beverages that the consumer price of such beverages has risen to several times their cost of production; and

"Whereas the result of such increase in consumer price has been to divert many sales from the controlled distribution system set up by the State of Maryland to the bootleg industry with an accompanying disregard for law, danger to the health of its

citizens, and loss of revenue to both State and Federal Governments; and

"Whereas it is the considered judgment that the Federal Government has raised its excises beyond the optimum level consistent with the objectives of taxation and control; and has taken from the State of Maryland the power to restore the proper balance; Therefore be it

"Resolved by the General Assembly of Maryland, That in order to eliminate bootlegging, restore respect for law and order, and provide adequate revenues for both State and Federal Governments, that the General Assembly of Maryland does hereby memorialize and petition the Congress of the United States to study the Federal liquor tax policy and enact legislation reducing the present excessively high tax rate; and be it further

"Resolved, That the secretary of state be requested to send a copy of this joint resolution under the great seal of Maryland to the Members of the House of Representatives of the United States from Maryland, the United States Senators from Maryland, the Speaker of the House of Representatives of the United States, and the Presiding Officer of the Senate of the United States."

INTERNATIONAL PEACE GARDEN—CONCURRENT RESOLUTION OF NORTH DAKOTA LEGISLATURE

Mr. LANGER. Mr. President, on behalf of myself and my colleague the junior Senator from North Dakota [Mr. YOUNG] I present for appropriate reference a concurrent resolution of the Legislature of the State of North Dakota, favoring the enactment of House bill 3986, authorizing an appropriation for the completion of the International Peace Garden. I ask unanimous consent that the concurrent resolution be printed in the RECORD.

There being no objection, the concurrent resolution was referred to the Committee on Interior and Insular Affairs, and, under the rule, ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 0–1

Concurrent resolution memorializing the Congress of the United States to enact H. R. 3986 authorizing an appropriation for the completion of the International Peace Garden

Be it resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein):

Whereas there has been established and is being maintained on the international boundary line between the United States of America and the Dominion of Canada, a park situated partly in North Dakota and partly in the Province of Manitoba and known as the International Peace Garden, which park has been established and is being maintained as a constant memorial to the peaceful relations between the United States of America and the Dominion of Canada and for the purpose of furthering international peace among the nations of the world; and

Whereas the Government of Canada is making substantial grants for the development of their section of the International Peace Garden; and

Whereas H. R. 3986, introduced in the 83d Congress of the United States and referred to the Committee on Public Lands, would authorize an appropriation for the purpose of completing the International Peace Garden in accordance with plans previously approved: Now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein), That the Congress of the United States be memorialized to give immediate and favorable consideration to H. R. 3986; and be it further

Resolved, That copies of this resolution be sent by the secretary of state to the North Dakota delegation in Congress.

DEVELOPMENT OF MISSOURI RIVER BASIN — CONCURRENT RESOLUTION OF NORTH DAKOTA LEGISLATURE

Mr. LANGER. Mr. President, on behalf of myself and my colleague, the junior Senator from North Dakota [Mr. YOUNG], I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a concurrent resolution of the Legislature of the State of North Dakota, relating to a plan for the development of the Missouri River Basin, the extension of the Rural Electrification Administration, and the construction of the St. Lawrence Waterway.

There being no objection, the concurrent resolution was referred to the Committee on Public Works, and, under the rule, ordered to be printed in the RECORD, as follows:

House Concurrent Resolution M

Concurrent resolution memorializing the Congress of the United States to enact legislation for the creation of an overall integrated plan for the development of the Missouri River Basin, the extension of the benefits of the Rural Electrification Administration, and for the construction of the St. Lawrence Waterway

Whereas it is in the best interests of the citizens of this State and of the United States that the natural resources and power of this Nation be fully and efficiently utilized, and that the destruction and waste occasioned by repeated floods be halted; and

Whereas the attainment of these purposes requires that present programs for the development of the rivers, lakes, and harbors of this Nation be continuously expanded and improved, and requires that the available power distribution and production facilities be enlarged to extend service to many more persons: Now, therefore, be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein), That the Congress of the United States is hereby memorialized and petitioned to enact suitable legislation for—

1. The creation of an overall integrated plan for the development of the natural resources and power, and for the efficient control of floods in the Missouri Basin;

2. The extension of the distribution systems and power-producing facilities of the Rural Electrification Administration; and

3. The joint construction and control by the United States and the Dominion of Canada of the St. Lawrence Waterway; be it further

Resolved, That copies of this resolution, properly authenticated, be sent by the secretary of State to the President of the United States, the Prime Minister of the Dominion of Canada, the Secretary of the Interior of the United States, the presiding officers of each of the Houses of the Congress of the United States, and to each Member of the North Dakota congressional delegation.

The VICE PRESIDENT laid before the Senate a concurrent resolution of the Legislature of North Dakota, identical with the foregoing, which was referred to the Committee on Public Works.

RESOLUTIONS OF KANSAS LIVESTOCK ASSOCIATION CONVENTION

Mr. SCHOEPPEL. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a series of resolutions adopted by the 40th annual convention of the Kansas Livestock Association, at Wichita, Kans., on March 14, 1953, relating to various agricultural problems.

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

RESOLUTIONS PASSED AT THE 40TH ANNUAL CONVENTION OF THE KANSAS LIVESTOCK ASSOCIATION IN WICHITA, KANS., MARCH 14, 1953

PASTURE IMPROVEMENT

We commend the various State and Federal experiment stations on their work in introducing and developing better varieties of grasses and legumes for the improvement of pastures. We urge the various stations conducting experimental brush and weed eradication to step up their work so that better and more economical means of eradication be found.

BUY-AMERICAN PLAN

We urge the continuation of the buy-American policy which has been carried in the appropriations for the military service for several years past. The Government is one of the biggest consumers of domestic food products and it is only fair that, except in the emergencies provided for, such purchases should be on the buy-American plan.

WORLD-TRADE POLICY

Resolved, That the promotion of world trade should be on the basis of fair and equitable competition and must be done within the principle that has long been maintained—that foreign products, produced by underpaid foreign labor, shall not be admitted to our country on terms which endanger the living standards of the American workingman or the American farmer or stockman or threaten serious financial injury to a domestic industry.

PURCHASES OF MEAT FOR THE MILITARY

We urge the Defense Department to make its beef-procurement regulations sufficiently flexible to cover weights and grades so the supply varies from time to time so that the Government can take advantage of the best possible buy at any given time and assist in stabilizing the market for particular grades and weights.

SOIL CONSERVATION AND FLOOD CONTROL

Soil and water are recognized as the State's most valuable natural resources. We recognize the need for flood control and urge that the United States Department of Agriculture be authorized to accelerate and intensify its program of soil-erosion control and flood prevention in its program of runoff and waterflow retardation throughout the State; that works necessary for those purposes be constructed as rapidly as possible; and that the State legislature give serious consideration to workable watershed legislation for Kansas. People whose property or other interests are acquired for reservoirs, floodways, and other soil- and water-control measures should be compensated to an extent at least equivalent to reestablishing them under similar circumstances.

PAROLES

We are opposed to convicted cattle thieves being paroled without serving at least part of their sentence.

VESICULAR EXANTHEMA CONTROL

As the United States Bureau of Animal Industry has released information stating

that the Bureau will soon prohibit the interstate movement of all swine and all unprocessed pork products from any State where vesicular exanthema (VE disease) is known or believed to exist, or from States that do not require the cooking of garbage or from States that fail to slaughter VE-infected or exposed swine within a period of 7 days following the determination of the existence of the disease.

Therefore, we urge the prompt, effective cooperation of the legislature and the Federal and State regulatory officials to eradicate and keep Kansas swine free from VE disease.

DESICCATED VACCINE

There is a vital need for desiccated Strain 19 Bang's vaccine to be packaged in multiple doses. The United States BAI has refused to allow it to be so packaged because of the promise, which has proven to be wrong, that it was a protection to the industry: Therefore be it

Resolved, That the Kansas Livestock Association again request the United States BAI to permit the packaging of desiccated Strain 19 Bang's vaccine in multiple doses.

NATIONAL LIVESTOCK AND MEAT BOARD

The National Livestock and Meat Board, since its inception, has conducted an intensive educational, promotional, and meat research program, and these activities have been and currently are financially supported by livestock producers and meat processors for the purpose of continually promoting and elevating the place of meat on the tables of the American consumer; there is ever-increasing competition for the consumers' food dollar: Be it

Resolved, That the Kansas Livestock Association recommends that current contributions by livestock producers to the National Livestock and Meat Board be increased immediately from 25 cents per car to 50 cents per car, with the understanding a continuing and accelerated meat promotional research program will be aggressively pursued to stimulate an expanding demand for our products.

AMERICAN MEAT INSTITUTE ADVERTISING

We have appreciated the excellent job on meat advertising that the American Meat Institute has been carrying on for the past 12 years. We hope it will be continued and strengthened.

THE UNITED STATES SECRETARY OF AGRICULTURE

It is a recognized fact that the economy of our Nation or any nation is tied closely and almost inseparably with the agricultural and livestock interests.

We know also that neither agriculture nor livestock can or do prosper independently of each other.

Therefore, this association hereby wishes to commend our United States Secretary of Agriculture for the work he has done and is doing on behalf of the agricultural interests of the Nation.

We wish to extend to him our wholehearted cooperation.

APPRECIATION

We express sincere gratitude to all who have contributed to the success of this annual meeting; the Fourth National Bank of Wichita for their breakfast; the Producers and Texas Live Stock Marketing Association for their breakfast; to Berl Berry, Kansas City, Ford-Mercury-Lincoln distributor and Hereford breeder, Stanley, for entertaining the executive committee, officers, and directors of the association; the Wichita Livestock Marketing Interests for the stockmen dance; the press and radio for their generous and careful coverage; the city and State officials for their many courtesies; the speakers for their excellent contributions; and the staff of the Kansas Livestock Association for their efficient services.

Resolutions Committee: Lew Galloway, Wakeeney, chairman; J. Willard Olander, Kansas City, Mo.; Dan Jackson, Coldwater, Kans.; H. H. Colburn, Spearville, Kans; Larry Morgan, Goodland, Kans.; George Lemon, Pratt, Kans.; Roy Freeland, Topeka, Kans.; W. G. Robinson, Fort Scott, Kans.; Locke Theis, Englewood, Kans.; Taylor Jones, Holcomb, Kans.; James O. Greenleaf, Greensburg, Kans.; Phil Glunt, Maple Hill, Kans.; J. H. Salley, Liberal, Kans.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—TELEGRAM FROM WISCONSIN CONGRESS OF PARENTS AND TEACHERS, SHEBOYGAN, WIS.

Mr. WILEY. Mr. President, in connection with the current reorganization plan dealing with a Federal Department of Health, Education, and Welfare, I have received today a telegram from the president of the Wisconsin Congress of Parents and Teachers relative to the vital United States Children's Bureau.

Needless to say, I regard the work of the Children's Bureau as one of the most important being done in the Federal Government today because, obviously, it affects the entire future of our land as it looks after the needs of the citizens of tomorrow.

I present the telegram of Mrs. Joseph Born for appropriate reference and ask unanimous consent that it be printed in the RECORD in order that it might receive appropriate consideration in connection with the reorganization plan.

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

SHEBOYGAN, WIS., *March 22, 1953.*

HON. SENATOR ALEXANDER WILEY,
Senate House, Washington, D. C.

Mrs. Newton Leonard, president, National Congress of Parents and Teachers, calls attention to President Eisenhower's Reorganization Plan for a Federal Department of Health, Education, and Welfare in which no mention is made of the United States Children's Bureau. Parent-Teacher Associations have always maintained close working relationship with this Bureau and have benefitted greatly by its services to children and their families. Any curtailment of the Bureau's functions would seriously hamper child welfare. We are concerned in the safeguarding of services of the Children's Bureau in a new Federal Department. On behalf of the 93,000 members of the Wisconsin Congress of Parents and Teachers request your consideration.

Mrs. JOSEPH BORN,
President, Wisconsin Congress of Parents and Teachers.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TOBEY (for Mr. JOHNSON of Colorado), from the Committee on Interstate and Foreign Commerce:

S. 903. A bill to prohibit the transportation in interstate or foreign commerce of lethal munitions except when movement is arranged for, or on behalf of, the United States of America or an instrumentality thereof; with amendments (Rept. No. 123).

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

S. 556. A bill for the relief of Marinella Talleti; with amendments (Rept. No. 127);

S. 613. A bill for the relief of Steve Emery Sobanski; without amendment (Rept. No. 124);

H. R. 759. A bill for the relief of Hisami Yoshida; without amendment (Rept. No. 125); and

H. R. 861. A bill for the relief of Edith Marie Paulsen; without amendment (Rept. No. 126).

By Mrs. SMITH of Maine, from the Committee on Government Operations:

H. J. Res. 223. Joint resolution providing that Reorganization Plan No. 1 of 1953 shall take effect 10 days after the date of the enactment of this joint resolution; without amendment (Rept. No. 128).

CONTINUANCE OF STATUTORY PROVISIONS RELATING TO DEPOSIT OF SAVINGS FOR MEMBERS OF THE ARMY AND AIR FORCE

Mr. SALTONSTALL. Mr. President, at the request of the Department of Defense, concurred in by the Bureau of the Budget, I introduce for appropriate reference a bill to continue the effect of the statutory provisions relating to the deposit of saving for members of the Army and Air Force, and for other purposes.

The bill relates to the right of enlisted personnel to ask for the return of funds deposited by them with the paymaster, such return to be made prior to the normal expiration of the enlistment period, if desired by the individual enlisted man or woman.

This authority now exists on a temporary basis. The bill would simply extend that authority so as to meet the needs of the thousands of enlisted men and women who are now serving with our military forces.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1422) to continue the effect of the statutory provisions relating to the deposit of savings for members of the Army and Air Force, and for other purposes, introduced by Mr. SALTONSTALL (by request), was received, read twice by its title, and referred to the Committee on Armed Services.

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. MAYBANK (for himself and Mr. CAPEHART):

S. 1413. A bill to amend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Currency.

By Mr. LANGER:

S. 1414. A bill for the relief of Ignatz Mezei;

S. 1415. A bill to prohibit the practice of law by United States attorneys, and for other purposes; and

S. 1416. A bill for the relief of Vito Rizzi; to the Committee on the Judiciary.

By Mr. AIKEN:

S. 1417. A bill for the relief of Gerard Lucien Dandurand; to the Committee on the Judiciary.

By Mr. CARLSON:

S. 1418. A bill for the relief of Linda Marlene Kolachny (Mariko Furue); to the Committee on the Judiciary.

By Mr. CASE:

S. 1419. A bill to permit the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District; to the Committee on the District of Columbia.

By Mr. KILGORE:

S. 1420. A bill to provide for the reinstatement of certain lapsed national service life insurance policies, and for other purposes; to the Committee on Finance.

S. 1421. A bill for the relief of Nahi Youssef; to the Committee on the Judiciary.

By Mr. SALTONSTALL (by request):

S. 1422. A bill to continue the effect of the statutory provisions relating to the deposit of savings for members of the Army and Air Force, and for other purposes; to the Committee on Armed Services.

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

By Mr. RUSSELL:

S. 1423. A bill for the relief of Gus John Caras (Konstantinos Ioannis Karadimitris); and

S. 1424. A bill for the relief of John M. Fuller; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 1425. A bill for the relief of Eva Ruttkay;

S. 1426. A bill for the relief of Hajna Sepsi;

S. 1427. A bill for the relief of Anis Movafagh Han;

S. 1428. A bill for the relief of Serina Moser; and

S. 1429. A bill for the relief of Hans Schroeder; to the Committee on the Judiciary.

By Mr. DOUGLAS:

S. 1430. A bill for the relief of Ruth Johanna Heidenreich;

S. 1431. A bill for the relief of Holly Layne Roberts (Mariko Uchiyama); and

S. 1432. A bill for the relief of Peter Penovic, Milos Grahovac, and Nikola Maljkovic; to the Committee on the Judiciary.

By Mr. CHAVEZ (for himself and Mr. ANDERSON):

S. 1433. A bill to extend the benefits of certain provisions of the Reclamation Project Act of 1939 to the Arch Hurley Conservancy District, Tucumcari reclamation project, New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. JACKSON:

S. 1434. A bill for the relief of William B. Baker; and

S. 1435. A bill for the relief of Mrs. Bert I. Biedermann nee Ermenegilda Vittoria Cernecca; to the Committee on the Judiciary.

By Mr. GRISWOLD (by request):

S. 1436. A bill to establish a Federal Board of Hospitalization, and for other purposes; to the Committee on Government Operations.

By Mr. MORSE:

S. 1437. A bill for the relief of Lew Shee; to the Committee on the Judiciary.

By Mr. MALONE:

S. 1438. A bill authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon; to the Committee on Public Works.

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

By Mr. MAGNUSON:

S. 1439. A bill to require the armed services to utilize private American shipping services for the overseas transportation of commodities and civilian personnel; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 59. Joint resolution authorizing the Architect of the Capitol to permit certain temporary construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto; to the Committee on Public Works.

PROCEDURE DURING MORNING HOUR

Mr. CARLSON. Mr. President, I ask unanimous consent to proceed for not to exceed 4 minutes.

Mr. TAFT. Mr. President, I am sorry to object, but I have made it an informal rule that I shall object to requests to speak during the morning hour for longer than 2 minutes.

The VICE PRESIDENT. Does the Senator from Kansas wish to confine his remarks to 2 minutes?

Mr. TAFT. Unless we hold to some such rule, all speeches will be made during the morning hour.

Mr. CARLSON. The junior Senator from Kansas is glad to comply with the rule, because he thinks it is a good one.

Mr. JOHNSON of Texas. Mr. President, I rise for the purpose of propounding an inquiry to the majority leader.

The other day the majority leader announced that he intended to object in the future to any Senators speaking for more than 2 minutes until the morning hour had been concluded. The inquiry is, Who is to determine how long a Senator is to speak?

Mr. TAFT. If a Senator asks unanimous consent to speak for not more than 2 minutes, I shall make no objection. If he asks permission to speak for a longer time during the morning hour, I shall have to object. The Senator may amend his request.

Mr. JOHNSON of Texas. The question the Senator from Texas wishes to ask is this: Who is to keep the time? Since the Senator from Ohio placed his rule in effect I have heard some rather long 2-minute speeches. I made inquiry of the Parliamentarian, and found that no one was keeping time.

Mr. TAFT. I hope the Parliamentarian will keep time, and I trust that the Presiding Officer will enforce the terms of the unanimous-consent request without further suggestion from me.

The VICE PRESIDENT. The Chair wishes to announce that in the light of the understanding with the majority leader, in the future unanimous-consent requests to speak during the morning hour will be limited to 2 minutes, and the Parliamentarian will keep time.

Mr. JOHNSON of Texas. I appreciate the announcement by the distinguished Vice President. I merely wish to reiterate that the minority desires to cooperate at all times when it can do so in good conscience.

NOTICE OF HEARING ON S. 1349, TO AMEND TITLE 28, UNITED STATES CODE, TO CREATE THE COURT OF CLAIMS AS A CONSTITUTIONAL COURT

Mr. McCARRAN. Mr. President, on behalf of the standing Subcommittee on Improvement in Judiciary Machinery of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, March 26, 1953, at 10 a. m., in room 424, Senate Office Building, on S. 1349, to amend title 28, United States Code, so as to create the Court of Claims as a constitutional court of the United States. Persons desiring to be heard should notify the committee so that a schedule can be prepared for those who wish to appear and testify. The subcommittee consists of myself, chairman, the Senator from Utah [Mr. WATKINS], and the Senator from Idaho [Mr. WELKER].

NOTICE OF HEARING ON S. 961, TO ESTABLISH UNIFORM QUALIFICATIONS FOR JURORS IN THE FEDERAL COURTS

Mr. McCARRAN. Mr. President, on behalf of the standing Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, March 26, 1953, at 3 p. m., in room 424, Senate Office Building, on S. 961, to establish uniform qualifications for jurors in the Federal courts. Persons desiring to be heard should notify the committee so that a schedule can be prepared for those who wish to appear and testify. The subcommittee consists of myself, chairman, the Senator from Utah [Mr. WATKINS], and the Senator from Idaho [Mr. WELKER].

NOTICE OF HEARING ON NOMINATION OF BERNARD A. BOOS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, April 2, 1953, at 10 a. m., in room 424, Senate Office Building, upon the nomination of Bernard A. Boos, of South Dakota, to be United States marshal for the district of South Dakota, vice Theodore B. Werner, resigned. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey, [Mr. HENDRICKSON], and the Senator from Missouri [Mr. HENNINGS].

NOTICE OF HEARING ON NOMINATION OF HOWARD C. BOTTS, TO BE UNITED STATES MARSHAL, SOUTHERN DISTRICT OF OHIO

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, April 2, 1953, at 10 a. m., in room 424, Senate Office Building, upon the nomination of Howard C. Botts, of Ohio, to be United States marshal for the southern district of Ohio, vice Harold K. Claypool, term expired. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Missouri [Mr. HENNINGS].

NOTICE OF HEARING ON NOMINATION OF JOHN F. RAPER, JR., TO BE UNITED STATES ATTORNEY, DISTRICT OF WYOMING

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, April 2, 1953, at 10 a. m., in room 424, Senate Office Building, upon the nomination of John F. Raper, Jr., of Wyoming, to be United States attorney for the district of Wyoming, vice John J. Hickey, resigned. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Missouri [Mr. HENNINGS].

NOTICE OF HEARING ON NOMINATION OF LLOYD H. BURKE, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, April 2, 1953, at 10 a. m., in room 424, Senate Office Building, upon the nomination of Lloyd H. Burke, of California, to be United States attorney for the northern district of Columbia, vice Chauncey F. Tramutolo, resigning. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consist of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Missouri [Mr. HENNINGS].

THE VOICE OF AMERICA

Mr. SMITH of New Jersey. Mr. President, I ask unanimous consent that I may speak for 1 minute, in order that I may make a statement on behalf of the Senator from South Dakota [Mr. MUNDT] and myself.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from New Jersey may proceed.

Mr. SMITH of New Jersey. Mr. President, as the original sponsors of the Smith-Mundt Act of 1948, which established the Voice of America and our comprehensive information and educational-exchange program, we feel called upon at this time to reaffirm our belief in the essential soundness of the basic aims and principles of the program.

The Senator from South Dakota [Mr. MUNDT] and I have recognized for a long time certain weaknesses and faults in both the content and administration of the Voice of America program. We believe that much needs to be done if the Voice is to achieve its maximum effectiveness. However, we are disturbed lest the general public may lose faith completely in undertakings of this type, and come to oppose all attempts to expand our efforts in the field of psychological warfare.

We are not prepared at this time to pass judgment upon detailed questions relating to the best administrative and organizational arrangement for our psychological warfare programs. We are prepared, however, to state our conviction that the United States must give top priority to the problem of explaining its basic aims and principles to the peoples of the world. The ideological struggle which is now going on could well prove to be the decisive battle between communism and freedom. Psychological warfare is a weapon we must seek to strengthen.

America has a great message to tell the world. It is not a message about our wealth and riches. It is basically a message regarding our fundamental beliefs and principles. The democratic concepts of liberty and equality, if properly presented, can play a great role in the fight against communism. Our task is that of finding new and better means of transmitting these concepts. The original ideas behind the Voice of America and the other phases of our foreign information program are still sound.

I submit this statement on behalf of the Senator from South Dakota [Mr. MUNDT] and myself.

VISIT TO THE UNITED STATES OF MR. PAUL VAN ZEELAND, FOREIGN MINISTER OF BELGIUM

Mr. SMITH of New Jersey. Mr. President, I ask unanimous consent to speak for 2 or 3 minutes with regard to the recent visit to the United States and to Washington of the distinguished Foreign Minister of Belgium, Mr. Van Zeeland.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from New Jersey may proceed.

Mr. SMITH of New Jersey. Mr. President, the recent visit to the United States and to Washington of the distinguished Foreign Minister of Belgium, Mr. Paul Van Zeeland, gives me the opportunity to call to the attention of my colleagues an interesting development growing out of World War I.

We all will recall that during World War I, under the leadership of former President Herbert Hoover, the American people set up a great relief organization called the Commission for the Relief of Belgium, the purpose of which was to take care of the population of Belgium during the German occupation. It will be recalled that there was a terrible food shortage, and the plight of all the Belgians, rich and poor, was a desperate one.

The performance of the Commission, which was made up of both Belgians and Americans, was most successful, and the participation in this important work has been a source of great gratification and pride to all of us who were privileged to have a part in it.

This great work was carried on, on a pay-as-you-go basis. There was created a revolving fund, which was financed originally partly by charity and partly by donations from the Belgian Government. All this indebtedness was ultimately paid off, and, as there was a margin of safety in the amount charged for the food, the operations ended with a substantial profit. This money, of course, belonged to the Belgian people and the King of the Belgians invited Mr. Hoover, who had originated the operation, to suggest what might be the best use to be made of this fund. Mr. Hoover advised that the money could best be dedicated to educational purposes.

After a series of negotiations in which I had the honor to participate, a capital donation was made to each of the four Universities of Brussels, Louvain, Liege and Ghent. Furthermore, parallel organizations were set up in Belgium and the United States to provide for exchange fellowships between the two countries. It was my experience with these fellowships which led to my enthusiasm for this kind of international exchange as avenues leading toward world understanding.

In June 1952 the Belgian-American Educational Foundation published a report entitled "The Contribution of the Belgian-American Foundation Toward the University Faculties." This report contains the names of former CRB fellows who are actually members of the faculties of the principal universities and schools in Belgium. It also includes the names of former CRB fellows who have become members of the Faculty of American Universities. In a summary at the conclusion this report says:

> To sum up there are 83 faculty members from Brussels, 75 from Louvain, 64 from Liege, 56 from Ghent, 23 from various other Belgian institutions, 22 teaching in American universities, and 9 in other countries. Since 10 of these persons are listed twice as teaching in more than 1 institution, this makes a total of 322 individuals.
>
> The total number of Belgians who have studied in the United States under the auspices of the BAEF being actually 653, this means that 49.5 percent are or have been at university level.
>
> Thirteen out of the three hundred and twenty-two above-listed faculty members have held office as rector: 5 at Brussels University, 5 at Ghent, 2 at Liege, and 1 at Louvain where the rector magnificus is appointed for life.

In March 1953 there was published by the foundation a similar report entitled "The Contribution of the Belgian American Educational Foundation to Public Life, National and International." This report, which I have just received, is so illuminating and inspiring that I ask unanimous consent to publish it in full at the close of my remarks.

The VICE PRESIDENT. Without objection, the report may be printed as requested.

(See exhibit A.)

Mr. SMITH of New Jersey. It will be noted that the Honorable Paul Van Zeeland who has recently been our guest, is the No. 1 CRB fellow and was our first experiment. I can add with pardonable pride that he received his doctor of philosophy degree at the Princeton University Graduate School in 1921.

Mr. President, this record of the relationship between the United States and the brave little country of Belgium points the way to effective understanding and cooperation among all the freedom-loving countries of the World.

EXHIBIT A

THE CONTRIBUTION OF THE BELGIAN AMERICAN EDUCATIONAL FOUNDATION TO PUBLIC LIFE, NATIONAL AND INTERNATIONAL

As our previous article on the contribution of the Belgian American Educational Foundation to university faculties met with favorable response, we have thought that it might be worthwhile to proceed along somewhat similar lines for the benefit of those who are fond of systematic listings or enjoy the innocent game of statistics. This time we are submitting to the readers of the alumni bulletin lists grouping the former CRB fellows who have had a political career or held jobs in international organizations.

With regard to the role played in Belgian politics, our listing enumerates separately: the Ministers, the members of the Chamber of Representatives, the Senators.

MINISTERS

Edgard Blancquaert, Minister of Education, February-April 1939.

Vicomte Charles du Bus de Warnaffe, Minister of Communications, 1934–35; Minister of the Interior, 1935–36; Minister of Justice, 1937–38; 1945, and from December 1952.

•Franz De Voghel, Minister of Finance, 1945–46.

Jules Duesberg, Minister of Education, 1939 (1947).

Albert De Smaele, Minister of Economic Affairs, 1945–46.

Gaston Eyskens, Minister of Finance, 1945 and 1947–49; Prime Minister, 1949–50; Minister of Economic Affairs, June-August 1950.

Paul Heymans, Minister of Economic Affairs, Middle Classes and Agriculture, 1938–39.

Adolphe Van Glabbeke, Minister of Interior, 1945; Minister of Justice, 1946; Minister of Public Health, 1949–50.

Jean Van Houtte, Minister of Finance, 1950–52; Prime Minister from January 15, 1952.

Paul van Zeeland, Cabinet Minister without portfolio, 1934; Prime Minister and Minister of Foreign Affairs, 1935–37; Minister of State, 1948; Minister of Foreign Affairs and Foreign Trade from 1949.

Pierre Wigny, Minister of Colonies, 1947–50.

MEMBERS OF THE CHAMBER OF REPRESENTATIVES

Charles du Bus de Warnaffe from 1934.
Gaston Eyskens, from 1939.
Marc Somerhausen, 1925–29; 1932–36; 1946–47.
Adolphe Van Glabbeke from 1936.
Pierre Wigny, from 1949.

MEMBERS OF THE SENATE

Paul Brien, 1936–37.
Pierre Depage, 1945–47.
Jacques Duchaine, 1946–49.
Jean Van Houtte, from 1949.
Paul van Zeeland, from 1946.

POSITIONS IN INTERNATIONAL ORGANIZATIONS

Pierre Depage, secretary general, Permanent Commission of the International Red Cross, Geneva, 1947–49; superintendent in the field, Relief and Works Agency for Palestine Refugees, United Nations, Damascus (Syria), from 1949.

Albert De Smaele, president, International Authority for the Ruhr, Dusseldorf (Germany), from 1949.

Françoise Dony, research assistant, United Nations Information Office, New York, 1942–43; liaison officer, United Nations, New York, 1946–52.

Jacques Errera, Belgian adviser, Atomic Energy Commission, United Nations, New York, from 1947.

Gaston Eyskens, Governor of the International Bank for Reconstruction and Development, Washington, D. C., 1947–49; vice president, Economic and Social Council, and president, Economic Committee, United Nations Organization, 1951.

Paul Huygelen, social affairs officer, Laws and Regulations Section, Division of Narcotic Drugs, United Nations headquarters, New York, from 1951.

Edmond Janssens, economic affairs officer, Economic Stability and Development Division of the United Nations, New York, from 1952.

Michel Lorthioir, Organization for European Economic Cooperation, Paris, from 1948.

René Stinglhamber, director in the office of the Secretary General of the North Atlantic Treaty Organization, Palais de Chaillot, Paris, from 1951.

Jacques Torfs, economist and assist loan officer, International Bank for Reconstruction and Development, Washington, D. C.

Robert Triffin, chief, Exchange Control Division, International Monetary Fund, Washington, D. C., 1946–48; staff representative (of same) in Western Europe, 1948–51.

Louis Verhoestraete, chief, Maternal and Child Health Section, World Health Organization, Palais des Nations, Geneva.

Marcel van Zeeland, manager, Bank of International Settlements, Basle (Switzerland), 1930–49; senior manager from 1949, treasurer general, International Red Cross, Geneva.

Paul van Zeeland, president, European Organization of Economic Cooperation, 1950. president, Committee of Ministers, Council of Europe, 1950. President, Council of the Ministers of Foreign Affairs of the North Atlantic Treaty Organization. Presided in this capacity in the NATO Conferences held at Brussels in December 1950 and at Ottawa in September 1951. Vice president, International Council of the European movement.

If we examine the list of Ministers, we note that in 1945 four former CRB fellows happened to be at the same time members of the Belgian Cabinet: Charles du Bus de Warnaffe, Albert De Smaele, Gaston Eyskens, and Adolphe Van Glabbeke.

Among the 11 who held ministerial positions, 3 have occupied the post of Prime Minister of Belgium: Paul van Zeeland (1935–37), Gaston Eyskens (1949–50), Jean Van Houtte (from January 1952).

A striking fact is the relatively young age at which these three Prime Ministers took office: Mr. van Zeeland was 41, Messrs. Eyskens and Van Houtte were both 44 years old.

With regard to the academic field to which they belong, we note that out of the 11 Ministers 8 graduated in the humanities (mostly in law and economics), and only 3 in the sciences (2 engineers and 1 doctor of medicine). It is worth mentioning that 7 out of 11 in the Ministers group are or have been teaching in Belgian universities.

When one considers the whole list of names mentioned in the present article, the balance between the humanities and the sciences reflects a tendency toward a more logical equilibrium, the ratio being 14 versus 11 in the latter group.

J. VAN DER BELEN,
Secretary in Belgium of the BAEF.

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

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

By Mr. SMITH of New Jersey:

Address delivered by the Belgian Ambassador to the United States upon the occasion of the presentation of a mural tapestry to the Hoover Library on War, Revolution, and Peace, at Stanford University.

By Mr. GILLETTE:

Letter dated March 1, 1953, addressed to him by V. V. Harris, on the subject of Offshore Oil Reserves.

By Mr. LANGER:

Letter addressed to him by DeLona Lindsey, of Sunnyside, Wash., regarding Koch and Lincoln treatments for cancer.

By Mr. SCHOEPPEL:

Address entitled "Freedom in Livestock Agriculture," delivered by A. P. Davies, director, department of livestock, American Meat Institute, Chicago, Ill., at annual convention of Kansas Livestock Association, Wichita, Kans., March 13, 1953.

Report and recommendations adopted by Kansas Livestock Association on March 14, 1953, and transmitted to Secretary of Agriculture Benson.

By Mr. TOBEY:

Offer of free medical service by Dr. Robert E. Lincoln, of Medford, Mass., in combating epidemic of infectious hepatitis, together with accompanying press clippings.

By Mr. LEHMAN:

Address entitled "Soviet Antisemitism," delivered by Hon. Nathaniel P. Davis, former Ambassador to Hungary, at Temple Beth-El, Glens Falls, N. Y.

Article entitled "Negro Woman, 66, Is Named Mother of Year in Virginia," published in the Washington Post of March 21, 1953.

Article entitled "Bar Group Urges Alien Law Change," published in the New York Times of March 18, 1953.

By Mr. McCARTHY:

Excerpt from broadcast by Walter Winchell on March 15, 1953, regarding Congressional Medal of Honor.

By Mr. MARTIN:

Editorial entitled "They're Not Bigger Than the United States," published in the Philadelphia Inquirer of March 22, 1953.

By Mr. BUTLER of Maryland:

Address entitled "Slum Rehabilitation Through the Baltimore Plan—A Challenge to Business Interests," delivered by Guy T. O. Hollyday, of Baltimore, Md.

Address entitled "Atheist War on Religion," delivered by Father John L. Bazinet, of St. Mary's Seminary, at the cathedral in Baltimore, Md.

CALL OF THE ROLL

The VICE PRESIDENT. The morning business is closed.

The calendar under rule VIII is now in order.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Aiken	Gore	McCarthy
Anderson	Griswold	McClellan
Barrett	Hayden	Millikin
Beall	Hendrickson	Morse
Bennett	Hennings	Murray
Bricker	Hickenlooper	Neely
Bridges	Hill	Pastore
Bush	Hoey	Payne
Butler, Md.	Holland	Potter
Butler, Nebr.	Hunt	Purtell
Byrd	Ives	Robertson
Capehart	Jackson	Russell
Carlson	Jenner	Saltonstall
Case	Johnson, Tex.	Schoeppel
Chavez	Johnston, S. C.	Smathers
Cooper	Kennedy	Smith, Maine
Cordon	Kerr	Smith, N. J.
Daniel	Kilgore	Sparkman
Douglas	Knowland	Symington
Duff	Kuchel	Taft
Dworshak	Langer	Thye
Eastland	Lehman	Tobey
Ellender	Long	Watkins
Ferguson	Magnuson	Welker
Flanders	Malone	Wiley
Frear	Mansfield	Williams
Fulbright	Martin	Young
Gillette	Maybank	
Goldwater	McCarran	

Mr. SALTONSTALL. I announce that the Senator from South Dakota [Mr. MUNDT] is absent on official business. The Senator from Illinois [Mr. DIRKSEN] is necessarily absent.

Mr. JOHNSON of Texas. I announce that the Senator from Kentucky [Mr. CLEMENTS], the Senator from Georgia [Mr. GEORGE], and the Senator from Rhode Island [Mr. GREEN] are absent by leave of the Senate.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Colorado [Mr. JOHNSON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. MONRONEY], the Senator from North Carolina [Mr. SMITH], and the Senator from Mississippi [Mr. STENNIS] are absent on official business.

The VICE PRESIDENT. A quorum is present.

THE CALENDAR

The VICE PRESIDENT. The calendar, under rule VIII, is now in order. The clerk will proceed to state the measures on the calendar.

BILLS PASSED OVER

The bill (S. 242) to provide for the establishment of a Veterans' Administration domiciliary facility at Fort Logan, Colo., was announced as first in order.

Mr. TAFT. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 24) to permit judicial review of decisions of Government contracting officers involving questions of fact arising under Government contracts in cases other than those in which fraud is alleged was announced as next in order.

Mr. SMATHERS. Mr. President, at the request of the Senator from Wyoming [Mr. HUNT], I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 56) for the relief of Eric Anton Helfert was announced as next in order.

Mr. SMATHERS. Mr. President, the Senator from Tennessee [Mr. GORE] has in the past on the call of the calendar requested that the bill go over. In his absence I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 59) for the relief of Felix Kortschok was announced as next in order.

Mr. SMATHERS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 152) for the relief of Fred P. Hines was announced as next in order.

Mr. SMATHERS. Over.

The VICE PRESIDENT. The bill will be passed over.

PHED VOSNIACOS

The bill (S. 101) for the relief of Phed Vosniacos was announced as next in order.

Mr. SMATHERS. Over.

Mr. HENDRICKSON. Over.

The VICE PRESIDENT. The bill will be passed over.

Mr. HENDRICKSON subsequently said: Mr. President, I should like to ask what the record discloses regarding the action taken on Senate bill 101, for the relief of Phed Vosniacos

The VICE PRESIDENT. The Senator from Florida [Mr. SMATHERS] objected, and the bill was passed over.

Mr. HENDRICKSON. I thank the Chair.

FRANCESCO CRACCHIOLO

The bill (S. 102) for the relief of Francesco Cracchiolo was announced as next in order.

Mr. SMATHERS. Over.

The VICE PRESIDENT. The bill will be passed over.

WILHELM ENGELBERT—BILL PASSED OVER

The bill (S. 153) for the relief of Wilhelm Engelbert was announced as next in order.

Mr. SMATHERS. Over.

Mr. LEHMAN. Mr. President, reserving the right to object, although I do not expect to object, in regard to Senate bill 153, the private bill for Mr. Wilhelm Engelbert, I wish merely to state that I spoke to the Senator from North Dakota [Mr. LANGER] about this bill some weeks ago and asked him to have it passed over pending my review of it. I have now studied this bill and find that on the basis of the committee's report and what further facts I have been able to gather, the man in question seems on the face of it to have been a confirmed Nazi and supporter of Adolf Hitler's regime in Germany. However, that was many years ago. I am a firm believer in the possibility of reformation, even of Nazis, even of Communists. I am less concerned with what a man was or did 20 or 15 or even 10 years ago, than with what he is or does now. I believe that our immigration law should contain clear provisions, which our present law does not, to forgive past membership in totalitarian organization in the case of individuals who have ceased to hold or to advocate totalitarian views. In the case of past membership in such organizations, I think the law should provide for a test as to the present beliefs of the individuals in question—a test of whether they do now, in fact, advocate totalitarian and subversive doctrines.

The present law does not contain any such provision: It contains a kind of formula admitting reformed members of the Communist Party, but is very vague as to other totalitarians. It establishes no requirement as to current beliefs of such former totalitarians. This defect in the present law, along with hundreds of other defects, needs to be cured.

However, I assume that the Judiciary Committee, even without the requirement or authorization of the law, has looked into the current views of Mr. Engelbert, the subject of Senate bill 153. I assume that the committee members have established to their satisfaction that he no longer holds subversive or totalitarian views. I do not suppose the committee would approve a private bill for him under other circumstances. Only on this assumption, do I withdraw my objection to the passage of this bill.

Mr. LANGER. Mr. President, I wish to assure my distinguished colleague, the Senator from New York, that the Judiciary Committee went very fully into this case. This man has been in the United States for 26 years. He is a poor man, and works in a restaurant. The committee was very careful in going into the case.

Mr. LEHMAN. It was on that basis that I withdrew objection.

Mr. SMATHERS. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. Objection being heard, the bill will be passed over.

BILL AND RESOLUTION PASSED OVER

The VICE PRESIDENT. Calendar No. 55, Senate bill 484, will be called at this time; it was inadvertently overlooked earlier in the call of the calendar.

The bill (S. 484) for the relief of J. Don Alexander was announced as next in order.

Mr. HENDRICKSON. I ask that the bill go over.

The VICE PRESIDENT. Objection being heard, the bill will be passed over.

The resolution (S. Res. 57) to amend rule XIII of the standing rules relative to motions to reconsider was announced as next in order.

Mr. TAFT. Mr. President, I object to the consideration at this time of the resolution.

The VICE PRESIDENT. Objection being heard, the resolution will be passed over.

ROSE MARTIN

The bill (H. R. 1362) for the relief of Rose Martin was announced as next in order.

Mr. CARLSON. Mr. President, I should like to be recognized at this time to speak on another matter. I do not wish to object to the bill which was last called; but if the bill is to be considered at this time, I should like to be recognized.

The VICE PRESIDENT. Does the Senator from Kansas wish to reserve the right to object to the bill, in order to be recognized at this time?

Mr. CARLSON. Yes, Mr. President. Reserving the right to object, I wish to speak at this time.

The VICE PRESIDENT. The Senator from Kansas is recognized for 5 minutes.

DETECTION BY EL DORADO HIGH SCHOOL OF COMMUNIST FALSE PROPAGANDA MATERIAL

Mr. CARLSON. Mr. President, the advocates of communism never lose an opportunity to advance their sinister and subtle influence on our citizens.

Recently Miss Helen Bradford, an instructor in the El Dorado Senior High School, at El Dorado, Kans., advised me she had encouraged her class to carry on, as a project of the English class of the El Dorado High School senior class, correspondence with students in other nations, notably Japan and Germany.

One of the students accepted as his part of the project corresponding with a student in Japan. This Japanese student wrote a letter in which he enclosed

a pamphlet concerning an incident which was highly critical of our Nation and its people, attempting to discredit the United States through sensational charges and innuendoes.

Miss Bradford, after reading the article, sent it to me, with a request that I have the material checked by the State Department to see if it was strictly communistic material.

On March 13 I received a reply from Thruston B. Morton, Assistant Secretary of State, in which he commends Miss Bradford and the high school students who sent this material to me for study.

Secretary Morton wrote in his letter to me:

The high-school students, who on receipt of the pamphlet suspected its malicious propaganda intent, and the teacher who forwarded it to you have shown an alertness which merits commendation. The Department of State had not prior to the receipt of your letter received a copy of the pamphlet, nor had it been informed that Japanese leftists were attempting to realize a propaganda advantage through an exchange of correspondence between high-school students in Japan and the United States. I am bringing this matter to the attention of the American Embassy at Tokyo.

Mr. President, I have no doubt that there are other high-school and college students in our Nation who are carrying on correspondence with students in foreign countries, which I think is most commendable. It is something that should be encouraged.

There is danger, however, that an effort will be made by Communists, where there is an opportunity, to get their material into the hands of our youth at this formative period of their life.

Personally, I am proud of the fact that the students and teachers in the El Dorado High School sensed this danger and had this material checked, and I sincerely hope that others in the Nation will take warning from this incident. Kansas is among the States with the fewest Communists in our Nation, and our citizens plan on keeping it that way.

Mr. President, I ask unanimous consent to include as a part of these remarks a letter I received from the State Department. It is my hope that every school in the Nation will have an opportunity to read the letter.

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

DEPARTMENT OF STATE,
Washington, March 13, 1953.

The Honorable FRANK CARLSON,
United States Senate.

MY DEAR SENATOR CARLSON: I refer to your letter of February 28, 1953, to the Department of State in which you requested information on which to base a reply to a letter which you received from a teacher in your State who had sent you a copy of a pamphlet received by one of her students from a Japanese student in the course of an international exchange of correspondence.

The pamphlet deals with an incident which aroused considerable attention in the Japanese press for several months beginning in December 1952 but which has now ceased to be a prominent issue. Wataru Kaji, a leftist Japanese writer, made sensational charges to the effect that he had been captive from November 1951 until December 7, 1952, by United States intelligence agents and that he suffered mistreatment at their hands during the period of forced detention. Kaji's charges were obviously prompted by a desire on the part of Japanese leftists, particularly the Japan Communist Party, to create anti-American feeling among the Japanese public by showing that Kaji's detention since April 28, 1952, the effective date of the treaty of peace with Japan, was contrary both to Kaji's civil rights and to Japan's sovereign right of jurisdiction over its own nationals.

Kaji's charges were false. He was a Communist agent who had been arrested and detained prior to termination of the Occupation of Japan, but his claim that he had been held against his will since that time was not true. Fearing violence at the hands of the Communists, from whom he had apparently dissociated himself, and suffering as a result of poor health, he asked persons acquainted with him and his circumstances to furnish him shelter and medical aid after the Treaty of Peace with Japan became effective. When his health had improved, he was released at his own request, whereupon he was apparently persuaded by his former associates to launch his sensational accusations.

The American Embassy, on being informed of the charges, promptly released the statement that Kaji's allegations, especially his charge of mistreatment, were under active investigation by appropriate authorities, that if American personnel had mistreated him they would be dealt with justly, that the reason for Kaji's detention in 1951 was his involvement as a spy for a foreign power in Japan and that details of the case had been passed to the National Rural Police who were understood to be investigating the matter.

The Embassy's investigation revealed that Kaji had been held in an arrest status prior to April 28, 1952, on suspicion of espionage activities. Such an arrest was entirely proper during the occupation of Japan since Japan was under the control of the Allied Powers at that time. During this period Kaji admitted that he had been an active Communist intelligence agent. Because of his poor health Kaji requested from interested individuals, who were familiar with him and his condition, shelter and assistance after the effectuation of the treaty of peace with Japan. The assistance granted him was designed to furnish him shelter, lodging, and medical aid until such time as his health permitted him to make his own arrangements. He was not restricted as to intercourse with members of his family or friends. Japanese authorities were not informed that Kaji was being furnished this assistance because it was extended to him as a private individual and was humanitarian in nature without any apparent government concern at the time.

The pamphlet is unquestionably a propaganda effort of an obvious Communist-directed, anti-American slant. Its whole implication is that the United States has disregarded the human rights of a Japanese national and has coerced the Japanese Government into inventing a companion case for the purpose of linking Kaji with a Soviet espionage ring. Mitsuhashi, who is mentioned in the pamphlet in this connection, went on trial on February 7, 1953, charged with the illegal transmission of radio messages to the Soviet Union. Reports of his trial indicate that both Mitsuhashi and Kaji had been involved in espionage activities with certain members of the Soviet mission in Tokyo.

The Kaji-Yamada Relief Society appears to be a front organization for anti-American leftists. The Japan-Chinese Friendship Association is a better known organization whose principal aim is that of attempting to foster closer relations between Japan and Communist China.

It may be of interest that New York's Communist-line newspaper, Daily Worker, on February 17, 1953, carried an article captioned, "150 Japanese Writers Hit Pentagon's Spy Frameup." The article, of which I have enclosed a copy, repeats much of the material contained in the Kaji-Yamada Relief Society pamphlet and employs the same tactic of attempting to discredit the United States through sensational charges and innuendoes.

The high-school students, who on receipt of the pamphlet suspected its malicious propaganda intent, and the teacher who forwarded it to you have shown an alertness which merits commendation. The Department of State had not, prior to the receipt of your letter, received a copy of the pamplet, nor had it been informed that Japanese leftists were attempting to realize a propaganda advantage through an exchange of correspondence between high-school students in Japan and the United States. I am bringing this matter to the attention of the American Embassy at Tokyo.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary.

ROSE MARTIN

The VICE PRESIDENT. Is there objection to the present consideration of House bill 1362?

There being no objection, the bill (H. R. 1362) for the relief of Rose Martin was considered, ordered to a third reading, read the third time, and passed.

BILLS AND RESOLUTIONS PASSED OVER

The concurrent resolution (S. Con. Res. 20) favoring the suspension of deportation of certain aliens was announced as next in order.

Mr. TAFT. Mr. President, on Friday, approximately 40 bills and other measures, as I recall, were reported by committees. Both the Republican calendar committee and the Democratic calendar committee feel that they have not had sufficient time even to look over these measures. Therefore, I ask unanimous consent that the remaining measures on the calendar be passed over. The calendar will be called again next Monday, and at that time these measures will be before the Senate.

The VICE PRESIDENT. Without objection, the remaining measures on the calendar will be passed over.

ANNOUNCEMENT REGARDING CONSIDERATION OF JOINT RESOLUTION EXTENDING TIME LIMITATION ON CERTAIN NATIONAL EMERGENCY STATUTES

Mr. TAFT. Mr. President, there is on the calendar a joint resolution, Senate Joint Resolution 57, Calendar No. 105, to extend the time limitations on various national emergency statutes. I wish to have the joint resolution taken up either today or on Wednesday, because of the fact that it must be passed by April 1. It extends the affected statutes only 90 days, and further consideration will be given to the matter at a later time. I merely give notice of that fact. The remaining bills on the calendar probably can wait until next Monday, when the calendar will be called again.

Mr. BUTLER of Maryland. Mr. President, when Senate Joint Resolution 57, Calendar No. 105, is considered, the chairman of the Judiciary Committee has asked me to manage that measure

on the floor, if any management is needed.

The VICE PRESIDENT. Is the Senator from Ohio merely giving notice that he will call up the joint resolution?

Mr. TAFT. Yes; that is correct.

CONFERENCE REPORT ON SECOND SUPPLEMENTAL APPROPRIATION BILL, 1953

Mr. ROBERTSON. Mr. President, will the majority leader yield to me?

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

Mr. ROBERTSON. I am interested in a change which the conferees adopted in the school provision in the supplemental appropriation bill, under which provision for Virginia was eliminated. Does the majority leader know when the conference report on that bill is scheduled for action?

Mr. TAFT. No. It can be called up at any time. I have not yet been informed by the chairman of the Appropriations Committee as to when he will be ready to have the conference report considered; but, naturally, as a conference report on an appropriation bill, its consideration is in order at any time. I shall try to give the Senator from Virginia notice as to when it will be taken up.

Mr. ROBERTSON. I realize the status of such a report, and I appreciate the courtesy of the Senator from Ohio.

EXECUTIVE SESSION

Mr. TAFT. Mr. President, I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

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

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

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

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

J. Edward Lumbard, of New York, to be United States attorney for the southern district of New York, vice Myles J. Lane, resigned.

The VICE PRESIDENT. If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

AIR FORCE—NOMINATIONS PASSED OVER

The legislative clerk read the nomination of Brig. Gen. Edward Higgins White to be brigadier general.

Mr. TAFT. I ask that the nomination be passed over at this time.

The VICE PRESIDENT. The nomination will be passed over.

The legislative clerk read the nomination of Brig. Gen. Edward Higgins White to be major general.

Mr. TAFT. Mr. President, I make the same request.

The VICE PRESIDENT. The nomination will be passed over.

DIPLOMATIC AND FOREIGN SERVICE—NOMINATION TEMPORARILY PASSED OVER

The legislative clerk read the nomination of Charles E. Bohlen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Soviet Socialist Republics.

Mr. TAFT. Mr. President, I ask that this nomination be passed over temporarily, while the other nominations on the calendar are taken up and disposed of; after which, we shall return to this nomination.

The VICE PRESIDENT. Without objection, the nomination will be temporarily passed over.

FEDERAL TRADE COMMISSION

The legislative clerk read the nomination of Edward F. Howrey, to be Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1952, vice John Carson term expired.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. MAGNUSON subsequently said: Mr. President, I wonder whether I may make an inquiry at this time with reference to the nomination of Edward F. Howrey to be a Federal Trade Commissioner?

The PRESIDING OFFICER (Mr. POTTER in the chair). The Chair will state that the nomination of Mr. Howrey has been confirmed. It was confirmed earlier in the day.

Mr. MAGNUSON. I was informed that the nominations would be taken up in sequence. Mr. Bohlen's nomination is the first one stated on the calendar.

The PRESIDING OFFICER. The President has been notified of the confirmation.

Mr. MAGNUSON. I merely wanted to place in the RECORD a portion of the testimony in connection with Mr. Howrey's nomination. I did not intend to oppose its confirmation. I ask unanimous consent to have printed in the RECORD tomorrow—because some of it must be gathered together first—certain portions of the testimony with reference to the nomination of Mr. Howrey.

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

UNITED STATES ATTORNEY

The legislative clerk read the nomination of George E. MacKinnon to be United States attorney for the district of Minnesota.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COAST AND GEODETIC SURVEY

The legislative clerk read the nomination of John J. Dermody for permanent appointment as commissioned ensign, effective January 27, 1953.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. TAFT. Mr. President, I ask that the President be immediately notified of all nominations confirmed today.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

DIPLOMATIC AND FOREIGN SERVICE—CHARLES E. BOHLEN

Mr. TAFT. Mr. President, I ask unanimous consent that the Senate return to the consideration of the nomination of Charles E. Bohlen to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Soviet Socialist Republics.

The VICE PRESIDENT. Without objection, it is so ordered. The question is, Will the Senate advise and consent to the nomination of Charles E. Bohlen to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Soviet Socialist Republics?

Mr. WILEY. Mr. President, the nomination of Charles E. Bohlen to be Ambassador to the Soviet Union comes before the Senate with the unanimous—15 to 0—approval of the Committee on Foreign Relations.

BACKGROUND OF COMMITTEE REVIEW

That approval was not given lightly.

Mr. Bohlen's nomination was sent to the Senate February 27. On March 2, the committee heard Mr. Bohlen in executive session and questioned him at great length.

On March 5, the committee met in executive session with Under Secretary of State Walter Bedell Smith for a general discussion of the world situation, with particular attention to developments in Russia.

General Smith at that time asked the committee to do everything possible to expedite confirmation of Mr. Bohlen's nomination. The committee tentatively scheduled a vote for March 10. On that day, however, at the request of the senior Senator from Michigan [Mr. FERGUSON] and the senior Senator from California [Mr. KNOWLAND] the committee postponed action for a week. It should be noted that editing of the transcript of Mr. Bohlen's testimony had not been completed and was not available for consideration by the Senate on that date. Thus, the delay was necessary under the circumstances, regardless of the request of any Senator.

On March 18, the Committee heard Secretary of State Dulles testify on the nomination in executive session. On the same day, we again questioned Mr. Bohlen. It was only after this searching examination and consideration of the facts that the Committee voted 15 to 0 to report Mr. Bohlen's nomination favorably.

Mr. President, I desire to place in the RECORD a very challenging article entitled "The Affairs of Nations," written by Joseph C. Harsch, and published in

the Christian Science Monitor of March 20, 1953, wherein Mr. Harsch discusses Bohlen and Malenkov. I desire at this time to read merely a part of that article, which points up the urgency of the situation so graphically delineated to us by Gen. Bedell Smith. Mr. Harsch refers to George F. Kennan's earlier questioning of whether it might be wise to return to the post-World War I practice of having as little contact with the Russians as possible. Then he says:

Now, however, the situation has changed radically. Russian policy may have changed.

I may say parenthetically that the pronouncement by Malenkov within the past few days indicates quite clearly that something is in the wind. Let us hope that it is for the better, rather than for the worse.

Mr. Harsch continues:

The apparatus of the Russian state has been disturbed. What happens to it is of first importance. Thus there is room for extremely useful reporting. And Malenkov is not talking like Stalin, and there is need for the closest and most expert study and examination. The case for maintaining an American mission in Moscow has thus been revived at least temporarily.

At this time a few Members of the Senate have objected to the appointment of Charles E. Bohlen as Ambassador to Russia in spite of the nomination by President Eisenhower and the urgent support of Secretary of State John Foster Dulles.

I ask unanimous consent to have the entire article printed in the RECORD at this point in my remarks.

The VICE PRESIDENT. Is there objection?

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

THE AFFAIRS OF NATIONS

(By Joseph C. Harsch)

BOHLEN AND MALENKOV

No western man can say at this moment whether there would be any useful result if the new head of the Russian state could have a private discussion with an American Ambassador in Moscow. It is only known that Georgi Malenkov, the man who is trying to wear the mantle of Stalin in Moscow, had delivered a second speech in which he apparently is trying to sound like a man of peace.

This second speech, the one delivered to the Russian Supreme Soviet, raised a number of questions difficult to answer. Was it really intended for foreign consumption as opposed to the Stalin funeral speech, which presumably was intended largely for domestic consumption?

What significance may there be in the fact that it was the first speech by the head of the Russian state since the war ended in which not only emphasis but content was wholly devoted to an alleged desire for peace, unmarred by any of the usual attacks on so-called warmongers, imperialists, etc.?

What importance, if any, is to be attributed to the special suggestion that outstanding problems could be settled by negotiation between the United States and Russia? Is this possibly a divisive move designed to try to draw the United States into two-sided talks with Moscow which would endanger the western alliance if only by raising in London and Paris memories of 1946, when they did fear that Washington and Moscow would divide the world at their expense?

No American Ambassador in Moscow could obtain immediate and certain answers to all these questions. But an Ambassador who knew the Russians and was known to them and who could speak their language fluently could very quickly obtain useful light on the matter. For example, if Malenkov were really in earnest about peace he would arrange to receive the American Ambassador and have a private talk.

And if the meeting did take place, an American Ambassador trained in the ways of the Russians would be able to detect either sincerity or falseness in any proposals Malenkov might make.

Such information would be of substantial value to Washington in making its assessments of the Malenkov speeches.

In lay theory a subordinate member of the American Embassy could serve just as well. In practice this is not the case. The Russians are sticky about prestige. It is more than unlikely that Malenkov would even consider receiving an American with lesser rank than that of Ambassador. And it is axiomatic that he would speak more freely to an Ambassador who knows the Russian language, and knew Stalin during the war, than to one who was new to the whole subject of Russia.

Until the passing of Stalin there was room for increasing doubt as to the value of maintaining an American Embassy in Moscow. Even George F. Kennan expressed that doubt and wondered, publicly, whether it might be wise to return to the post-World War I practice of having as little contact with the Russians as possible. Matters had reached such an impasse that the channels of diplomacy were unused and their existence had become a useless and sometimes even exasperating vestige of different times. Furthermore, Russian policy and the whole Russian behavior pattern were so fixed, rigid, and well known that there was little room left for useful reporting.

Now, however, the situation has changed radically. Russian policy may have changed. The apparatus of the Russian state has been disturbed. What happens to it is of first importance. Thus there is room for extremely useful reporting. And Malenkov is not talking like Stalin, and there is need for the closest and most expert study and examination. The case for maintaining an American mission in Moscow has thus been revived at least temporarily.

At this time a few Members of the Senate have objected to the appointment of Charles E. Bohlen as Ambassador to Russia in spite of the nomination by President Eisenhower and the urgent support of Secretary of State John Foster Dulles. The principal ground given for the objection is that Mr. Bohlen was associated with the foreign policy operations of the Roosevelt-Truman administrations.

The objection could be stated with equal validity against President Eisenhower himself or against Mr. Dulles. But Mr. Bohlen is the best qualified man to go to Moscow and determine whether there is any need for a Bohlen in Moscow. At a time when we are told it may be necessary to increase the military budget by some $20 billion to protect ourselves against Russia it might prove an economy to see what Mr. Bohlen could learn in Moscow.

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

Mr. WILEY. I prefer not to yield until I complete the reading of my prepared remarks, in order to preserve their continuity. After that, if there are any questions, I shall be glad to yield.

I review the committee's action in this much detail, Mr. President, because there has been some talk of an effort to shove this nomination through the Senate.

The record does not support such an assertion.

Mr. President, let us keep in mind the fact that it was on February 27 that the Senate received this nomination. We held our last meeting to consider the nomination on March 18.

The Bohlen nomination has been before the Senate for almost a month. It has been painstakingly considered. The time has come to vote.

THE TWO KEY QUESTIONS

There are two main questions involved. Do we want an Ambassador in Moscow at all; and if so, do we want Mr. Bohlen?

It is the unanimous opinion of the President—and I say that advisedly, because I was informed personally by the President—the Secretary of State, and the Foreign Relations Committee that the answer to both questions is "Yes."

One of the principal duties of any Ambassador, as emphasized in the article by Mr. Harsch, is to report, interpret, and analyze trends and events in the country to which he is accredited. A properly qualified Ambassador in Moscow can perform an extremely useful function in this respect.

According to Secretary of State Dulles, Mr. Bohlen is almost alone among our Foreign Service officers in possessing the requisite qualifications to a high degree. He holds the rank of career minister, the highest in the Foreign Service.

BOHLEN'S CAREER

He was born in Clayton, N. Y., in 1904, graduated from Harvard in 1927, and entered the Foreign Service in 1929, during a Republican administration. He has served in Prague, Paris, Moscow, Tokyo, and Washington, with three tours of duty in Moscow.

Throughout most of his career of 24 years, Mr. Bohlen has specialized in the Soviet Union and in communism. As is well known, he is fluent in the Russian language and in French. He is equally well versed in the intricacies of Communist doctrine and practice. The Secretary of State told the committee that Mr. Bohlen is "uniquely qualified" to be our Ambassador to Russia and is by far "the best available person we could think of" with the desired qualifications.

Mr. President, it is something of a commentary on our training program in this country that after 35 years of a Communist government in Russia, there are relatively so few experts on it. I hope we have a bigger stockpile of brains in regard to other countries of the world and that we will inaugurate an expanded training program with regard to Russia.

THE TWO CHARGES AGAINST BOHLEN

Mr. President, two objections have been raised against Mr. Bohlen. One is that he was connected with the previous administration and particularly that he served as President Roosevelt's interpreter at Yalta and as President Truman's interpreter at Potsdam.

The other is the charge that the FBI report of its investigation of Mr. Bohlen has not been properly evaluated and that there is something in the report which calls for the rejection of Mr. Bohlen's nomination.

NO PREVIOUS FIELD INVESTIGATION OF BOHLEN

Let me discuss the second charge first. It is a disturbing fact that despite Mr. Bohlen's long service in extremely sensitive positions, no full FBI field investigation had ever been made of him until it

was decided to nominate him to be Ambassador to the Soviet Union.

I questioned the Secretary of State as to how that could have happened, and he pointed out that—

It did not come about under my administration * * * and you will have to call upon my predecessor to explain that.

Apparently, it was not the policy of previous administrations to have the FBI report on men in high positions.

The lack of such an investigation was, of course, promptly remedied by the present administration. I want to make that clear. There has been an FBI report, and I shall say more later with reference to it.

Indeed, one of the first actions of the Foreign Relations Committee this year was to approve a motion calling for a full FBI investigation of top Presidential nominations in the field of foreign relations.

COOPERATION BY SECRETARY OF STATE

The Secretary of State has been very cooperative with the Foreign Relations Committee in the development of our procedures with respect to such matters. While Mr. Bohlen's nomination was being considered by the committee, Mr. Dulles offered to make available to the chairman the FBI summary.

We must understand that an FBI report is sometimes very voluminous, and it is the practice to have a summary made of it, which goes to the Secretary of State.

The Secretary offered to give me this summary in order that I might evaluate the evidence. I had heard rumors, and I said to the Secretary, "I should prefer that you evaluate the report." I rather think Mr. President, that I was well advised in taking that position, although if I had evaluated the evidence, I might well have arrived at the same conclusion. I myself have practiced law for 30-odd years, and know the distinction between facts and mere hearsay and rumor. If I had come to the same conclusion regarding the report, I would be in the same position in which the Secretary is at this time. But the Secretary is responsible for this nominee.

As I shall develop later, three of the best men in the Foreign Service recommended him to the Secretary, and the President of the United States nominated him. The President of the United States knows him personally, having worked with him in Europe. I am not repeating hearsay as to what the President has said. Furthermore, I am authorized to say that since some of this furor started, the Attorney General of the United States has evaluated the FBI file and arrived at the same conclusion as that reached by Secretary Dulles. The report has thus been examined by two lawyers in the highest echelon in Government.

As I said, the Secretary of State offered to evaluate the summary himself for the committee, and I accepted the offer. No member of the committee offered any objection.

I should like to point out that the present Secretary of State is a skilled lawyer with 30 years' experience in the techniques of weighing and evaluating evidence and of separating fact from rumor.

SUMMARY BY MR. DULLES

What was the Secretary's judgment? I read from page 104 of the hearings:

Secretary DULLES. There is no derogatory material whatsoever which questions the loyalty of Mr. Bohlen to the United States, or which suggests that he is not a good security risk, which suggests he is in any manner one who has leaked or been loose in his conversation or anything of that sort.

The CHAIRMAN. Do I understand that there is no definite concrete evidence or what a lawyer would consider proof of any dereliction?

Secretary DULLES. Absolutely none whatsoever, not an iota.

Senator TAFT. Do you think there is anything that creates even a prima facie case of such dereliction?

Secretary DULLES. No; none whatsoever.

BOHLEN "A GOOD RISK"

A little later the senior Senator from Iowa [Mr. HICKENLOOPER] asked the Secretary pointblank:

Senator HICKENLOOPER. Do I understand you, then, to assure the committee that you believe Mr. Bohlen, based on the full field investigation and whatever you know about the situation, is a good security and loyalty risk?

Secretary DULLES. Yes.

DULLES' RELATIONSHIP TO SECURITY OFFICER

I should like to quote further from the record:

Senator HICKENLOOPER. Has your security office cleared this file for loyalty and security?

Secretary DULLES. No. I told you that he said that in view of the fact that this file contained some derogatory information he did not wish to take the responsibility of clearance. He passed the matter up to me, which is the usual practice in such cases. I do not think that security officers, whose primary job is to raise doubts and find out suspicious circumstances, are the persons who should have final responsibility in matters of this kind. In important cases, such as this one, the task of final evaluation should be passed up to the senior officers.

THREE-MAN COMMITTEE APPROVED BOHLEN

I should like to say a few words about the procedure which was followed in connection with the selection of Mr. Bohlen. This is very important because of some of the suggestions that have been made.

Shortly after Mr. Dulles accepted the Secretaryship of State he appointed a committee of three former members of the Foreign Service to advise him on prospective appointments to top diplomatic posts. Such a step, he believed, would constitute a helpful safeguard against the possibility of unwise appointments and would be of untold assistance in making certain that the best possible people were recommended for certain difficult assignments.

Members of the Senate know the three members of the committee who have served in this capacity. I invite attention to the fact that they all have long and distinguished records in the Foreign Service. It is significant, I think, that such men as Joseph Grew, Norman Armour, and Hugh Gibson, who have a thorough knowledge of world affairs and the Foreign Service, unanimously agreed that Mr. Bohlen was uniquely qualified for the Moscow assignment.

Under the circumstances, we of the Foreign Relations Committee, had the responsibility of acting on the basis of the facts presented to us. This we proceeded to do. Yet I may say that, having heard that there was something else in the picture, I wrote letters to several Senators, asking them to submit to me any evidence of an adverse character. None was forthcoming.

SENATE'S CONSTITUTIONAL ROLE

It is well to recall the proper role of the Senate in a case of this kind.

The Constitution, in article II, section 2, says the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors." I have always construed that section to mean that the principal question to be determined by the Senate is whether or not a nominee is qualified. It is the function of the Senate to examine the nominee's qualifications coolly and judicially. In that connection, as I have said, I practiced law, in an active law business, in Federal and State courts for more than 30 years before coming to the Senate, and I have had something to do with evaluating evidence.

An ambassador is the representative of the President, and in the absence of overriding reasons to the contrary, the President is entitled to have the men of his choice as his representatives. In this case, as I have already said, the President not only knows the man personally, but has endorsed him.

OBJECTION TO BOHLEN ON YALTA GROUND

Now, Mr. President, let me refer briefly to the other objection to Mr. Bohlen; namely, that he was connected with the previous administrations and interpreted at Yalta and Potsdam for Presidents Roosevelt and Truman.

Let me first point out that according to Mr. Bohlen, he was present at Yalta and Potsdam as an interpreter—a technician. Although he did serve to some extent in an advisory capacity, he states that he was by no means in a policymaking position. The responsibility for the Yalta and Potsdam Agreements rested squarely on President Roosevelt and President Truman, respectively.

Let me point out further that Mr. Bohlen will not be in a policymaking position after he gets to Moscow. Ambassadors in Moscow or anywhere else do not make policy, Mr. President. They carry out the policy which is made in Washington, and which is conveyed to them in instructions from the Secretary of State and the President.

BOHLEN HAD BEEN CONFIRMED UNANIMOUSLY AS COUNSELOR

Any objection to Mr. Bohlen on the grounds that he was at Yalta and Potsdam would have more weight if it had been raised in 1951 when Mr. Bohlen's nomination to be Counselor of the Department of State came before the Senate. His nomination was unanimously approved in 1951 as counselor, a position which involves policymaking at a very high level. Mr. Bohlen's connection with Yalta and Potsdam was as well known in 1951 as it is today; yet when his nomination came before the Senate in that year not a single voice was raised in dissent.

In 1948, during the Republican 80th Congress, Mr. Bohlen's nomination to be

a career minister was unanimously confirmed by the Senate.

In 1947, during the same Republican 80th Congress, his nomination to be a Foreign Service officer of class 1 was unanimously confirmed by the Senate.

Both of these actions occurred after the full details of the Yalta and Potsdam agreements were known. No Senator raised his voice against them. I hope that this Republican 83d Congress will give a Republican President at least as much support as the Republican 80th Congress gave a Democratic President.

Of course Mr. Bohlen served under Presidents Roosevelt and Truman, not only at Yalta and Potsdam, but at other places and in various capacities. He has been in the Foreign Service, as I have said, since 1929, and therefore he has also served under President Hoover and Secretaries Stimson, Hull, Stettinius, Byrnes, and Marshall, as well as Acheson. Mr. Dulles says that Bohlen gave the same loyalty to each of them that he will give to President Eisenhower and Secretary Dulles. That is only what is expected of a Foreign Service officer.

EISENHOWER AND DULLES BOTH SERVED DEMOCRATIC PRESIDENT

The American people are obviously not impressed by the argument that service under the previous administration automatically disqualifies one for service under the present administration. They gave an overwhelming majority of their votes last November to a man who had served with great distinction in positions of high responsibility. The present Secretary of State, who was confirmed unanimously by the Senate only 2 months ago, likewise successfully carried out important assignments under the previous administration.

WE CONFIRMED OTHER OFFICERS

In the past 2 months, the Senate has confirmed numerous other Foreign Service officers—all without objection—who had served in prior administrations. No question was raised about confirming George Allen as Ambassador to India, or John M. Cabot as Assistant Secretary of State, or James C. Dunn as Ambassador to Spain, or Ernest A. Gross as a representative to the U. N. General Assembly, or Douglas MacArthur 2d as counselor, or Karl L. Rankin as Ambassador to China, or William Sanders as alternate representative to the U. N. General Assembly. Yet every one of these men is a career Foreign Service officer, and some of them have been almost as intimately identified with the policies of the prior administration as has Mr. Bohlen.

Obviously we could never have a career service if we insisted upon changing it with every administration. We could never hope to develop experts who spend years studying the languages, the customs, and doctrines of faraway lands.

I wish Senators would read the record to see what has been said about Mr. Bohlen's aptitude, his ability to comprehend language and understand differences in the meanings of words—an attribute which is important in dealing with the Russians.

Mr. President, since this nomination was sent to the Senate the most momentous events have occurred in the Soviet Union and on the fringes of the Soviet bloc. No one can tell what these events portend.

CONCLUSION

It thus becomes doubly important to us to have a capable, expert Ambassador on the ground in Moscow to report and to interpret for us the events in the Soviet Union. According to our Secretary of State and the President, there is no question at all about Mr. Bohlen's ability to carry out this assignment extremely well—better, indeed, than anyone else who would be available.

That is a very significant statement. It is not mine alone; it is the judgment of those who are in a position to know.

Is there any question at all about Mr. Bohlen's character, his loyalty, and his discretion? We have the personal evaluation of the Secretary of State of the FBI report on that point, an evaluation which, I repeat, is concurred in by the Attorney General.

I sincerely hope the Senate will proceed promptly to confirm the nomination.

Mr. McCLELLAN and Mr. TOBEY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. WILEY. I promised the Senator from Arkansas that I would yield first to him.

Mr. McCLELLAN. I wish to say to the distinguished Senator from Wisconsin that when I asked him to yield I was not trying to interfere with the continuity of his address. There was something he mentioned at that point about which I desired to inquire in order to make the record clear.

Mr. WILEY. I know the Senator had no other purpose.

Mr. McCLELLAN. I am very glad the distinguished Senator said he would condescend to listen. I trust that he will also condescend to answer.

I simply wanted to inquire whether the testimony of Gen. Bedell Smith was in the record. I do not find it in the transcript of the hearings.

Mr. WILEY. It is not in the record of the hearings. He came before the committee and gave a word picture of the world situation. As I recall, he told us, in the course of his statement, how important it was that the committee act quickly on the nomination of Mr. Bohlen.

Mr. McCLELLAN. That was what I wanted to have clarified. That statement does not appear in the record.

Mr. WILEY. It is not in the printed record.

Mr. McCLELLAN. It does not appear from the record that he testified at that hearing.

Mr. WILEY. Neither does it appear that the President of the United States told me personally today——

Mr. McCLELLAN. I understand that, but the Senator referred to the testimony of General Smith in connection with the pending nomination, and I did not find the testimony in the record.

Mr. WILEY. Let me interrupt at that point to say that if there is any question about it, I am sure the evidence was taken down in executive session, and that the transcript is in the possession of the committee. I do not believe there would be any objection to allowing the Senator to look into that part of it.

Mr. McCLELLAN. I did not find it in the record, and I did not know whether it was available. The Senator from Wisconsin says, as I understand, that General Smith testified as to the urgency of filing this position. I did not understand the Senator to say whether General Smith testified with reference to the issue of Mr. Bohlen's qualifications or suitability for the position. Can the Senator tell us whether or not he testified on that point?

Mr. WILEY. My recollection is that he did.

Mr. McCLELLAN. That is why I asked the Senator from Wisconsin to yield. I wanted to get the record clear. If General Smith did testify regarding this nomination, I think the Senate is entitled to the benefit of such testimony.

Mr. WILEY. I will have that point checked.

Mr. McCLELLAN. I am not disagreeing at all with the statement that this is an important position, and one which should be filled promptly. I subscribe fully to that view. However, I did not want the Senator's remarks to leave the implication that General Smith had testified regarding this nomination, if he had not done so. If he did so, I think his testimony should be made available to the Senate.

Mr. WILEY. I merely wish to make my position clear. Gen. Bedell Smith was called before the committee to give us a picture of world conditions. I have asked Mr. Wilcox to check the record.

Mr. McCLELLAN. If the Senator will further yield, if General Smith testified as to the qualifications and fitness of Mr. Bohlen for this position, such testimony would carry considerable weight with me, because I have great confidence in General Smith. I simply wish to know if such testimony was given and, if so, whether or not it is available.

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

Mr. WILEY. I yield.

Mr. TOBEY. It well may be brought out by the distinguished Senator from Wisconsin, but I wish to make the point succinctly. The fact remains, does it not, that the Senate Committee on Foreign Relations, after listening to Mr. Dulles at great length, and to the nominee, Mr. Bohlen, when the final vote came, voted 15 to 0? Every member of the committee voted in favor of the nomination. Is not that true?

Mr. WILEY. The Senator from New Hampshire is correct.

Mr. McCARTHY. Mr. President, I should like to make an announcement now as to the action taken by the permanent investigating subcommittee this morning. We met in executive session to discuss the question of whether or not Mr. McLeod should be asked to appear before our committee. I believe it was unanimously agreed that there are a number of things which we desire to discuss with Mr. McLeod, but that if he were called now the very important matters which we desired to take up with him would be confused with the Bohlen nomination.

We feel that while our committee has a very great interest in the nomination,

the primary responsibility for passing upon it rests upon the Foreign Relations Committee. It was therefore unanimously agreed by the subcommittee that we would not ask Mr. McLeod to appear before us at this particular time. While the committee, as a committee, decided to take no formal action, it was indicated that several Senators would ask the Foreign Relations Committee to call Mr. McLeod and Mr. Dulles before that committee, put Mr. Dulles and Mr. McLeod under oath, and get to the bottom of this very confusing picture.

In a press conference Mr. Dulles indicated that he and Mr. McLeod fully agreed upon the clearance of Mr. Bohlen. The information which is very general among Senators is that this is not true, but that Mr. McLeod refused to clear Mr. Bohlen. Last week the Senator from Nevada [Mr. McCARRAN] made a speech on the floor of the Senate setting forth——

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

Mr. McCARTHY. I am glad to yield to the Senator from Arkansas.

Mr. McCLELLAN. I think there has been some confusion on the part of the Senate permanent investigating subcommittee with reference to the purpose of inviting Mr. McLeod to testify. It is my understanding from the chairman—and I should like to have it confirmed for the RECORD—that when he was invited to testify before the investigating subcommittee, the chairman had in mind interrogating Mr. McLeod about other matters, wholly unrelated to the Bohlen nomination. Is that correct?

Mr. McCARTHY. Yes. I may say that when Mr. McLeod was originally asked to appear, we had in mind going into a number of things.

First, there is serious question as to whether there should be an engineering survey of the file system. We have interviewed roughly 30 or 40 witnesses with regard to the filing system in the State Department. We wanted to discuss with Mr. McLeod the question as to which of those witnesses should be called before our committee, and which he would prefer to interview personally.

I have a great deal of respect for Mr. McLeod. However, after Mr. McLeod had been requested to appear on the question of files and other matters which I would rather not discuss on the floor, some Senators indicated that if Mr. McLeod appeared they would interrogate him on this confusing situation—on the question of whether or not he had refused to give clearance to Mr. Bohlen.

I think one of the functions of our committee—one which I hope we will undertake in the not too distant future—is to determine the question of just what authority the security officer has. Does he have the task of passing upon security and loyalty cases? If not, what is his job? If a case comes up, is it the task of Mr. McLeod to decide whether or not a man is a bad security risk or a bad loyalty risk? If not, what is the purpose of his job? That is one of the general subjects which we wish to go into. I assume that when we do so, even if it is after the Bohlen case has been disposed of, other Senators may wish to interrogate him in regard to the conflict between him and Mr. Dulles on the Bohlen case.

Mr. McCLELLAN. Mr. President——

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

Mr. McCARTHY. To conform with what the Senator from Arkansas has said, let me say that the original purpose of calling Mr. McLeod was to go into matters unrelated to the Bohlen case. I feel, and I think other members of the subcommittee also feel, that as an investigating subcommittee we should leave this question to the Foreign Relations Committee. So I took a part in the Bohlen case, not as chairman of the investigating subcommittee, but as an individual Senator, I feel that I had a right to take an active part in it—the Bohlen case.

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

Mr. McCARTHY. I yield.

Mr. McCLELLAN. I wish to make it clear for the RECORD that when Mr. McLeod was requested to appear, it was in connection with matters wholly unrelated to this nomination.

Mr. McCARTHY. That is correct.

Mr. McCLELLAN. Subsequently controversy has arisen with reference to Mr. McLeod's position with regard to this appointment, and the position of Mr. Dulles, Secretary of State. There are those of us who are interested in knowing Mr. McLeod's views and having his testimony before reaching a final conclusion with respect to the issue now before the Senate. I am one of those who would like to have the benefit of his testimony, but I take the position here, as I did in the committee, that I do not believe it is the province of the Committee on Government Operations, broad as its powers of investigation are, to undertake to conduct an investigation of a nomination with respect to which another regularly established committee of this body has jurisdiction. That is the position I have taken.

I should like to have the benefit of Mr. McLeod's testimony. I think it is pertinent, and I believe we should have the benefit of it. I say very frankly that, in my opinion, we do Mr. Bohlen an injustice, we do Mr. McLeod an injustice, and we do ourselves an injustice if this controversy is not cleared up and the issue resolved so as to permit us to vote with knowledge of the facts. I am talking about knowledge of the facts, not rumors. There is too much rumor associated with this subject. There is one rumor which is serious in nature that should be cleared up. Therefore I trust that action will be taken so that the testimony can be clarified before we come to a final vote on the pending nomination.

I should like to say further, if the Senator from Wisconsin will indulge me——

Mr. McCARTHY. Of course.

Mr. McCLELLAN. That it is my intention, if I can find it possible to do so, to vote in favor of the nomination. I cannot bring myself to oppose it on the grounds set forth by some persons. The very fact that Mr. Bohlen was associated with the former administration is not sufficient reason for me to oppose his nomination. It may be sufficient reason for other Senators to oppose it, and I do not quarrel with their right to do so on that basis.

I take the position that a part of the final responsibility—and I say this to the chairman of the Committee on Foreign Relations—lies with the United States Senate.

Out of deference—and I would say that a great many times I have yielded to that deference on matters involving the confirmations of nominations, and I want to do it again—out of deference to the committee, I should like to vote for the confirmation of Mr. Bohlen's nomination, but I am not prepared to vote, as I should like to do, until we hear from the man who was appointed to perform a certain task, and who apparently has undertaken to fulfill the function of the office which was created by this session of Congress in order that he could perform it.

In view of the rumors and conflicting reports on the subject, which are abroad, I think the Senate is entitled to have the benefit of the testimony of Mr. McLeod before the issue is finally resolved.

I thank the Senator from Wisconsin for permitting me to make these extended remarks.

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

Mr. McCARTHY. I am glad to yield to the Senator from California.

Mr. KNOWLAND. I wish to say to the junior Senator from Wisconsin that I have the same high regard for Scotty McLeod that he has, and of his background and record. However, it has been my general understanding that even in the case of the Federal Bureau of Investigation itself, when investigations are made, Mr. J. Edgar Hoover himself—and I will say that I have the same high regard for Mr. Hoover—does not evaluate the reports and determine whether John Doe should be appointed or not appointed to an office; he feels that would be entirely outside his province and his responsibility. As I understand, his responsibility is to gather information and to make the information available to the appointing officer, so that the appointing officer may make his determination and evaluation of the situation based on the information furnished to him.

I would assume that within the Department of State to a considerable extent the same general procedure would be followed, namely, that Mr. McLeod would have the responsibility of making known to the responsible head of the Department the information which was gathered, that if there was detrimental information in existence he would call such information to the attention of the head of the department, and that the head of the department would make the final determination as to whether an appointment should be made or should not be made.

Mr. McCARTHY. In reply to the statement made by the distinguished Senator from California I should like to say that he points up the importance of having Mr. McLeod appear before the Committee on Foreign Relations and to have Mr. Bohlen also appear before the committee.

The Senator from California says he assumes that the task of Mr. McLeod is not to evaluate the material but merely to pass it on to the Secretary of State. That is not the assumption many other Senators have. I believe for that reason Mr. McLeod should be called before the Committee on Foreign Relations and that we should find out what his tasks are.

As the Senator well knows—and I am not discussing anything at all that is secret—a rumor has been prevalent on the Hill that Mr. McLeod refused to give Mr. Bohlen security clearance. There is a rumor to the effect that Mr. McLeod felt so strongly about the matter that he went to the President about it. I do not know whether he did or not. I have not talked with Mr. McLeod about it. In fact, I have avoided talking to him about this subject, because I felt that the situation was such that it might result in the resignation or the removal of Mr. McLeod. That would be a great tragedy. I believe he is a completely honest and competent young man. He has been on the job for only 2 or 3 weeks and he has already removed approximately 20 or 30 individuals, whom I shall discuss in detail on Wednesday when I speak on the subject on the floor of the Senate.

Mr. President, in fairness to Mr. Bohlen, with the question of security hanging over his head, I think he should be interested in having it cleared up. Another very strong reason why Mr. McLeod should be called and interrogated in executive session of the Committee on Foreign Relations is that the security information is of such a nature that we cannot discuss it on the floor of the Senate without ourselves violating security. One of the matters, while not of the greatest importance, is nevertheless of such importance and of such a nature that we cannot discuss it on the floor of the Senate. If we did we ourselves would be violating security. I think Mr. Bohlen would agree with me that if the information in the files—some 16 pages of it—is correct, Moscow is the last place in the world to which he should be sent There might be other countries of the world to which he could be sent. But I am sure Mr. Bohlen would agree that if he goes to Moscow with this serious question hanging over his head, he will not have behind him the confidence of the Senators. I believe the question can be cleared up. There is no threat hanging over his head.

I believe his nomination will be confirmed by a sizable majority on Wednesday. I believe that the Truman Democrats—and I say Truman Democrats—who have supported the Acheson disastrous foreign policy must of necessity vote to confirm Mr. Bohlen's nomination, because, Mr. President, one who loves Mr. Acheson must love Mr. Bohlen. I have discussed this nomination with a great number of Republicans. Many of them feel that so far the President's batting average has been very high—and I agree with that feeling—and, even if it appears he is making a mistake in this case, they will hesitate to oppose him so early in his very difficult administration; and, therefore, some Republicans, while holding their noses, will vote to confirm the Bohlen nomination.

Therefore, Mr. President, there is no threat of a failure to confirm Mr. Bohlen's nomination hanging over anyone's head, and there is no threat of any security risk involved, inasmuch as we cannot discuss certain aspects of the case on the floor of the Senate. Therefore I think Mr. Bohlen should take steps to clear up the matter, I believe he should ask the Committee on Foreign Relations to call Mr. McLeod before it.

I may say, further—and I call this particularly to the attention of the Foreign Relations Committee and that of the able Senator from California [Mr. KNOWLAND]—that apparently Gen. Bedell Smith, the head of CIA, has a great deal of confidence in the so-called polygraph, which is the lie detector. I also have a great deal of respect for it. I have used it in my court in Wisconsin a great number of times. We have never forced anyone to submit to it, because to do so would be violating a person's constitutional rights, but we have allowed persons to submit to it when they asked to do so and when they felt that they were unjustly accused. I understand that Gen. Bedell Smith has great confidence in the polygraph and that he has used it in his work in CIA. I understand the FBI also has a similar mechanism which they use.

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

Mr. McCARTHY. In a moment. I would not favor any committee ever trying to force a man to submit himself to it; but in this case if he wants to do it, he should be allowed to do it. I understand the chairman of the Committee on Foreign Relations originally suggested that course of action, and that the opposition was led by—I am repeating only what I heard stated by members of the committee, but not in confidence—that the opposition was led by the Senator from Minnesota [Mr. HUMPHREY] and that there was no suggestion made to Mr. Bohlen that he submit to a lie detector test. If he had someone operate the polygraph in whom he had confidence, and if after he submitted to the test the result showed that the security information was false, so far as I am concerned I would be satisfied with that aspect of the case. I would still oppose his nomination, because I think we should not promote those in this administration who were part and parcel and heart of the Acheson disastrous, suicidal foreign-policy group.

Mr. TAFT. Mr. President, will the Senator from Wisconsin yield to me?

Mr. McCARTHY. I yield.

Mr. TAFT. I only wish to know whether the Senator from Wisconsin is aware of the fact that Mr. J. Edgar Hoover is absolutely opposed to the polygraph, and regards it as of no possible use whatever, and that in fact he is the head of the opposition to the use of the polygraph.

Mr. McCARTHY. Let me say to the Senator from Ohio that to the best of my knowledge he is incorrect in the statement he has just made. I have discussed the polygraph with Mr. J. Edgar Hoover, although not in connection with the Bohlen case. Mr. Hoover does not have the same confidence in the lie detector that Mr. Bedell Smith has. However, Mr. J. Edgar Hoover employs a system under which the polygraph is used. The FBI is equipped to operate, and does operate, the lie detector.

I suggest that Mr. Bohlen, under the supervision of someone in whom he has confidence, go to the FBI and have a polygraph made. It would satisfy me completely, and I know it would satisfy General Smith completely, and it would satisfy a number of other Senators.

I repeat to the Senator from Ohio that, so far as I know, Mr. J. Edgar Hoover is not opposed to the use of the polygraph. So far as I know, he does not have the confidence in it, however, that Mr. Smith has. I may say that I have complete confidence in it.

Mr. SMITH of New Jersey. Mr. President, will the Senator from Wisconsin yield to me?

Mr. McCARTHY. I yield.

Mr. SMITH of New Jersey. Do I correctly understand that the Senator from Wisconsin is stating here that the final decision as to either loyalty or as to security risk should be made either by the FBI, in one case, or by the security officer who was appointed as such in the State Department? In the case of the State Department I refer to Mr. McLeod, the recently appointed security officer. Does the Senator from Wisconsin know whether Mr. McLeod is authorized to make the final decision as to loyalty and security, or whether it is made by the Secretary of State and by the President of the United States after they have had the evidence brought to their attention? That is the entire issue in this matter.

We all know Mr. McLeod. We have the greatest respect for him. He is as straight as a string. But Mr. McLeod's job was to do the same thing within the State Department that the FBI does when it investigates such matters.

Mr. McLeod was expected to bring any danger signals to the attention of the Secretary of State and the President of the United States. That is what Mr. McLeod did. The decision was made by the President of the United States and by the Secretary of State.

Mr. McCARTHY. Mr. President, the very able Senator from New Jersey makes an unqualified statement about what Mr. McLeod did. The Senator from New Jersey may be correct. However, I think he has been misled.

We know that Mr. Humelsine, Mr. McLeod's predecessor, had the task of passing upon loyalty and security matters. We know, for example, that in the Clubb case, which the Senator from New Jersey may recall, the Loyalty Board in the State Department decided that Mr. Clubb should be discharged. That was one of the few cases in which such a decision was reached. Mr. Humelsine said, when appearing before the Appropriations Committee, that his task was either to approve or to reject that decision. He approved it. I repeat that I am speaking now of Mr. McLeod's predecessor. After Mr. Humelsine decided that, on security and loyalty grounds, Mr. Clubb should not serve, Dean Acheson reversed his decision.

If Mr. Dulles has curbed the power of Mr. McLeod, if Mr. Dulles has provided

that Mr. McLeod can do only what the FBI is now doing, namely, merely transferring the information to Mr. Dulles, and that Mr. Dulles himself is the security agent or officer, then let us find that out.

But I do not think we should proceed on this nomination until the Foreign Relations Committee has had Mr. McLeod before it, and I believe that should be done in executive session, for some matters of a security nature should not be discussed in open session; we would not wish to have them discussed in open session.

The committee should decide for itself. I have confidence in the committee. I think the 15 members of the committee who approved the nomination of Mr. Bohlen were perhaps doing so on the basis of the testimony then in the record. However, now that rumors and information are so prevalent—every Senator has heard them or is aware of them—I can see no reason on God's earth why the committee should not have Mr. McLeod appear before it. The information he could give the committee would be of great use to it. Why keep it secret from the committee?

Mr. SMITH of New Jersey. There is nothing secret. The Senator from Wisconsin has made quite a speech in connection with my question.

Mr. McCARTHY. I happen to have the floor, but I am glad to yield to the Senator from New Jersey.

Mr. SMITH of New Jersey. I thank the Senator from Wisconsin.

I may say that Mr. Humelsine was acting for the Secretary of State when these matters were brought to his attention. He was acting for the Secretary of State in determining on loyalty matters.

Mr. McLeod is not the Under Secretary of State. Mr. Donold Lourie is Under Secretary of State. After the Senator from Nevada [Mr. McCARRAN] made his speech the other day, I telephoned Mr. Lourie. I was told that Mr. McLeod brought these matters to the attention of the Secretary of State and the others in the group.

Mr. Lourie said that in a case such as this, Mr. McLeod's responsibility was merely to send up a red flag, so to speak, when he felt that certain things should be investigated. They did discuss these matters. Mr. Lourie discussed them, and the Secretary of State discussed them. Then Mr. Lourie went through these matters in detail himself. The Secretary of State went through the file, and took it to the President of the United States, as was his duty. The President of the United States went through it. All of them reached the same conclusion which our committee reached, namely, that there was nothing in the report on Mr. Bohlen questioning his loyalty or security.

That is what led me to vote in committee for confirmation of the nomination.

Mr. McCARTHY. In answer, let me say that what the Senator from New Jersey has said emphasizes the importance of having Mr. Dulles and Mr. McLeod testify under oath before the committee. The Senator from New Jersey tells us about a telephone call he has made to someone in the State Department. The able chairman of the Foreign Relations Committee has told us about a conversation he had with Bedell Smith. This matter is still completely up in the air. At least half the Senators on this floor are convinced that the security officer turned down Mr. Bohlen on security grounds.

There is nothing difficult or involved in having the committee call Mr. McLeod before it, put him under oath and have him testify, and also put Mr. Dulles under oath and have him testify, and then have the members of the committee return to the floor of the Senate and tell us what was said, without having anything deleted from the record.

I have great respect for Donold Lourie; I think he is a most competent man. But the references to his statements do not answer the question of whether Scott McLeod, the very able security officer, turned down Mr. Bohlen on security grounds.

The Senator from Nevada [Mr. McCARRAN] stated on the floor of Senate that Mr. Bohlen was so turned down on security grounds; and I have every reason to know that that is true, although I have not discussed the matter with Mr. McLeod personally.

So I say that the Senator from New Jersey could do a great service to the public by tomorrow having Mr. McLeod called before the committee. It would be no imposition upon him or upon Mr. Dulles; and then the committee could find out exactly what Mr. McLeod did.

Mr. SMITH of New Jersey. If the Senator from Wisconsin will yield to me for this purpose, I wish to make a statement which I have prepared with great care, after talking to the various persons involved. I should like to make the statement for the RECORD.

In his speech in the Senate on Friday, the Senator from Nevada [Mr. McCARRAN] stated that Mr. McLeod, Security Officer of the State Department, had examined the report of an FBI investigation on Mr. Bohlen; and the Senator from Nevada then continued, as follows:

> On the basis of information thus furnished to him, Mr. President, Mr. McLeod concluded that he could not clear Mr. Bohlen. He reported this conclusion to the Secretary of State. I do not know, Mr. President, what the Secretary of State told the Committee on Foreign Relations, but I am confident that he did not tell the commitee that Mr. McLeod had reported to him that he, McLeod, cofild not clear Bohlen. The current understanding is that the Secretary of State told the Foreign Relations Committee the FBI report cleared Mr. Bohlen completely. If that is what he did say, he said it knowing that his own security chief, the man brought into the Department to do the job of cleaning out the Department, had reported that he could not clear Mr. Bohlen on the basis of the FBI report.

Mr. President, in that statement the Senator from Nevada is, in my opinion, in error. The Senator from Nevada was not aware of what Mr. Dulles did state to our committee. Mr. Dulles held back nothing.

The facts are as follows:

When Secretary Dulles appeared before the Foreign Relations Committee on Wednesday, March 18, 1953, he advised the committee that Mr. McLeod, the security officer of the Department, had not cleared Mr. Bohlen because he had found that the FBI report contained certain derogatory material, and for this reason he had brought the matter to the attention of the Secretary of State. He also brought it to the attention of the Under Secretary of State.

Secretary Dulles further stated to the committee that he had thereupon examined the report himself; that this disclosed that, while it contained certain derogatory material, it did not question the loyalty or security of Mr. Bohlen, but applied to other matters; that his examination led him to the conclusion that Mr. Bohlen was not shown to be a security or loyalty risk.

Mr. McCARRAN. Mr. President——

Mr. SMITH of New Jersey. Mr. President, I shall yield in a moment to the Senator from Nevada.

Mr. Dulles not only advised the committee that the security officer of the Department had not cleared Mr. Bohlen, but replied as follows to a direct question on the subject by the Senator from Iowa [Mr. HICKENLOOPER]:

> Senator HICKENLOOPER. Has your security officer cleared this file for loyalty and security?
>
> Secretary DULLES. No. I told you that he said that in view of the fact that this file contained some derogatory information, he did not wish to take the responsibility of clearance. He passed the matter up to me, which is the usual practice in such cases. I do not think that security officers, whose primary job is to raise doubts and find out suspicious circumstances, are the persons who should have final responsibility in matters of this kind. In important cases, such as this one, the task of final evaluation should be passed up to the senior officers.

During the course of Mr. Dulles' testimony before the committee, he related the substance of the FBI report and the nature of the derogatory information which it contained and all of this was made the subject of questioning by members of the committee and replies by the Secretary.

Mr. President, I am one of those who participated in those discussions. I know what the matter was. After hearing all the testimony I decided the Secretary of State and the President were entitled to vote a confidence from us, because we knew that they had evaluated all this information and had expressed their confidence in Mr. Bohlen. I now yield to the Senator from Nevada [Mr. McCARRAN].

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair). The Senator from Wisconsin has the floor.

Mr. McCARTHY. Mr. President, I yield to the Senator from Nevada, provided I do not thereby lose the floor.

The PRESIDING OFFICER. Without objection, the Senator from Wisconsin yields to the Senator from Nevada, with the understanding that he does not thereby lose the floor.

Mr. McCARRAN. I thank the Senator. Does the Senator from New Jersey know that Mr. McLeod is the security officer for the State Department?

Mr. SMITH of New Jersey. That he is the security officer?

Mr. McCARRAN. Yes.

Mr. SMITH of New Jersey. I know that he has the function of getting for

the State Department the kind of information the FBI gets for the Government in general and that he exercises this function in the same general way. His job is to report danger signals to the Secretary of State, the Under Secretary of State, and to those who have responsibility for making final decisions.

Mr. McCARRAN. I ask the Senator whether he knows that Mr. McLeod is the security officer for the State Department.

Mr. SMITH of New Jersey. I do not know just what the Senator means by that. We would have to define the term "security officer."

Mr. McCARRAN. Does the Senator from New Jersey not know as a matter of fact that Mr. McLeod is the security officer for the State Department?

Mr. SMITH of New Jersey. Not in the sense in which the Senator from Nevada is suggesting, namely, that he has the final decision.

Mr. McCARRAN. I am not asking the Senator for any sense. I am merely inquiring whether the Senator from New Jersey knows that Mr. McLeod is the security officer.

Mr. SMITH of New Jersey. If that means that he has the final decision on questions of security and loyalty, my answer is, "No, he does not have such authority."

Mr. McCARRAN. I merely wish to state that under the law, as I believe the Senator knows, provision is made for a security officer for the State Department. Mr. McLeod was appointed to that position and is holding it now. I think he receives $15,000 a year. During that time, he has exercised his rights as security officer, and those rights have been agreed to by his principal, the Secretary of State. He has removed about 10 or 12 homosexuals from the State Department without any interference by the Secretary of State. Does the Senator from New Jersey know that?

Mr. SMITH of New Jersey. I can assume that he has done that. I also assume he had the approval of the Secretary of State.

Mr. McCARRAN. Very well. Then, is the Senator from New Jersey contending that this security officer should not have been heard by the Committee on Foreign Relations?

Mr. SMITH of New Jersey. I am contending that, unless my information is entirely erroneous—and that would imply that the Secretary of State had told an untruth. which I do not admit—Mr. McLeod never made any statement turning down Mr. Bohlen. He called attention to certain things in the files which he thought should be considered. They were considered. The final decision on the case was made by the President of the United States himself. I do not think we can go to any higher authority than that.

There may be a question of authority. There may be a question implied in the Senator's statement about the authority of security officers. It may be that this authority will have to be defined more clearly. I am glad that this issue, as to who has the responsibility, in the final analysis, of determining who is a security or loyalty risk, has arisen. If, on all the facts, the Secretary of State and the President of the United States come to the conclusion that an individual is not a security or loyalty risk, I would question any position taken to the effect that a security officer, or anyone else, would or should have a higher authority.

Mr. McCARRAN. I have one more question, if I may ask it.

Mr. SMITH of New Jersey. I should be very glad to have it. I think we ought to have this matter cleared up.

Mr. McCARRAN. Would it not have been good procedure for the Committee on Foreign Relations to have heard from the security officer in the State Department when this question, not of loyalty but of security on the part of this appointee, was raised so prominently?

Mr. SMITH of New Jersey. In the light of the fact that the Secretary of State himself came back to us and explained what had gone on in the Department and told of the conversation with the security officer, we did not feel it necessary to question the Secretary's veracity and to call someone else. The Secretary, himself, came, and he was with us for more than 2 hours. All of us questioned him, and, after hearing him and hearing everything that had been presented—there was nothing left that had not been presented—we decided that we could vote unanimously for the confirmation of Mr. Bohlen's nomination.

I thank the Senator from Wisconsin for yielding. It seemed to me it was important that the issue be presented as to whether the security officer should have the last word, or whether the President of the United States should have the last word in these matters.

Mr. McCARTHY. I may say to the Senator from New Jersey, I think that is a seriously important question, but, in this instance, the important question is not who should have the last word; the question is: Did Mr. McLeod turn down this appointee on security grounds?

Mr. SMITH of New Jersey. If the Senator will yield——

Mr. McCARTHY. Let me finish. As a member of the Foreign Relations Committee, the Senator should know that before asking the Senate to vote upon the nomination, I think that, as of today, he would have to tell us he does not know what Mr. McLeod's functions are.

I think I must stand corrected in regard to a statement I just made. I think I said Mr. Humelsine, who was Mr. McLeod's predecessor, had jurisdiction to pass upon questions of security and loyalty. I am informed that that is to some extent incorrect, that Mr. Humelsine was not a personnel officer and passed on questions of security or loyalty, whereas Mr. McLeod has the additional function of being personnel officer. So, while Humelsine may not have had the job of passing upon both security and loyalty, Mr. McLeod has.

I should like to ask the Senator from New Jersey this question, if I may: Is it correct that the FBI prepared a summary of the Bohlen file, a summary which omitted the names of informants, a summary which was to have been available to the Foreign Relations Committee, but which the Foreign Relations Committee never did examine; it merely ruled upon the basis of Mr. Dulles' memory?

Mr. SMITH of New Jersey. If I am correctly informed, we were advised by the Attorney General that the FBI files could be available to the chairman of the committee, but not to the entire committee. We had, however, the summary Mr. Dulles gave us. We had no reason to question his veracity, and he told us what the material was that had been under discussion. A great deal of this material is entirely clear and entirely positive. There are some things that we discussed which were not entirely clear.

Mr. McCARTHY. Apparently I did not make myself clear in the question I asked the Senator. I understand that the FBI took the voluminous file upon Mr. Bohlen and made a summary of that file—a summary for the Foreign Relations Committee.

Mr. SMITH of New Jersey. No; I do not know anything about that. We did not see it. It went to the State Department.

Mr. McCARTHY. I can assure the Senator a summary of the file was made, the summary is available, and I urge the Senator, a conscientious Senator that he is, to read it.

Mr. SMITH of New Jersey. I thank the Senator.

Mr. McCARTHY. I have great respect for the Senator from New Jersey.

Mr. SMITH of New Jersey. I thank the Senator.

Mr. McCARTHY. He has been doing a great job for his State and for the country, and I think he could do a great service now by saying, "Let us see that summary." Let the Senator read it himself, rather than depend upon Mr. Dulles' memory.

The Senator from New Jersey says he has no reason to question the veracity of Mr. Dulles. Let us assume we have not. Let us assume that Mr. Dulles would not deliberately misinform the committee. Nevertheless, we know that Mr. Dulles, in a press conference, either directly stated or created the inference that he and Mr. McLeod were in complete agreement upon the security clearance of Mr. Bohlen. Many of us strongly feel that that is untrue.

Mr. SMITH of New Jersey. I may merely cite the passage from his testimony which I think the Senator has.

Mr. McCARTHY. Many of us have reason to believe that Mr. McLeod felt so strongly about that that he went directly to the White House, and spent 2½ hours there. I do not know that to be true, but that is the rumor prevalent on the Hill, and if it is true, if Mr. McLeod felt so strongly about the statement of Mr. Dulles that he went directly to the White House, going over Mr. Dulles' head, that is in direct contradiction of what Mr. Dulles told the committee; and if Mr. Dulles' memory is bad on that point, then his memory must be extremely bad also as to what was in the files.

I personally think the members of the Foreign Relations Committee are sufficiently good as security risks that they can see the summary prepared by the FBI.

I urge the Senator from New Jersey, before he forces the Senate to vote, in

fairness to the Senate, to Mr. Bohlen, and to the country, that he and other Senators read that summary and call Mr. McLeod before the committee and get his story. There can be no reasonable objection to that.

Mr. SMITH of New Jersey. I read a moment ago from page 105 of the summary of the testimony, where Mr. Dulles answered a question by the Senator from Iowa [Mr. HICKENLOOPER], as follows:

Has your security officer cleared this file for loyalty and security?

Secretary DULLES. No. I told you that he said that in view of the fact that this file contained some derogatory information, he did not wish to take the responsibility of clearance. He passed the matter up to me, which is the usual practice in such cases.

Mr. McCARTHY. We do not understand that to be the fact. We do not know whether it is true or not. That is what he told the committee. I voted for the confirmation of the nomination of Mr. Dulles. I think his batting average, on the whole, has been rather high. I think he has been doing a relatively good job of foreign affairs in his office and a fairly good job of cleaning house, also. But when he makes a mistake, I do not think it is a question of a vote of confidence in him; it is a question of the Senate saying whether this man Bohlen's nomination should be or should not be confirmed.

I strongly urge the Senator from New Jersey to have Mr. McLeod called before the committee. If the Senator will personally examine not only the FBI file, but the summary, and will come back and tell the Senate that after examining the file and the summary he is satisfied with Mr. Bohlen, it will ease the minds of a great number of Senators.

Mr. SMITH of New Jersey. After hearing Mr. Dulles before our committee for over 2 hours, I am satisfied, and I would have great difficulty in joining with any of my colleagues on this side of the aisle in casting any doubt on the veracity of the Secretary of State.

Mr. McCARTHY. Then, let me say we are casting doubt upon his memory, because there has been doubt cast upon it. Many Senators are in a state of utter confusion as to whether the nomination of Mr. Bohlen should or should not be confirmed. I have refrained from discussing the matter with Mr. McLeod. But I think the Senator from New Jersey should be able to come to the Senate tomorrow or Wednesday and tell us the facts.

Mr. WELKER. Mr. President——

Mr. McCARTHY. I yield to the Senator from Idaho for a question.

Mr. WELKER. Mr. President, a discussion took place a moment ago between the majority leader and the Senator from Wisconsin with reference to the use of a lie detector. Without making any statement whatsoever about Charles E. Bohlen, the nominee, I wish to assure my colleagues that I know without a doubt that the State Department, during the Truman regime, actually used the lie detector, and I think it cannot be further argued that there is any question about its being used there. I did not involve Mr. Bohlen.

Mr. McCARTHY. I will say to the Senator from Idaho that the polygraph or lie detector has been used extensively in the CIA, and it has been used under General Smith, and I understand that General Smith has considerable confidence in it.

I should like to make it clear that I would oppose ever forcing a man to come before a committee and submit himself to a lie-detector test. I think it would be an invasion of his constitutional rights; but where a question such as this has been raised, he should be allowed to clear himself.

Mr. FLANDERS. Mr. President, will the Senator from Wisconsin yield?

Mr. McCARTHY. I yield.

Mr. FLANDERS. Mr. President, the junior Senator from Wisconsin made reference to a state of confusion among Senators. I am one of those Senators who are in a state of confusion. It has seemed to me, in my confused and muddled brain, that we have on trial here a Republican Secretary of State, and, by inference, a Republican President. I should like to suggest that the Republican junior Senator from Wisconsin give this administration a chance and put the responsibility on it. That is my suggestion.

[Manifestations of applause in the galleries.]

Mr. McCARTHY. Mr. President, I may say, in answer to the very able Senator from Vermont, that I do not think the President is on trial today. I think the President of the United States is doing an excellent job. I think his batting average is very, very high, but I do not believe the Senate can shift its responsibility to the Executive and say that merely because we are of the same party as the President who has made the nomination we must go along blindly. Last fall, when I spoke to millions of people, I condemned some of my colleagues on the other side of the aisle for having done just that. I participated in various senatorial campaigns and pointed out that certain administration Senators were covering up, hiding, acting as rubber stamps, and blindly following a President because he happened to be of their own particular party.

I do not think that is the proper attitude for a Senator to take. I do not care whether a President is a Democrat or a Republican, when he has made a bad nomination I intend to oppose it on the floor of the Senate or elsewhere.

[Manifestations of applause in the galleries.]

The VICE PRESIDENT. If there is any further demonstration on the part of the occupants of the galleries, the Chair will have to ask the Sergeant at Arms to clear the galleries.

Mr. WILEY. Mr. President, in discussing the question with one of the Senators, the point came up as to the position of Gen. Bedell Smith in this matter. I have before me the record, and I shall read a part of it in order to indicate clearly what General Smith said. This was my question:

The CHAIRMAN. Now, General Smith, we are very happy to have you here, and perhaps you can discuss not only the situation upon which you are appearing here today, such information which you can get from the CIA, as the former head of it, but you can also give us some information on this subject that I think is important, and that is, if you have consulted with the Secretary, you probably have, whether or not action should be delayed on Mr. Bohlen's nomination, or whether it should be hurried up, and any consideration to go over until Tuesday.

I would like to get your judgment, if it is based upon the judgment of the Secretary and yourself, as to the advisability of hurrying up that confirmation, or delaying it in view of these world events.

Mr. SMITH. Mr. Chairman, I have consulted with him and am glad to have a chance to mention this. We feel, in view of this crisis—

Meaning the world situation—

that everything possible should be done to expedite it.

Referring, of course, to confirming Mr. Bohlen's nomination.

The sooner we get in there, the better; because there is going to be a very unusual series of developments, one way or the other, and Mr. Bohlen, of course, is the man probably best qualified that we have at the present time, and available to go there and make reports during this critical period.

Mr. President, I invite attention again to that language "and Mr. Bohlen, of course, is the man probably best qualified that we have at the present time, and available to go there and make reports during this critical period."

So I think, Mr. President, this language confirms my former statement very clearly. In other words, my recollection was correct.

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

Mr. WILEY. I yield.

Mr. McCLELLAN. I trust the Senator understands that I am trying to be helpful——

Mr. WILEY. The Senator from Arkansas has been very helpful.

Mr. McCLELLAN. In suggesting that the record supply information as to whether General Smith had given testimony regarding the Bohlen nomination. There does not appear to be a report on the nomination. The committee has made no formal report, has it? All that I have before me is the printed hearings; there is no written report.

Mr. WILEY. There is nothing except the record before us.

Mr. McCLELLAN. That is all I have. I requested the committee report.

Mr. WILEY. The Senator has the statement which the Chairman made.

Mr. McCLELLAN. I know I have his statement, but I asked for a copy of the report, because I think it is pertinent, and that it should be a part of the record. This is something about which I had no information, and no other Senator, except possibly those on the committee, who have heard General Smith testify, had that information. This is why I desired to clarify for the record whether General Smith had testified and what he had said regarding the nomination.

I am not taking a position in opposition to the nomination. I am trying to ascertain whether there is any justification for opposing it, because there has been so much talk about it.

I may say to the Senator that upon the record of the testimony in the hearings as printed, I do not believe any Senator could find a reason to oppose confirmation of the nomination. What I

am trying to do is clear up the points that are in confusion and are causing confusion.

That is why I felt it would be to the advantage of all Senators—certainly it would be helpful to me—if we could have Mr. McLeod's testimony.

Since I came to the Chamber and since the Senator from Wisconsin began his address, information has come to me from what I believe to be a reliable source, that possibly if Mr. McLeod were to appear before the committee, his statement would clarify all the confusion and remove the doubt that now arises by reason of the rumors and statements which are being made, which possibly are not accurate.

I think that a great injustice will be done to Mr. Bohlen if the Senate proceeds to confirm his nomination in the present state of the record. I desire to vote for the confirmation of his nomination, and I have taken that position continuously, but the Senate should not proceed to confirm the nomination while allowing the rumors to stand and continue to circulate. It should be possible to obtain testimony that will dispel such rumors once and for all, and to let Mr. Bohlen take his position of service in Russia without any cloud or doubt in the minds of the American people.

I am not criticizing the committee; I have great respect for the committee; but I say that a great service could be done, not only to the President of the United States, but also to Mr. Bohlen himself, to the Senate, and to the country, if Mr. McLeod were called before the committee and given an opportunity to testify and resolve the doubts and dispel any rumor that may arise which is derogatory or injurious to Mr. Bohlen. I think every Member of the Senate would take Mr. McLeod's word; I would be glad to have his testimony.

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

Mr. McCLELLAN. I am very happy to yield.

Mr. WILEY. Since I have the floor, I yield to the Senator from California.

Mr. KNOWLAND. I think it is not customary practice, in the case of nominations being reported by committees to the Senate, that a report be made in the same sense that a report is made when a bill is reported to the Senate. We do insist, certainly in the case of nominations if there is any controversy or objection, and many times when there is no controversy, on having the printed record of the hearings on the desk of each Senator, so that he may have an opportunity to discuss the nomination. Such a printed record is now available and has been available to the Senator from Arkansas.

Mr. McCLELLAN. I was not criticizing the committee. I was try to locate in the record General Smith's testimony, which I did not find. I thought there might be something in the report pertaining to it.

Mr. KNOWLAND. Mr. President, will the Senator from Wisconsin yield further?

Mr. WILEY. I yield.

Mr. KNOWLAND. The Senator from Arkansas has performed a very useful service by asking the question, in view of the statement made by the chairman of the Committee on Foreign Relations in mentioning General Smith's name.

Of course, the chairman has quite correctly said that General Smith had not come as a witness specifically on the Bohlen nomination, but on what we might call a general briefing on world affairs, and during the course of that time he had been interrogated by the chairman of the committee and gave the answer which has been quoted, which I think it is very helpful to have in the RECORD, and which the Senator from Wisconsin has now placed in the RECORD.

Mr. McCLELLAN. I appreciate the Senator's statement. I am just as anxious as is the Senator from California, perhaps a little more so, to have favorable testimony in the RECORD, so that Senators will not have to vote in doubt; and in order, also, that there may be established a record in which we can have faith and confidence in voting for the confirmation of the nomination, and not have any apprehension that hereafter some of the rumors will become revealed facts.

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

Mr. WILEY. I yield.

Mr. KNOWLAND. I may say to the distinguished Senator from Arkansas that when the nomination first came before the committee, I was one who had some question in my mind relative to confirmation. As a matter of fact, I had joined with one other member of the committee in suggesting that the nomination go over for an additional period of time, so that certain inquiries which had been raised could be pursued, and certain information which had been requested might be brought to the attention of the committee.

This nomination was in no sense rushed through, because, as the chairman of the committee pointed out, it came up sometime ago, and considerable time elapsed before hearings were held. The Secretary of State came before the committee and made his evaluation and appraisal, and Mr. Bohlen came back for questioning by the committee.

In addition to what has already been stated on the floor today, if the distinguished Senator from Arkansas will look at page 105 of the committee hearings, he will discover that Secretary Dulles had this to say:

> There is nothing either in the knowledge of those of us who have known him personally in the past, and I might mention, incidentally, that I was talking to former Secretary of State, now Governor Byrnes, who called me up on a certain matter, and he said, "This appointment of Bohlen to Moscow is a fine appointment, and it must go through." He said, "I cannot think of anybody who is as uniquely qualified to fill that job as Mr. Bohlen is."

That is the end of the quotation of former Secretary Byrnes, who is now the Governor of South Carolina. I have very high confidence in and regard for Governor Byrnes. I think he is an outstanding American citizen. During World War II, as the distinguished Senator so well knows, he served his country in very important and responsible positions in the executive branch of the Government, and in this Chamber, and he is now the first citizen of his State. He is Governor of the great State of South Carolina. That fact carries a considerable amount of weight with me.

The Secretary also testified to the endorsement of a group of three distinguished gentlemen, former Foreign Service personnel, headed by Mr. Joseph Grew, a gentleman for whom I have the highest regard. Mr. Grew, who served as Under Secretary of State in the Republican administration, had served as Ambassador to Japan, and had had a long and distinguished career. Some of us felt it was a mistake to let him leave the Department, and appoint someone else to succeed him. It was said that Mr. Grew had made a favorable recommendation of Mr. Bohlen, and had made a suggestion of his assignment to Russia. Furthermore, the distinguished Under Secretary of State, General Bedell Smith, who has held high positions of responsibility in the Government, has come before the committee and has pointed out the importance of filling the post of Ambassador to Russia.

I say frankly to the distinguished Senator from Arkansas that I am one who has questioned whether we should maintain an ambassador in Moscow, because the Soviet Government has violated diplomatic usage by restricting our Ambassador to the confines of Moscow, whereas the Soviet Ambassador to the United States has free access to all parts of our country. I have felt that we have made a mistake by not saying very forthrightly to the Russians, "Normal diplomatic usage is for ambassadors to be able to travel throughout the country. That has been the accepted custom and practice from time immemorial. If you are going to place some restrictions on our Ambassador over there, the same restrictions will be placed on your Ambassador here."

If they were to exclude our Ambassador, as Mr. Kennan was excluded, I believe without any justifiable reason, we might make more of an impression on the Russians if we were to give their Ambassador his papers and send him home, thus placing the Ambassadors from the two countries on a quid pro quo basis.

However, it is felt that it is important to have an Ambassador to the Soviet Union. The State Department officials have come before us and have stated that they believe Mr. Bohlen, with his knowledge of Russian history, of the Russian Government, and of the Russian language, is better qualified than any other available person. I make that statement as one who had some very serious questions in his mind in the beginning. That representation had great weight with me.

It does not seem to me that under these circumstances either the Senate or the Foreign Relations Committee should be placed in the position of questioning the vericity of the Secretary of State. I have known Mr. Dulles for many years. I know him to be an outstanding American citizen who places the welfare of his country above everything else. He served in the previous administration when he felt he could be useful. He did an outstanding service in the negotiation of the treaty with Japan. He was a

close friend of the late great Senator Vandenberg, of Michigan. He also served as a Member of this body.

When he came before us, he was not speaking entirely from memory. If I am not mistaken, he brought some notes with him, though not the summary file. He gave us the facts as to what is involved, and gave us his evaluation of the situation. I did not feel that I wanted to take the position of questioning his veracity. I have no reason to do so. I know him to be an honorable man. I am certain that he would not knowingly mislead either the Foreign Relations Committee or the Senate.

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

Mr. KNOWLAND. Yes. I merely wished to make this statement to the Senator to show that at the start I was one who was not enthusiastic about the nomination. If I had had the power of appointment, which I did not have, very likely I would have selected someone else. But that is not the question before the Senate.

After all the facts were presented I then joined with my colleagues on the committee in the unanimous vote to report the nomination favorably to the Senate.

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

Mr. KNOWLAND. I yield.

Mr. McCLELLAN. I trust the Senator is not implying that I am questioning the integrity of the Secretary of State.

Mr. KNOWLAND. I am sure the distinguished Senator from Arkansas is not. I merely wished to make that statement to clarify my position.

Mr. McCLELLAN. I think the statement of former Secretary Byrnes carries great weight. I am not questioning it. I am saying that on the record before the Senate the nomination should be confirmed; but certain doubt has arisen by reason of the fact that apparently there is a controversy. The rumor—if it may be called a rumor—is that there has been a violent controversy between the man selected by the Secretary to be the security officer of the Department of State and the Secretary himself as to what the files really show. I think the confusion could be cleared up if Mr. McLeod were called, and there would then be no doubt on the question.

I have already stated that I do not question the need for an Ambassador. I do not question the necessity for expediting confirmation of the nomination. I defer to the judgment of the President of the United States and the Secretary of State with reference to whether we should fill the position of Ambassador to the Soviet Union. Certainly if we are to fill it, I think there is reason to move along and get the job done.

If I correctly understand, we are not to vote on this nomination until Wednesday. If I am in error, I trust the Senator from California will correct me, inasmuch as he is a member of the majority party in control. If we are not to vote on the nomination until Wednesday, then no delay whatsoever would be entailed in obtaining and making available the testimony of Mr. McLeod. I believe that members of the majority would be performing a service to their party, to the country, and to the administration if they were to make an effort to dispel some of the doubt and criticism once and for all.

Mr. KNOWLAND. Mr. President, there has been some discussion on the floor of the Senate today to the effect that nothing should be done until every Member of the Senate has had an opportunity to examine the FBI file or the summary file. The Senator from Arkansas did not make that statement.

Mr. McCLELLAN. I speak only for myself. I may disagree with some things which may be said by other Senators. I may disagree with the Senator from California. Those who may finally oppose this nomination may have different reasons from any which I might entertain.

Mr. KNOWLAND. I think it is important to have as clear an understanding as possible with regard to all the facts and circumstances in connection with the security problems which are involved in dealing with files of this nature. Let me state my understanding with respect to such files. I note that the distinguished former chairman of the Committee on the Judiciary [Mr. McCARRAN] is present in the Chamber. He has performed outstanding service to his country in varying capacities.

As I understand, in connection with the nominations which came before that committee over a period of years during Democratic administrations, the chairman of the committee was permitted to see a summary of the file, or perhaps even a more complete version than a summary of the file. However, the Federal Bureau of Investigation and the Department of Justice had always taken the position that such examination should not extend beyond the chairman examining the file. Will the Senator from Nevada let me know if my understanding is correct?

Mr. McCARRAN. The Senator's understanding is correct with respect to later years. Formerly the FBI would not allow the files to be in the hands of any member of the committee. A member of the Department of Justice would come before the committee and read the FBI files, but we were not allowed to have them in our possession. Finally a compromise was reached between the Department of Justice, the FBI, and the Committee on the Judiciary; and the chairman of the Committee on the Judiciary is now allowed to have all the FBI files; but no one else on the committee is allowed to have them. The chairman makes a report to the committee.

While I am answering the Senator's question, let me say that there is a difference between the FBI files and the summary. In connection with the FBI files which came to my attention, as a rule the summary was made up by the Department of Justice. Someone in the Department of Justice went through the FBI files and made up the summary. The summary is the first two or three pages of the record which is handed over. Sometimes one finds, on reading the entire file—as I always did—that the summary missed some things. The entire record will not be found in the summary. The summary is the boil-down of everything the FBI seems to have found.

Mr. KNOWLAND. I thoroughly understand that.

Mr. McCLELLAN. I should like to ascertain whether the question of the confirmation of the nomination is expected to come to a vote this afternoon, or whether it has been agreed to defer the vote until Wednesday.

Mr. KNOWLAND. Because the printed record was available to some Senators only this afternoon, although I think they could possibly have obtained copies on Saturday, and because many Senators have not had an opportunity to read the record, it is my understanding that, at the request of several Senators, the distinguished majority leader, the Senator from Ohio [Mr. TAFT], has agreed that the nomination go over until Wednesday.

Mr. McCLELLAN. That was my understanding.

Mr. KNOWLAND. Other committee sessions were set for tomorrow, which made it difficult to have the Senate pass on the question tomorrow. Therefore it was agreed that it should go over until Wednesday.

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

Mr. KNOWLAND. I yield.

Mr. BRICKER. Mr. President, I wish to invite the attention of the Senator from California, as well as that of the chairman of the Committee on Foreign Relations, to an article which I read last Thursday. It was printed in the New York Journal-American. I shall read the article, and then I intend to ask a question with reference to it of both the chairman of the Committee on Foreign Relations and the Senator from California [Mr. KNOWLAND]. The article reads:

O. K. AS ENVOY ASSURED—SOVIET CREW TO FLY BOHLEN INTO MOSCOW

(By William P. Flythe)

WASHINGTON, March 19.—Charles E. "Chip" Bohlen was forced to agree today to have an unidentified Russian crew fly him into Moscow in an American plane in order to get to the Soviet Union as the new United States Ambassador.

That condition was laid down by the Russian Government when the State Department set the machinery in motion to rush Bohlen to his new post as soon as possible after his nomination is confirmed and he is sworn in.

Confirmation was assured following the unanimous approval of Bohlen by the Senate Foreign Relations Committee. His name goes before the Senate tomorrow, with the oath scheduled to be promptly administered at the State Department.

Every effort will be made to set a record for the flight so that an accredited Ambassador may at once begin negotiations with the new Russian regime on many vital questions.

A fast United States Air Force plane will fly him from Washington to a designated airport in Germany.

There a modern four-engined United States plane will be ready to take off with the Ambassador and his family for Moscow.

From that point onward the lives of Bohlen and his family will be in the hands of a Communist Russian plane crew. The window shades will be drawn so that the Bohlens will see nothing en route.

Immediately after Bohlen and his party leave the plane, a Russian crew will fly it back to Germany.

I should like to ask the Senator from California if that arrangement had been brought to the attention of the Committee on Foreign Relations, and whether Mr. Bohlen agreed to it, and the State Department agreed to it. Does the Senator from California know how such an arrangement was made, whereby the American Ambassador to Moscow would be taken out of the hands of his own plane crew and put in the hands of a Russian crew, with the windows of the plane sealed so that he might not see anything en route?

Mr. KNOWLAND. Mr. President, I cannot answer the Senator's question. This is the first time I have heard of the particular article to which he refers. Secondly, I would say that it is not uncustomary for the Russians to insist, as they have in the past, that planes flying over Russian territory be flown by Russian crews. There may be an element of safety for the Ambassador involved, in that there may be some trigger-happy antiaircraft crews in the vicinity, as there have been trigger-happy airplane pilots on some occasions, and certainly the plane should not fly over fortifications or similar installations.

Mr. BRICKER. Will the Senator from California yield further?

Mr. KNOWLAND. I will say to the Senator from Ohio that I do not know precisely the answer to his question, but I shall find what the answer is before Wednesday.

Mr. BRICKER. I wish that that matter could be investigated. Will the Senator from California yield further?

Mr. KNOWLAND. I yield further.

Mr. BRICKER. Mr. President, I wish to say in passing that these people have shot down our aviators, they have imprisoned without cause our citizens, and they have persecuted Americans. Now this humiliation is piled on top.

Mr. President, the time has come for the State Department, the President of the United States, and the United States Senate to demand that our representatives in Russia be accorded the same treatment that Russian representatives are accorded in this country; that acts which humiliate and reflect on this great Republic must cease; and that unless they do we will withdraw our representatives in Russia and kick their representatives out of the United States.

Mr. KNOWLAND. Mr. President, I will say to the Senator from Ohio—I do not know whether he was in the Chamber when I was speaking a little while ago—that for a long time I have felt we should be on a strict quid pro quo basis with the Russians, and should insist that our Ambassador and diplomatic officials be extended the same normal diplomatic courtesies and perquisites and the ability to travel around the country which from time immemorial have been extended by every civilized nation in the world and even by some uncivilized nations. Personally I should be very much opposed to our permitting the restrictions upon our Ambassador to continue while we permit their representatives to enjoy the privileges which are normally accorded to diplomatic representatives.

I shall personally undertake to find out what the answer to the Senator's question is. Perhaps the Senator may be assuming that because the article was printed in a newspaper it represented a statement of fact. I do not know whether it is a fact or not.

Mr. BRICKER. I am not making any assumption. I am only calling it to the attention of the committee. I think that if either the State Department, or Mr. Bohlen himself has consented to such a humiliating suggestion, when the representatives of Russia may travel freely in this country, without windows of planes being sealed and the shades drawn, there should be a reconsideration of the whole relationship.

Mr. KNOWLAND. I should like to point out, however, that I do not think it is an unusual practice, on a plane flying in the Soviet Union, to have the Russians place on the plane someone who is thoroughly acquainted with the Russian language, perhaps as an auxiliary radio operator, so that the crew of the plane may keep on course and not fly over areas over which they are not supposed to fly.

Mr. BRICKER. That is an entirely different situation from one in which the whole American crew is taken off an American plane and replaced by a Russian crew, with the occupants of the plane being taken to Moscow practically as prisoners of the plane crew. To my mind it is something that ought to be immediately investigated by the committee.

Mr. KNOWLAND. I agree with the Senator from Ohio. We shall endeavor to get a very complete statement on the subject prior to Wednesday afternoon. I merely wanted to continue the discussion we had with the Senator from Arkansas [Mr. MCCLELLAN] earlier this afternoon.

The question has come up in the press and in some discussion which has been had as to whether each United States Senator should not have the right to examine the FBI files if he wanted to do so. I may say that that has never been the practice in the past. From what the former chairman of the Committee on the Judiciary has stated—and I believe the former chairman will agree with me on this statement—during the last administration, on nominations for Federal judges or United States attorneys or United States marshals, and such other appointments as came before the Committee on the Judiciary, the prior administration took the position that while the summary of the file, and perhaps the file itself, would be made available to the chairman, it would be made available only to the chairman of the committee.

I believe that beyond the Committee on the Judiciary it was not the customary practice to make the FBI files available even to the chairman of the committee. So far as I know, the only committee which by statute has the right to examine FBI investigation files is the Joint Committee on Atomic Energy. That is an unusual and somewhat unprecedented situation and it is because of the high security problems involved in the field of atomic energy. Therefore I do not think the suggestion as to each Senator having the right to examine the FBI files would be very practical. It would certainly be an unprecedented action.

I think I can say without fear of contradiction that any such proposal would not have the approval of Mr. J. Edgar Hoover, the Director of the FBI, because by the very nature of these files, particularly where we are dealing with informants—and some of them are undercover informants—we might very well destroy the entire value of the FBI organization in getting information in the future.

Furthermore, one way the Federal Bureau of Investigation is able to conduct its operations is to go to persons and request information—much of it of a very confidential nature—with the understanding that the names of the persons making the disclosures are not to be revealed.

So I think we would destroy—and I believe the viewpoint of the Federal Bureau of Investigation is that it would destroy—to a very considerable extent the usefulness of the Bureau and its work, if that were done.

I wish to make that statement to the Senate because of the discussion which has occurred both in the press and on the floor of the Senate. It seems to me that even a presentation of the summaries would to some degree do that, for if it were said, "Mr. XY–10 gave certain information," if that information were finally given out by tying the event to the nominee, we might just as well reveal the name of the informant, and, again, in my opinion, that would be highly damaging to the procedures of the FBI.

A little earlier I pointed out that Mr. Hoover and the Federal Bureau of Investigation have been very scrupulous in taking the position that it was not their task to place a final evaluation on the files or to make the determination as to whether a given person should be appointed or should not be appointed to a high position. They do have the responsibility, under the direction of the executive branch of the Government, of obtaining information, both that which is favorable and that which is derogatory, and of getting the information together into a file, and then making the file available to responsible officials of the Government.

But, Mr. President, if we are to have responsible government, we certainly must have confidence in some of our executive officials. The information collected has been made available to them. A high and responsible official of our government has made his appraisal and his evaluation of the information. It has been submitted to a responsible committee of the Senate. After hearing the information and the evaluation, the committee reported favorably on the nomination.

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

Mr. KNOWLAND. I yield.

SENATORS SHOULD SEE THE RECORD

Mr. MALONE. Some of us take rather seriously a vote on the question of confirming a nomination for so important a post as Russian Ambassador. We remember that over the years—in fact, within the past 6 years—we have had

before us the nominations of certain persons about whom the same thing was said, namely, that no report on them had ever been made by the FBI.

For instance, in that connection I may refer to the nomination of David Lilienthal.

Some of us believe that against most Americans there is no sound basis for suspicion; but we would like to know why it is that when in a man's record there is information which is unfavorable to him, individual Senators, Members of the Senate of the United States, are unable to see that information, but must vote blind to confirm his nomination.

Does the distinguished Senator from California believe it would be dangerous to allow individual Senators to examine the FBI file in this case?

Mr. KNOWLAND. All I can say is that it is the judgment of Mr. J. Edgar Hoover and of the Federal Bureau of Investigation and of the Attorney General that once we begin to pass out these files to a large number of persons, we could very well undermine the efforts of the Federal Bureau of Investigation in obtaining the type of information which it is important for the Bureau to obtain.

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

Mr. KNOWLAND. Yes, I yield.

Mr. MALONE. Does the distinguished Senator from California believe and does Mr. J. Edgar Hoover—with whom I have not discussed this matter, but whom I know very well—believe it would be dangerous to permit the 15 Members of the Senate Foreign Relations Committee to make a confidential review of this file?

Mr. KNOWLAND. All I can say to the Senator from Nevada is that if 15 members of the Foreign Relations Committee review the file, a similar situation could properly develop and a similar request could properly be made in a case of all the other Senate committees. So in the present case we are dealing, as we know, not only with one question, but also with the matter of precedent. We are faced with the old problem of what will happen when once the camel gets his nose under the tent. After it is done once, then what position will the executive branch of the Government be in, in the case of similar requests; will it then be able to deny to any other Senate committee information similar to that which has been given to the Senate Foreign Relations Committee, inasmuch as the other committees feel, and properly so, that their roles are just as important in connection with domestic affairs as is the role of the Foreign Relations Committee in the field of foreign affairs?

So the executive branch of the Government is not faced with only one case.

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

Mr. KNOWLAND. I yield.

Mr. MALONE. Some of us are afraid that the procedure will not be confined to this one nomination, but that a precedent will be set and that a parade of nominees will come before us in the same way, to be confirmed as ambassadors to various other countries—men who have been serving under the old setup for the past 20 years or less.

Mr. KNOWLAND. Let me say that, of course, any Senator who feels that he does not wish to vote for confirmation of the nomination of Mr. Bohlen is at perfect liberty under the Constitution to vote against confirming the nomination; that is the prerogative of each one of us as a Senator of the United States.

When the nomination of Mr. Acheson came before the Senate some years ago, at the time when he was nominated to be Secretary of State, I was one of six Senators who voted against confirming the nomination; and I have no apologies to make for the vote I cast. I did not need to see an FBI file in order to do that, and I did not ask to see the FBI file.

So certainly no one can interfere with the individual prerogative of each Senator under the Constitution, in connection with the Senate's power of confirmation, to vote either for or against confirmation of a nomination.

All I say is that in the operation of our Government—and we now have a new administration, which took office on the 20th day of January—I believe that unless there is to be a breakdown in Government, it is necessary to have confidence in someone in the Government. Personally, I have great confidence in Dwight Eisenhower, as President of the United States. I also have great confidence in Mr. Dulles, his chief Cabinet officer, and a former Member of this body, as Secretary of State. When they send a nomination to the Senate; when we are informed that the State Department has had any derogatory information called to its attention by its chief security officer, and when representatives of the Department, including the Secretary of State himself, appear before the committee and evaluate the information to the committee; when we have the testimony of Walter Bedell Smith in regard to the ability of the nominee to serve as Ambassador at this particular time, in the particular place to which he has been nominated; when we have the approval of the former Secretary of State, Mr. Byrnes, now the Governor of South Carolina; when we have the distinguished former Under Secretary of State, Joseph Grew, who is greatly admired and respected by many of the Members of the Senate as being one of the best first men in matters of knowledge of our diplomatic fields and of our State Department, I say I do not think we can cast all that aside, and deal merely with rumors. If we deal only with rumors, I think we break down confidence in our Government, and we tend to repudiate the new administration, which has just taken office.

Personally, speaking for myself, I do not wish to do so on the basis of hearsay and rumors.

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

Mr. KNOWLAND. Yes; I yield.

Mr. MALONE. I think the distinguished Senator from California has made a very fine statement which would be endorsed by most of us, namely, that we like Dwight Eisenhower, and that, above all else, we want him to make a good President; we are for him, and we want to continue to be for him, but we also want to protect him as well as ourselves.

To go back to Mr. Acheson, let me say that I voted for his confirmation. When afterwards I was asked why I voted to confirm his nomination, I said, "Hiss would probably have been nominated to be Secretary of State if we had rejected the nomination of Mr. Acheson." As a matter of fact, Mr. Hiss was in good standing then with all but a few of us who were serving in the Senate at the time, who questioned many things which came before the Senate during that period.

I should like to ask the distinguished Senator whether it would be out of line, in view of the fact that apparently there is no one on the Senate floor who has said the investigator cleared this man, and it is very well understood that the investigator did not so clear him—I do not think we are dealing in rumor.

I believe that several people know this to be a fact. Would it be out of line to ask the Secretary of State to let one Senator on the Foreign Relations Committee see this file and then tell the Senate of the United States he has seen it and that he recommends approval of his nomination.

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

Mr. MALONE. I do not have the floor. I would like an answer, however.

Mr. WILEY. I am going to answer the question.

Mr. MALONE. I do not think I asked the Senator from Wisconsin. I asked the distinguished Senator from California.

Mr. KNOWLAND. I yield to the chairman of the committee, who could speak with more authority, as chairman of the committee, than I could.

Mr. WILEY. I think it was former Governor Smith who said, "Let's look at the record." As the record shows conclusively, the summation of this testimony was submitted to Secretary Dulles, 2 days before he testified before the Committee on Foreign Relations. It has also been submitted to the Attorney General. The Secretary was before the committee about 3 hours evaluating the evidence. He gave us three or four pieces of hearsay. Let us make it clear what the FBI examination is. Let us assume, for instance, that a Senator is investigating one of his opponents. He can say anything about him and it immediately goes down on the record. There is no proof.

We have the highest legal official in the Government clearing this appointment, saying in substance, "The evidence does not sustain the charge, nor is there any evidence that would interfere with the clearance of this man."

That is the judgment of Secretary Dulles. That is the judgment of the Attorney General. The nominee is also recommended, as stated by the distinguished Senator from California, by three of the finest men we have had in the Service. He is also recommended and approved by the President of the

United States. I ask, whence come these rumors? I have already stated that, several weeks before we concluded the hearings, I heard that several Senators had made certain statements, and I wrote them personal letters, asking them to produce the evidence. Nothing was forthcoming. I think I may say who the Senators were. One was the Senator from Kansas [Mr. SCHOEPPEL], the other the Senator from New Hampshire [Mr. BRIDGES]. We received no reply, and yet we spent almost a month on this nomination.

Mr. President, as so well stated by the distinguished Senator from California, we have courts in this country whose function it is to determine facts, to determine who is telling the truth. We let the courts determine facts. The powers of this Government, as someone has said, are divided among four branches—the legislative, the executive, the judicial, and a residuum in the States. The function of clearing this individual is in the highest official in the Government but one—the Secretary of State.

He evaluated this hearsay evidence. There is no one in this room who has ever amounted to anything, who, if he were investigated, would not have some derogatory remark made about him by some jealous person, some person whom he may have unintentionally injured, someone who is not particularly careful. Therefore, it is necessary that competent people evaluate and weigh these matters. It is also necessary that we have legal minds capable of distinguishing between solid testimony and mere hearsay, mere rumor, slander, and whatnot.

To me, Mr. President, the situation is very clear. The record speaks in no uncertain terms. No evidence is produced, but on the floor Senators talk about rumors. Is there any evidence in this case that anyone other than these two men within the Department have seen in the summation? Does any Senator want to admit that he has looked at this record? Is there anyone who has seen the FBI file? If so, let him stand up. Is there anyone who has seen the summation? Then it means that none of us is in a position competently to weigh the evidence, not having seen that which those whom the law says should weigh the evidence have seen. Otherwise, it means we are setting a pattern, the effect of which will be that every time someone is nominated it will not be necessary to produce testimony before the Foreign Relations Committee; all that would be necessary would be for a Senator to rise on the Senate floor to say, "There are some rumors about this man's character." We could then delay the nomination and we could call someone to appear before the committee.

Is there evidence that Mr. McLeod contradicts the testimony? Is there any evidence? If there is, I should like to have some Senator rise to say so.

Mr. HICKENLOOPER. Mr. President, I will stand up to say so.

Mr. WILEY. What does the Senator say?

Mr. HICKENLOOPER. I may say the Senator knows that the record before the Foreign Relations Committee shows that the security officer refused to clear Mr. Bohlen.

Mr. WILEY. I read the testimony contained in the record:

> Senator HICKENLOOPER. Has your security office cleared this file for loyalty and security?
>
> Secretary DULLES. No. I told you that he said that in view of the fact that this file contained some derogatory information, he did not wish to take the responsibility of clearance. He passed the matter up to me, which is the usual practice in such cases. I do not think that security officers, whose primary job is to raise doubts and find out suspicious circumstances, are the persons who should have final responsibility in matters of this kind. In important cases, such as this one, the task of final evaluation should be passed up to the senior officers.

The Senator from Ohio [Mr. TAFT] asked Mr. Dulles:

> Do you think there is anything that creates even a prima facie case of such dereliction?
>
> Secretary DULLES. No; none whatsoever.

Mr. Dulles continued:

> I would say this: As in any case, where there is a warning signal, my security officer called this to my attention. He said:
>
> "This is not a case which I can automatically pass because wherever there is derogatory information of this sort I think it is my duty to bring it to your personal attention."
>
> Senator FERGUSON. Is it true that in your time certain people have been removed from the State Department because of security?
>
> Secretary DULLES. Yes, sir.

So, Mr. President, I say that we are here challenging the Secretary of State, the Attorney General, and, in the last analysis, the President of the United States.

Mr. MALONE and Mr. LONG addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. WILEY. I yield first to the Senator from Nevada.

Mr. MALONE. Mr. President, I would say to the distinguished Senator from Wisconsin that some of us want to look at the record as he has so ably suggested that we are trying to find a basis upon which to support the administration; so I should like to ask the distinguished Senator from Wisconsin, did he see the file, himself?

Mr. WILEY. No.

Mr. MALONE. Does the distinguished Senator from Wisconsin believe that it would injure the sources of the information to have him, as chairman of the powerful Foreign Relations Committee, see the file?

Mr. WILEY. No. But, answering the Senator's question, assuming I had seen the file, and had arrived at the same conclusion as that of the Secretary of State and the Attorney General—which I probably would have—then I would be faced with the same challenge that is facing us here today. In other words, it is a question of evaluating the evidence. Someone has that obligation, and I say that person is the Secretary of State.

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

Mr. WILEY. I am very happy to yield.

Mr. MALONE. I should like to say to the distinguished Senator that at least there would be one Senator on the Senate floor, then, who could say to his colleagues, "I have seen this file, and I approve this man." The Senator from Wisconsin cannot say that, can he?

Mr. WILEY. No.

Mr. MALONE. I thank the Senator.

Mr. WILEY. I must say that I think I was well advised in not accepting the responsibility. Secretary Dulles said to me, "I have just received the summation. You can have it or I will evaluate it."

He read it and came before the committee, went through 3 or 4 items, and said they did not sustain, in his judgment, any charges which had been made, and that there was no definite or concrete proof as to them——

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

Mr. WILEY. Yes.

Mr. MALONE. Mr. President, I should like to say to the distinguished Senator that he is asking 95 other Senators to approve something which he has not himself seen but which a third party has brought to his attention and summarized before his committee, and as to which, perhaps, a liberal number of Senators, if not actually opposed, are suspicious.

All that has been asked is that the committee itself see the material and bring it to the floor and say, "We have seen this material and approve this nomination."

During the 6 years in which I have been a Member of the Senate, we have been confirming the nominations of men under a Democratic administration, and many of them later proved untrustworthy, if not actually dangerous.

I voted for the confirmation of the nomination of Secretary Acheson, and, as far as I know, he did nothing to which I could agree following confirmation.

I should like to say that I shall not vote to approve anyone else unless some Senator can stand on the Senate floor and say, "I have seen the file and I recommend his confirmation." There must be plenty of men in the United States of America who are fully qualified for such jobs and as to whom suspicion has not risen in any way, shape, or form.

Mr. WILEY. I must say that I do not believe that heretofore a procedure of this kind has been followed. I think that there was not an FBI report until the committee requested it. I do not recall—I may be wrong—that in the years I have served in the Senate the committee has had the Secretary of State come before it and evaluate an FBI report. I think that is correct.

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

Mr. WILEY. Yes.

Mr. MALONE. I should like only to point out that for many years, and especially in the 6 years in which I have been a Member of this august body, we have been asked to vote for the confirmation of nominations of such persons as Lilienthal. We could not get a report on Lilienthal. The FBI said it had not been asked for a report. We could not get the Secretary of State or the Presi-

dent to ask for a report. No Senator could stand on the floor and say that a member of the committee personally saw an FBI report on those men, and that they recommended that their nominations be confirmed.

We are starting out now with a new administration in which my people in Nevada trust implicitly, and perhaps 90 percent of the people of the United States trust it implicitly, and we are following the same old line—the Senators must vote to confirm or cast a cloud upon the administration. I believe that under the Constitution each individual Senator has a responsibility, otherwise why should Senate confirmation be required?

Mr. WILEY. I think that statement is diametrically opposed to what the Senator previously said.

Mr. MALONE. We are simply going along with the administration and not even looking at an FBI report. At least we have such a report now. Let at least one Senator see it.

Mr. WILEY. I do not think I can agree with that statement, because it is contrary to what the Senator previously said.

Mr. MALONE. I deny that statement. I have consistently said that at least one Senator must be able to stand here on the Senate floor and say: "I have seen the file on this man and I recommend that you vote to confirm his nomination." That is the least that the Foreign Relations Committee should do.

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

Mr. WILEY. I yield.

Mr. LONG. Mr. President, I am sure most of us want to uphold the judgment of the President and the men whom he has chosen in trying to work out an arrangement whereby peace can be obtained in this world. However, I am wondering if the distinguished chairman of the committee is satisfied with the record upon which we are being asked to vote.

We are being told that the security officer of the State Department was unwilling to take the responsibility of clearing the nomination of the man appointed to be Ambassador to Moscow, and the committee did not care to hear the man who did not want to take that responsibility, but chose to take the Secretary's evaluation. The committee itself did not care to look at the material and pass its own judgment upon it.

Would the distinguished Senator from Wisconsin have any objection to looking at the material and giving the Senate committee's judgment on it? Then, having looked at it, he could be in a position to say, "The committee is of the opinion that there is nothing to it," just as Mr. Dulles said, having looked at it.

Mr. WILEY. Mr. President, I think the first suggestion that Mr. McLeod be called before the committee was made by the Senator from Nevada [Mr. McCARRAN] a few days ago. We had already reported the nomination. So far as I am personally concerned, I should be glad, if it is agreeable to the executive branch of the Government, that 1 or 2 Senators look over the report and evaluate the testimony it contains. That is perfectly all right. But where does it take us?

Let me use the analogy of a court. A court has jurisdiction to determine the truth. In this instance the Secretary of State has such jurisdiction. Perhaps in such cases as this we should go underneath and try to discover something, but we have never had any question about the veracity, the good judgment, or the ability of the Secretary of State. The Secretary of State served the State Department in another capacity for years.

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

Mr. WILEY. I yield.

Mr. LONG. I do not want to inject partisan politics into the debate, but it seems to me we cannot ignore the fact that during the late campaign the subject of various persons having recommended Alger Hiss was raised. They had given character testimony when he was on trial, and I believe it was stated that Mr. John Foster Dulles had made a statement about him when he was named to a position with the Carnegie Institution.

I think it would be well, Mr. President, in regard to this tremendously important appointment, if the committee were in position to tell us that it had also appraised the material in the file. Would the Senator from Wisconsin object to looking at the material and letting the Senate know his judgment?

Mr. WILEY. As I said before, if it is agreeable to the executive branch of the Government, I have no objection whatever to designating one Senator from each party to examine the file.

Mr. SPARKMAN. Mr. President, will the Senator from Wisconsin yield?

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

Mr. SPARKMAN. Is it not true that the Secretary of State, in appearing before our committee, not only evaluated what was in the file but cited to us every single instance in which there was anything which might cast any doubt, based upon rumor, gossip, anonymous statements, and everything else?

Mr. WILEY. That is correct.

Mr. SPARKMAN. The committee had an opportunity to decide whether his evaluation was sufficient.

Mr. WILEY. The Senator from Alabama has made a very important contribution. As I think I previously suggested, the Secretary cited 3 or 4 instances of certain people giving hearsay evidence, and 1 spoke of having a sixth sense, and such stuff as that. The committee agreed fully that there was no substance to that sort of evidence. That was brought out very clearly in questioning the Secretary of State.

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

Mr. WILEY. I yield.

Mr. LONG. It seems to me that the United States Senate has more than merely a responsibility to advise and consent to this nomination. If there is any doubt whatsoever with regard to whether Charles E. Bohlen would be a proper Ambassador to Moscow, the Senate should clear up that doubt for all time to the satisfaction of the American people, if it can be done. That is why it seems to me that the committee should take a look at the information available and be in a position to say that it has seen it, and that it is positive there is nothing in the file that would justify any doubt whatsoever.

I had hoped our Ambassador to Russia might be able to advance certain proposals which might bring about a peaceful settlement of the difficult problems that are threatening the free world today. Certainly I do not wish to be accused of being favorable to appeasing the Russians, but it seems to me most important that the Senate should clear up any doubt about the wisdom of the appointment, if it is possible to clear it up. That is why I think that if the committee should, in its wisdom, decide to consider the nomination further, it should look at the file and pass its own judgment on whether there is anything in the file which would justify the slightest inference that Mr. Bohlen would not be an appropriate, proper choice as Ambassador to Russia.

Mr. WILEY. I thank the Senator from Louisiana.

Mr. TAFT. Mr. President, I desire to make a brief statement regarding the procedure on the question before the Senate.

In the first place, as I understand, a suggestion has been made that Mr. Dulles be called before the Committee on Foreign Relations and be placed under oath. That has hardly been seriously supported. I think it is an uncalled for suggestion. So far as I am concerned, Mr. Dulles' statement not under oath is just as good as Mr. Dulles' statement under oath. Mr. Dulles did not say that Mr. McLeod had, as alleged, cleared the Bohlen file; he said very clearly that McLeod did not wish to take the responsibility of clearing it. So I think we can dismiss that proposal.

The second suggestion is that Mr. McLeod be called before the Committee on Foreign Relations. I think it was first suggested that he be called before the Committee on Government Operations. It seems to me that to do that would be a serious infringement upon the jurisdiction of the Committee on Foreign Relations. I believe that idea has been dropped.

It has now been suggested that the Committee on Foreign Relations call Mr. McLeod. I should be very much opposed to such a course as that. After all, we have before us a peculiar kind of question with reference to the file in the Bohlen case. Here is a file gathered by the FBI containing every kind of material with reference to what Mr. X, Mr. Y, and Mr. Z have said. It is a file which never should be published and put in general circulation. Just how far it could go among Senators without becoming a matter of general circulation is a question I cannot answer. Certainly the logic of the argument seems to be that it ought to be printed and placed on our desks, in which case, of course, it would be made available to the public. I think that that would be a serious mistake. It would in a sense destroy the

FBI. At least, it might raise wholly unjustified questions as to the character of men in this country, and result in the publication of allegations made by personal enemies.

So we come to the question: What shall we do with this file? As I see it, we must take somebody's appraisal of the file. If the executive department chooses Mr. Dulles as the person to give us the appraisal, I see no reason why we should not accept the appraisal by Mr. Dulles. I see no reason why we should proceed to call Mr. McLeod or Mr. Phlager, General Counsel of the State Department, who, I understand, has also seen the file, or any other person in the State Department.

I do regard with great favor the suggestion that a Senator or Senators should be appointed by the Committee on Foreign Relations to examine the file and give the Senate their appraisal. It is not that I have any distrust of the appraisal made by Mr. Dulles, but I myself have urged upon the Committee on Foreign Relations that they appoint 1 or 2 Senators for that purpose. As I have said, that is not at all because I distrust Mr. Dulles, but because I think the Senate has a constitutional duty of its own, namely, to confirm appointments, which is entirely independent of the appointing power. Therefore, it seems appropriate to me that we should obtain the appraisal of somebody approaching the question from the point of view of the Senate and its power of confirmation. I certainly would not oppose such a suggestion. It was made before the committee, and the committee rejected it. The committee felt that Mr. Dulles' appraisal was just as good as would be the appraisal of a Senator. Since the committee has made that decision, I acquiesce in it. So far as I am concerned, I certainly would not object to having the committee reconsider the decision and have its own appraisal made.

In my judgment, that is the limit of what should be done. I have no doubt that the committee can consider tomorrow morning whether they wish to take such action. No matter what the committee may decide, so far as I personally am concerned, I am prepared to take the appraisal made by Mr. Dulles. Therefore, I voted to confirm the nomination of Mr. Bohlen when the nomination was reported by the committee.

Mr. Dulles' appraisal was that not only did the file present no evidence of any wrongdoing, but I asked Mr. Dulles specifically, "Do you think there is anything that creates even a prima facie case of such dereliction?" Mr. Dulles said, "No, nothing whatsoever."

I am prepared to accept his appraisal. However, as a matter of theory, I think that in a case like that now pending, in which the Senate has a constitutional duty to perform in confirming a nomination, it would be far better practice if the Senate undertook to appoint 1 or 2 of its Members—Senators whose judgment other Senators would respect—to read the entire file.

So far as the future is concerned, I think I shall continue to insist on that position. The Committee on Foreign Relations having rejected the particular proposal I made, I am prepared to acquiesce in its action with respect to the nomination now before the Senate.

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

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

Mr. MALONE. First, I may say that very few Senators are able to go beyond the work imposed on them by their own committees. Whenever we come into the Chamber to vote, we have always thought that we were entitled to ask the individual members of a committee which had passed on a bill or nomination whether they individually approved it, whether they had seen the witnesses and heard the evidence.

Therefore, I take it that most of the other Senators are in the same position I occupy when I say I am not able to pass individually on every bill or nomination. We ask our colleagues who have seen the witnesses and have heard the evidence, Is this a good bill, or is it not? Should this nomination be approved or not? And they should be able to answer from first-hand information.

I should like to ask the Senator from Ohio if he himself has seen the file in question.

Mr. TAFT. No, I have not. No Senator has seen the file. That is the very point I was making.

The Senator compared this situation to having heard the evidence. This file is not evidence. The kind of information found in the FBI file is something that no man would dare to state as evidence on the witness stand. At any rate, it is not similar to the usual type of evidence. It is a kind of general collection of all kinds of statements. I do not believe it proper to call it evidence. I think I would like to have an appraisal made by someone as to what is contained in it—whether it is of no value or whether it is of value, whichever it may be.

In general, as a matter of practice, there ought to be an appraisal made by a member of the committee. I would not say that if there was an additional Senator who wanted to see it, he should not be given that privilege.

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

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

Mr. MALONE. I should like to ask the Senator another question. I have seen some of these files on particular persons. I presume that the senior Senator from Ohio has seen some of them. Often there is factual evidence in the files; it is not all hearsay. Is not that true?

Mr. TAFT. The Senator is correct.

Mr. MALONE. Then I simply wish to ask this question of the distinguished majority leader: When we vote, either yes or no, on the confirmation of a nomination that is very important to this administration, very important to the individual on whose nomination we are voting, and very important to the Senators casting their votes, in view of our past experience with Alger Hisses and Achesons; are not we entitled to know that at least one of our colleagues has seen the file and is satisfied with it?

Mr. TAFT. It is not important that every Senator see the FBI file. I do not think every Senator should see the FBI file.

Mr. MALONE. My question was, Is not every Senator casting his vote entitled to know that one of his colleagues has seen it and is satisfied with what he saw.

Mr. TAFT. That is the question. That is the issue.

Mr. MALONE. I ask the distinguished Senator from Ohio, as I asked the distinguished Senator from Wisconsin [Mr. WILEY] a while ago, Is it not important that some Senator in whom we have confidence see the file and say, "I have seen the file, and I approve of this man's nomination"?

Mr. TAFT. I have just said that. That was the whole tenor of my remarks.

Mr. MALONE. It was not what I understood to be the tenor of the Senator's last remark.

Mr. CASE. Mr. President, on page 105 of the hearings appears a statement by Secretary Dulles to which attention has been repeatedly drawn. There is another statement by him on page 104. I wish to put the two together and then address a query to the chairman of the committee.

On page 105 Mr. Dulles says:

> Secretary DULLES. No. I told you that he said that in view of the fact that this file contained some derogatory information, he did not wish to take the responsibility of clearance.

There the Secretary is saying that the file did contain some derogatory information.

On page 104 the Secretary says:

> There is no derogatory material whatsoever which questions the loyalty of Mr. Bohlen to the United States, or which suggests that he is not a good security risk, which suggests he is in any manner one who has leaked or been loose in his conversation or anything of that sort.

In other words, the Secretary has said that the file does contain some derogatory information, but at the same time he says it is not derogatory so far as concerns the question of the loyalty of Mr. Bohlen to the United States—

> or which suggests that he is not a good security risk, which suggests he is in any manner one who has leaked or has been loose in his conversation or anything of that sort.

I should like to have the chairman of the committee state, if he can, what the derogatory material related to. If it does not go to the question of security, or if it does not go to the question of loyalty, or if it is not something which implies that Mr. Bohlen leaked or has been loose in his conversation, or anything of that sort, then to what does it relate? Did the committee have any information as to the character of the derogatory information?

Mr. WILEY. I think I had better take the Senator aside and answer that question.

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

Mr. CASE. In a moment. That, it seems to me, would throw some light on the situation.

Mr. WILEY. That was not a facetious answer. In the judgment of the

Secretary, and I am sure in the judgment of those who listened to the rumor, it did not go to the question of loyalty or security.

Mr. CASE. Did it go to the question of his desirability or suitability as an ambassador?

Mr. WILEY. I am sure that if someone made a slanderous remark about the Senator from South Dakota it would have no effect whatever upon the question of security or loyalty, so far as I am concerned.

Mr. CASE. That might very well be; and it may very well be that this was a slanderous remark so far as Mr. Bohlen was concerned. But at least I should like to have the assurance of the distinguished chairman of the Foreign Relations Committee on one point. If it did not relate to security or loyalty, but related to something else, was it of substantial character, so that the chairman thought it was really derogatory? If it was of no substance, if it was trash, why not make a flat statement to that effect?

Mr. WILEY. It was the judgment of the committee that there was no substance to it. As was stated by the Senator from Alabama [Mr. SPARKMAN], Secretary Dulles not only gave us his own evaluation, but he gave us a summation of the 4 or 5 slanderous remarks which other people had made about Mr. Bohlen. We agreed with the conclusion of the Secretary.

Mr. CASE. I now yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I am very much disturbed by the course of the present debate.

I think the Senator from South Dakota very rightly has brought out, in keeping with the advice-and-consent clause of the Constitution, that it is the duty of a Member of the Senate, if he is to fulfill his obligations as a Senator, before he gives advice and consent to any nomination which requires Senate confirmation to be advised as to the nature of the derogatory information. The Senator from Wisconsin says that the committee was satisfied that there was no substance to the charge. He goes on to say, if I understand him correctly, that this charge apparently was not made by 1 person, but by 3 or 4.

Mr. WILEY. There were 3 or 4 isolated instances.

Mr. MORSE. Involving 3 or 4——

Mr. WILEY. Rumors.

Mr. MORSE. As to the same act, or the same charge?

Mr. WILEY. No; and not at the same time. Some of them were years apart.

Mr. MORSE. I am also disturbed, I may say to the Senator from South Dakota, when the conclusion is advanced by the Senator from Wisconsin that the committee does not think the charges are a matter of substance. How do we know unless there is an investigation into the charges? I happen to be one who, on the basis of the information which I have received to date, feels that this nomination should be confirmed.

The Senator from South Dakota has pointed out that the Secretary of State admits in the committee's record that derogatory information is in the FBI file with respect to this nominee. I want the Senator from Wisconsin to correct me if I am mistaken. I have listened to all the comments of the Senator from Wisconsin, and I still do not understand the situation. Even though the charges may be separated in time, and as to nature, there are, nevertheless, three or four derogatory charges against this nominee. The Senator from South Dakota is trying to find out, if I correctly understand his question on the basis of a hypothetical, whether, if the charges were true, they are of such nature as to fall under one or more of the criteria which we have always applied in the history of the Senate when it comes to confirming nominations. The first criterion is that of character.

When we study confirmation cases—and I think I have studied every confirmation fight of record in the history of the United States Senate—we find that one of the criteria which repeats itself over and over again in such cases is that of character. Is he a man of good character? I want to know whether or not the alleged derogatory information about Bohlen reflects on the nominee's character. I should be very much surprised if it did, or that it could be substantiated, if it is of that nature.

The second criterion is that of loyalty to his country and to our form of government. We have applied it over and over again in the history of confirmation fights in the Senate. I judge from what the Secretary of State says that there is nothing in the file which reflects upon Mr. Bohlen's loyalty or upon him as being a good security risk. I take it he is cleared on that point.

The third criterion is whether or not he is a man of competence to carry out the President's policies—not competence to carry out what we might require, if we were an appointing authority. We do not have the power to appoint. We have only the power to give advice and consent. I think it is well established by the history of the advice-and-consent clause that it is language of limitation. It is subordinate language to the language of appointment in the Constitution. I judge that there is no question with respect to Mr. Bohlen on the score of competency.

Then, of course, there is the overall requirement that the nominee have no vested personal interest in the office, so that it could be said that he might be influenced in some way by pecuniary or other selfish interest.

Those are the four criteria, I submit, Mr. President. I have discussed them in years gone by on the floor of the Senate on several occasions. Those are the four criteria the Senate throughout its history has applied in confirmation cases. Therefore, let us run through them again.

Does the derogatory information go to Bohlen's character? If so, perhaps we should go into executive session with closed doors. Such a procedure is not unknown in the history of the Senate. Perhaps we should go into executive session with closed doors and discuss the matter officially rather than discuss it in the cloakrooms. All I have been able to find out from discussions in the cloakroom is that the derogatory information has something to do with Bohlen's character. I think Bohlen is entitled to be protected on that score. If there is any foundation in fact for it we should get at the facts and discuss the matter in executive session and stop talking about it in the cloakrooms. We should take up the question in executive session and there thrash it out, because of the four criteria there is only one that seems to me that has not been covered in the RECORD, and that one is character.

Mr. CASE. Mr. President, the Senator from Oregon has stated the criteria or conditions toward which the Senate should look in considering nominees for confirmation. On the statement of the Secretary of State, loyalty and security were not involved. However, there was involved derogatory information. That could go to character or to ability, or might conceivably go to a man's personal honor in some respect.

Since the statement is before the Senate that there was derogatory information involved, it seems to the Senator from South Dakota that we ought to have some manner of defining and determining whether that derogatory information was of substance. The suggestion of the Senator from Oregon [Mr. MORSE] that we go into executive session might not be out of order. It might very well be that the whole matter would vanish into thin air if some Senator on the committee could say that he personally looked at the files and found the matter to be trivial or sheer trash. However, there is certainly some confusion in the minds of some Senators. The Senator from South Dakota is wholly disposed to support the desire of the President of the United States and the Secretary of State in a matter like this. However, at the same time each Member of the Senate has certain responsibilities placed on him when he takes the oath of office, and he is entitled, it would seem to the junior Senator from South Dakota, to such information as is necessary for him to discharge his responsibility.

Mr. WILEY. Mr. President, will the Senator from South Dakota yield?

Mr. CASE. I yield.

Mr. WILEY. The President of the United States and a great many other distinguished men have spoken in the highest terms of the character of Mr. Bohlen. The President has known Mr. Bohlen personally. He has worked with him. Only today the President told me about the fine work Bohlen did in Paris. I believe the evidence before the committee shows that there were a hundred people of the highest type who spoke of Mr. Bohlen's fine character. There were a few others who threw in a little filth. If we are going to go into the business of trying to evaluate filth in cases of this kind, we will never accomplish anything.

Mr. CASE. Mr. President, may I ask the chairman of the committee whether the members of the Committee on Foreign Relations who were appraised of the filth, evaluated it as filth?

Mr. WILEY. Yes; they evaluated it as worthless.

Mr. GILLETTE. Mr. President, will the Senator from South Dakota yield?

Mr. CASE. I yield.

Mr. GILLETTE. I should like to say in that connection that insofar as the

hearings are concerned the question of derogatory remarks is contained in the two paragraphs which have been cited.

My esteemed colleague the senior Senator from Iowa [Mr. HICKENLOOPER] asked Secretary Dulles:

> Has your security office cleared this file for loyalty and security?

Secretary Dulles answered:

> No. I told you that he said that in view of the fact that this file contained some derogatory information he did not wish to take the responsibility of clearance.

Again, as the Senator from South Dakota has called attention, on page 104, in the closing paragraph, Secretary Dulles stated:

> There is no derogatory material whatsoever which questions the loyalty of Mr. Bohlen to the United States, or which suggests that he is not a good security risk, which suggests he is in any manner one who has leaked or been loose in his conversation or anything of that sort.

The distinguished Senator from South Dakota has just asked whether the members of the Committee on Foreign Relations considered derogatory reports, which the esteemed chairman said were so few in number. We did, and our report is before the Senate. It is the unanimous report of the committee. We considered every one of them. Secretary Dulles outlined them to us. They were made by perhaps a half dozen persons among the hundred people or so who had been examined. I will give one example. I am not violating my responsibility as a Senator when I make the statement.

One of the derogatory reports—and it was a derogatory report, and Senators may evaluate it, along with members of the Committee on Foreign Relations—concerned a person who said he possessed a sixth sense in addition to the five senses all of us possess. He said that due to his possessing this sixth sense he could look at a man and determine whether or not there was something immoral about him, or something pertaining to moral turpitude in the man's makeup, or some tendency on his part to take action that would not be accepted in good society as moral action. This man said that he looked at Mr. Bohlen and, with this sixth sense of his, he determined that Mr. Bohlen was a man who did have in the back of his mind such a tendency toward immorality as to make him unfit. That is one of the cases, one of the 6 or 7 reports we evaluated. There were 15 others which in our opinion did not constitute such dependable information as to justify an adverse report.

Mr. President, do I have the floor?

The VICE PRESIDENT. The Senator from South Dakota has the floor.

Mr. GILLETTE. Mr. President, will the Senator from South Dakota yield to me very briefly?

Mr. CASE. I yield.

Mr. GILLETTE. I should like to say Mr. President, in connection with the subject before us, that there is a constitutional responsibility involved. The Constitution provides that the President of the United States "shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors."

There is no other authority that can nominate an ambassador except the President of the United States. He has sent this nomination to the Senate. Was it wise? That is a question we must determine as individual Senators. But he sent the nomination to the Senate. What did the Senate do with it? The Senate referred it to the Committee on Foreign Relations, so that we could initiate our constitutional responsibility. The Committee on Foreign Relations considered it and reported the nomination unanimously. That report is what is before us. The nomination is not now before the Foreign Relations Committee.

Some Senators have suggested that additional witnesses should be called before the committee. The committee does not have possession of the nomination anymore. It is before the Senate. The Senate can either vote to confirm the nomination, or it can vote to reject the nomination, or it can order the nomination recommitted to the Committee on Foreign Relations for further consideration. It can also order it recommitted to the Committee on Foreign Relations with instructions to do thus and so. However, it is in the hands of the Senate at the present time.

Mr. President, I apologize for encroaching on the time of the Senator from South Dakota to such an extent, but in this time of tense world affairs I think it has been most unfortunate that a matter of this kind should have developed in the way it has. I am not criticizing any individual Senator for voting against confirmation of the nomination. Every Senator must follow his own conscience. No Senator is obliged to vote for confirmation. That is all right with me. If Senators wish to reflect on the President of the United States, or reflect on Secretary Dulles, that is their privilege. If Senators wish to reflect on the Foreign Relations Committee and wish to say that we are derelict in the performance of our duty and that we fail to perform our duty as assiduously and as thoroughly as some Senators think we should perform it, let the nomination be returned to the committee, in order that we may take further action.

But I do not think it is fair or just to anyone concerned, nor do I think it is in the best interests of the Senate of the United States, to have a precipitant debate, such as has occurred here, based on rumor here or there or on allegations from some irresponsible source.

I thank the Senator from South Dakota for yielding.

Mr. CASE. Mr. President, however unfortunate it may be that this debate has occurred or that some delay has occurred in the taking of action on the question of confirmation of the nomination of Mr. Bohlen, certainly it will be far more unfortunate for the Senate to confirm a nomination which should not be confirmed.

The very nature of the nomination now under consideration and the very nature of the times are such that the Senate should fully discharge its duties in connection with the confirmation of nominations.

If a matter which should govern the Senate's decision on a question of confirmation comes to the attention of the Senate, the Senate should take full cognizance of that matter, because a mistake would be far worse than delay.

Mr. TOBEY. Mr. President, will the Senator from South Dakota yield to me?

Mr. CASE. I yield.

Mr. TOBEY. We have heard so much said—and truly said—this afternoon about the flood of rumors about the Bohlen nomination, that I should like to ask whether we should not change the title of the popular song, I Am Always Chasing Rainbows to I Am Always Chasing Rumors—as is occurring in the cloakrooms of the Senate today.

Mr. CASE. Mr. President, many Senators are trying to determine, in connection with these matters, whether they are rumors or whether they are matters of substance. We desire to send an Ambassador to Russia free from the cloud of some unresolved derogatory information, so called.

I would not knowingly cast any vote to indicate a lack of confidence in either the President of the United States or the Secretary of State. They have my confidence; it rests upon the mutual respect that they will discharge their responsibilities and expect me to discharge mine. So, the question of confidence is not the purpose of any interrogation addressed by me to the chairman of the Foreign Relations Committee.

But in the face of the two contradictory statements in connection with the pending matter, it seemed to me that a question should be raised as to the nature of the derogatory information and whether it was of substance.

It seems to me that is a sound question, and one on which the Senate should have definite information, if it is possible for the Senate to obtain it.

The Senator from Iowa has referred to 1 of the 5 or 6 bits of derogatory information; and the presentation he has made would put it more or less in the character of the ridiculous. Perhaps that is all that could be said of the other 3 or 4 or 5 instances, whatever they were.

In any event, Members of the Senate Foreign Relations Committee should not take umbrage at the fact that Senators have raised these natural questions. I am sure they are not intended to reflect on any member of the committee.

If the Senate should say, "We would like to have a little more information on this matter," that would not be the first time that such a situation developed in the Senate, and it would not be a reflection upon the work done by the Foreign Relations Committee. Nor would it be entirely without precedent for the Foreign Relations Committee itself, on its own initiative, to say, "There are some matters on which we should have more information," and for the committee then to proceed to obtain the information and make it available to the Senate. Certainly, that would not be the first time that has happened in the history of the United States Senate.

Certainly, Mr. President, we wish to do the proper thing, and we wish to do it

as promptly as possible. It was for the purpose of resolving these questions that I was prompted to ask the question I did ask. It was to facilitate getting a vote on the Bohlen nomination at the earliest possible time and with the largest majority possible.

Mr. MALONE. Mr. President, will the Senator from South Dakota yield to me?

Mr. CASE. I am glad to yield.

Mr. MALONE. The distinguished Senator from South Dakota is doing the Senate a great favor by helping clear up this matter. I wish to say to him that we are faced with a little more than a rumor when we are told by responsible persons that Mr. Scott McLeod threatened to resign, following the testimony of the Secretary of State.

Furthermore, if the only derogatory material contained in the file on the nominee is that someone is said to have believed that the nominee looked like a potential criminal, certainly that is not information that a Senator of the United States could not properly obtain and inspect in order to clear up the situation regarding Mr. Bohlen. There must be more to it than that in order for the Secretary of State to refuse access to the Members of the Senate.

I should like to ask a question of the Senator from South Dakota, if he will permit me to do so. Is the Mr. Byrnes who has been referred to many times during the debate, Governor Byrnes, of South Carolina, the former Secretary of State?

Mr. CASE. I can only assume that it was Governor Byrnes who was referred to, because on page 105 of the hearing, the Secretary of State, Mr. Dulles, said:

> I was talking to the former Secretary of State, now Governor Byrnes, who called me up on a certain matter, and said—

And so forth. So I assume Mr. Dulles was referring to Governor Byrnes, of South Carolina, formerly Secretary of State.

Mr. MALONE. Was it not the former Senator Byrnes, who later was Secretary of State, and who now is the Governor of South Carolina, who, while Secretary of State, and upon his return from Yalta, made a national radio broadcast in which he affirmed that the proper procedure had been followed at Yalta, and that everything done there was for the best interest of this Nation?

Mr. CASE. Mr. President, I did not know that Secretary Byrnes made a radio address following his return from Yalta; but in all fairness to him, let me say that my definite recollection is that in his book Speaking Frankly he said he returned from Yalta to the United States with one of the admirals, prior to the conference between Stalin and Roosevelt which resulted in the secret agreement; and that Secretary Byrnes' knowledge regarding the so-called Yalta agreement did not develop until many months later, when he read in the newspapers that Russia was making certain claims, whereupon he called the White House and asked whether there was such an agreement; and, upon being advised that there was one, he asked that it be sent to the State Department so that he could know what secret agreements had been made.

So, Mr. President, in all fairness to Governor Byrnes, I think it should be stated that if he made a statement of the sort indicated by the Senator from Nevada immediately after his return from Yalta, that he made it in good faith, because he did not know about the agreement until many months later.

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

Mr. CASE. I yield.

Mr. MALONE. I may say that practically every Cabinet officer who has served in recent years has, following his Cabinet service, written a book in which he has denied having knowledge of much of what was done while he was in office—or he had disagreed with everything that turned out wrong and was overruled.

I do not want to cast any aspersions on former Secretary of State Byrnes; he at least finally righted himself and helped to defeat those responsible for our plight; but apparently he has now testified to the good character and efficiency of the nominee, Mr. Bohlen, who is nominated to be United States Ambassador to Russia; and now the Senate is asked to confirm the nomination on his recommendation.

Yet I understand that it was Mr. Byrnes, the present Governor of South Carolina, the former Secretary of State, who, without having sufficient knowledge, made a national radio speech at a time when practically every citizen of the United States was waiting to hear from him, because very serious questions had been raised as to the soundness of the commitments made at Yalta, and our people were waiting to hear Mr. Byrnes' opinion as to whether those commitments were proper or improper. At that time the substance of Mr. Byrnes' radio address, following the Yalta Conference—and following it by a very few days or weeks; I do not now recall the exact date—was to the effect that everything which was worked out at Yalta and all of the promises and commitments were proper and should be adhered to.

If Secretary Byrnes, or Governor Byrnes, as he is now, has not been advised of the report made by the security officer of the State Department or has not been advised of the FBI file, it may be that if he were so advised of the contents of the report or the contents of the file, he would change his mind, just as he did before, when he wrote his book, following his service as Secretary of State.

So I would say to the distinguished Senator from South Dakota that for 6 years such nominations have been submitted to us, or there have been submitted to us requests for appropriations for foreign activities, or we have been requested to take immediate action in passing so-called emergency bills, for it has been said that it is essential that we take action on them at once, and that the whole dynasty would fall if we did not act on them at once, that day or that week—whereas, as a matter of fact, the whole policy of the Roosevelt administration and the whole policy of the Truman administration were to deny to the Senate the information necessary for it to have in order to be sure that it was voting correctly on various nominations or various emergency measures.

At this time I am very much concerned about knowing whether our own administration is going to follow the same policy. It is not an auspicious start.

Mr. CASE. Mr. President, in concluding my remarks, let me say that it seems to me the suggestion made by the distinguished majority leader, the Senator from Ohio [Mr. TAFT], may afford a practical solution of this matter, namely, that one or two members of the Foreign Relations Committee be designated to examine the file and personally pass upon the so-called derogatory information, and then be in a position, on their honor, as members of the committee and as Members of the Senate, to pass along their verdict to the committee, on the basis of what they actually saw in the files.

In that manner, the Senate would be discharging its full responsibility in the matter.

Mr. HICKENLOOPER. Mr. President, will the Senator from South Dakota yield to me?

Mr. CASE. I am happy to yield to the Senator from Iowa.

Mr. HICKENLOOPER. I should like to make one or two suggestions to the Senator from South Dakota as a basis for asking him several questions.

As a member of the Foreign Relations Committee, I sat through practically all the hearings; I believe I missed 10 minutes of Mr. Dulles' testimony.

I have been greatly concerned about this matter. I believe there is some misconception which has gained a little currency this afternoon, and that is the misconception that positive proof is necessary in these matters.

I submit to the Senator from South Dakota that it is impossible to produce proof today as to what somebody will do next week or next year. That is the projection of guesswork, let us say, or judgment. We can prove today what somebody did today, or we can prove today what somebody did yesterday. But, for the purpose of fixing security risk or loyalty risk, the question of analysis, the question of what a person will probably do in the future, always has been and always will be a matter of speculation. Every time an employer hires someone to work for him he must evaluate the employee's past, and he must then guess what he might do in the future; he must guess whether he would be a loyal employee. It is impossible to produce proof today of what somebody will do tomorrow.

That is the great misconception that arises in connection with investigative files. The investigative file of an individual who is prospectively to be employed by the Government develops evidence of past actions or associations, in order that the evaluating officer may gain an idea of what the individual might possibly do in the future, or the risk some action of his might involve. We say frequently that, because there is no proof that an individual has done something wrongful in the past, we can be sure he will not do it in the future. There is nothing more fallacious.

I do not apply this to Mr. Bohlen, by any stretch of the imagination; but, by way of illustration, if a banker wants to hire a teller and he has the prospective employee investigated and the investigation shows that he never robbed any widows or orphans, that he never picked a pocket, that he was never a second-story artist who broke into rooms to steal, but it does show that he consistently and continually associated with thieves and crooks, robbers and bandits, is the banker going to project this showing into the future, and say, "Well, there is no proof that the man ever robbed a bank or an individual, and, merely because he had had association with thieves and scoundrels, that does not mean that I should not hire him as a teller and put him in charge of the depositors' money"?

That is a crude illustration, but it indicates the purpose of an investigative file which is to lay the background of personal history in order that the evaluator may determine whether an individual, going into a certain area of employment, might be a security risk or a loyalty risk. I hope we can lay the ghost of that argument. A security file, an investigative file, must be based on past activities and past associations, in order that the evaluating officer may have as broad a scope as possible in trying to make up his mind, in an effort to determine what somebody might do in the future. We are dealing with future possible action, not with any proof today of what somebody may do in the future, because it cannot be produced.

Mr. President, I sat through the hearing. I am sorry that my understanding of the testimony of the rumored derogatory allegations is not quite so succinct and clear as that of my colleagues. As I recall—and I think my memory is fairly clear—I do not remember that the Secretary analyzed specifically the particular instances of alleged derogatory rumor, or whatever it may be called, but they were more or less lumped together under a rather general statement that there were 4 or 5 instances of derogatory information in the file, and that he had evaluated them and decided, under his responsibility as Secretary, that they were not of sufficient import to cast any doubt or reflection upon the future loyalty or integrity or security risk of the nominee. Mr. President, I have not seen the file. I do not know of my own knowledge a single thing that is in the file. The Foreign Relations Committee elected not to have the file brought before it and examined by any individual member of the committee. The chairman elected to have the Secretary of State come before the committee and evaluate it, in his own judgment. Not having seen any allegations in the files, not having seen the alleged evidence, but having confidence in and high regard for the Secretary of State and the President of the United States, I asked the Secretary of State specifically whether, upon his responsibility, despite the fact that the security officer of the State Department had refused to clear this man, or said he would not or could not, the Secretary could assure us, after seeing all the evidence in the file, that he considered this man to be a good security and loyalty risk. When he said he did, and with the appointment by the President of the United States expressing confidence, it seemed to me that I had no other course than to sustain this appointment. It is entirely beside the point whether I would have sent Mr. Bohlen's name to the Senate. It is entirely beside the point whether I might or might not feel that Mr. Bohlen is a proper representative to be sent to Moscow. The only thing I have to go on is the statement of the Secretary of State, in whom I have confidence, as I have confidence in the President, that the Secretary has gone through the file and through the evidence, and it is his solemn assurance to us that Mr. Bohlen is not a security or loyalty risk. I have been denied, in effect, the right to see the file, and I make no complaint at this moment about that. But what I have indicated is what I have to rely on.

Mr. President, I believe that is the underlying situation involved here. I assure the Senator, if I had proof of any particular thing, I would give it to him.

Mr. CASE. Mr. President, it has been impossible for the Senator from South Dakota to find a statement in the hearings to the effect that the Secretary of State said that he, himself, ever did go through the file.

Mr. HICKENLOOPER. May I quote?

Mr. CASE. The only thing I find is that he went through the FBI report, the summary. He said, "I received, a day ago, a summary of the report of the FBI." Then, on page 106, in response to a question by the Senator from Iowa, he said:

> I do not know what you mean by clearing. I gave you my evaluation of the security report, the FBI report.

Mr. HICKENLOOPER. If the Senator will read further down the page, I put it in this way:

> Well, may I put it another way? Do I understand you—
>
> Referring to the Secretary of State—
>
> then, to assure the committee that you believe Mr. Bohlen, based on the full field investigation and whatever you know about the situation, is a good security and loyalty risk?

Mr. Dulles replied, "Yes."

I consider that as being all-inclusive.

Mr. CASE. Mr. President, I have found no statement to indicate that the Secretary read the file. The only statement I find is that he said he saw a summary of the report by the FBI and evaluated it.

Further, Mr. President, the question which the Senator from Iowa propounded, which went to loyalty and security, did not go to other features of the man's fitness for the position. The derogatory information apparently went to something other than loyalty or security risks. It is on that point that I feel the Senate could vote with considerably more confidence if some members of the committee had actually looked at the file and then stated, from the point of view of a Senator representing us, that the derogatory information is not substantial in character and is not important in our consideration of the question.

Mr. HICKENLOOPER. May I suggest to the Senator that the Secretary of State is, in fact, the security officer of the State Department? He is the head of that Department. The Secretary of State is the Under Secretary, the Assistant Secretary, and every other officer in that Department, because he has the authority and responsibility, and, as a rule, he only delegates authority to under officers. So he has the responsibility, the power, and the authority to make determinations.

Mr. CASE. Mr. President, if the word of the Secretary of State or the word of any other Cabinet head involved in a similar situation, were the only thing to be considered, there would be no justification for ever bringing a nomination to the Senate for confirmation.

Why bother with the process of confirmation if the opinion of the executive branch is not to be checked by the judgment of the Senate—and how judge without someone seeing the evidence for the Senate to evaluate from our point of view?

Mr. MORSE. Mr. President, I want to make a very few remarks in my own time on this question. I had not expected to discuss the matter, but the debate this afternoon makes it, so far as I am concerned, important that I make a record in regard to certain points which have been discussed on the floor of the Senate this afternoon.

It is my understanding that Mr. Bohlen is perhaps one of 3 or 4 outstanding authorities on the Soviet Union. In these critical days I think we had better have in Moscow as the Ambassador from the United States to Russia a man who knows something about Russia. That is why, Mr. President, I had assumed that this was an outstandingly fine nomination, and it has been my expectation, and it is still my hope, that I can vote to confirm the nominee.

The second point I want to make, Mr. President, is that it is also important that in our exercise of the advice-and-consent clause of the Constitution, as a Senate, we follow a course of action that will send to Moscow a strong ambassador, not one who, in large measure, we have destroyed before we send him there.

We cannot erase the debate of this afternoon in the Senate of the United States which is written in indelible chalk on the blackboard of history. I think that debate places the duty on the Senate to go into more detail to ascertain what the facts are, so that if we confirm the nomination of Mr. Bohlen he will be sent to Moscow a strong man and not one who has been weakened in public opinion at home and abroad.

If we let this record stand, I respectfully submit we have done damage, so far as the international standing of our representative in Moscow is concerned, because we would have to say that the present status of the whole situation is one of suspended doubt.

The third point I want to make deals with what I think, as one Member of the Senate, is now the duty of the Committee on Foreign Relations.

Mr. President, I do not agree with the distinguished Senator from Iowa [Mr. GILLETTE]. I sent a message to him say-

ing I was going to make some comments on his speech, and he very kindly came to my desk and said it was necessary for him to be at a conference, but that he would be perfectly satisfied for me to go ahead and make my comments in his absence. I do not agree with the Senator from Iowa that this matter is now in the hands of the Senate. It is true that in the earlier days of the Senate, when a committee brought a bill or a nomination to the floor of the Senate, it did not proceed further to discuss the bill or the nomination unless the matter was recommitted to the committee. But in recent years other precedents have been established in the Senate, and now, Mr. President, it is quite common for a Senate committee, particularly in the case of a nomination when problems have risen during the course of the debate on the floor with regard to the nominee, to give further consideration to that nominee without the matter being formally recommitted, although the procedure of recommittal is, of course, open to the Senate and is open to the committee for a request for recommittal.

The most recent case, in my recollection, is that of Anna Rosenberg. Her nomination came to the Senate and was placed on the calendar and was on the calendar for some days. There was a considerable amount of discussion in the cloakrooms by way of rumor. I shall have something to say about rumor in connection with my fourth point, Mr. President.

The Rosenberg case was on the calendar, and the Armed Services Committee, with no action by the Senate at all, decided to reconsider the nomination. The Rosenberg nomination was never recommitted to the Armed Services Committee. We actually held several days of hearings by way of reconsideration, Mr. President, of that case because of discussions and charges which had been talked about in the cloakrooms of the Senate.

So I say, most respectfully, to the junior Senator from Iowa that I think, on the basis of the discussion on the floor of the Senate this afternoon, in the interest of protecting Mr. Bohlen, and in the interest of sending an ambassador to Moscow in the strongest possible position, the Foreign Relations Committee of the Senate ought to give further consideration to this matter.

I understood, and I may have misunderstood, from the comments of the distinguished majority leader that he assumed that was exactly what was going to happen tomorrow morning—that the Foreign Relations Committee was going to have a further discussion of the Bohlen nomination tomorrow morning. I think the committee should do just that.

The fourth point I want to make, Mr. President, because it is easy to turn a phrase as a substitute for argument, that the suggestion that Senate substitute for the title of the old song, "Forever Chasing Rainbows," one which would read, "Forever Chasing Rumors," completely misses the point that now confronts the Senate in the Bohlen case. Such a humorous suggestion does not eliminate the problem, Mr. President, which has arisen as a result of rumors in respect to Mr. Bohlen. It so happens that when we are faced with the job of giving advice and consent to a nomination, and when rumors exist that will do a man great damage, we owe it to the nominee and to the country to track down those rumors and ascertain whether there is any substance in them. That happens to be our job.

We do not change it with a clever phrase, Mr. President. The Senator from South Dakota [Mr. CASE] has, I think, performed a service this afternoon when he pointed out in a very clear manner that the comment of the Secretary of State on the record is a comment which goes to loyalty and security. It is not a comment which goes to the other criteria which the Senate has always followed in the application of the advice-and-consent clause of the Constitution.

When the junior Senator from Iowa [Mr. GILLETTE] pointed out that one item discussed with the committee was so-called derogatory information that had come from someone who thought he had a sixth sense, it was perfectly obvious that that person was a crackpot.

How reassuring it would be to the Senate if the Committee on Foreign Relations could advise us that they had had presented to them all the other derogatory information that was referred to by Mr. Dulles, but apparently, as I read the record, was never, in any detail, presented to the Committee on Foreign Relations by Mr. Dulles. All he did was to give the committee his assurance that there was no basis in fact for any of the derogatory information.

Let us consider the origin of a nomination under our system of Government. It comes from the executive branch. The advice-and-consent clause is one of the checks of the Constitution. There is not much of a check if we allow the executive branch, which sends a nomination to the Senate in the first place, simply to say, "We now second the motion. We nominated Bohlen; now we second the nomination by telling you that we would not have sent the nomination in the first place if we did not think it was a good one. We tell you that the derogatory information in the FBI file is not of any substance."

Under the checks and balances system, that is not good enough for me, because I think a duty rests upon the Committee on Foreign Relations to check for itself whether there is any basis in fact for the derogatory information. It should check for itself and ascertain whether the information is of the crackpot type which the junior Senator from Iowa referred to, when he said that some person had certain derogatory information in the Bohlen file. and he was the type of person who thought he had a sixth sense.

I do not know, from what the junior Senator from Iowa said, or from what anyone else has said, in this debate, or from anything in the record of the case, whether all the derogatory information in the FBI file was of the crackpot type. I am not clear as to whether the Secretary of State gave to the Committee on Foreign Relations a detailed account of what the derogatory information was.

I agree with the senior Senator from Iowa [Mr. HICKENLOOPER] that it is not necessary that there be in the FBI file clear proof in regard to every charge. Certainly there ought to be in the file enough to establish a prima facie case which could raise a justifiable doubt that would call for further investigation on the part of the committee.

That leads me to the fifth point I wish to make, namely, how we are going to get information under a system by which the executive branch sends a nomination to the Senate, and the executive branch, in turn, is protected, as it should be, by the separation-of-powers doctrine. This afternoon we have heard members of the Committee on Foreign Relations say in argument, and quite rightly, that they cannot demand the file; that they are in a position in which, after all, it is up to the executive branch, under the separation-of-powers doctrine, to determine what, if any, portion of the file they desire to allow the legislative branch to see.

I think that right is pretty well established in a long line of incidents, and also in some cases, throughout our history, bearing upon the matter of separation of powers. But also I think the precedents are legion for the legislative branch of government, when called upon to give its advice and consent to say to the executive branch, "Unfortunately some doubts have been raised, and we would like to have the cooperation of the executive branch, so that at least one or more of our Members can resolve the doubts to the satisfaction of the committee and of the whole Senate."

That is why I think the suggestion of the majority leader, the distinguished Senator from Ohio [Mr. TAFT], makes much sense. I understood him to say that tomorrow, when the Committee on Foreign Relations met, he would again present the proposal to have 1 or 2 members of the committee inspect the file which he had previously presented, and which proposal had been turned down, but which I now think would be a stronger proposal, in light of the debate which has occurred on the floor of the Senate this afternoon. I understood his proposal to be that the Committee on Foreign Relations select 1 or 2 Senators to represent the committee in a conference with the executive branch of the Government—with the President, if necessary, although I think it could be done through the Secretary of State—and ask for the privilege—and mark you, I used the word "privilege"—of inspecting the FBI file in toto.

In my judgment, unless other discussion here will strengthen his position, that procedure would be only fair to Bohlen, because I do not think Bohlen should be sent to Russia unless a record can be made in this confirmation debate that will so rebut the rumors, the arguments, and the charges about him that the country as a whole will be satisfied that the Senate, in giving its advice and consent, did not rely upon clearance by the executive branch of Government, but relied upon its own investigation. I do not believe there is any substitute for such action now.

Let me emphasize the point. I am not saying that the Committee on Foreign Relations has any right to see the file. I say that, under the circumstances, it ought to have 1 or 2 of its members, or a subcommittee of the full committee, ask the executive branch of the Government for the extension of a privilege which the executive branch can grant to the Senate committee in relation to its own administration of the separation-of-powers doctrine, as has been done in the past, and as I think would be done in this case.

The subcommittee could then consider such derogatory information in the FBI file, which apparently has nothing to do with loyalty and security, and, I judge, has nothing to do directly with competency, but apparently has something to do with character.

On the basis of such knowledge as I have of Mr. Bohlen, I am inclined to believe that when that kind of investigation is made by the Committee on Foreign Relations, he will be completely cleared. I think we owe that to him. Because I think the votes exist to confirm the nomination of Mr. Bohlen on the floor of the Senate, no matter what is said in debate, it would be very easy simply to say, "We have the votes and are going to confirm the nomination." But I say that is not fair to Bohlen now. I think the only fair procedure now would be to have the Committee on Foreign Relations do exactly what we on the Committee on Armed Services did in the Rosenberg case, when vicious rumors were circulated about Mrs. Rosenberg. In the Rosenberg case the committee went back into session and blew those rumors and charges into thin air, because there was no substantiation in fact for them. At that time, as my then colleagues on the Committee on Armed Services can testify on the floor this afternoon, if they care to, that was exactly my position—I said that we owed it to Mrs. Rosenberg. It was the only fair thing to do.

Mr. President, I say we owe the same consideration to Bohlen. Of course—and I speak now hypothetically—if in the exercise of our checks and balances under the advice and consent clause it should be found that all this derogatory information was not of the crackpot nature that the junior Senator from Iowa [Mr. GILLETTE] referred to, but that it did rest upon a prima facie case, then how glad we would be that we did not vote to confirm him merely because we had the votes. That would be the easy way out of what is becoming a very unpleasant debate over this nomination. Senators are mature persons. Once an issue is drawn we can face it. I say that the issue has now been drawn. To put it very bluntly, the issue is whether or not Mr. Bohlen possesses the character which qualifies him to receive confirmation of his nomination by the advice and consent of the Senate.

I for one am not going to accept Mr. Dulles' statement or the statement of anyone else in the executive branch of government, because I have no right now to substitute their judgment for my responsibility. That statement is also true with respect to the Foreign Relations Committee. Therefore I think the Foreign Relations Committee ought to give further consideration to this matter, and, as the majority leader suggested, it ought to appoint 1 or 2 of its Members to confer with the Secretary of State and ask for the privilege of seeing the FBI file—not a summary of it. I do not think that a summary is good enough now. The committee should ask the privilege of seeing the file. That privilege has been extended by cooperative arrangements in other cases in the past. On the basis of such a check, which I say is in keeping with the true meaning of the checks and balances of the Constitution, the committee should report to the Senate as to whether or not the nominee meets all the criteria. I do not know why there is discussion by the Secretary of State only of loyalty and security risks, because another criterion has been thrown into question. I think we ought to leave no room for doubt that, on the basis of each of the four historic tests, Mr. Bohlen is fully qualified to be Ambassador to Russia.

I refer to the criteria of character; competency and mental soundness to carry out the President's program; loyalty and security; and, lastly, the absence of any personal interest which might accrue to his personal benefit from the appointment itself.

I respectfully say to my friends on the Foreign Relations Committee that I think they now owe us an additional report, based not upon any statement from Secretary Dulles, but upon their own exercise of their senatorial prerogatives in carrying out the checks and balances of the Constitution.

PROPOSED DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Senate resumed the consideration of legislative business.

Mr. CHAVEZ. Mr. President, in the very near future this body will consider a piece of proposed legislation which in my opinion is just as important as the question of whether or not Mr. Bohlen's nomination is to be confirmed by the United States Senate. That proposed legislation is what I wish to discuss briefly with the Senate. I beg the indulgence of the Senate for that purpose. I intend today to discuss one of the most important legislative measures to come before this body, namely, the plan to create a Department of Health, Education, and Welfare. I am heartily and completely in favor of that plan.

I am in favor of it not only because the activities carried on by the Federal Security Agency are among the most vital functions performed by the Federal Government but because of the honor it will bestow upon the gracious and charming lady who now occupies the position of Federal Security Administrator and who hails from one of New Mexico's neighbors—the great State of Texas.

For the past 4 years, as chairman of the subcommittee which examined and passed on this Agency's budget requests, I have had the opportunity to examine closely the work being carried on by the Federal Security Agency.

For many more years before that I was vitally interested in the activities which that Agency represents in the fields of health, education, and welfare.

I know of no other department of Government which impinges more directly on the welfare of all the citizens of our Nation. I know of no better way of demonstrating the interest of the Congress of the United States in the welfare of all the citizens of our Nation than by giving Cabinet rank to the Agency chiefly concerned with the well-being, happiness, and security of the people as a whole.

Surely our human resources deserve consideration and stature equal to our farm resources or our business resources. And this, in essence, is behind our present proposal.

There was a time, not so long ago in our history, when that simple proposition was not, by any means, as fully accepted as it is today.

A review of the development of the Federal Security Agency during the past few years or so can be, I think, instructive, not only in showing the development of this concept but in illustrating the extent of the present programs and demonstrating why the proposal for Cabinet status for those in charge of these programs deserves immediate affirmative action.

It was nearly 16 years ago—several years before the creation of the Federal Security Agency—that the Social Security Act was passed.

There were, prior to the enactment of this legislation, Federal programs which were concerned, in the broadest sense, with the welfare of our population. Indeed, all Federal programs have as their ultimate aim the general welfare. However, I believe that I am safe in saying that the social-security legislation of 1935 was an especially significant milestone in our history, for it wrote into law the concept of continuing Federal interest in social security. Moreover, by rightfully singling out the aged, the needy blind, and dependent children as of particular concern to society, it set an important precedent—that the Nation recognized responsibility for the welfare of those who had served society well or, through no fault of their own, were dependent on society for their maintenance.

When the Federal Security Agency was established in 1939, the purpose was to bring together under one head the bulk of the programs of the Federal Government devoted to this concept of general welfare.

What are these programs? How have the people of the United States, through their Government, united to get the things they want for themselves and their children?

In the area of health—the protection of the health of one's neighborhood and of the Nation—there are the many, diverse, and highly important tasks of the 155-year-old Public Health Service.

Such problems as sanitation, venereal disease, tuberculosis, cancer, mental illness, quarantine, hospital construction,

neurology, blindness, and other sicknesses are its daily concern. Through its own research and the Service's program of grants-in-aid for research to American universities, hospitals, and private research organizations, it is aiding in the struggle against illness and for a healthier, happier, and more productive America. Through grants to the States and in the form of technical assistance, demonstrations, and teamwork in fighting epidemics, the Service plays an irreplaceable role protecting the community against disease. Its quarantine service protects the Nation against epidemics from abroad. Its administration of the Hill-Burton Hospital Construction Act is aiding in the enormous job of adding thousands of needed beds to the Nation's hospitals. Its stream pollution, industrial health, and other health programs touch the lives, in some measure, of all of us.

In creating a Department of Health, Education, and Welfare, we will be providing the Surgeon General of the Public Health Service and his aids with added strength for carrying out these important duties.

In the area of education, there is the job of the Office of Education, another great part of the Federal Security Agency. The roots of our Federal interest in education go back a long way—to 1867, just after the Civil War. That was the year in which the office was first established to "promote the cause of education throughout the country."

Through research in teaching problems, by advice and help to schools and teachers, through State authorities, and by financial aid for certain kinds of education, the Office of Education today continues to carry out that purpose. Federal funds, for example, have been going to land-grant colleges for almost 150 years. And most of our States today are receiving Federal funds for vocational education and training in farming, home economics, industry, and business.

I have mentioned social security as an important milestone in American history. How does the Nation's social-security program operate today?

Essentially, there are two lines of defense which the Federal Security Agency's social-security program maintains against human problems of security and survival. They are old-age and survivors insurance and public assistance.

Old-age and survivors insurance, by building up protection against loss of family income through old age or death, contributes not only to the stability of our economy but provides many millions of American citizens with a minimum security that contributes immeasurably to individual happiness, well-being, and, I have no doubt, as well to our general productivity.

Old-age and survivors insurance benefits need, of course, to be extended to many more hundreds of thousands of our working population. I am glad to note that the President contemplates submitting legislation designed to broaden the present social-security program. With our rapidly aging population, old-age security has become an increasingly serious national problem.

It seems clear to me that the creation of a Department of Health, Education, and Welfare should give added impetus to such legislation and, by strengthening the hand of the present Federal Security Administrator, aid materially in the administration of such an extended program.

I am sure that no one will challenge the thought that the children of this country are our greatest national asset.

The new Department will continue to include the Children's Bureau, which, since its founding in 1912, has concerned itself with the health and welfare of our children. Some of its booklets, like Infant Care and Your Child From One To Six, have been read and pondered in hundreds of thousands of American homes and have aided millions of parents in rearing their children.

The great work of helping the States to furnish medical treatment to crippled children and of aiding children who lack real homes or who are neglected by their parents is surely one of the most important investments that we can make in the future of America.

The Office of Vocational Rehabilitation, another unit of the proposed new Department, cooperates with the States in the vocational training and placement of the physically handicapped. This program—directly affecting human beings—will gain strength through the creation of a Department of Health, Education, and Security.

So, in my opinion, will the Food and Drug Administration, which protects American families by safeguarding the purity of our food, medicines, and cosmetics. With the Public Health Service, the Food and Drug Administration gives health protection to the millions of American consumers and contributes materially to the security and well-being of the American family.

The importance of the work of the Federal Security Agency—which will be carried on, and, I have no doubt, in the course of time will be strengthened by the Department of Health, Education, and Welfare—can perhaps be illustrated by a few figures.

Figures and statistics, in their own right, are cold. I would ask that we think of these figures in terms of people and of our human resources.

Think what it means in these terms when we make note of the fact that 4 out of 5 American jobs now have social-security protection and more than 5 million people are drawing monthly benefits under the system.

When we speak of public assistance, let us think what that term means to nearly 5 million persons—the needy blind, needy aged, dependent children, and the needy disabled who are benefiting from this agency program.

Leadership and guidance is being given, through the States, to some 28 million children enrolled in our elementary and secondary schools, including 3 million high school students in vocational education classes who receive direct aid from the Federal Government.

Think of the importance that this program takes on for the children and the parents of the children who benefit each day from their Government's interest in education.

Every buyer of every drug and everyone living under the health protections afforded by these programs is a witness to their Government's day-to-day efforts to produce a healthier, happier, and more productive America.

These are examples, and only examples, of statistical measurement of the work of this agency. The roots of these programs go deep, into the thousands of small towns and communities throughout the land. Their influence is felt by Americans in the farthest corners of the Nation.

This fact alone leads me to endorse the present proposal.

I am happy to support this bill to create a Department of Health, Education, and Welfare to carry on the job of conserving and strengthening our human resources.

SUPPLEMENTAL APPROPRIATIONS, 1953—CONFERENCE REPORT

Mr. BRIDGES. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3053) making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes. I ask unanimous consent for the immediate consideration of the report.

The PRESIDING OFFICER (Mr. POTTER in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3053) making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 28, 35, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 11, 13, 14, 17, 21, 23, 26, 29, 34, 36, 38, 40, 41, 43, 44, and 45, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"Capitol Buildings: For an additional amount for 'Capitol Buildings', $800."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment, insert the following: ", to remain available until expended, $13,000,000, of which $8,000,000 is for liquidation of obligations incurred pursuant to the contract authority granted by the Act of October 16, 1951 (65 Stat. 422)"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree

to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment, insert:

"THE WHITE HOUSE OFFICE

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', including employment without regard to the civil service and classification laws of an economic adviser to the President and a staff incidental thereto, $50,000."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 6, 8, 10, 12, 16, 18, 19, 20, 24, 25, 27, 30, 31, 32, 33, and 42.

STYLES BRIDGES,
HOMER FERGUSON,
GUY CORDON,
CARL HAYDEN,
Managers on the Part of the Senate.

JOHN TABER,
R. B. WIGGLESWORTH,
CLIFF CLEVENGER,
FRED E. BUSBEY,
CLARENCE CANNON,
JOHN J. ROONEY,
JOHN E. FOGARTY,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BRIDGES obtained the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. BRIDGES. Certainly.

Mr. JOHNSON of Texas. I should like to inquire whether the Democratic managers on the part of the Senate signed the conference report.

Mr. BRIDGES. The Senator from Arizona [Mr. HAYDEN] signed it. The Senator from Georgia [Mr. RUSSELL] was not in town. However, he was present at the conference that was held today.

Mr. JOHNSON of Texas. I wonder whether I should notify the senior Senator from Arizona——

Mr. BRIDGES. All of us agreed on the report.

Mr. JOHNSON of Texas. I thank the Senator from New Hampshire.

Mr. LEHMAN. Mr. President, will the Senator from New Hampshire yield for a question?

Mr. BRIDGES. Yes.

Mr. LEHMAN. It is not quite clear in the report what provision was made for rural electrification and for the rural telephone program. I wonder whether the Senator from New Hampshire would give an explanation of it.

Mr. BRIDGES. I am glad the question has been asked, because the distinguished Senator from North Dakota also asked me with reference to it.

When the bill came to the Senate from the House of Representatives, there was no provision contained in it for either rural electrification or for the rural telephone program. The Senate, after hearings, and getting a budget estimate from the present Budget Director, deducted $15 million from the REA and gave it to the rural telephone program. Therefore, when the bill went to conference, it contained this addition by the Senate.

Then in the conference, where we had to reach a compromise, we reduced REA electrification funds by $15 million, but provided for only $10 million additional for the rural telephone program; in other words, in effect we rescinded $5 million of REA authorization.

So when the conference report went to the House for action, the reduction of $15 million in REA authority and the $10 million increase in telephone authority were rejected.

On two record votes, the House rejected both the conference compromise proposal and an amendment to increase the telephone program authority without a reduction in electrification authority.

Today the conferees on the part of the Senate met and reached a decision. I may say to the distinguished Senator from Texas [Mr. JOHNSON] that the senior Senator from Georgia [Mr. RUSSELL] was present at our meeting today, as was the Senator from Arizona [Mr. HAYDEN]; and at the meeting we decided unanimously to instruct the chairman of the committee to move that the Senate agree to the report and recede from the amendment on the part of the Senate, for the reason that the House had voted so decisively on the matter. This subject can be acted upon in a coming appropriation bill at a time when there is opportunity to explore it fully. Another reason for prompt action at this time, is that the measure before us carries appropriations for various Senate special committees and their employees, which will be without funds unless this supplement appropriation bill is acted upon very soon.

Mr. JOHNSON of Texas. Mr. President, will the Senator from New Hampshire yield to me?

Mr. BRIDGES. Certainly.

Mr. JOHNSON of Texas. Is it the intention of the distinguished chairman of the committee and of other members of the conference to have considered, in connection with the next supplemental appropriation bill, the needs of those interested in rural telephones and the needs of others who have made application in an attempt to meet such needs?

Mr. BRIDGES. Yes; to do so in the one which comes first, either the regular appropriation bill or the supplemental bill; and I have so informed the distinguished Senator from North Dakota [Mr. YOUNG], who was one of the most ardent proponents of the telephone matter.

Mr. LEHMAN. So was I.

Mr. President, I should like to ask a question of the Senator from New Hampshire.

Mr. BRIDGES. Certainly.

Mr. LEHMAN. In view of the fact that the House rejected the two amendments which were adopted by the Senate, what is the present status of the contingent fund for rural electrification?

Mr. BRIDGES. There is no change; it returns to its former status.

Mr. DWORSHAK. Mr. President, will the Senator from New Hampshire yield to me?

Mr. BRIDGES. I yield.

Mr. DWORSHAK. According to the conference report, the conferees on the part of the Senate receded from Senate amendment numbered 39; and according to the statement on the part of the managers for the House, that amendment would appropriate $1,000,000 for grants to the Republic of the Philippines, as proposed by the House of Representatives.

The chairman of the Senate Appropriations Committee will recall that during the discussion of the proposed amendment with members of the committee, it was decided that because of the inadequacy of the information available to the committee at that time, action should be deferred until additional information could be made available by the Bureau of the Budget. Does the chairman of the committee recall that discussion?

Mr. BRIDGES. Yes, I do. I may say that in the interim the new Director of the Bureau of the Budget, Mr. Dodge, sent up a budget justification, together with a request and a statement that the appropriation item was urgently needed. That occurred in the interim period between the Senate action and the conference with the House.

Mr. DWORSHAK. I am sure I had no information which would indicate that the Bureau of the Budget was satisfied. I merely wish to point out that I have heard many rumors that—regardless of whether this matter is under the jurisdiction of the Veterans' Administration or comes under the provisions of the act—the Republic of the Philippines has absolute authority for supervising this hospitalization program I am serving notice that before the regular appropriation bill for 1954 is acted upon, I shall demand some information on that subject.

I may point out for the information of the chairman of the committee that I have before me a clipping from the Philippine Free Press of Manila, dated January 31, 1953, with the heading "Hospitalization Racket." I am sure that if the chairman of the committee will read this brief article he will agree with me that there is reason for doubt and suspicion on the part of the Appropriations Committee as to the desirability of this particular program.

As I have said, I do not know whether we have any jurisdiction or any authority, or whether the Veterans' Administration is compelled by law merely to transfer the funds, to be expended by the Republic of the Philippines.

Mr. President, I now ask unanimous consent to have printed at this point in the body of the RECORD the article under the heading "Hospitalization Racket."

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

HOSPITALIZATION RACKET

(By Filemon V. Tutay)

When investigators of the Police Affairs Division of the Philippine Constabulary first went to the Vis Medicatrix Naturae Clinic in Malabon, Rizal, sometime last October, they never suspected that they would stumble upon a complicated racket involving hospital benefits for war veterans. The constabulary agents were assigned by Capt. Jose del Rosario merely to check on reports that some patients at the clinic had the dangerous habit of firing their firearms inside the hospital when they got drunk. But in the process of investigation the agents found that many of the ailing war veterans, recorded as "in" on the charts of the clinic

and supposed to be receiving medical treatment were somewhere else. They were not in the hospital.

One veteran who appeared in the records as a patient in the hospital turned out actually to be attending his classes in the College of Agriculture of the University of the Philippines in Los Baños, Laguna. In consideration for the use of their names on the hospital charts, the "absentee patients" received monthly allowances out of what the hospital collected for their supposed subsistence and medicines from the Philippine Veterans' Board.

When the agents submitted their report, their findings on the original complaint about the illegal discharge of firearms were ignored, while the portion of the report relating to the racket was immediately attended to. Lt. Col. Hospicio Tuazon, the new chief of the Police Affairs Division, ordered more men to work on the case. One team of agents was assigned to a round-the-clock suveillance of the V. M. N. clinic while another team was charged with gathering evidence on the illegal activities of the director.

After more than a month of intensive investigation, the constabulary operatives were able to assemble evidence sufficiently strong to warrant positive action. A raiding party was organized and just before noon on December 11, last, a strong force of agents with a security screen of heavily armed troops descended upon the suspected hospital. The raiders seized a large quantity of incriminating documents, including receipts for various sums allegedly received by patients from Dr. Alberto Bañas, owner, manager, and director of the clinic.

As established by the findings of the agents, the racket was operated in this manner. Under the Rogers Act, a war veteran certified as sick and therefore entitled to hospital benefits under the act, is authorized to collect ₱10 a day for subsistence and another ₱10 for his medical needs in accordance with the prescriptions of his physician. This provision proved a strong attraction to certain unscrupulous individuals. Veterans are made to appear as patients in a hospital, duly authorized by the Philippine Veterans Board to accept veteran patients, although actually they may be in their own homes in another part of the country.

At the end of each month, the hospital collected from the PVB the equivalent of the patients' subsistence and medicines, amounting to ₱600 a month per patient. (The PVB in turn collected from the United States Veterans' Administration.) From this amount, the absentee patient got his cut of ₱65 or more for doing nothing. But when some patients discovered that the hospitals were raking in profits of from ₱400 to ₱535 a month per patient, they demanded a bigger share. It was then that some of the smarter absentee patients were given a substantial increase in their allowances. Some patients, it was learned, collected as much as ₱200 a month for the use of their names on hospital charts.

To add to their cut some of the more enterprising patients acted as agents to contact veterans who might be in the provinces and not familiar with the racket. They later came to Manila only to sign some papers and signify their intention to take advantage of the hospital benefits offered in the Rogers Act. Then they returned to their own homes in the provinces and waited for their monthly allowance. Before the allowance was sent, however, the agents first deducted their commission, usually ₱20 to ₱40 a month.

At this writing, three criminal cases for estafa through falsification of public documents have been filed against Dr. Bañas, of the VMN clinic. In one case, he has already been convicted by Judge Bienvenido A. Tan of the Court of First Instance of Rizal, and sentenced to 4 years and 1 day in prison, and to pay a fine of ₱5,000. In imposing the sentence, Judge Tan said: "The court * * * could not fail to consider the fact that the act committed by the accused in this case is not only illegal but repugnant to the conscience of all law-abiding citizens, because it diverts the funds destined to destitute veterans for their invaluable services to their country as a partial token of appreciation of a grateful people, to serve the selfish interest of heartless individuals." Bañas appealed the decision. He stands charged in two similar cases before the Court of First Instance at Pasig.

Constabulary authorities believe that they have hardly scratched the surface of the racket. They are confident that numerous other estafa cases will be developed from the findings of government investigators. This will require the services of a special prosecutor to handle nothing else but cases involving the hospitalization racket. For this special assignment, Secretary of Justice Oscar Castelo designated Assistant Provincial Fiscal Jose Castillo, of Rizal, because of his familiarity with the background of the racket. Castillo handled the successful prosecution of the first case against Bañas.

In order to be better prepared for the job, Fiscal Castillo accompanied the constabulary agents when they raided the clinic of Dr. Jesus Crisologo in Quezon City on January 8. Here, as in the hospital of Dr. Bañas, the constabulary found telltale signs of irregularities and the raiders seized documentary evidence in the form of hospital charts and other papers.

The hospital of Dr. Crisologo was under contract with the Philippine Veterans Board to treat 30 veterans. At the time of the raid, however, 15 of the patients were out on pass. This was a violation of the provisions of the contract which limited pass leaves to 10 percent of the number of patients under treatment. Under the contract, only three patients could be out of the hospital at any one time.

As a result of the raid, constabulary authorities issued an alarm for the apprehension of guerrilla "Col." Justiniano Estrella, who was suspected of having connived with the hospital director in committing irregularities. Constabulary agents were able to intercept letters written by Estrella to other veterans persuading them to be hospitalized at the Crisologo clinic as a means of making money without having to work for it.

On the strength of evidence gathered by the constabulary, an information similar to that filed against Dr. Bañas has been filed before the Court of First Instance in Quezon City charging Dr. Crisologo with the crime of estafa through falsification of public documents. "Colonel" Estrella was named as coaccused in the case.

About 1 week following the raid in Quezon City, constabulary investigators swooped down on a clinic in Cavite City owned and operated by Dr. Rizalina Bautista-Poblete and her husband, Dr. Juan Poblete. Guerrilla Capt. Bienvenido Santos furnished the intelligence report which led to the raid. He complained to constabulary officials that while he was treated at the clinic for only a few days, it was made to appear in the records of the hospital that he was under treatment for long periods.

In a statement made before investigators of the constabulary and the United States Veterans' Administration, Santos alleged that he entered the Poblete clinic on May 8, 1952, but left the following day. He returned to the clinic on July 5, 1952, stayed for a while, and then left again. He came back every now and then, but never stayed in the clinic as a regular patient. During the intervals between his visits to the clinic, he said that he was never given any pass or furlough. He was not administered any treatment unless he went to the hospital, contrary to the records on his case.

The clinic of the Pobletes was under contract with the Philippine Veterans Board to treat 148 war veterans. This is probably the largest number of patients allowed any single hospital of the 34 under contract with the PVB. At this writing (Tuesday) cases, similar to those filed against Dr. Bañas and Dr. Crisologo, were still under study for filing against the operators of the Cavite City Clinic.

According to the findings of constabulary investigators, certain officials and employees of the Philippine Veterans Board will probably be involved before the whole mess is cleared up. It is pointed out that agents of the racketeering hospitals found no trouble in having the papers of applicants for hospitalization under the Rogers Act approved promptly by simply dealing with these officials and employees. Hospital owners have also complained that they could not collect from the PVB unless they shelled out to these mulcters. In making their collections for the hospitalization of war veterans, the hospital operators do not deal directly with the Manila office of the United States Veterans' Administration, which administers the Rogers hospitalization benefits to Filipino veterans, but with the PVB, which in turn collects from the USVA.

In this connection, it is significant to note that Maj. Gen. Guillermo B. Francisco, acting chairman of the Philippine Veterans Board, has asked for the investigation of PVB personnel reported to have enriched themselves in office. In his letter to Senator Lorenzo M. Tañada, chairman of the Senate Blue Ribbon Committee, General Francisco said that some PVB officials and employees have been reported to him as living beyond their legitimate means as government officials.

Mr. BRIDGES. Mr. President, let me say to the distinguished Senator from Idaho, who is an ardent champion of economy and is also an ardent champion of what is right, that he has very ample grounds for making the statement he has made. However, none of the $1 million conferred in this bill will go for construction of hospitals; it is exclusively for medical expenses of veterans. When the regular Independent Offices appropriation bill comes along, there will be an opportunity to look into the matter; and it is the intention of the chairman of the committee to see that this matter is gone into completely and thoroughly. I believe the Senator from Idaho is absolutely correct in the position he takes.

Mr. DWORSHAK. I thank the chairman of the committee. I have absolutely no reason to oppose any appropriation in implementation of funds for the Republic of the Philippines for the hospitalization of veterans of World War II.

On the other hand, there is evidence that there have been abuses and exploitation, and that the veterans of the Republic of the Philippines who are intended to be the beneficiaries of this program are becoming the innocent victims of a hospitalization racket. Certainly it is our business to investigate before we make the appropriations for the fiscal year 1954.

Mr. BRIDGES. I agree with the distinguished Senator from Idaho.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the

Senate to House bill 3053, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
March 19, 1953.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 8, 10, 12, 16, 18, 19, 20, 25, 30, 31, 32, and 42 to the bill (H. R. 3053) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes," and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 24 to said bill and concur therein with an amendment, as follows: In lieu of the sum of "$28,000,000" in said amendment, insert "$24,000,000."

That the House recede from its disagreement to the amendment of the Senate numbered 27 to said bill and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert ": *Provided,* That for the fiscal year beginning July 1, 1952, and for the succeeding fiscal year, each local educational agency of a State, which provides free public education during such year for children who reside with a parent employed by the Department of Defense on Federal property, other than in the District of Columbia, situated within reasonable commuting distance from the school district of such agency but not within the same State, shall be entitled to payments under the provisions of section 3 (b) of Public Law 874, 81st Congress, with respect to such children in the same manner as if such Federal property were situated in the same State as such agency.

That the House insists upon its disagreement to the amendment of the Senate numbered 33.

Mr. BRIDGES. Mr. President, I move that the Senate concur in the amendments of the House of Representatives to the amendments of the Senate numbered 24 and 27, and that the Senate recede from its amendment numbered 33.

The motion was agreed to.

CASUALTIES IN KOREA—CONTINUATION OF TRADE BETWEEN WESTERN EUROPEAN COUNTRIES AND RUSSIA AND SATELLITE COUNTRIES—35,520 DEAD, NEARLY 500,000 INJURED, NOT INCLUDING LAST 15 MONTHS' NONBATTLE CASUALTIES.

Mr. MALONE. Mr. President, an Associated Press dispatch published today, dated at Seoul, Korea, on March 20, states, in part:

KOREA WAR BACK WHERE IT BEGAN ON 1,000TH DAY—TROOPS FIGHT ON IN FOG AND 2 INCHES OF RAIN

SEOUL, KOREA, March 20.—Today is the 1,000th day of the costly, inconclusive Korean war with the battle line in the middle of the Asiatic peninsula. That's just about where the boundary was when North Korean troops invaded South Korea to start the war June 25, 1950.

I also have before me a dispatch by the Chicago Tribune Press Service, from New York, on March 20, reading in part as follows:

CANADIAN U. N. GROUP AFFIRMS "SOFT" RED POLICY

(By Chesly Manly)

NEW YORK, March 20.—Canada's delegation to the United Nations today reaffirmed its policy of conciliating the Soviet Union, whose veto in the security council is the sole obstacle to the appointment of Lester B. Pearson, Canada's external affairs minister, as secretary general of the U. N.

Mr. President, a dispatch dated about March 4 said that when Russia was charged with trading with and sending war materials to Communist China, that Russia had said that of course she was sending such war materials to Communist China under a mutual assistance security pact with Communist China.

At that time—March 6—the junior Senator from Nevada inserted in the CONGRESSIONAL RECORD the controlling paragraph of the pact between Russia and Communist China, reading: "The high contracting parties (Russia and China) agree to afford one another all possible economic assistance in the post-war period."

ENGLAND-RUSSIA MUTUAL ASSISTANCE PACT

He also placed the corresponding paragraph of the mutual security pact between England and Russia in the record, reading:

The high contracting parties agree to render one another all possible economic assistance after the war.

Ten or 12 years are yet to run on those pacts.

FRANCE-RUSSIA MUTUAL SECURITY PACT

The corresponding paragraph of the mutual security pact between France and Russia was also placed in the RECORD on March 6, reading:

The high contracting parties agree to render each other every possible economic assistance after the war.

These are independent pacts, and all of them are in good standing with no indication that either party to such pacts intends to ask for relief.

THE ATLANTIC MUTUAL SECURITY PACT

I also placed in the RECORD the corresponding paragraph of the mutual security pact—the Atlantic Pact—between the United States and 11 European nations, including France and Britain—reading in part: "encourage economic collaboration between any or all of them, to promote conditions of stability and well being, and to encourage economic collaboration."

Of course, it is well known and understood that Britain has recognized Communist China to preserve and maintain her trade as usual between Singapore and Hong Kong and Communist China.

SURROUNDED BY MUTUAL SECURITY PACTS

Mr. President, we are entirely surrounded with mutual security pacts. Also we were served due notice of the avowed intentions of England and France to trade with Russia and other Iron Curtain countries.

There is also the information, which now is reliably reported, and no longer denied, that Britain has continually sent tin, rubber, and manufactured goods from Hong Kong and Singapore into Communist China, and that such shipments continue to be made.

NEARLY 100 TRADE PACTS

We also know and have known from the beginning of the Marshal plan aid that the 17 Marshall plan European nations continue to trade with Russia and the satellite nations, with whom they have approximately 100 separate and distinct trade pacts, including sending just about everything to any potential enemy that Russia needs to fight world war III with us.

THIRTY-TWO THOUSAND FIVE HUNDRED AND TWENTY DEAD—NEARLY 500,000 INJURED—NOT INCLUDING THE LAST 15 MONTHS' NEW BATTLE CASUALTIES

It is well known and recognized that there are but a token number of troops from the European nations fighting with the United States troops in Korea.

Mr. President, I submit for the RECORD a tabulation to and including March 18, 1953. The number of men killed in action to be 23,209—23,209 troops, mostly American; missing, assumed to be dead, 223; missing, with no knowledge on the part of the Defense Department as to where these men are—men about whom little doubt is entertained that they are dead—9,088; prisoners of war, 2,305; wounded in action, 95,246.

A total, Mr. President, including killed in action, missing, and assumed to be dead, and missing, with present whereabouts unknown and with no other available information, a total of 32,520.

The record for nonbattle hospitalized injuries the first 18 months of the war—July 1, 1950, to December 31, 1951—totaled 401,628, of whom 3,340 died of such injuries.

I ask unanimous consent to have this table placed in the RECORD at this point in my remarks.

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

To March 18, 1953

Killed in action	23,209
Missing (dead)	223
Missing (don't know)	9,089
	32,520
Prisoners of war	2,305
Wounded in action	95,246
Men wounded and injured—nonbattle, injuries July 1, 1950–Dec. 31, 1951—first 18 months of the war	401,628
Men who died as a result of nonbattle injuries	3,340
Total dead or missing (don't know where they are)	35,860

NON-BATTLE-HOSPITALIZED INJURED FROM JANUARY 1, 1952, TO MARCH 18, 1953

Mr. MALONE. The National Defense Office was unable to give me the number of hospitalized injured and the number of deaths resulting from such injuries for the last 15 months of the "police action" in Korea.

I have been told that these figures will be available within a few days and will be furnished me.

DEATHS AND INJURIES—BATTLE AND NONBATTLE

Mr. President, I call attention again to the fact that the total deaths, as a result of this war, can be presumed to be 35,860 as of March 18, 1953.

There are, Mr. President, 95,246 injured in battle to and including March 18, 1953, and that there are 401,628 additional men classified as non-battle-hospitalized injured up to December 31, 1951. The number of non-battle-hospitalized injured from December 31, 1951,

to March 18, 1953, is yet to be reported—also the number of deaths resulting from such injuries.

FURTHER INFORMATION FORTHCOMING

Mr. President, these figures were just secured from the Secretary of National Defense Public Relations Office. Within a few days, I am promised the data, the number of nonbattle casualties from January 1, 1952, to March 18, 1953. They could give me no information now.

I have been told they do not have these figures compiled, but that they will have them within a few days, and I promise the Senate a full report when I receive them. I think it can safely be assumed that, since there were many more men fighting during the past 16 months than there were during the first 18 months, that the nonbattle casualties will be at least equally high.

Mr. President, I now desire to introduce a bill.

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

BRIDGE CANYON DAM AND INCIDENTAL WORKS IN MAIN STREAM OF COLORADO RIVER JUST ABOVE LAKE MEAD—THE LOWER BASIN STATES

Mr. MALONE. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, located just above Lake Mead formed by Hoover Dam.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

There being no objection, the bill (S. 1438) authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, was received, read twice by its title, and referred to the Committee on Public Works.

Mr. MALONE. Mr. President, I am introducing this bill for the construction of Bridge Canyon Dam, for the storage of water and for power development on the Colorado River.

This is the fourth of a series of dams in the lower basin of the Colorado River, and is about as large as the gigantic Hoover Dam, formerly Boulder Dam, begun in 1930 and completed in 1935.

THREE-QUARTERS OF A MILLION KILOWATTS ELECTRICAL ENERGY

The installation for Bridge Canyon, which is located just above the headwaters of Lake Mead, is estimated to cost $325,310,000, and would generate approximately 750,000 kilowatts of electrical energy, which is roughly equal to the output at Hoover Dam.

OUTPUT WOULD RELIEVE TIGHT POWER SUPPLY

Mr. President, the construction of the dam would relieve the tight power supply in southwestern United States for national defense, and would aid greatly in the extension of necessary defense projects.

TITANIUM—A CLEAR MATERIAL

For example, more power is needed by the titanium project, located at Henderson, Nev., which is the largest titanium plant in the world at this moment. Titanium is twice as strong as aluminum per pound, much stronger than steel per pound, it does not corrode, even in sea water, and has many other qualities which make it absolutely necessary for the national defense, including the construction of airplanes, guided missiles, and other war material.

AID DEVELOPMENT LOWER BASIN STATES

The construction of the dam would aid and extend industrial development of the lower basin States in accordance with a long-range plan envisioned in 1928, when the Boulder Dam Project Act was passed during the Coolidge administration.

President Hoover signed the first appropriation bill to construct that important project, without which it would have been problematical whether we could have produced enough critical magnesium and other war material to win World War II.

COST REPAID WITH INTEREST

The cost of the entire project—Bridge Canyon Dam—will be repaid with interest over a definite amortization period, under the precedent set in 1928 in the construction of Hoover—Boulder—Dam. Power now generated at Hoover, Davis, and Parker Dams is all contracted for and is in use at a price that will return to the Government, on a definite amortization plan, money that was advanced for construction by the Government from 1931 to 1935.

SPECIFICATIONS, PURPOSE, AND COST OF THE DAMS

Under terms of the bill, a dam at Bridge Canyon would have a height above bedrock of 740 feet and would form a reservoir with a capacity of 3,720,000 acre-feet.

Power to be developed is estimated to be 750,000 kilowatts. Crest length of the dam would be 1,950 feet.

Total estimated cost of Bridge Canyon dam and power project, according to 1952 estimates, would be $325,310,000 and would be divided as follows: $224,604,000 for the dam and reservoir; $92,219,000 for the power plant, and $8,491,000 for the Coconino Dam and Reservoir on the Little Colorado for regulatory purposes.

Construction of the dam would make it possible to reduce storage space reserved in Lake Mead for flood control, thus increasing average available power head for the Hoover Dam plant.

The construction of the project under terms of his legislation would advance the interest of all the Colorado River lower-basin States and that Nevada could easily utilize one-third of the power to be generated in her growing national defense industries when it was ready for delivery. The construction of Bridge Canyon Dam would take 5 years following passage of legislation.

FURTHER DEVELOPMENT OF COLORADO RIVER

The junior Senator from Nevada is ready to join in introducing further legislation that would see the construction of Glenn Canyon Dam immediately above Bridge Canyon.

CONCLUSION OF 25-YEAR PLAN

Mr. President, construction of these dams would mean conclusion of a 25-year plan, first projected in 1927, beamed at the industrial development of the lower-basin States on the Colorado River.

TIME IS OPPORTUNE

The time for the construction of this project is opportune. In fact, it is overdue, Mr. President, because the Southwestern States have utilized all of the low-cost power developed within their area, and the national defense potential of these States is limited only by the amount of low-cost power and water which can be developed, and it is one more step in the great industrial development of the Southwest.

Besides producing urgently needed electricity and storing and controlling the waters of the Colorado River, the Bridge Canyon Dam would serve many other valuable uses, not the least of which is controlling the silt which now flows into Lake Mead, back of Hoover Dam.

FIRM POWER

When Bridge and Glenn Canyon—just above Bridge—are both constructed, all of the power produced in the entire lower basin States, if properly integrated from Glenn, Bridge, Hoover, Davis, and Parker Dams, will be firm power.

AUTHORIZATION TO VICE PRESIDENT TO SIGN ENROLLED BILL (H. R. 3053) DURING ADJOURNMENT OF SENATE

Mr. TAFT. Mr. President, I ask unanimous consent that the Vice President be authorized to sign, following the adjournment today, the enrolled bill (H. R. 3053), the second supplemental appropriation bill which has just been passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. TAFT. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

ADJOURNMENT TO WEDNESDAY

Mr. TAFT. I move that the Senate adjourn until next Wednesday at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate, in executive session, adjourned until Wednesday, March 25, 1953, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 23, 1953:

UNITED STATES ATTORNEYS

Lloyd H. Burke, of California, to be United States attorney for the northern district of California, vice Chauncey F. Tramutolo, resigning.

John F. Raper, Jr., of Wyoming, to be United States attorney for the district of Wyoming, vice John J. Hickey, resigned.

UNITED STATES MARSHALS

Howard C. Botts, of Ohio, to be United States marshal for the southern district of Ohio, vice Harold K. Claypool, term expired.

Bernard A. Boos, of South Dakota, to be United States marshal for the district of South Dakota, vice Theodore B. Werner, resigned.

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), title II of the act of August 5, 1947, (Public Law 365, 80th Cong.), Public Law 759, 80th Congress, and Public Law 36, 80th Congress, subject to physical qualification:

To be lieutenant colonel

Harvey C. Slocum, MC, [redacted].

To be captains

Lindsey D. Campbell, MC, [redacted].
Andrew E. Cyrus, Jr., MC, [redacted].
Thomas P. Mullaney, Jr., MC, [redacted].
William H. Sewell, MC, [redacted].

To be first lieutenants

Paul Berger, JAGC, [redacted].
Joseph S. Churan, DC, [redacted].
Wade J. Dahood, JAGC, [redacted].
John P. Devlin, MSC, [redacted].
Jay G. Hanson, DC, [redacted].
Carl W. Lusby, Jr., DC, [redacted].
Paul G. Tobin, JAGC, [redacted].

To be second lieutenants

Robbie F. Cooper, ANC, [redacted].
Ellen F. Gubics, ANC, [redacted].
Eunice M. LeBlanc, ANC, [redacted].
Elizabeth E. Lothian, ANC, [redacted].
Bernard K. Mulrenin, MSC, [redacted].
Peyton E. Pitts, MSC, [redacted].

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

Forrest D. Tignor, Jr., [redacted].
Philip J. Cahill, [redacted].

The following-named officer for promotion in the Regular Air Force, under the provisions of section 502 and 508 of the Officer Personnel Act of 1947. Officer has been examined and found physically qualified for promotion.

To be first lieutenant

AIR FORCE

Rippetoe, David E., Jr., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate March 23, 1953:

FEDERAL TRADE COMMISSION

Edward F. Howrey, of Virginia, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1952.

UNITED STATES ATTORNEY

George E. MacKinnon to be United States attorney for district of Minnesota.

COAST AND GEODETIC SURVEY

John J. Dermody for permanent appointment as commissioned ensign in the Coast and Geodetic Survey, effective January 27, 1953.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 23, 1953

The House met at 12 o'clock noon.

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

God of grace and wisdom, we thank Thee for the gift of this new day with its many opportunities for the culture of our souls and for helpfulness to our fellow men.

Show us how we may enhance the quality of our character and our service for all mankind. May it never be our primary concern to add days to our life but may we strive sincerely to add life to our days.

Grant that in our individual and national life we may be more fully aware of the vulnerable side of our nature. God forbid that we should ever presume that we can breast the storms and headwinds of temptation and evil with our own puny strength.

Hear us in the name of our blessed Lord. Amen.

The Journal of the proceedings of Thursday, March 19, 1953, was read and approved.

RULES COMMITTEE

Mr. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent that the Rules Committee may have until midnight tomorrow to file certain reports.

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

There was no objection.

ABSENCE OF HON. FRANCIS E. WALTER

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. GRAHAM. Mr. Speaker, I take this opportunity to explain to the House the absence of Hon. FRANCIS E. WALTER, who is a member both of the Committee on the Judiciary and the Committee on Un-American Activities. He has been sent to San Francisco to conduct hearings, and this will account for his absence today and succeeding days during which hearings are being held.

SPECIAL ORDERS GRANTED

Mr. LANE asked and was given permission to address the House for 5 minutes today, following any special orders heretofore entered.

Mr. PATMAN asked and was given permission to address the House for 15 minutes today and 15 minutes on Wednesday next, following special orders heretofore entered for these days.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. HOWELL. 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 New Jersey?

There was no objection.

Mr. HOWELL. Mr. Speaker, I was very much interested and intrigued with the little bag of tea we got from the District of Columbia Home Rule Committee the other day. I do not know whether this presages another "Washington Tea Party" along the lines of the Boston Tea Party or not, but it certainly points up very effectively one very good reason why the people of the District of Columbia should have home rule, the question being, of course, taxation without representation. I think that and many other reasons contributes to our obligation to deal with home rule for the District this year. There is in the Senate a bill, S. 999, sponsored, I believe, by some 32 Members of that body, and I am sure there are comparable bills here in the House which should receive the serious attention of the committee, and we should go ahead and make a reality the right of the citizens of the District of Columbia to vote.

SENSIBLE TAX RELIEF PROPOSAL

Mr. OLIVER P. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a short editorial from the Cleveland Plain Dealer of March 14, 1953.

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

There was no objection.

Mr. OLIVER P. BOLTON. Mr. Speaker, a little over a week ago I introduced H. R. 3911, to amend the Internal Revenue Code to remove the limitations on the amount of medical and dental expenses which may be deducted, and including amounts paid for accident or health insurance or payments to prepayment cooperative or other health or medical service plans.

This bill does not embody any new ideas. Similar proposals have been offerred in this House before. That it is one which people generally consider worthwhile is attested to by the great amount of mail that has come to me since its introduction, strongly favoring the proposal.

It is my sincere hope that in its general review of our tax laws, and in its consideration of more equitable ways of distribution of the tax burden, that the Ways and Means Committee give this measure serious consideration.

Mr. Speaker, I insert at this point an editorial which appeared in the Cleveland Plain Dealer of March 14, 1953, entitled "A Sensible Tax Relief Proposal," which briefly but very clearly outlines the purpose and intent of my bill:

A SENSIBLE TAX RELIEF PROPOSAL

One of the soundest proposals to give tax relief to those who are most in need of it has been introduced in the House of Representatives by Congressman OLIVER P. BOLTON, Republican, of Ohio. His bill would permit the deduction from taxable income of all medical expenses, including the cost of belonging to voluntary hospitalization and medical insurance plans.

At present only taxpayers past the age of 65 may deduct all their medical and hospital expenses. Those below that age may deduct only such expenses which are in excess of 5 percent of their gross incomes, which means that a taxpayer must run up a sizable bill for sickness and injury before he can obtain any tax relief.

BOLTON'S proposal might also be regarded as a health measure, since it would provide an inducement to people to join medical and hospitalization plans and to seek medical

care when they need it, without waiting too long. They would know that they would receive partial compensation for the expenses involved in the form of lower income taxes.

This bill is far preferable to any form of socialized medicine that could be devised. It makes better sense to have the Government encourage people to look after their own health and to help them finance the cost through income-tax relief, instead of taxing everybody to establish a system of supposedly free Government medicine.

COMMITTEE ON THE JUDICIARY

Mr. REED of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tomorrow night, Tuesday, March 24, 1953, to file a report on House Joint Resolution 226.

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

There was no objection.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from Minnesota [Mr. O'HARA].

PROVIDING FOR THE INCORPORATION OF CERTAIN BUSINESS CORPORATIONS IN THE DISTRICT OF COLUMBIA

Mr. O'HARA of Minnesota. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 3704) to provide for the incorporation, regulation, merger, consolidation, and dissolution of certain business corporations in the District of Columbia, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc.—

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SHORT TITLE

SECTION 1. This act shall be known and may be cited as the "District of Columbia Business Corporation Act."

DEFINITIONS

SEC. 2. As used in and for the purposes of this act unless the context otherwise requires—

(a) "Corporation" or "domestic corporation" means a corporation subject to the provisions of this act, except a foreign corporation.

(b) "Foreign corporation" means a corporation for profit organized under laws other than the laws of the District of Columbia and special acts of Congress.

(c) "Articles of incorporation" include the original articles of incorporation and all amendments thereto, and include articles of merger or consolidation.

(d) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

(e) "Incorporator" means one of the signers of the original articles of incorporation.

(f) "Shares" are the units into which the shareholders' right to participate in the control of the corporation, in its surplus or profits, or in the distribution of its assets, are divided.

(g) "Shareholder" means one who is a holder of record of shares in a corporation.

(h) "Authorized shares" means the aggregate number of shares of all classes, whether with or without par value, which the corporation is authorized to issue.

(i) Shares of its own stock belonging to a corporation shall be deemed to be "issued" shares, but not "outstanding" shares.

(j) "Stated capital" means, at any particular time, the sum of (1) the par value of all shares then issued having a par value and (2) the consideration received by the corporation for all shares then issued without par value, except such part thereof as may have been allocated otherwise than to stated capital in a manner permitted by law, and (3) such amounts not included in clauses (1) or (2) of this paragraph as may have been transferred to the stated capital account of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus such formal reductions from said sum as may have been effected in a manner permitted by law.

(k) "Paid-in surplus" means all that part of the consideration received by the corporation for, or on account of, all shares issued which does not constitute stated capital, whether heretofore or hereafter created by (1) the receipt by the corporation, for, or on account of, the issuance of shares having a par value of consideration in excess of the par value of such shares or (2) the allocation of any part of the consideration received by the corporation for, or on account of, the issuance of shares in a manner permitted by law or (3) a reduction of stated capital under this act, minus such formal reductions of paid-in surplus as may have been effected in a manner permitted by law.

(l) "Net assets," for the purpose of determining the right of a corporation to purchase its own shares and of determining the right of a corporation to declare and pay dividends and the liabilities of directors therefor, shall not include shares of its own stock belonging to such corporation.

(m) "Registered office" means that office maintained by the corporation, the address of which is on file with the Commissioners.

(n) "Insolvent" means that the corporation is unable to pay its debts as they become due in the usual course of its business.

(o) "State" means any State, Territory, colony, dependency, or possession of the United States of America, or any foreign country.

(p) "Commissioners" means the Commissioners of the District of Columbia or the agent or agents designated by them to perform any function vested in the Commissioners by this act.

(q) "District" means the District of Columbia.

(r) "The court," except where otherwise specified, means the United States District Court for the District of Columbia.

(s) "Business by a foreign corporation" means the transaction of some substantial part of its corporate business, continuous in its character and not merely casual or occasional, and shall not include the prosecution of litigations, collection of its debts, or the taking of security for the same, or the appointment of an agent for the solicitation of business not transacted in the District: *Provided*, That mere procurement of orders for the sale of personal property by means of telephonic communication, written correspondence, or solicitation by salesmen in the District where such orders require acceptance without the District before becoming binding on the purchaser and seller and title to such property passes from the seller to the purchaser without the District shall not constitute transacting business within the District: *And provided further*, That the sale of personal property to the United States shall not be considered transacting business within the District unless a contract for such sale is accepted by the seller within the District or such property is delivered from stock of the seller within the District for use within the District.

PURPOSES

SEC. 3. Corporations for profit may be organized under this act for any lawful purpose or purposes, except for the purpose of banking or insurance or the acceptance and execution of trusts, the operation of railroads, or building and loan associations: *Provided*, That nothing contained in this act shall be construed to relieve any public-utility corporation incorporated or reincorporated under the provisions of this act from complying with all applicable provisions of the laws of the District of Columbia relating to such corporations.

GENERAL POWERS

SEC. 4. Each corporation shall have power:

(a) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(b) To sue and be sued, complain and defend, in its corporate name.

(c) To have a corporate seal, which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(d) To purchase, take, receive, lease, take by gift, devise, or bequest, or otherwise acquire, and to own, hold, improve, use, and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(e) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its property and assets.

(f) To lend money to, and otherwise assist, its employees, other than its officers and directors.

(g) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, loan, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other corporations organized under the laws of the District of Columbia, of foreign corporations, and of associations, partnerships, or individuals.

(h) To make contracts and incur liabilities; to borrow money at such rates of interest as the corporation may determine without regard to the restrictions of any usury law; to issue its notes, bonds, and other obligations; and to secure any of its obligations by mortgage or pledge of all or any of its property, franchises, and income. No corporation formed hereunder shall plead any statutes against usury in any court of law or equity in any suit instituted to enforce the payment of any bond, note, or other evidence of indebtedness issued or assumed by it.

(i) To invest its surplus funds from time to time and to lend money for its corporate purposes, and to take and hold real and personal property as security for the payment of funds so invested or loaned.

(j) To conduct its business, carry on its operations, and have offices and exercise the powers granted by this act within and without the District of Columbia and to exercise in any State, Territory, district, colony, or possession of the United States, or in any foreign country the powers granted by this act, subject to the laws of such State, Territory, District, colony, or possession of the United States, or such foreign country.

(k) To elect or appoint officers and agents of the corporation, and to define their duties and fix the compensation.

(l) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of the District of Columbia, for the administration and regulation of the affairs of the corporation.

(m) To make contributions to charitable organizations, and, in time of war, to transact any lawful business in aid of the United States.

(n) To cease its corporate activities and surrender its corporate franchise.

(o) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is formed.

(p) To indemnify any and all of its directors or officers or former directors or officers or any person who may have served at its request as a director or officer of another corporation in which it owns shares of capital stock or of which it is a creditor against expenses actually and necessarily incurred by them in connection with the defense of any action, suit, or proceeding in which they, or any of them, are made parties, or a party, by reason of being or having been directors or officers or a director or officer of the corporation, or of such other corporation, except in relation to matters as to which any such director or officer or former director or officer or person shall be adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of duty. Such indemnification shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of stockholders, or otherwise.

POWER OF CORPORATION TO ACQUIRE ITS OWN SHARES

SEC. 5. A corporation shall have power to purchase, take, receive, or otherwise acquire, hold, own, pledge, transfer, or otherwise dispose of its own shares: *Provided*, That it shall not purchase, either directly or indirectly, its own shares when its net assets are less than the sum of its stated capital, its paid-in surplus, any surplus arising from unrealized appreciation in value or revaluation of its assets and any surplus arising from surrender to the corporation of any of its shares, or when by so doing its net assets would be reduced below such sum. Notwithstanding the foregoing limitations, a corporation may purchase or otherwise acquire its own shares for the purpose of—

(a) eliminating fractional shares;

(b) collecting or compromising claims of the corporation or any indebtedness to the corporation;

(c) paying dissenting shareholders entitled to payment for their shares under the provisions of this act;

(d) effecting the retirement of its redeemable shares by redemption or by purchase at not to exceed the redemption price, but no redemption or purchase of redeemable shares shall be made which will reduce the remaining assets of the corporation below an amount sufficient to pay all debts and known liabilities of the corporation as they mature, except such debts and liabilities as have been otherwise adequately provided for, or which will reduce the net assets below the aggregate amount payable to the holders of shares having prior or equal rights to the assets of the corporation upon dissolution.

DEALING IN REAL ESTATE AS CORPORATE PURPOSE

SEC. 6. A corporation having among its purposes, as set forth in its articles of incorporation, that of acquiring, owning, using, conveying, and otherwise disposing of and dealing in real property or any interest therein, shall have power and authority so to do without limitation.

DEFENSE OF ULTRA VIRES

SEC. 7. No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted—

(a) in a proceeding by a shareholder against the corporation to enjoin the doing of any act or acts or the transfer of real or personal property by or to the corporation. If the authorized acts or transfer sought to be enjoined are being, or are to be, performed or made pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained;

(b) in a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through shareholders in a representative suit, against the incumbent or former officers or directors of the corporation;

(c) in a proceeding by the Commissioners, as provided in this act, to dissolve the corporation, or in a proceeding by the Commissioners to enjoin the corporation from the transaction of unauthorized business.

CORPORATE NAME

SEC. 8. The corporate name—

(a) shall contain the word "corporation," "company," "incorporated," or "limited," or shall contain an abbreviation of one of such words;

(b) shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation;

(c) shall not be the same as, or deceptively similar to, the name of any domestic corporation, or that of any corporation organized under any act of Congress authorizing the formation of corporations under the laws of the District of Columbia, or that of any corporation created pursuant to any special act of Congress to transact business in the District of Columbia, or that of any foreign corporation authorized to transact business in the District of Columbia, or a name the exclusive right to which is at the time reserved in the manner provided in this act.

RESERVED NAME

SEC. 9. (a) The exclusive right to the use of a corporate name may be reserved by—

(1) any person intending to organize a corporation under this act or any other act for the organization of a corporation under the laws of the District of Columbia;

(2) any corporation organized under this act proposing to change its name;

(3) any corporation organized under any law other than this act proposing to reincorporate under this act;

(4) any foreign corporation intending to make application for a certificate of authority to transact business in the District of Columbia;

(5) any foreign corporation authorized to transact business in the District of Columbia and intending to change its name;

(6) any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in the District of Columbia.

(b) The reservation shall be made by filing with the Commissioners an application to reserve a specified corporate name, executed by the applicant. If the Commissioners find that the name is available for corporate use, they shall reserve the same for the exclusive use of the applicant for a period of 60 days.

(c) The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person or corporation by filing with the Commissioners a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

REGISTERED OFFICE AND REGISTERED AGENT

SEC. 10. Each corporation shall have and continuously maintain in the District of Columbia—

(a) a registered office which may be, but need not be, the same as its place of business;

(b) a registered agent, which agent may be either an individual resident in the District of Columbia whose business office is identical with such registered office, or a corporation authorized by the articles of incorporation to act as such agent and authorized to transact business in the District of Columbia having a business office identical with such registered office.

CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT

SEC. 11. (a) A corporation may change its registered office or change its registered agent, or both, by filing with the Commissioners a statement setting forth—

(1) the name of the corporation;

(2) the address, including street and number, if any, of its then registered office;

(3) if the address of its registered office be changed, the address, including street and number, if any, to which the registered office is to be changed;

(4) the name of its then registered agent;

(5) if its registered agent be changed, the name of its successor registered agent;

(6) that the address of its registered office and the address of the business office of its registered agent, as changed, will be identical; and

(7) that such change was authorized by resolution duly adopted by its board of directors or was authorized by an officer of the corporation duly empowered to make such change.

(b) Such statement shall be executed by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and delivered to the Commissioners. If the Commissioners find that such statement conforms to the provisions of this act, they shall file such statement.

(c) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Commissioners.

REGISTERED AGENT AS AN AGENT FOR SERVICE

SEC. 12. (a) The registered agent so appointed by a corporation shall be an agent of such corporation upon whom process against the corporation may be served, and upon whom any notice or demand required or permitted by law to be served upon the corporation may be served. Service of any process, notice, or demand upon a corporate agent, as such agent, may be had by delivering a copy of such process, notice, or demand to the president, vice president, the secretary, or an assistant secretary of such corporate agent.

(b) In the event a corporation shall fail to appoint or maintain a registered agent, then the Commissioners are hereby irrevocably appointed as an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the Commissioners of any such process, notice, or demand shall be made by delivering to and leaving with them duplicate copies of such process, notice, or demand. In the event any such process, notice, or demand is served on the Commissioners, they shall immediately cause one of such copies thereof to be forwarded by registered mail, addressed to the corporation at its registered office. Any service so had on the Commissioners shall be returnable in not less than 30 days.

(c) The Commissioners shall keep a record of all processes, notices, and demands served upon them under this section, and shall record therein the time of such service and their action with respect thereto.

(d) Nothing herein contained shall limit or affect the right to serve any process, notice, or demand, required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

AUTHORIZED SHARES

SEC. 13. (a) Each corporation shall have power to create and issue the number of shares stated in its articles of incorporation. Such shares may be divided into one or more classes, any or all of which classes may consist of shares with par value or shares without par value, with such designations, preferences, voting powers, special or relative rights and such limitations, restrictions, or qualifications thereof as shall be stated in the articles of incorporation. The articles of incorporation may limit or deny the voting power of the shares of any class.

(b) Without limiting the authority herein contained, a corporation, when so provided in its articles of incorporation, may issue shares of preferred or special classes—

(1) subject to the right of the corporation to redeem any of such shares at the price fixed by the articles of incorporation for the redemption thereof;

(2) entitling the holders thereof to cumulative or noncumulative dividends;

(3) having preference over any other class or classes of shares as to the payment of dividends;

(4) having preference as to the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation;

(5) convertible into shares of any other class: *Provided*, That shares without par value shall not be converted into shares with par value unless that part of the stated capital of the corporation represented by such shares without par value is, at the time of conversion, at least equal to the aggregate par value of the shares into which the shares without par value are to be converted.

ISSUANCE OF SHARES OF PREFERRED OR SPECIAL CLASSES IN SERIES

SEC. 14. (a) If the articles of incorporation so provide, the shares of any preferred or special class may be divided into and issued

in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles of incorporation: *Provided*, That all shares of the same class shall be identical except as to the following relative rights and preferences, in respect of any or all of which there may be variations between different series:

(1) The rate of dividend.

(2) The price at and the terms and conditions on which shares may be redeemed.

(3) The amount payable upon shares in event of involuntary liquidation.

(4) The amount payable upon shares in event of voluntary liquidation.

(5) Sinking-fund provisions for the redemption or purchase of shares.

(6) The terms and conditions on which shares may be converted, if the shares of any series are issued with the privilege of conversion.

(b) If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series and fixed and determined in the variations in the relative rights and preferences as between series, the board of directors shall have authority to divide any or all of such classes into series and, without the limitations set forth in this section, fix and determine the relative rights and preferences of the shares of any series so established: *Provided*, That such authority of the board of directors shall be subject to such further limitations, if any, as are stated in the articles of incorporation and shall always be subject to the limitation that the board of directors shall not create a sinking fund in respect of any series unless provision for a sinking fund at least as beneficial to all issued and outstanding shares of the same class shall either then exist or be at the same time created.

(c) In order for the board of directors to establish a series, where authority so to do is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as shall not be fixed and determined by the articles of incorporation.

(d) Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file with the Commissioners a statement setting forth—

(1) the name of the corporation;

(2) a copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof;

(3) the date of adoption of such resolution;

(4) that such resolution was duly adopted by the board of directors.

(e) Such statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall, when all franchise taxes, fees, and charges have been paid as in this act prescribed—

(1) endorse on each of such duplicate originals the word "Filed," and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) return the other duplicate original to the corporation or its representative.

(f) The duplicate original returned by the Commissioners shall be filed for record in the office of the Recorder of Deeds.

(g) Upon the filing of such statement by the Commissioners, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective.

SUBSCRIPTIONS FOR SHARES

SEC. 15. (a) A subscription for shares of a corporation to be organized shall be irrevocable for a period of 6 months unless otherwise provided by the terms of the subscription agreement, or unless all of the subscribers consent to the revocation of such subscription.

(b) Unless otherwise provided in the subscription agreement, subscriptions for shares, whether made before or after the organization of a corporation, shall be paid in full at such time, or in such installments and at such times, as shall be determined by the board of directors. Any call made by the board of directors for payment on subscriptions shall be uniform as to all shares of the same class. In case of default in the payment of any installment or call when such payment is due, the corporation may proceed to collect the amount due in the same manner as any debt due the corporation. The bylaws may prescribe other penalties for failure to pay installments or calls that may become due, but no penalty working a forfeiture of the shares, or the amounts paid thereon, shall be declared as against any subscriber unless the amount due thereon shall remain unpaid for a period of 20 days after written demand has been made therefor. Such written demand shall be deemed to be made when deposited in the United States mail in a sealed envelope addressed to the subscriber at his last post-office address known to the corporation, with the postage thereon prepaid. In the event of the sale of any shares by reason of any forfeiture, the excess of proceeds realized over the amount due and unpaid on such shares shall be paid to the delinquent subscriber or to his legal representative.

CONSIDERATION FOR SHARES

SEC. 16. (a) Shares having a par value may be issued for such consideration, not less than the par value thereof, as shall be fixed from time to time by the board of directors.

(b) Shares without par value may be issued for such consideration as may be fixed from time to time by the board of directors unless the articles of incorporation reserve to the shareholders the right to fix the consideration. In the event that such right be reserved as to any shares, the shareholders shall, prior to the issuance of such shares, fix the consideration to be received for such shares, by a vote of the holders of a majority of all outstanding shares entitled to vote thereon.

(c) Shares of a corporation issued and thereafter acquired by it may be disposed of by the corporation for such consideration as may be fixed from time to time by the board of directors.

(d) That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for the issuance of such shares.

(e) In the event of an exchange of issued shares having a par value for a different number of shares having the same aggregate par value, whether of the same or of a different class or classes, or in the event of a conversion of shares, or in the event of an exchange of shares with or without par value into the same or a different number of shares without par value, whether of the same or a different class or classes, the consideration for the shares so issued in exchange shall be deemed to be (1) the consideration originally received for the shares so exchanged or converted; and (2) that part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so exchanged or converted; and (3) any additional consideration paid to the corporation upon the issuance of shares for the shares so exchanged or converted.

PAYMENT FOR SHARES

SEC. 17. (a) The consideration for the issuance of shares may be paid, in whole or in part, in money, in other property, tangible or intangible, or in labor or services actually performed for the corporation. When payment of the consideration for which shares are to be issued, which, in the case of shares having a par value, shall be not less than the par value thereof, shall have been received by the corporation, such shares shall be deemed to be full paid and nonassessable.

(b) Neither promissory notes nor future services shall constitute payment or part payment for shares of a corporation.

(c) In the absence of fraud in the transaction, the judgment of the board of directors or the shareholders, as the case may be, as to the value of the consideration received for shares shall be conclusive.

DETERMINATION OF AMOUNT OF STATED CAPITAL

SEC. 18. (a) A corporation may determine that only a part of the consideration for which its shares may be issued, from time to time, shall be stated capital: *Provided*, That in the event of any such determination—

(1) if the shares issued shall consist wholly of shares having a par value, then the stated capital represented by such shares shall be not less than the aggregate par value of the shares so issued;

(2) if the shares issued shall consist wholly of shares without par value all of which shares have a preferential right in the assets of the corporation in the event of its involuntary liquidation, then the stated capital represented by such shares shall be not less than the aggregate preferential amount payable upon such shares in the event of involuntary liquidation;

(3) if the shares issued consist wholly of shares without par value, and none of such shares has a preferential right in the assets of the corporation in the event of its involuntary liquidation, then the stated capital represented by such shares shall be the total consideration received therefor less such part thereof as may be allocated to paid-in surplus;

(4) if the shares issued shall consist of several or all of the classes of shares enumerated in (a), (b), and (c) of this section, then the stated capital represented by such shares shall be not less than the aggregate par value of any shares so issued having a par value and the aggregate preferential amount payable upon any shares so issued without par value having a preferential right in the event of involuntary liquidation.

(b) In order to determine that only a part of the consideration for which shares without par value may be issued from time to time shall be stated capital, the board of directors shall adopt a resolution setting forth the part of such consideration allocated to stated capital and the part otherwise allocated, and expressing such allocation in dollars. If the board of directors shall not have determined (a) at the time of the issuance of any shares issued for cash, or (b) within 60 days after the issuance of any shares issued for labor or services actually performed for the corporation or issued for property other than cash, that only a part of the consideration for shares so issued shall be stated capital, then the stated capital of the corporation represented by such shares shall be an amount equal to the aggregate par value of all such shares having a par value, plus the consideration received for all such shares without par value.

(c) The stated capital of the corporation may be increased from time to time by resolution of the board of directors directing that all or a part of the paid-in or other surplus of the corporation be transferred to stated capital. The board of directors may

direct that the amount of the surplus so transferred shall be deemed to be stated capital in respect of any designated class of shares.

EXPENSES OF ORGANIZATION, REORGANIZATION, AND FINANCING

SEC. 19. The reasonable charges and expenses of organization or reorganization of a corporation and reasonable compensation for the sale or underwriting of its shares may be paid or allowed by such corporation out of the consideration received by it in payment for its shares without thereby rendering such shares not full paid and nonassessable.

CERTIFICATES REPRESENTING SHARES

SEC. 20. (a) The shares of a corporation shall be represented by certificates signed by the president or a vice president and the secretary or an assistant secretary and sealed with the seal of the corporation. Such seal may be a facsimile. Where such a certificate is countersigned by a transfer agent other than the corporation itself or an employee of the corporation, or by a transfer clerk and registered by a registrar, the signatures of the president or vice president and the secretary or assistant secretary upon such certificate may be facsimiles. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if such officer had not ceased to hold such office at the date of its issue.

(b) Every certificate representing shares issued by a corporation which is authorized to issue shares the transferability of which is restricted or limited shall state upon the face or back thereof, in full or in the form of a summary, all of the limitations and restrictions upon the transferability thereof.

(c) Every certificate representing shares issued by a corporation which is authorized to issue shares of more than one class shall state upon the face or back thereof, in full or in the form of a summary, all of the designations, preferences, limitations, and relative rights of the shares of each class authorized to be issued, and, if the corporation is authorized to issue any preferred or special class in series, the variations in the relative rights and preferences between the shares of each such series so far as the same have been fixed and determined and the authority of the board of directors to fix and determine the relative rights and preferences of subsequent series.

(d) Each certificate representing shares shall also state—

(1) that the corporation is organized under the laws of the District of Columbia;

(2) the name of the person to whom issued;

(3) the number and class of shares which such certificate represents;

(4) the par value of each share represented by such certificate, or a statement that the shares are without par value.

(e) No certificate shall be issued for any share until such share is full paid.

ISSUANCE OF FRACTIONAL SHARES OR SCRIP

SEC. 21. A corporation may, but shall not be obliged to, issue a certificate for a fractional share, and, by action of its board of directors, may issue in lieu thereof scrip or other evidence of ownership, which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip or other evidence of ownership aggregating a full share, but which shall not, unless otherwise provided, entitle the holder to exercise any voting right, or to receive dividends thereon or to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause such scrip or evidence of ownership to be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the condition that the shares for which such scrip or evidence of ownership is exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of such scrip or evidence of ownership, or subject to any other conditions which the board of directors may deem advisable.

LIABILITY OF SUBSCRIBERS AND SHAREHOLDERS

SEC. 22. (a) A holder of or subscriber to shares of a corporation shall be under no obligation to the corporation or its creditors with respect to such shares other than the obligation to pay to the corporation the full consideration for which said shares were issued or to be issued, which, as to shares having a par value, shall be not less than the par value thereof. Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration therefor has not been paid sha'l not be personally liable to the corporation or its creditors for any unpaid portion of such consideration.

(b) No person holding shares as executor, administrator, conservator, guardian, trustee, assignee for the benefit of creditors, or receiver shall be personally liable as a shareholder, but the estate and funds in the hands of said executor, administrator, conservator, guardian, trustee, assignee, or receiver shall be so liable. No pledgee or other holder of shares as collateral security shall be personally liable as a shareholder.

SHAREHOLDERS' PREEMPTIVE RIGHTS

SEC. 23. (a) The preemptive right of a shareholder to acquire additional shares of a corporation may be limited or denied to the extent provided in the articles of incorporation.

(b) Unless otherwise provided by its articles of incorporation, any corporation may issue and sell its shares to its employees or to the employees of any subsidiary corporation, without first offering such shares to its shareholders, for such consideration and upon such terms and conditions as shall be approved by the holders of two-thirds of its shares entitled to vote or by its board of directors pursuant to like approval of the shareholders.

BYLAWS

SEC. 24. The power to make, alter, amend, or repeal the bylaws of the corporation shall be vested in the board of directors unless reserved to the shareholders by the articles of incorporation. The bylaws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

MEETINGS OF SHAREHOLDERS

SEC. 25. (a) Meetings of shareholders may be held at such place within or without the District of Columbia as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation.

(b) An annual meeting of the shareholders shall be held at such time as may be provided in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

(c) Special meetings of the shareholders may be called by the president, the secretary, the board of directors, the holders of not less than one-fifth of all the outstanding shares entitled to vote, or by such other officers or persons as may be provided in the articles of incorporation or the bylaws.

NOTICE OF SHAREHOLDERS' MEETINGS

SEC. 26. Written or printed notice stating the place, day, and hour of the meeting, and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than 10 nor more than 50 days before the date of the meeting, either personally or by mail, by or at the direction of the president, the secretary, or the officer or person calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his address as it appears on the records of the corporation, with postage thereon prepaid.

VOTING OF SHARES

SEC. 27. (a) Unless otherwise provided in the articles of incorporation, each outstanding share shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders.

(b) Shares of its own stock belonging to a corporation shall not be voted, directly or indirectly, at any meeting and shall not be counted in determining the total number of outstanding shares at any given time, but shares of its own stock held by it in a fiduciary capacity may be voted and shall be counted in determining the total number of outstanding shares at any given time.

(c) A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney in fact. No proxy shall be valid after 11 months from the date of its execution, unless otherwise provided in the proxy. Every proxy shall be revocable at the pleasure of the person executing it or his personal representatives or assigns; but the parties to a valid pledge or to an executory contract of sale may agree in writing as to which of them shall vote the stock pledged or sold until the contract of pledge or sale is fully executed.

(d) The articles of incorporation may provide that in all elections for directors every shareholder entitled to vote shall have the right to vote, in person or by proxy, the number of shares owned by him, for as many persons as there are directors to be elected, or to cumulate said shares, and give one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or to distribute such votes on the same principle among any number of such candidates.

CLOSING OF TRANSFER BOOKS AND FIXING RECORD DATE

SEC. 28. For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders, or shareholders entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors of a corporation may provide that the stock-transfer books shall be closed for a stated period but not to exceed, in any case, 50 days. If the stock-transfer books shall be closed for the purpose of determining shareholders entitled to notice of or to vote at a meeting of shareholders, such books shall be closed for at least 10 days immediately preceding such meeting. In lieu of closing the stock-transfer books, the board of directors may fix in advance a date as the record date for any determination of shareholders, such date in any case to be not more than 50 days and, in case of a meeting of shareholders, not less than 10 days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. If the stock-transfer books are not closed and no record date is fixed for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders, or shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the board of directors declaring such dividend is adopted, as the case may be, shall be the record date for such determination of shareholders.

VOTING OF SHARES BY CERTAIN HOLDERS

SEC. 29. (a) Shares standing in the name of another corporation may be voted by such officer, agent, or proxy as the bylaws of such

corporation may prescribe, or, in the absence of such provision, as the board of directors of such corporation may determine.

(b) Shares standing in the name of a deceased person may be voted by his administrator or executor, either in person or by proxy. Shares standing in the name of a guardian, conservator, or trustee may be voted by such fiduciary, either in person or by proxy, but no guardian, conservator, or trustee shall be entitled, as such fiduciary, to vote shares held by him without a transfer of such shares into his name.

(c) Shares standing in the name of a receiver or a trustee in bankruptcy may be voted by such receiver or trustee, and shares held by or under the control of a receiver or a trustee in bankruptcy may be voted by such receiver or trustee without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver or trustee in bankruptcy was appointed.

(d) Except as otherwise provided in section 27, a shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

VOTING TRUST

SEC. 30. Any number of shareholders of a corporation may create a voting trust for the purpose of conferring upon a trustee or trustees the right to vote or otherwise represent their shares, for a period of not to exceed 10 years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by depositing a counterpart of the agreement with the corporation at its registered office, and by transferring their shares to such trustee or trustees for the purposes of the agreement. The counterpart of the voting-trust agreement so deposited with the corporation shall be subject to the same right of examination by a shareholder of the corporation, in person or by agent or attorney, as is the record of shareholders of the corporation, and shall be subject to examination by any holder of a beneficial interest in the voting trust, either in person or by agent or attorney, at any reasonable time for any proper purpose. The trustee or trustees may execute and deliver to the transferors voting-trust certificates which shall be transferable in the same manner and with the same effect as certificates representing shares.

QUORUM OF SHAREHOLDERS

SEC. 31. (a) Unless otherwise provided in the articles of incorporation or bylaws, a majority of the outstanding shares having voting power, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders: *Provided*, That in no event shall a quorum consist of less than one-third of the outstanding shares having voting power.

(b) The shareholders present at a duly organized meeting may continue to do business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum.

(c) If a meeting cannot be organized because a quorum has not attended, those present may adjourn the meeting from time to time until a quorum is present when any business may be transacted that may have been transacted at the meeting as originally called.

BOARD OF DIRECTORS

SEC. 32. The business and affairs of a corporation shall be managed by a board of directors. Directors need not be shareholders in the corporation unless the articles of incorporation or bylaws so provide. The articles of incorporation or bylaws may prescribe other qualifications for directors.

NUMBER AND ELECTION OF DIRECTORS

SEC. 33. The number of directors of a corporation shall not be less than three. Subject to such limitation, the number of directors shall be fixed by the bylaws, except as to the number constituting the first board of directors, which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to the bylaws. In the absence of a bylaw fixing the number of directors, the number shall be the same as that stated in the articles of incorporation. The names and addresses of the members of the first board of directors shall be stated in the articles of incorporation. Such persons shall hold office until the first annual meeting of shareholders, or until their successors have been elected and qualified. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting, except as hereinafter provided. Each director shall hold office for the term for which he is elected or until his successor shall have been elected and qualified.

CLASSIFICATION OF DIRECTORS

SEC. 34. The bylaws may provide that the directors be divided into either 2 or 3 classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of shareholders after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there be 2 classes, or until the third succeeding annual meeting, if there be 3 classes. No classification of directors shall be effective prior to the first annual meeting of shareholders.

VACANCIES

SEC. 35. Any directorship to be filled by reason of an increase in the number of directors may be filled by election at an annual meeting or at a special meeting of shareholders entitled to vote called for that purpose. Any vacancy occurring in the board of directors for any cause other than by reason of an increase in the number of directors may be filled by the board of directors. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

QUORUM OF DIRECTORS

SEC. 36. A majority of the number of directors fixed by the bylaws, or in the absence of a bylaw fixing the number of directors, then of the number stated in the articles of incorporation, shall constitute a quorum for the transaction of business unless a greater number is required by the articles of incorporation or the bylaws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the articles of incorporation or the bylaws.

EXECUTIVE COMMITTEE

SEC. 37. If the bylaws so provide, the board of directors, by resolution adopted by a majority of the number of directors fixed by the bylaws, or in the absence of a bylaw fixing the number of directors, then of the number stated in the articles of incorporation, may designate two or more directors to constitute an executive committee, which committee, to the extent provided in such resolution or in the bylaws of the corporation shall have and may exercise all of the authority of the board of directors in the management of the business and affairs of the corporation; but the designation of such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed upon it or him by law.

PLACE OF DIRECTORS' MEETINGS

SEC. 38. Meetings of the board of directors, regular or special, may be held at such place within or without the District of Columbia as may be provided in the bylaws or by resolution adopted by a majority of the board of directors.

NOTICE OF DIRECTORS' MEETINGS

SEC. 39. Meetings of the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

DIVIDENDS

SEC. 40. The board of directors of a corporation may declare and the corporation may pay dividends on its outstanding shares in cash, property, or its own shares, subject to the following provisions:

(a) No dividend shall be declared or paid at a time when the corporation is insolvent or its net assets are less than its stated capital, or when payments thereof would render the corporation insolvent or reduce its net assets below its stated capital.

(b) Dividends may be paid out of paid-in surplus or surplus arising from the surrender to the corporation of any of its shares only upon shares having a preferential right to receive dividends, provided that the source of such dividends shall be disclosed to the shareholders receiving such dividends, concurrently with payment thereof. The limitations of this subparagraph shall not limit nor be deemed to conflict with the provisions of this act in respect of the distribution of assets as a liquidating dividend.

(c) If a dividend is declared payable in its own shares having a par value, such shares shall be issued at the par value thereof and there shall be transferred to stated capital at the time such dividend is paid, an amount of surplus equal to the aggregate par value of the shares to be issued as a dividend.

(d) If a dividend is declared payable in its own shares without par value, such shares shall be issued at such value as shall be fixed by the board of directors by resolution adopted at the time such dividend is declared, and there shall be transferred to stated capital at the time such dividend is paid, an amount of surplus equal to the aggregate value so fixed in respect of such shares. The amount per share transferred to stated capital shall be disclosed to the shareholders receiving such dividends, concurrently with payment thereof.

(e) A splitup or division of issued shares into a greater number of shares of the same class shall not be construed to be a share dividend within the meaning of this section.

(f) No dividend shall be declared or paid contrary to any restrictions contained in the articles of incorporation.

(g) Subject to any restrictions contained in its articles of incorporation, the directors of any corporation engaged in the exploitation of wasting assets may determine the net profits derived from the exploitation of such wasting assets without taking into consideration the depletion of such wasting assets resulting from lapse of time or from necessary consumption of such assets incidental to their exploitation and may pay dividends from the net profits so determined by the directors.

DIVIDENDS IN PARTIAL LIQUIDATION

SEC. 41. A corporation, from time to time, may distribute a portion of its assets, in cash or kind, to its shareholders as a liqui-

dating dividend, in the following manner and subject to the following restrictions:

(a) The board of directors shall adopt a resolution recommending the payment of a liquidating dividend, specifying the class or classes of shareholders entitled thereto and the amount thereof, and directing that the question of such distribution be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written or printed notice stating that the purpose or one of the purposes of such meeting is to consider the question of such distribution shall be given to each shareholder of record entitled to vote within the time and in the manner provided in this act for the giving of notice of meetings of shareholders. If such meeting be an annual meeting, such purpose may be included in the notice of such meeting.

(c) At such meeting a vote of the shareholders entitled to vote shall be taken by classes on the question of the proposed distribution. The affirmative vote of the holders of at least two-thirds of the outstanding shares of each class shall be required for the authorization of such distribution.

(d) No such distribution shall be made at a time when the corporation is insolvent or its net assets are less than its stated capital, or when such distribution would render the corporation insolvent or reduce its net assets below its stated capital.

(e) No such distribution shall be made to any class of shareholders unless all cumulative dividends accrued on preferred or special classes of shares entitled to preferential dividends shall have been fully paid.

(f) No such distribution shall be made to any class of shareholders which will reduce the remaining net assets below the aggregate preferential amount payable in event of voluntary liquidation to the holders of shares having preferential rights to the assets of the corporation in the event of liquidation.

(g) Each such distribution, when made, shall be identified as a liquidating dividend and the amount per share shall be disclosed to the shareholders receiving the same, concurrently with the payment thereof.

LIABILITY OF DIRECTORS IN CERTAIN CASES

SEC. 42. (a) In addition to any other liabilities imposed by law upon directors of a corporation—

(1) directors of a corporation who vote for or assent to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders contrary to the provisions of this act, or contrary to any restrictions contained in the articles of incorporation, shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this act or any restrictions in the articles of incorporation;

(2) the directors of a corporation who vote for or assent to the declaration of any dividend or other distribution of assets of a corporation to its shareholders which renders the corporation insolvent or reduces its net assets below its stated capital shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed, to the extent that the corporation is thereby rendered insolvent or its net assets are reduced below its stated capital;

(3) the directors of a corporation who vote for or assent to any distribution of assets of a corporation to its shareholders during the liquidation of the corporation without an adequate provision for, or the payment and discharge of, all debts, obligations, and liabilities of the corporation shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed, to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid and discharged;

(4) the directors of a corporation who vote for or assent to the making of a loan to an officer or director of the corporation shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(b) A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be conclusively presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

(c) A director shall not be liable under either subparagraph (1) or (2) of this section if he relied and acted in good faith upon a balance sheet and profit-and-loss statement of the corporation represented to him to be correct by the president or the officer of such corporation having charge of its books of account, or certified by an independent public or certified public accountant or firm of such accountants to fairly reflect the financial condition of such corporation, nor shall he be so liable if in good faith in determining the amount available for any such dividend or distribution he considered the assets to be of their book value.

(d) Any director against whom a claim shall be asserted under or pursuant to this section, and who shall be held liable thereon, shall be entitled to contribution from the other directors who are likewise liable thereon.

(e) Any director against whom a claim shall be asserted under or pursuant to this section for the improper declaration of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders who knowingly accepted or received any such dividend or assets, in proportion to the amounts received by them, respectively.

OFFICERS

SEC. 43. (a) The officers of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. If the bylaws so provide, any two or more offices may be held by the same person, except the offices of president and secretary.

(b) All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the bylaws, or as may be determined by resolution of the board of directors not inconsistent with the bylaws.

REMOVAL OF OFFICERS

SEC. 44. Any officer or agent elected or appointed by the board of directors may be removed by the board of directors whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

BOOKS AND RECORDS

SEC. 45. (a) Each corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its shareholders and board of directors; and shall keep at its registered office or principal place of business, or at the office of its transfer agent or registrar, a record of its shareholders, giving the names and addresses of all shareholders and the number and class of the shares held by each.

(b) Any person or persons who shall be the holder or holders of record of at least 5 percent of all the outstanding shares of a corporation shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, its record of shareholders and to make extracts therefrom.

(c) A holder of a voting-trust certificate evidencing an interest in a voting trust conforming to the provisions of this act shall have the same rights as a shareholder to examine and make extracts from the record of shareholders of the corporation.

(d) If any person or persons holding in the aggregate 5 percent or more of all of the outstanding shares of a corporation shall present to any officer, director, or registered agent of the corporation a written request for a statement of its affairs, it shall be his duty to make or procure such a statement sworn to by the president or a vice president or by the treasurer or an assistant treasurer, embracing a particular account of its assets and liabilities in detail, and to have the same ready and on file at the registered office of the corporation, within 30 days after the presentation of such request. Such statement shall at all times during business hours be open to the inspection of any shareholder and he shall be entitled to copy the same.

(e) Any corporation whose officers or agents shall refuse to allow any such shareholder, entitled under the provisions of this section to examine the record of shareholders, or his agent or attorney, so to examine and make extracts from its record of shareholders, for any proper purpose, shall be liable to such shareholder in a penalty of $50, in addition to any other damages or remedy afforded him by law. It shall be a defense to any action for penalties under this section that the person suing therefor has within 2 years sold or offered for sale any list of shareholders of such corporation or any other corporation or has aided or abetted any person in procuring any list of shareholders for any such purpose, or has improperly used any information secured through any prior examination of the record of shareholders of such corporation or any other corporation.

(f) Nothing herein contained shall impair the power of any court of competent jurisdiction, upon proof by a shareholder of proper purpose, irrespective of the period of time during which such shareholder shall have been a shareholder of record, and irrespective of the number of shares held by him, to compel by mandamus or otherwise the production for examination by such shareholder of the books and records of account, minutes, and record of shareholders of a corporation.

INCORPORATORS

SEC. 46. Three or more natural persons of the age of 21 years or more may act as incorporators of a corporation by signing, verifying, and filing in duplicate in the office of the Commissioners articles of incorporation for such corporation.

ARTICLES OF INCORPORATION

SEC. 47. The articles of incorporation shall set forth:

(a) The name of the corporation.

(b) The period of duration, which may be perpetual.

(c) The purpose or purposes for which the corporation is organized.

(d) The aggregate number of shares which the corporation shall have authority to issue; if said shares are to consist of one class only, the par value of each of said shares, or a statement that all of said shares are without

par value; or, if said shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value.

(e) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, voting power, limitations, restrictions, qualifications, and the special or relative rights in respect of the shares of each class.

(f) The minimum amount of capital with which the corporation shall commence business shall be not less than $1,000.

(g) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between different series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series.

(h) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the corporation.

(i) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision which under this act is required or permitted to be set forth in the bylaws.

(j) The address, including street and number, if any, of its initial registered office, and the name of its initial registered agent at such address.

(k) The number of directors constituting the initial board of directors and the names and addresses, including street and number, if any, of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors be elected and qualify.

(l) The name and address, including street and number, if any, of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this act. Whenever a provision of the articles of incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling.

FILING OF ARTICLES OF INCORPORATION

SEC. 48. (a) Duplicate originals of the articles of incorporation shall be delivered to the Commissioners. If the Commissioners find that the articles of incorporation conform to law, they shall, when all fees have been paid as in this act prescribed—

(1) endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of incorporation to which they shall affix the other duplicate original.

(b) The certificate of incorporation, together with the duplicate original of the articles of incorporation affixed thereto by the Commissioners, shall be recorded in the office of the Recorder of Deeds.

EFFECT OF ISSUANCE OF CERTIFICATE OF INCORPORATION

SEC. 49. Upon the issuance of the certificate of incorporation, the corporate existence shall begin, and such certificate of incorporation shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this act, except as against the District of Columbia in a proceeding to cancel or revoke the certificate of incorporation.

REQUIREMENT BEFORE COMMENCING BUSINESS

SEC. 50. A corporation shall not transact any business or incur any indebtedness, except such as shall be incidental to its organization or to obtaining subscriptions to or payment for its shares, until at least the minimum amount of capital set forth in its articles of incorporation as the minimum amount of capital with which it will commence business has been fully paid in.

ORGANIZATION MEETING OF DIRECTORS

SEC. 51. After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held within the United States, at the call of a majority of the directors so named, for the purpose of adopting bylaws (unless the power to adopt bylaws has been reserved by the articles of incorporation to the shareholders, in which event the bylaws shall be adopted by the shareholders), electing officers, and the transaction of such other business as may come before the meeting. The directors calling the meeting shall give at least 5 days' notice thereof by mail to each director so elected, which notice shall state the time and place of the meeting: *Provided, however*, That if all the directors shall waive notice in writing and fix a time and place for said organization meeting no notice shall be required of such meeting.

RIGHT TO AMEND ARTICLES OF INCORPORATION

SEC. 52. A corporation may amend its articles of incorporation, from time to time, in any and as many respects as may be desired: *Provided*, That its articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation if made at the time of making such amendment, and, if a change in shares or the rights of shareholders, or an exchange, reclassification, or cancellation of shares or rights of shareholders is to be made, such provisions as may be necessary to effect such change, exchange, reclassification, or cancellation.

In particular, and without limitation upon such general power of amendment, a corporation may amend its articles of incorporation, from time to time, so as:

(a) To change its corporate name.

(b) To change its period of duration.

(c) To change, enlarge, or diminish its corporate purposes.

(d) To increase or decrease the aggregate number of shares, or shares of any class, which the corporation has authority to issue.

(e) To increase or decrease the par value of the authorized shares of any class having a par value, whether issued or unissued.

(f) To exchange, classify, reclassify, or cancel all or any part of its shares, whether issued or unissued.

(g) To change the designations of all or any part of its shares, whether issued or unissued, and to change the preferences, voting power, qualifications, limitations, restrictions, and the special or relative rights in respect of all or any part of its shares, whether issued or unissued.

(h) To divide any preferred or special class of shares, whether issued or unissued, into series and fix and determine the designations of such series and the variations in the relative rights and preferences as between the shares of such series.

(i) To authorize the board of directors to establish, out of authorized but unissued shares, series of any preferred or special class of shares and fix and determine the relative rights and preferences of the shares of any series so established.

(j) To authorize the board of directors to fix and determine the relative rights and preferences of the authorized but unissued shares of series theretofore established in respect of which either the relative rights and preferences have not been fixed and determined or the relative rights and preferences theretofore fixed and determined are to be changed.

(k) To revoke, diminish, or enlarge the authority of the board of directors to establish series out of authorized but unissued shares of any preferred or special class and fix and determine the relative rights and preferences of the shares of any series so established.

(l) To change shares having a par value, whether issued or unissued, into the same or a different number of shares without par value, and to change shares without par value, whether issued or unissued, into the same or a different number of shares having a par value.

(m) To change the share of any class, whether issued or unissued, and whether with or without par value, into a different number of shares of the same class or into the same or a different number of shares, either with or without par value, of other classes.

(n) To create new classes of shares having rights and preferences either prior and superior or subordinate and inferior to the shares of any class then authorized, whether issued or unissued.

(o) To limit, deny, or grant to shareholders of any class the preemptive right to subscribe for or acquire additional shares of the corporation, whether then or thereafter authorized.

PROCEDURE TO AMEND ARTICLES OF INCORPORATION BEFORE ACCEPTANCE OF SUBSCRIPTIONS TO SHARES

SEC. 53. Amendments to the articles of incorporation before any subscriptions to shares have been accepted by the board of directors shall be made in the following manner:

(a) Amended articles of incorporation modifying, changing, or altering the original articles of incorporation shall be signed by all of the living or competent incorporators who signed the original articles of incorporation, verified and filed in duplicate by the Commissioners. Such amended articles of incorporation shall contain only such provisions as might be lawfully contained in original articles of incorporation if made at the time of making such amended articles of incorporation.

(b) Such amended articles of incorporation shall be delivered in duplicate original to the Commissioners. If the Commissioners find that such amended articles of incorporation conform to law, they shall, when all fees have been paid as in this act prescribed—

(1) endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) the other duplicate original returned by the Commissioners shall be recorded in the office of the Recorder of Deeds.

(c) Upon the issuance of the amended articles of incorporation, the amended articles of incorporation shall become effective and shall take the place of the original articles of incorporation.

PROCEDURE TO AMEND ARTICLES OF INCORPORATION AFTER ACCEPTANCE OF SUBSCRIPTION TO SHARES

SEC. 54. Amendments to the articles of incorporation shall be made in the following manner:

(a) The board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this act for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment or such

summary shall be included in the notice of such annual meeting.

(c) At such meeting a vote of the shareholders entitled to vote shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote, unless any class of shares is entitled to vote as a class in respect thereof, as hereinafter provided, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class in respect thereof and of the total outstanding shares entitled to vote.

(d) Any number of amendments may be submitted to the shareholders, and voted upon by them, at one meeting.

WHEN ENTITLED TO VOTE BY CLASSES

SEC. 55. The holders of the outstanding shares of a class whether by the provisions of the articles of incorporation such class of stock is entitled to vote or not shall be entitled to vote as a class upon a proposed amendment which would—

(a) Increase or decrease the aggregate number of authorized shares of such class.

(b) Increase or decrease the par value of the shares of such class.

(c) Effect an exchange, reclassification, or cancellation of all or part of the shares of such class.

(d) Effect an exchange, or create a right of exchange, of all or any part of the shares of another class into the shares of such class.

(e) Change the designations, preferences, limitations, voting, or relative rights of the shares of such class.

(f) Change the shares of such class having a par value into the same or a different number of shares without par value, or change the shares of such class without par value into the same or a different number of shares having a par value.

(g) Change the shares of such class, whether with or without par value, into a different number of shares of the same class, or into the same or a different number of shares, either with or without par value, of other classes.

(h) In the case of a preferred or special class of shares, divide the shares of such class into series and fix and determine the designations of such series and the variations in the relative rights and preferences between the shares of such series.

(i) Create a new class of shares having rights and preferences prior and superior to the shares of such class.

(j) Limit or deny the existing preemptive rights of the shares of such class.

ARTICLES OF AMENDMENT

SEC. 56. (a) The articles of amendment shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and shall set forth—

(1) the name of the corporation;

(2) the amendment so adopted;

(3) the date of the adoption of the amendment by the shareholders;

(4) the number of shares outstanding, and the number of shares entitled to vote, and if the shares of any class are entitled to vote as a class, the designation of each such class and the number of outstanding shares thereof entitled to vote;

(5) the number of shares voted for and against such amendment, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against such amendment, respectively;

(6) if such amendment provides for an exchange, reclassification, or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then a statement of the manner in which the same shall be effected;

(7) if such amendment effects a change in the amount of stated capital, or paid-in surplus, or both, then a statement of the manner in which the same is effected and a statement, expressed in dollars, of the amount of stated capital and the amount of paid-in surplus as changed by such amendment.

(b) If issued shares without par value are changed into the same or a different number of shares having par value, the aggregate par value of the shares into which the shares without par value are changed shall not exceed the sum of (1) the amount of stated capital represented by such shares without par value, and (2) the amount of surplus, if any, transferred to stated capital on account of such change, and (3) any additional consideration paid for such shares with par value and allocated to stated capital.

FILING OF ARTICLES OF AMENDMENT

SEC. 57. (a) Duplicate originals of the articles of amendment shall be delivered to the Commissioners. If the Commissioners find that the articles of amendment conform to law, they shall, when all fees and taxes have been paid as in this act prescribed—

(1) endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of amendment to which they shall affix the other duplicate original;

(b) The certificate of amendment with the duplicate original of the articles of amendment affixed thereto shall be recorded in the office of the Recorder of Deeds.

EFFECT OF CERTIFICATE OF AMENDMENT

SEC. 58. (a) Upon the issuance of the certificate of amendment, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

(b) No amendment shall affect any existing cause of action in favor of or against such corporation, or any pending suit to which such corporation shall be a party, or the existing rights of persons other than shareholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason.

REDEMPTION AND CANCELLATION OF SHARES

SEC. 59. (a) If the articles of incorporation provide that redeemable shares redeemed, or purchased or otherwise acquired by the corporation, shall be canceled and shall not be reissued, then, in the event of such cancellation of shares, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so canceled.

(b) No redemption or purchase of redeemable shares shall be made which will reduce the remaining assets of the corporation below an amount sufficient to pay all debts and known liabilities of the corporation as they mature, except such debts and liabilities as have been otherwise adequately provided for, or which will reduce the net assets below the aggregate amount payable to the holders of shares having prior or equal rights to the assets of the corporation upon dissolution.

(c) When redeemable shares of a corporation have been canceled pursuant to the provisions of the articles of incorporation, a statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by the secretary or an assistant secretary, which statement shall set forth—

(1) the name of the corporation;

(2) the aggregate number of shares which the corporation had authority to issue, itemized by classes and series;

(3) the number of shares canceled, itemized by classes and series;

(4) the number of shares which the corporation has authority to issue, itemized by classes and series, after giving effect to such cancellation;

(5) a statement of the aggregate number of issued shares itemized by classes, par value of shares, shares without par value, and series, if any, within a class, after giving effect to the cancellation;

(6) a statement, expressed in dollars, of the amount of the stated capital and the amount of paid-in surplus of the corporation after giving effect to such cancellation.

(d) Such statement shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall—

(1) endorse on each of such duplicate originals the word "Filed", and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) return the other duplicate original to the corporation or its representative.

(e) The duplicate original returned by the Commissioners shall be recorded in the office of the Recorder of Deeds.

(f) The filing of such statement by the Commissioners shall operate as an amendment to the articles of incorporation and shall reduce the number of shares of the class so canceled which the corporation is authorized to issue by the number of shares so canceled.

(g) Nothing contained in this section shall be construed to forbid a reduction of authorized shares or a reduction of stated capital in any other manner permitted by this act.

CANCELLATION OF REACQUIRED SHARES

SEC. 60. (a) A corporation may at any time, by resolution of its board of directors, cancel all or any part of the shares of the corporation of any class reacquired by it through redemption, purchase, or otherwise, and in the event of such cancellation a statement of cancellation shall be filed as provided in this section. When any reacquired shares have been canceled by resolution of the board of directors, a statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by the secretary or assistant secretary, which statement shall set forth—

(1) the name of the corporation;

(2) the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class;

(3) the aggregate number of issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class before giving effect to such cancellation;

(4) the number of shares canceled, itemized by classes, par value of shares, shares without par value, and series, if any, within a class;

(5) a statement that the shares so canceled were canceled by a resolution duly adopted by the board of directors;

(6) the aggregate number of issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, after giving effect to such cancellation;

(7) a statement, expressed in dollars, of the amount of the stated capital and the amount of the paid-in surplus of the corporation before giving effect to such cancellation;

(8) a statement, expressed in dollars, of the amount of the stated capital and the amount of the paid-in surplus of the corporation after giving effect to such cancellation.

(b) Such statement shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall—

(1) endorse on each of such duplicate originals the word "Filed," and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office:

(3) the other duplicate original returned by the Commissioners shall be recorded in the office of the Recorder of Deeds.

(c) Upon the filing of such statement by the Commissioners, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so canceled and the shares so canceled shall be deemed to be authorized but unissued shares.

(d) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this act.

REDUCTION OF STATED CAPITAL IN CERTAIN CASES

SEC. 61. (a) The reduction of the stated capital of a corporation where such reduction is not accompanied by an exchange, reclassification, or cancellation of shares, or by a reduction in the par value of issued shares, or by a reduction of the number of authorized shares of any class below the number of issued shares of that class, or by a redemption and cancellation of shares, may be made in the following manner:

(1) The board of directors shall adopt a resolution setting forth the amount of the proposed reduction and the manner in which the reduction shall be effected, and directing that the question of such reduction be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written or printed notice, stating that the purpose or one of the purposes of such meeting is to consider the question of reducing the stated capital of the corporation, shall be given to each shareholder of record entitled to vote within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

(3) At such meeting a vote of the shareholders entitled to vote shall be taken on the question of the proposed reduction of stated capital, which shall require for its adoption the affirmative vote of the holders of at least a majority of the outstanding shares entitled to vote.

(b) When a reduction of the stated capital of a corporation has been approved as provided in this section, a statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by the secretary or an assistant secretary, which statement shall set forth—

(1) the name of the corporation;

(2) a copy of the resolution of the shareholders approving such reduction;

(3) the total number of shares outstanding and the number of shares entitled to vote;

(4) the number of shares voted for and against such reduction, respectively;

(5) a statement of the manner in which such reduction is effected, and a statement, expressed in dollars, of the amount of stated capital and the amount of paid-in surplus of the corporation adjusted to give effect to such reduction.

(c) Such statement shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall, when all fees have been paid as in this act prescribed—

(1) endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) the other duplicate original returned by the Commissioners shall be recorded in the office of the Recorder of Deeds.

SEC. 62. (a) No reduction of stated capital shall be made under the provisions of section 612 which would reduce the amount of the aggregate stated capital of the corporation to an amount less than the aggregate preferential amounts payable upon all issued shares having a preferential right in the assets of the corporation in the event of involuntary liquidation, plus the aggregate par value, after such reduction, of all issued shares having a par value but no preferential right in the assets of the corporation in the event of involuntary liquidation.

(b) The surplus, if any, created by or arising out of the reduction of the stated capital of a corporation shall be deemed to be paid-in surplus, except where such reduction is effected by the cancellation of its own shares belonging to the corporation, or by the redemption and cancellation of shares, in either of which events the paid-in surplus, if any, created by such reduction shall not exceed the amount by which the stated capital represented by such shares exceeded the cost thereof to the corporation.

REDUCTION OF PAID-IN SURPLUS

SEC. 63. A corporation may, by resolution of its board of directors, apply any part or all of its paid-in surplus to the payment of dividends as permitted by section 40 of this act, or to the distribution of liquidating dividends as permitted by section 41 of this act, to the payment of reasonable compensation for the sale or underwriting of its shares as permitted by section 19 of this act, the reduction or elimination of any deficit arising from operating or other losses or from diminution in value of its assets.

PROCEDURE FOR MERGER

SEC. 64. Any two or more domestic corporations may merge into one of such corporations in the following manner:

The board of directors of each corporation shall, by resolution adopted by a majority vote of the members of each such board, approve a plan of merger setting forth:

(a) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(b) The terms and conditions of the proposed merger.

(c) The manner and basis of converting the shares of each merging corporation into shares or other securities or obligations of the surviving corporation.

(d) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(e) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

PROCEDURE FOR CONSOLIDATION

SEC. 65. Any two or more domestic corporations may consolidate into a new corporation in the following manner:

The board of directors of each corporation, shall by a resolution adopted by a majority vote of the members of each such board, approve a plan of consolidation setting forth;

(a) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(b) The terms and conditions of the proposed consolidation.

(c) The manner and basis of converting the shares of each corporation into shares, or other securities, or obligations of the new corporation.

(d) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this act.

(e) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

MEETINGS OF SHAREHOLDERS

SEC. 66. The board of directors of each corporation, upon approving such plan of merger or plan of consolidation, shall, by resolution, direct that the plan be submitted to a vote at a meetting of shareholders, which may be either an annual or a special meeting. Written or printed notice shall be delivered not less than 20 days before such meeting, either personally or by mail, to each shareholder of record entitled to vote at such meeting. Such notice shall state the place, day, hour, and purpose of the meeting, and a copy or a summary of the plan of merger or plan of consolidation, as the case may be, shall be included in or enclosed with such notice.

APPROVAL BY SHAREHOLDERS

SEC. 67. At each such meeting, a vote of the shareholders shall be taken on the proposed plan of merger or consolidation. The plan of merger or consolidation shall be approved upon receiving the affirmative vote of the holders of two-thirds of the outstanding shares of each corporation unless as to any of such corporations two or more classes of shares are issued in which event as to such corporation or corporations the plan of merger or consolidation shall be approved upon receiving the affirmative vote of at least two-thirds of the outstanding shares of each such class.

ARTICLES OF MERGER OR CONSOLIDATION

SEC. 68. (a) Upon such approval, articles of merger or articles of consolidation shall be executed in duplicate by each corporation by its president or a vice president, and verified by him, and the corporate seal of each corporation shall be thereto affixed, attested by its secretary or an assistant secretary, and shall set forth—

(1) the plan of merger or the plan of consolidation;

(2) as to each corporation, the number of shares outstanding, and if there are two or more classes of shares issued, the designation of each such class and the number of shares thereof outstanding;

(3) as to each corporation, the number of shares voted for and against such plan respectively, and, if there are two or more classes of shares issued the number of shares of each such class voted for and against such plan, respectively.

(b) Such articles of merger or consolidation shall be delivered to the Commissioners. If the Commissioners find that such articles of merger or consolidation conform to law, they shall, when all fees have been paid as in this Act prescribed—

(1) endorse on each of such duplicate originals the word "filed" and the month, days, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of merger or certificate of consolidation to which they shall attach the other duplicate original which shall then be filed for record in the office of the Recorder of Deeds.

EFFECTIVE DATE OF MERGER OR CONSOLIDATION

SEC. 69. Upon the issuance of the certificate of merger or the certificate of consolidation by the Commissioners, the merger or consolidation shall be effected.

EFFECT OF MERGER OR CONSOLIDATION

SEC. 70. When such merger or consolidation has been effected:

(a) The several corporation parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(b) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(c) Such surviving or new corporation, as the case may be, shall have all the rights, privileges, immunities, and powers and shall be subject to all the duties and liabilities of a corporation organized under this act.

(d) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, as well of a public as a private nature, of each of the merging or consolidating corporations; and all property—real, personal, and mixed—and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest, of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(e) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted to judgment as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(f) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the articles of merger; and, in the case of a consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this act shall be deemed to be the articles of incorporation of the new corporation.

(g) The aggregate amount of the net assets of the merging or consolidating corporations which was available for the payment of dividends immediately prior to such merger or consolidation, to the extent that the amount thereof is not transferred to stated capital by the issuance of shares or otherwise, shall continue to be available for the payment of dividends by such surviving or new corporation.

MERGER OR CONSOLIDATION OF DOMESTIC AND FOREIGN CORPORATIONS

SEC. 71. One or more foreign corporations and one or more domestic corporations may be merged or consolidated if permitted by the laws of the State under which each such foreign corporation is organized:

(a) Each domestic corporation shall comply with the provisions of this act with respect to the merger or consolidation, as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the States under which it is organized.

(b) If the surviving or new corporation, as the case may be, is to be governed by the laws of any State other than the District of Columbia, it shall comply with the provisions of this act with respect to foreign corporations if it is to do business in the District of Columbia, and in every case it shall file with the Commissioners—

(1) an agreement that it may be served with process in the District of Columbia in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to such merger or consolidation and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation;

(2) an irrevocable appointment of the Commissioners of the District of Columbia as its agent to accept service of process in any such proceeding; and

(3) an agreement that it will promptly pay to the dissenting shareholders of any such domestic corporation the amount, if any, to which they shall be entitled under the provisions of this act with respect to the rights of dissenting shareholders.

(c) The effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be governed by the laws of the District of Columbia. If the surviving or new corporation is to be governed by the laws of any jurisdiction other than the District of Columbia, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of such other jurisdiction provide otherwise.

MERGER OF PARENT CORPORATION AND WHOLLY OWNED SUBSIDIARY

SEC. 72. (a) Any corporation now or hereafter organized under the provisions hereof or existing under the laws of the District of Columbia, for the purpose of carrying on any kind of business authorized by this act, owning all of the stock of any other corporation now or hereafter organized hereunder or existing under the laws of the District of Columbia, or now or hereafter organized under the laws of any other State of the United States of America if the laws under which said other corporation is formed shall permit a merger as herein provided, may file, in duplicate original with the Commissioners, a certificate of such ownership in its name and under its corporate seal, signed by its president or a vice president, and its secretary or assistant secretary, and setting forth a copy of the resolution of its board of directors to merge such other corporation, and to assume all of its obligations and the date of the adoption thereof. If the Commissioners find that such certificate of ownership conforms to law, they shall, when all fees have been paid as in this act prescribed—

(1) endorse on each of such duplicate originals the word "filed," and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of ownership to which they shall affix the other duplicate original which certificate shall then be recorded in the office of the Recorder of Deeds.

(b) Upon the issuance of the certificate of ownership, the merger shall be effected and thereupon all of the estate, property, rights, privileges, and franchises of such other corporation shall vest in and be held and enjoyed by such parent corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by such other corporation, and be managed and controlled by such parent corporation, and except as hereinafter in this section provided, in its name, but subject to all liabilities and obligations of such other corporation and the rights of all creditors thereof. The parent corporation shall not thereby acquire power to engage in any business, or to exercise any right, privilege, or franchise, of a kind which it could not lawfully engage in or exercise under the provisions of the law or laws by or pursuant to which such parent corporation is organized, or operates in the District of Columbia. The parent corporation shall be deemed to have assumed all of the obligations and liabilities of the merged corporation and shall be liable in the same manner as if it had itself incurred such liabilities and obligations. The parent corporation may relinquish its corporate name and assume in lieu thereof the name of the merged corporation, by including it in a provision to that effect in the resolution of merger adopted by the directors and set forth in the certificate of ownership, and upon the filing of such certificate the change of name shall be completed, with the same force and effect and subject to the same conditions and consequences as if such change had been accomplished by proceedings under the appropriate section of this act.

RIGHTS OF DISSENTING SHAREHOLDERS

SEC. 73. (a) If a shareholder of a corporation which is a party to a merger or consolidation shall file with such corporation, prior to or at the meeting of shareholders at which the plan of merger or consolidation is submitted to a vote, a written objection to such plan of merger or consolidation, and shall not vote in favor thereof, and such shareholder, within 20 days after the merger or consolidation is effected, shall make written demand on the surviving or new corporation for payment of the fair value of his shares as of the day prior to the date on which the vote was taken approving the merger or consolidation, the surviving or new corporation shall pay to such shareholder, upon surrender of his certificate or certificates representing said shares, such fair value thereof. Such demand shall state the number and class of the shares owned by such dissenting shareholder. Any shareholder failing to make demand within the 20-day period shall be bound by the terms of the merger or consolidation.

(b) If within 30 days after the date on which such merger or consolidation was effected the value of such shares is agreed upon between the dissenting shareholder and the surviving or new corporation payment therefor shall be made within 90 days after the date on which such merger or consolidation was effected, upon the surrender of his certificate or certificates representing said shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares or in the corporation.

(c) If within such period of 30 days the shareholder and the surviving or new corporation do not so agree, then the dissenting shareholder may, within 60 days after the expiration of the 30-day period, file a petition in any court of competent jurisdiction within the District of Columbia, asking for a finding and determination of the fair value of such shares, and shall be entitled to judgment against the surviving or new corporation for the amount of such fair value as of the day prior to the date on which such vote was taken approving such merger or consolidation, together with interest thereon at the rate of 5 percent per annum to the date of such judgment. The judgment shall be payable only upon and simultaneously with the surrender to the surviving or new corporation of the certificate or certificates representing said shares. Upon payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares or in the surviving or new corporation. Such shares may be held and disposed of by the surviving or new corporation as it may see fit. Unless the dissenting shareholder shall file such petition within the time herein limited, such shareholder and all persons claiming under him shall be bound by the terms of the merger or consolidation.

(d) The right of a dissenting shareholder to be paid the fair value of his shares as herein provided shall cease if and when the corporation shall abandon the merger or consolidation.

SALE, LEASE, EXCHANGE, OR MORTGAGE OF ASSETS IN USUAL AND REGULAR COURSE OF BUSINESS

SEC. 74. The sale, lease, exchange, mortgage, pledge, or other disposition of less than all, or less than substantially all, the property and assets of a corporation, when made

in the usual and regular course of the business of the corporation, may be made upon such terms and conditions and for such considerations, which may consist in whole or in part, of money or property, real or personal, including shares of any other corporation, whether or not such other corporation be organized under the provisions of this act, as shall be authorized by its board of directors; and in such case no authorization or consent of the shareholders shall be required.

SALE, LEASE, EXCHANGE, OR MORTGAGE OF ASSETS OTHER THAN IN USUAL AND REGULAR COURSE OF BUSINESS

SEC. 75. A sale, lease, exchange, mortgage, pledge, or other disposition of all, or substantially all, the property and assets, with or without the goodwill, of a corporation, may be made upon such terms and conditions and for such consideration, which may consist, in whole or in part, of money or property, real or personal, including shares of any other corporation, whether or not such other corporation be organized under the provisions of this act, as may be authorized in the following manner:

(a) The board of directors shall adopt a resolution recommending such sale, lease, exchange, mortgage, pledge, or other disposition, and directing the submission thereof to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, mortgage, pledge, or other disposition of all, or substantially all, the property and assets of the corporation shall be given to each shareholder of record entitled to vote within the time and in the manner provided by this act for the giving of notice of meetings of shareholders.

(c) At such meetings the shareholders may authorize such sale, lease, exchange, mortgage, pledge, or other disposition, and fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote, unless there are two or more classes of stock issued and outstanding and entitled to vote, in which event such authorization shall require the affirmative vote of the holders of at least two-thirds of the outstanding shares of each such class of shares issued and outstanding and entitled to vote.

(d) After such authorization by a vote of shareholders, the board of directors nevertheless, in its discretion, may abandon such sale, lease, exchange, mortgage, pledge, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by shareholders.

RIGHTS OF DISSENTING SHAREHOLDERS

SEC. 76. (a) If a shareholder shall file with the corporation, prior to or at the meeting of shareholders at which a sale or exchange of all or substantially all of the property and assets of a corporation is submitted to a vote, a written objection to such sale or exchange, and shall not vote in favor thereof, and such shareholder, within 20 days after the vote was taken, shall make written demand on the corporation for the payment to him of the fair value of his shares as of the day prior to the date on which the vote was taken, the corporation shall pay to such shareholder, upon surrender of his certificate or certificates representing said shares, such fair value thereof. Such demand shall state the number and class of the shares owned by such dissenting shareholder. Any shareholder failing to make demand within the 20-day period shall be bound by the terms of the sale or exchange.

(b) If, within 30 days after the date on which such vote was taken, the value of such shares is agreed upon between the dissenting shareholder and the corporation, the corporation shall make payment of the agreed value within 90 days after the date on which the vote was taken authorizing the sale or exchange, upon the surrender of his certificate or certificates representing said shares. Upon payment of the agreed value, the dissenting shareholder shall cease to have any interest in such shares or in the corporation.

(c) If within such period of 30 days the shareholder and the corporation do not so agree, then the dissenting shareholder may, within 60 days after the expiration of the 30-day period, file a petition in any court of competent jurisdiction within the District of Columbia, asking for a finding and determination of the fair value of such shares, and shall be entitled to judgment against the corporation for the amount of such fair value as of the day prior to the date on which such vote was taken, together with interest thereon at the rate of 5 percent per annum to the date of such judgment. The judgment shall be payable only upon and simultaneously with the surrender to the corporation of the certificate or certificates representing said shares. Upon the payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares or in the corporation. Unless the dissenting shareholder shall file such petition within the time herein limited, such shareholder and all persons claiming under him shall be bound by the terms of the sale or exchange.

VOLUNTARY DISSOLUTION OF CORPORATION BY ITS INCORPORATORS

SEC. 77. A corporation which has not commenced business and which has not issued any shares may be voluntarily dissolved by its incorporators at any time within 1 year from the date of the issuance of its certificate of incorporation in the following manner:

(a) Articles of dissolution shall be executed in duplicate by a majority of the incorporators, and verified by them, and shall set forth—

(1) the name of the corporation;

(2) the date of issuance of its certificate of incorporation;

(3) that none of its shares have been issued;

(4) that the corporation has not commenced business;

(5) that the amount, if any, actually paid in on subscriptions to its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto;

(6) that no debts of the corporation remain unpaid;

(7) that all the incorporators elect that the corporation be dissolved.

(b) Duplicate originals of the articles of dissolution shall be delivered to the Commissioners. If the Commissioners find that the articles of dissolution conform to law, they shall, when all franchise taxes, fees, and charges have been paid as in this act prescribed—

(1) endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of dissolution to which they shall affix the other duplicate original which shall be recorded in the office of the Recorder of Deeds.

(c) Upon the issuance of such certificate of dissolution the existence of the corporation shall cease.

DISSOLUTION BY CONSENT OF SHAREHOLDERS

SEC. 78. A corporation may be dissolved by the written consent of the holders of record of all of its outstanding shares in the following manner:

Upon the execution of such written consent by all the shareholders of record, a statement of intent to dissolve shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, which shall set forth and contain—

(a) The name of the corporation.

(b) The names and respective addresses, including street and number, if any, of its officers.

(c) The names and respective addresses, including street and number, if any, of its directors.

(d) A copy of the agreement signed by all shareholders of record of the corporation consenting to its dissolution.

(e) A statement that such agreement has been signed by all shareholders of record of the corporation or signed in their names by their attorneys thereunto duly authorized.

DISSOLUTION BY ACT OF CORPORATION

SEC. 79. A corporation may be dissolved by the act of the corporation in the following manner:

(a) The board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation, shall be given to each shareholder of record entitled to vote within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

(c) At such meeting a vote of the shareholders entitled to vote shall be taken on a resolution to dissolve the corporation, which shall require for its adoption the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote.

(d) Upon the adoption of such resolution, a statement of intent to dissolve shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, which shall set forth—

(1) the name of the corporation;

(2) the names and respective addresses, including street and number, if any, of its officers;

(3) the names and respective addresses, including street and number, if any, of its directors;

(4) a copy of the resolution of the shareholders authorizing the dissolution of the corporation;

(5) the number of shares outstanding and entitled to vote;

(6) the number of shares voted for and against the dissolution of the corporation.

FILING OF STATEMENT OF INTENT TO DISSOLVE

SEC. 80. Duplicate originals of the statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall, when all franchise taxes, fees, and charges have been paid as in this act prescribed—

(a) Endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof.

(b) File one of such duplicate originals in their office.

(c) The other duplicate original shall be recorded in the office of the Recorder of Deeds.

EFFECT OF STATEMENT OF INTENT TO DISSOLVE

SEC. 81. Upon the filing by the Commissioners of a statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, the corporation shall cease to carry on its business, except insofar as may be necessary for the proper winding up thereof.

PROCEEDINGS AFTER FILING OF STATEMENT OF INTENT TO DISSOLVE

SEC. 82. After the filing by the Commissioner of a statement of intent to dissolve—

(a) The corporation shall proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its shareholders, pay, satisfy, and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, and, after paying or adequately providing for the payment of all its obligations, distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their respective rights and interests.

(b) The corporation, at any time during the liquidation of its business and affairs, may make application to the United States District Court for the District of Columbia to have the liquidation continued under the supervision of the court as provided in this act.

REVOCATION BY CONSENT OF SHAREHOLDERS OF VOLUNTARY DISSOLUTION PROCEEDINGS

SEC. 83. By the written consent of the holders of record of all of its outstanding shares, a corporation may, at any time prior to the issuance of a certificate of dissolution by the Commissioners as hereinafter provided, revoke voluntary dissolution proceedings theretofore taken, in the following manner:

Upon the execution of such written consent by all the shareholders of record, a statement of revocation of voluntary dissolution proceedings shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, which shall set forth and contain—

(a) The name of the corporation.

(b) The names and respective addresses, including street and number, if any, of its officers.

(c) The names and respective addresses, including street and number, if any, of its directors.

(d) A copy of the agreement signed by all shareholders of record of the corporation revoking such voluntary dissolution proceedings.

(e) That such agreement is signed by all shareholders of record of the corporation or signed in their names by their attorneys thereunto duly authorized.

REVOCATION BY ACT OF CORPORATION OF VOLUNTARY DISSOLUTION PROCEEDINGS

SEC. 84. By the act of the corporation, a corporation may, at any time prior to the issuance of a certificate of dissolution by the Commissioners as hereinafter provided, revoke voluntary dissolution proceedings theretofore taken in the following manner:

(a) The board of directors shall adopt a resolution recommending that voluntary dissolution proceedings be revoked and directing that the question of such revocation be submitted to a vote at a meeting of shareholders.

(b) Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each shareholder of record entitled to vote within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

(c) At such meeting a vote of the shareholders entitled to vote shall be taken on a resolution revoking the voluntary dissolution proceedings, which shall require for its adoption the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote.

(d) Upon the adoption of such resolution, a statement of revocation of voluntary dissolution proceedings shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, which shall set forth—

(1) the name of the corporation;

(2) the names and respective addresses, including street and number, if any, of its officers;

(3) the names and respective addresses, including street and number, if any, of its directors;

(4) a copy of the resolution of the shareholders revoking the voluntary dissolution proceedings;

(5) the number of shares outstanding and entitled to vote;

(6) the number of shares voted for and against the revocation of the voluntary dissolution proceedings, respectively.

FILING OF STATEMENT OF REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS

SEC. 85. Duplicate originals of the statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall, when all fees have been paid as in this act prescribed—

(a) Endorse on each of such duplicate originals the word "Filed," and the month, day, and year of the filing thereof.

(b) File one of such duplicate originals in their office.

(c) The other duplicate original shall be recorded in the office of the Recorder of Deeds.

EFFECT OF STATEMENT OF REVOCATION OF VOLUNTARY DISSOLUTION PROCEEDINGS

SEC. 86. Upon the filing by the Commissioners of a statement of revocation of voluntary dissolution proceedings whether by consent of shareholders or by act of the corporation, the revocation of the voluntary dissolution proceedings shall become effective and the corporation may thereupon again carry on its business.

ARTICLES OF DISSOLUTION

SEC. 87. When all debts, liabilities, and obligations of the corporation have been paid and discharged, or adequate provision has been made therefor, and all of the remaining property and assets of the corporation have been distributed to its shareholders, articles of dissolution shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary which shall set forth—

(a) The name of the corporation.

(b) That the corporation has theretofore filed with the Commissioners a statement of intent to dissolve, and the date on which such statement was filed.

(c) That all debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor.

(d) That all the remaining property and assets of the corporation have been distributed among its shareholders in accordance with their respective rights and interests.

(e) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order, or decree which may be entered against it in any pending suit.

FILING OF ARTICLES OF DISSOLUTION

SEC. 88. (a) Duplicate originals of such articles of dissolution shall be delivered to the Commissioners. If the Commissioners find that such articles of dissolution conform to law, they shall, when all fees have been paid as in this act prescribed—

(1) endorse on each such duplicate original the word "Filed," and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of dissolution, to which they shall affix the other duplicate original.

(b) They shall return the certificate of dissolution, with a duplicate original of the articles of dissolution thereto affixed, which shall be filed for record in the office of the Recorder of Deeds. Upon the issuance of such certificate of dissolution the existence of the corporation shall cease, except for the purpose of suits, other proceedings, and appropriate corporate action by shareholders, directors, and officers as provided in this act.

INVOLUNTARY DISSOLUTION

SEC. 89. A corporation may be dissolved involuntarily by a decree of a court of equity in an action instituted by the Commissioners in the name of the District of Columbia, when it is made to appear to the court that—

(a) The franchise of the corporation was procured through fraud; or

(b) The corporation has continued to exceed or abuse the authority conferred upon it by this act; or

(c) The corporation has failed for 30 days to appoint and maintain a registered agent as provided in this act; or

(d) The corporation has failed for 30 days after change of its registered office or registered agent to file with the Commissioners a statement of such change.

VENUE AND PROCESS

SEC. 90. Every action for the involuntary dissolution of a corporation on the grounds hereinbefore provided shall be commenced by the Commissioners in the United States District Court for the District of Columbia. Summons shall issue and shall be served as in other civil actions. In case a return is made thereon that no officer or agent of such corporation can be found within the territorial limits of the District of Columbia, then the Commissioners shall cause publication to be made in some newspaper of general circulation published in the District of Columbia, containing a notice of the pendency of such action, the title of the court, the names of the parties thereto, and the date on or after which default may be entered. The Commissioners shall cause a copy of such notice to be mailed by registered mail to the corporation at its registered office within 10 days after the first publication thereof. The certificate of the Commissioners of the mailing of such notice shall be prima facie evidence thereof. Such notice shall be published at least once each week for 3 successive weeks, and the first publication thereof may begin at any time after the summons has been returned. Unless a corporation shall have been served with summons, no default shall be taken against it earlier than 30 days after the first publication of such notice. The cost of publication of such notice shall be paid by the Commissioners, unless the decree is against the corporation and such cost is collected from it.

JURISDICTION OF COURT TO LIQUIDATE ASSETS AND BUSINESS OF CORPORATION

SEC. 91. (a) The United States District Court for the District of Columbia shall have full power to liquidate the assets and business of a corporation—

(1) upon application by a corporation which has filed a statement of intent to dissolve, as provided in this act, to have its liquidation continued under the supervision of the court;

(2) when an action has been commenced by the Commissioners to dissolve a corporation and it is made to appear that liquidation of its business and affairs should precede the entry of a decree of dissolution.

(b) Proceedings under this section shall be brought in the United States District Court for the District of Columbia.

(c) It shall not be necessary to make shareholders parties to any such action or proceeding unless relief is sought against them personally.

PROCEDURE IN LIQUIDATION OF CORPORATION BY COURT

SEC. 92. (a) In proceedings to liquidate the assets and business of a corporation the court shall have power to issue injunctions, to appoint a receiver or receivers pendente lite with such powers and duties as the court, from time to time, may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the business of the corporation until a full hearing can be had.

(b) After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation, including all amounts owing to the corporation by shareholders on account of any unpaid portion of the consideration for the issuance of shares. Such liquidating receiver or receivers shall have authority, subject to the order of the court, to sell, convey, and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The assets of the corporation or the proceeds resulting from a sale, conveyance, or other disposition thereof shall be applied to the expenses of such liquidation and to the payment of the liabilities and obligations of the corporation, and any remaining assets or proceeds shall be distributed among its shareholders according to their respective rights and interests. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

(c) A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name as receiver of such corporation. The court appointing such receiver shall, for the purposes of this act, have exclusive jurisdiction of the corporation and its property, wherever situated.

QUALIFICATIONS OF RECEIVERS

SEC. 93. A receiver shall in all cases give such bond as the court may direct with such sureties as the court may require.

FILING OF CLAIMS IN LIQUIDATION PROCEEDINGS

SEC. 94. In proceedings to liquidate the assets and business of a corporation the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less than 4 months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of the court, from participating in the distribution of the assets of the corporation.

DISCONTINUANCE OF LIQUIDATION PROCEEDINGS

SEC. 95. The liquidation of the assets and business of a corporation may be discontinued at any time during the liquidation proceedings when it is made to appear to the court that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its remaining property and assets.

DECREE OF INVOLUNTARY DISSOLUTION

SEC. 96. In proceedings to liquidate the assets and business of a corporation, when the costs and expenses of such proceedings and all debts, obligations, and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed to its shareholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts, and obligations, all the property and assets have been applied so far as they will go to their payment, the court shall enter a decree dissolving the corporation, whereupon the existence of the corporation shall cease.

FILING OF DECREE OF DISSOLUTION

SEC. 97. In case the court shall enter a decree dissolving a corporation it shall be the duty of the clerk of such court to cause a certified copy of the decree to be filed with the Commissioners. No fee shall be charged by the Commissioners for the filing thereof.

SURVIVAL OF REMEDY AFTER DISSOLUTION

SEC. 98. The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the Commissioners, or (2) by proclamation of the Commissioners for failure to pay annual report fees or file annual reports as provided in the act, or (3) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, or shareholders, or any right or claim existing, or any liability incurred, prior to such dissolution if suit or other proceeding thereon is commenced within 2 years after the date of such dissolution. Any suit or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The shareholders, directors, and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right, or claim. If such corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during such period of 2 years so as to extend its period of duration.

ANNUAL REPORT OF DOMESTIC CORPORATION

SEC. 99. (a) Each corporation shall file with the Commissioners, on or before April 15 of each year, an annual report setting forth—

(1) the name of the corporation, the address, including street and number, if any, of its registered office in the District of Columbia, and the name of its registered agent at such address;

(2) the names and respective addresses, including street and number, if any, of its directors and officers;

(3) a brief statement of the character of the business in which the corporation is actually engaged;

(4) a statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class;

(5) a statement of the aggregate number of issued shares, itemized by classes, par value of shares, shares without par value and series, if any, within a class.

(b) Such annual report shall be made on forms prescribed and furnished by the Commissioners, and the information therein contained shall be given as of the date of the execution of the report.

(c) It shall be executed by the corporation by its president, vice president, secretary, assistant secretary, or treasurer, and verified by the officer executing the report, and the corporate seal shall be thereto affixed.

ADMISSION OF FOREIGN CORPORATION

SEC. 100. A foreign corporation shall procure a certificate of authority from the Commissioners before it transacts business in the District, but no foreign corporation shall be entitled to procure a certificate of authority under this act to transact in the District the business of banking, insurance, assurance, benefit, indemnity, building and loan association, or the acceptance of savings deposits, such corporations being admitted to and shall do business in the District of Columbia pursuant to the laws relating to such business. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the State under which such corporation is organized governing its organization and internal affairs differ from the laws of the District, and nothing in this act contained shall be construed to authorize the District to regulate the organization or the internal affairs of such corporation.

POWERS OF FOREIGN CORPORATION

SEC. 101. No foreign corporation subject to the provisions of this act shall transact in the District any business for the conduct of which a domestic corporation may not be organized or which is prohibited to a domestic corporation. A foreign corporation which shall have received a certificate of authority under this act shall, until a certificate of revocation or of withdrawal shall have been issued as provided in this act, enjoy the same rights and privileges as, but no greater rights and privileges than, a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authority is issued; and, except as in this act otherwise provided, shall be subject to the same duties, restrictions, penalties, and liabilities now or hereafter imposed upon a domestic corporation of like character.

CORPORATE NAME OF FOREIGN CORPORATIONS

SEC. 102. No certificate of authority shall be issued to a foreign corporation—

(a) Which has a name the same as, or deceptively similar to, the name of any domestic corporation, or that of any corporation organized under any act of Congress authorizing the formation of corporations under the laws of the District of Columbia, or that of any corporation created pursuant to any special act of Congress to transact business in the District of Columbia, or that of any foreign corporation authorized to transact business in the District of Columbia, or a name the exclusive right to which is, at the time, reserved in the manner provided in this act.

(b) The name of which does not contain the word "corporation," "company," "incorporated," or "limited," or does not contain an abbreviation of one of said words, unless such corporation, for use in the District, adds at the end of its name one of such words or an abbreviation thereof.

CHANGE OF NAME BY FOREIGN CORPORATION

SEC. 103. Whenever a foreign corporation which is admitted to transact business in the District shall change its name to one under which a certificate of authority to transact business in the District would not be granted to it on application therefor, the authority of such corporation to transact business in the District shall be suspended and it shall not thereafter transact any business in the District until it has changed its name to a name which is available to it under the laws of the District.

APPLICATION FOR CERTIFICATE OF AUTHORITY

SEC. 104. A foreign corporation may procure a certificate of authority to transact business in the District by making application therefor to the Commissioners, which application shall set forth—

(a) The name of the corporation and the State under the laws of which it is organized.

(b) If the name of the corporation does not contain one of the words "corporation," "company," "incorporated," "limited," or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in the District.

(c) The date of its incorporation and the period of its duration.

(d) The address, including street and number, if any, of its principal office in the

State under the laws of which it is organized.

(e) The address, including the street and number, if any, of its proposed registered office in the District, and the name of its proposed registered agent in the District at such address.

(f) The name or names of the State or States, if any, in which it is admitted or qualified to transact business.

(g) The purpose or purposes for which it was organized and which it proposes to pursue in the transaction of business in the District.

(h) The names and respective addresses, including street and number, if any, of its directors and officers.

(i) A statement of the aggregate number of shares which it has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(j) A statement of the aggregate number of its issued shares itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(k) A statement of the amount of stated capital and the amount of paid-in surplus of the corporation, as defined in this act.

(l) Such additional information as may be necessary or appropriate in order to enable the Commissioners to determine whether such corporation is entitled to a certificate of authority to transact business in the District. Such application shall be made on forms prescribed and furnished by the Commissioners and shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary.

FILING OF DOCUMENTS ON APPLICATION FOR CERTIFICATE OF AUTHORITY

SEC. 105. (a) There shall be delivered to the Commissioners (1) duplicate originals of the application of the corporation for a certificate of authority, and (2) a copy of its articles of incorporation and all amendments thereto, duly certified by the proper officer of the State wherein it is incorporated.

(b) If, according to law, a certificate of authority to transact business in the District shall be issued to such corporation, the Commissioners shall, when all fees and charges have been paid as in this act prescribed—

(1) endorse on each of such documents the word "Filed," and the month, day, and year of the filing thereof;

(2) file in their office one of such duplicate originals of the application and the copy of the articles of incorporation and amendments thereto;

(3) issue a certificate of authority to transact business in the District, to which they shall affix the other duplicate original application.

(c) The certificate of authority with the duplicate original of the application affixed thereto by the Commissioners shall be returned to the corporation or its representative.

EFFECT OF CERTIFICATE OF AUTHORITY

SEC. 106. Upon the issuance of a certificate of authority by the Commissioners, the corporation shall have the right to transact business in the District for those purposes set forth in its application, subject, however, to the right of the District to suspend or to revoke such right to transact business in the District as provided in this act.

REGISTERED OFFICE AND REGISTERED AGENT OF FOREIGN CORPORATION

SEC. 107. (a) Each foreign corporation authorized to transact business in the District shall have and continuously maintain in the District—

(1) a registered office which may be, but need not be, the same as its place of business in the District;

(2) a registered agent, which agent may be either an individual, resident in the District, whose business office is identical with such registered office, or a corporation authorized by its articles of incorporation to act as such agent and authorized to transact business in the District having a business office identical with such registered office.

(b) The address, including street and number, if any, of the initial registered office, and the name of the initial registered agent of each foreign corporation shall be as stated in its application for a certificate of authority to transact business in the District.

CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT OF FOREIGN CORPORATION

SEC. 108. (a) A foreign corporation may from time to time change the address of its registered office. A foreign corporation shall change its registered agent if the office of registered agent shall become vacant for any reason, or if its registered agent becomes disqualified or incapacitated to act, or if it revokes the appointment of its registered agent.

(b) A foreign corporation may change the address of its registered office or change its registered agent, or both, by filing with the Commissioners a statement setting forth—

(1) the name of the corporation;

(2) the address, including street and number, if any, of its then registered office;

(3) if the address of its registered office be changed, the address including street and number, if any, to which the registered office is to be changed;

(4) the name of its then registered agent;

(5) if its registered agent be changed, the name of its successor registered agent;

(6) that the address of its registered office and the address of the business office of its registered agent, as changed, will be identical;

(7) that such change was authorized by resolution duly adopted by the board of directors or was authorized by an officer of the corporation duly empowered to make such change.

(c) Such statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to the provisions of this act, they shall—

(1) endorse on each of such duplicate originals the word "Filed," and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) return the other duplicate original to the corporation or its representative.

(d) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Commissioners.

SERVICE OF PROCESS ON FOREIGN CORPORATION

SEC. 109. (a) Service of process in any suit, action, or proceeding, or service of any notice or demand required or permitted by law to be served on a foreign corporation, may be made on such corporation by service thereof on the registered agent of such corporation. Service of any such process, notice, or demand upon a corporate agent, as such agent, may be had by delivering a copy of such process, notice, or demand to the president, vice president, the secretary, or an assistant secretary of such corporate agent. During any period within which a foreign corporation authorized to transact business in the District shall fail to appoint or maintain in the District a registered agent, or whenever any such registered agent cannot with reasonable diligence be found at the registered office in the District of such corporation, or whenever the certificate of authority of any foreign corporation shall be revoked, then and in every such case the Commissioners shall be an agent and representative of such foreign corporation upon whom any process, notice, or demand may be served. Service on the Commissioners of any such foreign corporation shall be made by delivering to and leaving with them, or with any clerk having charge of their office, duplicate copies of such process, notice, or demand. In the event any process, notice, or demand is served on the Commissioners, he shall immediately cause one of such copies to be forwarded by registered mail, addressed to such corporation at its principal office as the same appears in the records of the Commissioners. Any services so had on the Commissioners shall be returnable in not less than 30 days: *Provided, however,* That, if a period of less than or greater than 30 days is prescribed by law or by rules of a court in the District or the rules or regulations of any agency of the United States or of the District, such prescribed period shall govern.

(b) Nothing herein contained shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

(c) The Commissioners shall keep a record of all processes, notices, and demands served upon them under this section, and shall record therein the time of such service and their action with reference thereto.

AMENDMENT TO ARTICLES OF INCORPORATION OF FOREIGN CORPORATION

SEC. 110. Whenever the articles of incorporation of a foreign corporation authorized to transact business in the District are amended, such foreign corporation shall forthwith file with the Commissioners a copy of such amendment duly certified by the proper officer of the State under the laws of which such corporation is organized; but the filing thereof shall not of itself enlarge or alter the purpose or purposes which such corporation is authorized to pursue in the transaction of business in the District, nor authorize such corporation to transact business in the District under any other name than the name set forth in its certificate of authority.

MERGER OF FOREIGN CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THE DISTRICT

SEC. 111. Whenever a foreign corporation authorized to transact business in the District shall be a party to a statutory merger permitted by the laws of the State under which it is organized, and such corporation shall be the surviving corporation, it shall forthwith file with the Commissioners a copy of the articles of merger duly certified by the proper officer of the State under the laws of which such statutory merger was effected; and it shall not be necessary for such corporation to procure either a new or amended certificate of authority to transact business in the District unless the name of such corporation be changed thereby or unless the corporation desires to pursue in the District other or additional purposes than those which it is then authorized to transact in the District.

AMENDED CERTIFICATE OF AUTHORITY

SEC. 112. (a) A foreign corporation authorized to transact business in the District shall secure an amended certificate of authority in the event it changes its corporate name, or desires to pursue in the District other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the Commissioners.

(b) The requirements in respect to the form and contents of such application, the manner of its execution, the filing of duplicate originals thereof with the Commissioners, the issuance of an amended certificate of authority and the effect thereof shall be the same as in the case of an original application for a certificate of authority.

ANNUAL REPORT OF FOREIGN CORPORATIONS

SEC. 113. Each foreign corporation authorized to transact business in the District shall file on or before April 15 of each year with the Commissioners an annual report setting forth—

(a) The name of the corporation and the State under the laws of which it is organized.

(b) If the name of the corporation does not contain one of the words "corporation," "company," "incorporated," or "limited," or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it has elected to add thereto for use in the District.

(c) The date of its incorporation and the period of its duration.

(d) The address, including street and number, if any, of its principal office in the State under the laws of which it is organized.

(e) The address, including street and number, if any of its registered office in the District, and the name of its registered agent at such address.

(f) The name or names of the State or States other than the District, if any, in which it is admitted or qualified to transact business.

(g) A brief statement of the character of the business in which it is actually engaged in the District.

(h) The names and respective addresses, including street and number, if any, of its directors and officers.

(i) A statement of the aggregate number of shares which the corporation has authority to issue, and the aggregate number of its issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

Such annual report shall be made on forms prescribed and furnished by the Commissioners and the information therein contained shall be given as of the date of the execution of the report. It shall be executed by the corporation by its president, vice president, secretary, assistant secretary, or treasurer, and verified by the officer making the report, and the corporate seal shall be thereto affixed.

WITHDRAWAL OF FOREIGN CORPORATION

SEC. 114. (a) A foreign corporation authorized to transact business in the District may withdraw from the District upon procuring from the Commissioners a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall file with the Commissioners an application for withdrawal.

(b) The application for withdrawal shall set forth—

(1) the name of the corporation and the State under the laws of which it is organized;

(2) that it is not transacting business in the District;

(3) that it surrenders its authority to transact business in the District;

(4) that it revokes the authority of its registered agent in the District to accept service of process and consents that service of process in any suit, action, or proceeding based upon any cause of action arising in the District during the time it was authorized to transact business in the District may thereafter be made on such corporation by service thereof on the Commissioners;

(5) a post-office address to which the Commissioners may mail a copy of any process against the corporation that may be served on him;

(6) such information as may be necessary or appropriate in order to enable the Commissioners to determine and assess any unpaid fees payable by such foreign corporation as in this act prescribed.

(c) The application for withdrawal shall be made on forms prescribed and furnished by the Commissioners and shall be executed by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, or, if the corporation is in the hands of a receiver or trustee, the same shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

FILING OF APPLICATION FOR WITHDRAWAL

SEC. 115. (a) Duplicate originals of such application for withdrawal shall be delivered to the Commissioners. Upon receipt thereof they shall examine the same, and, if they find that it conforms to the provisions of this act, they shall, when all fees and charges have been paid as in this act prescribed—

(1) endorse on each of such duplicate originals the word "Filed," and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of withdrawal to which they shall affix the other duplicate original.

(b) The Commissioners shall return such certificate of withdrawal with a duplicate original of the application for withdrawal thereto affixed to the corporation or its representative. Upon the issuance of such certificate of withdrawal, the authority of the corporation to transact business in the District shall cease.

REVOCATION OF CERTIFICATE OF AUTHORITY

SEC. 116. The certificate of authority of a foreign corporation to transact business in the District may be revoked by the Commissioners when they find that—

(a) The certificate of authority of the corporation was procured through fraud practiced upon the District; or

(b) The corporation has continued to exceed or abuse the authority conferred upon it by this act; or

(c) The corporation has failed for a period of 90 days to pay any fees, charges, or penalties prescribed by this act; or

(d) The corporation has failed for 90 days to appoint and maintain a registered agent in the District; or

(e) The corporation has failed for 30 days after change of its registered office or registered agent to file with the Commissioners a statement of such change; or

(f) The corporation has failed to file its annual report as required by this act; or

(g) The corporation for a period of 2 years has not transacted any business in the District; or

(h) The corporation has failed to file with the Commissioners a duly authenticated copy of each amendment to its articles of incorporation within 30 days after such amendment becomes effective; or

(i) A misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this act, in which event the Commissioners shall give not less than 30 days' notice forwarded by registered mail, addressed to such corporation at its principal office as the same appears in the records of the Commissioners or at its registered office in the District, of their intent to revoke the certificate of authority.

ISSUANCE OF CERTIFICATE OF REVOCATION

SEC. 117. (a) Upon revoking any such certificate of authority, the Commissioners shall—

(1) issue a certificate of revocation in duplicate;

(2) file one of such certificates in his office;

(3) mail to such corporation at it registered office in the District a notice of such revocation accompanied by one of such certificates.

(b) Upon the issuance of such certificate of revocation, the authority of the corporation to transact business in the District shall cease.

EFFECT OF REVOCATION OR WITHDRAWAL UPON ACTIONS AND CONTRACTS

SEC. 118. The revocation of certificate of authority or the voluntary withdrawal of a foreign corporation whereby its authority to do business in the District shall cease and be determined, shall not affect any action then pending, nor affect any right of action upon any contract made by the corporation in the District before such revocation or withdrawal, and, in any action upon any liability or obligation so incurred before the revocation or withdrawal, the process against the corporation may be served, after the filing thereof, upon the Commissioners.

APPLICATION TO FOREIGN CORPORATIONS TRANSACTING BUSINESS ON THE EFFECTIVE DATE OF THIS ACT

SEC. 119. Foreign corporations transacting business in the District at the time this act takes effect for a purpose or purposes for which a certificate of authority is required under the provisions of this act shall, within 6 months after the effective date of this act, procure a certificate of authority and shall otherwise comply with all applicable provisions of this act. Failure to secure a certificate of authority within the time provided in this section shall subject the corporation to all the penalties, liabilities, and restrictions provided in this act for transacting business without a certificate of authority.

TRANSACTING BUSINESS WITHOUT CERTIFICATE OF AUTHORITY

SEC. 120. (a) No foreign corporation which is subject to the provisions of this act and which transacts business in the District without a certificate of authority shall be permitted to maintain an action at law or in equity in any court of the District until such corporation shall have obtained a certificate of authority. Nor shall an action at law or in equity be maintained in any court of the District by any successor or assignee of such corporation on any right, claim, or demand arising out of the transaction of business by such corporation in the District until a certificate of authority shall have been obtained by such corporation or by a corporation which has acquired all or substantially all of its assets.

(b) The failure of a foreign corporation to obtain a certificate of authority to transact business in the District shall not impair the validity of any contract or act of such corporation, and shall not prevent such corporation from defending any action at law or suit in equity in any court of the District.

(c) A foreign corporation which transacts business in the District without a certificate of authority shall be liable to the District, for the years or parts thereof during which it transacted business the District without a certificate of authority, in an amount equal to all fees and other charges which would have been imposed by this act upon such corporation had it duly applied for and received a certificate of authority to transact business in the District as required by this act and thereafter filed all reports required by this act; and in addition thereto it shall be liable for a penalty of not in excess of $500. The Commissioners shall bring proceedings to recover all amounts due the District under the provisions of this section. Such charges and penalties shall be paid to the District before any certificate of authority is issued to such foreign corporation.

COMMISSIONERS; DUTIES AND FUNCTIONS

SEC. 121. (a) The Commissioners shall be charged with the administration and enforcement of this act. Said Commissioners are authorized to employ such personnel as may be necessary for the administration of this act, within appropriations made by Congress. The compensation of such personnel shall be fixed in accordance with the provisions of the Classification Act of 1949, as amended.

(b) The Commissioners may transfer any or all of the functions vested in them by this act to any agent designated by them pursuant to the provisions of this act, or to any office or agency established by them pursuant to Reorganization Plan No. 5 of 1952.

(c) The Commissioners of the District of Columbia shall provide a distinctive official seal, which shall be the seal of the District of Columbia surrounded by a border in which shall appear such legend as the Commissioners may determine.

(d) Every certificate and other document or paper executed by the Commissioners, in pursuance of any authority conferred upon them by this act, and sealed with the seal prescribed by subsection (b) hereof, and all copies of such papers as well as of documents and other papers filed in accordance with the provisions of this act, when certified by them and authenticated by said seal, shall have the same force and effect as evidence as would the originals thereof in any action or proceeding in any court and before a public officer, or official body.

(e) The Commissioners are authorized to attend and participate in the meetings of national organizations of State officials having supervision over corporations, and of the committees thereof, and there is hereby authorized to be appropriated such sums as may be necessary to defray the expenses of attendance at such meetings and to pay such annual dues or other fees as may be necessary to membership in said organizations. The Commissioners are further authorized to visit the corporation departments of the various States when in their judgment such visits are necessary or desirable in connection with the organization or proper conduct of any office or agency established by them.

(f) The Commissioners are authorized to make, modify, and enforce such regulations as they may deem necessary to carry out the provisions of this act, prescribe penalties for the violation of any such regulations not exceeding a fine of $300 or imprisonment for 90 days, or both, and to prescribe such forms and procedures for use in the conduct of the business of any office or agency established by them as they may deem appropriate.

FEES, FRANCHISE AND LICENSE TAXES, AND CHARGES

SEC. 122. (a) The Commissioners shall charge in accordance with the provisions of this act—

(1) fees for filing documents and issuing certificates;

(2) license fees;

(3) franchise taxes;

(4) miscellaneous charges.

(b) The Commissioners shall charge for—

(1) filing articles of incorporation, $20;

(2) filing amendment to articles of incorporation, $20;

(3) filing articles of merger or consolidation, $20;

(4) filing a statement of intent to dissolve, $5;

(5) filing articles of reincorporation, $20;

(6) filing articles of dissolution, $10;

(7) filing statement of change of address of registered office or change of registered agent, or both, $1;

(8) filing statement of the establishment of a series of shares, $5;

(9) filing an application of a foreign corporation for certificate of authority to transact business in the District and issuing a certificate of authority, $20;

(10) filing an application for reservation of a corporate name or for a renewal of reservation, $5;

(11) filing notice of transfer of a reserved corporate name, $5;

(12) filing an application of a foreign corporation for amended certificate of authority to transact business in the District and issuing an amended certificate of authority, $20;

(13) filing a copy of amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in the District, $5;

(14) filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in the District, $20;

(15) filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, $5;

(16) filing application for reinstatement of a domestic or foreign corporation and issuing certificate of reinstatement, $50;

(17) filing any other statement or report, except an annual report, of a domestic or foreign corporation, $1;

(18) for indexing each document filed, except an annual report, of a domestic or a foreign corporation, $2;

(19) for furnishing a certified copy of any document, instrument, report, or paper relating to a corporation, $5.

(c) An initial license fee is hereby imposed as follows:

(1) Every domestic corporation upon the filing of its articles of incorporation shall pay, in addition to any other fees and charges imposed by this act, the sum of 2 cents for each authorized share of its capital stock up to and including 10,000 shares, and the sum of 1 cent for each additional authorized share up to and including 50,000 shares, and the sum of one-half of 1 cent for each additional authorized share in excess of 50,000 shares: *Provided*, That in any case in which the articles of incorporation, of a domestic corporation authorizes par value shares having a par value per share other than $100 per share, then, in respect to such shares only, the aggregate par value of all of such shares shall be divided by the figure 100 and the quotient so obtained shall be the number of shares for the purpose of the initial license tax as to such shares: *And provided further*, That in no case shall the initial license fee payable be less than $10.

(2) Every domestic corporation upon the filing of any amendment of its articles of incorporation effecting an increase of its authorized capital stock, in addition to any other fees and charges imposed by this act, a sum equal to the difference between the initial license fee computed at the rates provided in paragraph (b) (1) of this section on the total of the authorized number of shares, including the proposed increase and the initial license fee so computed on the total of the authorized number of shares excluding said increase: *Provided*, That in no case shall the sum payable be less than $10.

(3) For filing an agreement of consolidation or an agreement of merger, $20: *Provided*, That if the corporation created in the case of an agreement of consolidation, or the corporation surviving in the case of an agreement of merger shall be a domestic corporation, then in addition to any other fees and charges imposed by this act, a sum equal to the difference between the initial license fee computed at the rates provided in paragraph (b) (1) of this section upon the total of the authorized number of shares of the corporation created by such consolidation or surviving in the case of a merger and the initial license fee so computed upon the aggregate amount of the total authorized number of shares such of the constituent corporation as are domestic corporations: *Provided further*, That in no case shall the sum payable as an initial license fee be less than $20.

(d) Each foreign corporation authorized under the provisions of this act to do business in the District and each domestic corporation shall pay an annual report fee of $10, which sum shall be paid at the time of the filing of the annual report required of such corporations under the provisions of this act.

(e) All taxes, fees, and charges provided for in this act shall be paid to the Commissioners and deposited in the Treasury of the United States to the credit of the District.

EFFECT OF FAILURE TO PAY ANNUAL REPORT FEE OR TO FILE ANNUAL REPORT

SEC. 123. If any corporation incorporated or reincorporated under this act, or any foreign corporation having a certificate of authority issued under this act, shall for 2 consecutive years fail or refuse to pay any annual report fee or fees payable under this act, or fail or refuse to file any annual report as required by this act for 2 consecutive years, then, in the case of a domestic corporation, the articles of incorporation shall be void and all powers conferred upon such corporation are declared inoperative, and, in the case of a foreign corporation, the certificate of authority shall be revoked and all powers conferred thereunder shall be inoperative.

PROCLAMATION OF REVOCATION

SEC. 124. (a) On the second Monday in September of each year, the Commissioners shall issue a proclamation listing the names of all domestic corporations and all foreign corporations which have failed or refused to pay any annual report fee or fees or failed or refused to file any annual report as required by this act for 2 consecutive years next preceding June 30 in the year in which such proclamation is issued and upon the issuance of such proclamation the articles of incorporation or the certificate of authority, as the case may be, shall be void and all powers thereunder inoperative without further proceedings of any kind.

(b) The proclamation of the Commissioners shall be filed in their office and shall be published once during the month of September in each of two daily newspapers of general circulation in the District of Columbia. A certified copy of the proclamation shall be transmitted to the Recorder of Deeds and he shall cause notation of the fact of revocation to be made upon the articles of incorporation of each domestic corporation listed in said proclamation.

(c) Upon publication of the proclamation of revocation as provided in this act each domestic corporation listed in such proclamation shall be deemed to have been dissolved without further legal proceedings and each such corporation shall cease to carry on its business and shall proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its shareholders, pay, satisfy, and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, and, after paying or adequately providing for the payment of all of its obligations, distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their respective rights and interest.

(d) All domestic corporations the articles of incorporation of which are revoked by proclamation or the term of existence of which expires by limitation set forth in its articles of incorporation shall nevertheless be continued for the term of 3 years from the date of such revocation or expiration bodies corporate for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to collect their assets, convey and dispose of such of their properties as are not to be distributed in kind to their shareholders, pay, satisfy, and discharge their liabilities and obligations and do all other acts required to liquidate their business and affairs, and, after paying or adequately providing for the payment of all its obligations, to distribute the remainder of their assets, either in cash or in kind among their shareholders according to their respective rights and interests, but not for the purpose of continuing the business for which such corporation shall have been organized: *Provided, however*, That with respect to any action, suit, or proceeding begun or commenced by or against a corporation prior to such revocation or expiration and with respect to any

action, suit or proceeding begun or commenced by or against such corporation within 3 years after the date of such revocation or expiration, such corporation shall only for the purpose of such actions, suits, or proceedings so begun or commenced be continued bodies corporate beyond said 3-year period and until any judgments, orders, or decrees therein shall be fully executed.

PENALTY FOR CARRYING ON BUSINESS AFTER ISSUANCE OF PROCLAMATION

SEC. 125. Any corporation, person, or persons who shall exercise or attempt to exercise any powers under articles of incorporation of a domestic corporation or under a certificate of authority of a foreign corporation which has been revoked shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $500 or by imprisonment not exceeding 1 year, or both, in the discretion of the court.

CORRECTION OF ERROR IN PROCLAMATION

SEC. 126. Whenever it is established to the satisfaction of the Commissioners that any corporation named in said proclamation has not failed or refused to pay any annual report fee or file any annual report for 2 consecutive years, or has been inadvertently included in the list of corporations as so failing or refusing to pay annual report fees or file reports, the Commissioners are authorized to correct such mistake by issuing a proclamation to that effect and restoring the articles of incorporation or certificate of authority, as the case may be, into good standing with like effect as if such proclamation of revocation, as to such corporation, had not been issued.

RESERVATION OF NAME OF PROCLAIMED CORPORATION

SEC. 127. The Commissioners shall reserve the names of all corporations the articles of incorporation of which have been revoked and of all foreign corporations the certificates of authority of which have been revoked until December 31 of the year in which the proclamation of revocation was issued and no domestic corporation shall be formed nor the name of any such domestic corporation changed to a name the same as or deceptively similar to such reserved name nor shall any foreign corporation be authorized to do business under a name the same as or deceptively similar to such reserved name.

REINSTATEMENT OF PROCLAIMED CORPORATIONS

SEC. 128. Upon filing a petition for reinstatement by a proclaimed corporation accompanied by the filing of the delinquent reports, or payment of delinquent annual report fee or fees in full, or both, as the case may be, together with any penalties imposed by this act, and upon payment of the reinstatement fee provided by this act at any time after the date of the issuance of the proclamation, the Commissioners, if they find that all of the documents offered for filing conform to law, shall file them in their office and shall issue their certificate of reinstatement which shall have the effect of annulling the revocation procedings theretofore taken as to such corporation and such corporation shall have such powers, rights, duties, and obligations as it had at the time of the issuance of the proclamation with the same force and effect as to such corporation as if the proclamation had not been issued.

PENALTY FOR FAILURE TO FILE ANNUAL REPORT ON TIME

SEC. 129. Any corporation organized under this act or any foreign corporation having a certificate of authority under this act which fails or refuses to file the annual report required by this act to be filed on April 15 of each year shall pay a penalty of $25.

PENALTY FOR FAILURE TO MAINTAIN REGISTERED OFFICE OR REGISTERED AGENT

SEC. 130. Any corporation incorporated or reincorporated under this act, or any foreign corporation which has been issued a certificate of authority under this act, which fails or refuses to maintain a registered office or a registered agent in the District of Columbia, in accordance with the provisions of this act shall be deemed to be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be fined in an amount not exceeding $500.

EFFECT OF NONPAYMENT OF FEES

SEC. 131. (a) The Commissioners shall not file any articles, statements, certificates, reports, applications, notices, or other papers relating to any corporation, domestic or foreign, organized under or subject to the provisions of this act, until all fees and charges provided to be paid in connection therewith shall have been paid to him or while the corporation is in default in the payment of any fees, charges, or penalties herein provided to be paid by or assessed against it.

(b) No corporation required to pay a fee, charge, or penalty under this act shall maintain in the District of Columbia any action at law or suit in equity until all such fees, charges, and penalties have been paid in full.

PENALTIES; VIOLATION OR FAILURE A MISDEMEANOR

SEC. 132. Any person, or corporation, who violates any provision of this act, or fails to comply with any provision thereof, for which violation or failure no penalty is provided therein or elsewhere in the laws of the District of Columbia, shall be deemed guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be fined not exceeding $500 for each and every violation or failure.

RIGHTS AND IMMUNITIES OF WITNESSES

SEC. 133. No person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence: *Provided*, That no person so testifying shall be exempted from prosecution or punishment for perjury: *Provided further*, That the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpena gives testimony under oath or produces evidence, documentary or otherwise, under oath.

MONOPOLIES AND RESTRAINT OF TRADE

SEC. 134. Nothing in this act shall be interpreted to authorize a corporation to do any act in violation of the common law or the statutes relating to the District of Columbia or of the United States with respect to monopolies and illegal restraint of trade.

WAIVER OF NOTICE

SEC. 135. Whenever any notice whatever is required to be given under the provisions of this act or under the provisions of the articles of incorporation or bylaws of any corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

VOTING REQUIREMENTS OF ARTICLES OF INCORPORATION

SEC. 136. Whenever, with respect to any action to be taken by the shareholders of a corporation, the articles of incorporation require the vote or concurrence of the holders of a greater proportion of the shares, or of any class or series thereof, then required by this act with respect to such action, the provisions of the articles of incorporation shall control.

INFORMAL ACTION BY SHAREHOLDERS

SEC. 137. Any action required by this act to be taken at a meeting of the shareholders of a corporation, or any other action which may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the shareholders entitled to vote with respect to the subject matter thereof. In the event that the action which is consented to is such as would have required the filing of a certificate under any section of this act, if such action had been voted upon by the shareholders at a meeting thereof, the certificate filed under such section shall state that written consent has been given hereunder, in lieu of stating that the shareholders have voted upon the corporate action in question, if such last-mentioned statement is required thereby.

APPEAL FROM COMMISSIONERS

SEC. 138. (a) If the Commissioners shall fail to approve any articles of incorporation, amendment, merger, consolidation, or dissolution, or any other document required by this act to be approved by the Commissioners before the same shall be filed in their office, they shall, within 10 days after the delivery thereof to them give written notice of their disapproval to the person or corporation, domestic or foreign, delivering the same, specifying the reasons therefor. From such disapproval such person or corporation may appeal to the United States District Court for the District of Columbia, by filing with the clerk of such court a petition setting forth a copy of the articles or other document sought to be filed and a copy of the written disapproval thereof by the Commissioners; whereupon the matter shall be tried de novo by the court, and the court shall either sustain the action of the Commissioners or direct them to take such action as the court may deem proper.

(b) If the Commissioners shall revoke the certificate of authority to transact business in the District of any foreign corporation, pursuant to the provisions of this act, such foreign corporation may likewise appeal to the United States District Court for the District of Columbia, by filing with the clerk of such court a petition setting forth a copy of its certificate of authority to transact business in the District and a copy of the notice of revocation given by the Commissioners; whereupon the matter shall be tried de novo by the court and the court shall either sustain the action of the Commissioners or direct them to take such action as the court may deem proper.

(c) Appeals from all final orders and judgments entered by the United States District Court for the District of Columbia under this section in review of any ruling or decision of the Commissioners may be taken to the United States Circuit Court of Appeals for the District of Columbia by either party to the proceeding within 60 days after service on such party of a copy of the order or judgment of the United States District Court for the District of Columbia.

CERTIFICATES AND CERTIFIED COPIES OF CERTAIN DOCUMENTS TO BE RECEIVED IN EVIDENCE

SEC. 139. All certificates issued by the Commissioners in accordance with the provisions of this act, and all copies of documents filed in their office in accordance with the provisions of this act when certified by them, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated. A certificate by the Commissioners under the seal of their office, as to the existence or nonexistence of the facts relating to corporations which would not appear from a certified copy of any of the foregoing documents or certificates shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the existence or nonexistence of the acts therein stated.

UNAUTHORIZED ASSUMPTION OF CORPORATE POWERS

SEC. 140. All persons who assume to act as a corporation without authority so to do shall be jointly and severally liable for all debts and liabilities incurred or arising as a result thereof.

FORMS TO BE FURNISHED BY COMMISSIONERS

SEC. 141. All reports required by this act to be filed in the office of the Commissioners shall be made on forms which shall be prescribed and furnished by the Commissioners. Forms for all other documents to be filed in the office of the Commissioners shall be furnished by the Commissioners on request therefor, but the use thereof, unless otherwise specifically prescribed in this act, shall not be mandatory.

REINCORPORATION OR INCORPORATION OF EXISTING CORPORATIONS

SEC. 142. Any corporation which is either—

(1) organized and existing under the laws of the District of Columbia on the date this act takes effect and which is organized for profit and for a purpose or purposes authorized by this act; or

(2) created under the provisions of a special act of Congress to transact business in the District of Columbia for profit and for purposes authorized by this act;

may avail itself of the provisions of this act and may become reincorporated or incorporated hereunder in the following alternative manner:

I. Reincorporation

(a) The board of directors shall adopt a resolution declaring it advisable in the judgment of the board that the corporation should be reincorporated under the provisions of this act and further setting forth the following statements for articles of incorporation under this act:

(1) The name which the corporation elects to be reincorporated under and which shall contain the word "corporation", "company", "incorporated", or "limited", or shall contain an abbreviation of one of said words.

(2) The designation of the address, including street and number, if any, of its registered office in the District of Columbia; and the name of its registered agent at such address.

(3) The purpose or purposes for which the corporation was organized and which it will hereafter carry on.

(4) The aggregate number of shares which the corporation was authorized to issue and, if said shares were of one class only, the par value of such shares, or a statement that all were without par value, as the case may be; or if said shares were divided into classes, the number of shares of each class, if any, that have a par value and the par value of each share of each such class, and the number of shares of each class, if any, that are without par value.

(5) If the shares were divided into classes, the designation of each class and a statement of the preferences, qualifications, limitations, restrictions, and the special or relative rights in respect of the shares of each class and whether the shares of any class have full, limited, or no voting power.

(6) The number of directors of the corporation.

(7) Any other provisions, not inconsistent with law, or this act, for the regulation of the internal affairs of the corporation.

(8) That it elects to surrender its existing charter and to be reincorporated under and subject to the provisions of this act.

It shall not be necessary to set forth in the articles of reincorporation any of the corporate powers enumerated in this act.

(b) Written or printed notice setting forth the proposed articles of reincorporation or a summary thereof shall be given to each shareholder of record within the time and in the manner provided in this act for giving notice of meetings of shareholders.

(c) At such meeting a vote of the shareholders shall be taken on the proposed reincorporation and it shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the outstanding shares unless two or more classes of shares are issued in which event it shall be adopted upon receiving the affirmative vote of two-thirds of the outstanding shares of each class issued.

(d) Upon receiving such approval, articles of reincorporation shall be executed in duplicate by the corporation by its president or vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and delivered to the Commissioners.

(e) If the Commissioners find that the articles of reincorporation conform to law, they shall, when all fees and charges have been paid as in this act prescribed—

(1) endorse on each of such duplicate originals the word "Filed", and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of reincorporation to which they shall attach the other duplicate original which shall be filed for record in the office of the Recorder of Deeds; or—

II. Incorporation

Effect of Filing Articles or Reincorporation

(a) By filing with the Commissioners a copy of its charter, or articles of incorporation, then in effect, certified by the secretary of said corporation, together with a certificate executed on behalf of the corporation by the president or a vice president and the secretary or the assistant secretary setting forth the following:

(1) The name of the corporation, which shall contain the word "corporation", "company", "incorporated", or "limited", or shall end with an abbreviation of one of said words.

(2) The designation of the address, including street and number, if any, of its registered office in the District of Columbia; and the name of its registered agent at such address.

(3) The purpose or purposes for which the corporation was organized and which it will hereafter carry on.

(4) The aggregate number of shares which the corporation was authorized to issue and, if said shares were of one class only, the par value of such shares, or a statement that all were without par value, as the case may be; or if said shares were divided into classes, the number of shares of each class, if any, that have a par value and the par value of each share of each such class, and the number of shares of each class, if any, that are without par value.

(5) If the shares were divided into classes, the designation of each class and a statement of the preferences, qualifications, limitations, restrictions, and the special or relative rights in respect of the shares of each class and whether the shares of any class have full, limited, or no voting power.

(6) The number of director of the corporation.

(7) Any other provisions, not inconsistent with law, or this act, for the regulation of the internal affairs of the corporation.

It shall not be necessary to set forth in such certificate any of the corporate powers enumerated in this act.

(b) A copy of a resolution of the board of directors certified to by the secretary of such corporation which shows that said board believes it advisable that the corporation should elect to avail itself of the provisions of this act and become incorporated hereunder.

(c) A certificate of the secretary of such corporation to the effect that such action by the corporation has been ratified and approved by the affirmative vote of not less than a majority of the outstanding shares of capital stock of such corporation entitled to vote.

(d) If the Commissioners find that such papers conform to law, they shall accept them for filing in the same manner as herein provided for the filing of articles of incorporation.

EFFECT OF FILING ARTICLES OF REINCORPORATION OR CERTIFICATES OF INCORPORATION

SEC. 143. Upon the issuance of articles of reincorporation or the certificate of incorporation by the Superintendent of Corporations the existence of the corporation shall be continued under this act and the corporation shall be entitled to and be possessed of all the privileges, franchises, and powers and subject to all the provisions of this act as fully and to the same extent as if such corporation had been originally incorporated under this act; and all privileges, franchises, and powers theretofore belonging to said corporation and all property, real, personal, and mixed, and all debts due on whatever account, and all choses in action, and all and every other interest of or belonging to or due such corporation shall be and the same are hereby ratified, approved, and confirmed and assured to such corporation with like effect and to all intents and purposes as if the same had been originally acquired through incorporation under this act: *Provided, however,* That any corporation thus reincorporating or incorporating under the provisions of this act shall be subject to all the contracts, debts, claims, duties, liabilities, and obligations of the corporations thus reincorporated or incorporated as if such reincorporation or incorporation had not taken place and neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such reincorporation or incorporation. Such reincorporated or incorporated corporation shall not be subject to the payment of the initial franchise tax provided by this act.

TRANSFER OF DUTIES OF RECORDER OF DEEDS

SEC. 144. (a) All powers conferred and all duties imposed upon the Recorder of Deeds of the District of Columbia by any act of Congress in relation to the organization of corporations, the amendment of certificates of incorporation or charters of corporations, change in capital stock, change of name, reincorporation, dissolution, or other corporate action are on the effective date of this act hereby transferred to, imposed upon, and shall be exercised or performed by the Commissioners; and wherever the words "Recorder of Deeds" or other words denoting that officer appear in any of the acts of Congress relating to the organization of corporations under the laws of the District of Columbia, or to amendments to the certificate of incorporation or charter of any corporation organized and existing under any of such acts, or to changes of name, changes of capital stock, reincorporation, dissolution, or other corporate action of any such corporation, whether such words relate to the powers and duties of such officer in relation to organization of corporations under any such acts, or to any of the corporate acts hereinbefore enumerated or are used in connection with the imposition of obligations or duties or the conferring of rights or privileges upon corporations or other persons, such words shall be construed to mean the Commissioners. All fees and charges, except as hereinafter provided, now chargeable by the Recorder of Deeds for doing the work or performing the services hereby transferred to the Commissioners shall, after the effective date of this act, be chargeable by the Commissioners. On and after the effective date of this act all certificates of incorporation or charters for the organization of corporations under any act of Congress or for the amendment of any such certificate of incorporation or charter, changes in capital stock, reincorporation, dissolution, or other corporate action under any such act, shall be delivered to the Commissioners in duplicate original.

If the Commissioners find that any such document conforms to law, they shall, when all fees have been paid as prescribed by law—

(1) endorse on each such duplicate original the word "Filed," and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) the other duplicate original returned by the Commissioners shall be recorded in the office of the Recorder of Deeds, and he shall charge the usual fee for recordation as for deeds of real estate.

(b) The filing of such document in the office of the Commissioners shall have the same force and effect as the recordation of lodging for recordation of certificates of incorporation and other corporate documents hereinbefore enumerated, formerly had in the office of the Recorder of Deeds.

(c) Upon the effective date of this act, the Commissioners shall take possession of all original books, papers, and records theretofore filed, recorded, used, or acquired by the Recorder of Deeds in the exercise of the powers and in the performance of the duties hereby transferred to the Commissioners, but nothing herein contained shall require the Recorder of Deeds to transfer any copies or transcripts of corporate papers that may constitute part of the records of his office.

CONSTITUTIONALITY

SEC. 145. The invalidity of any portion of this act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

RIGHT OF REPEAL RESERVED

SEC. 146. Congress reserves the right to alter, amend, or repeal this act, or any part thereof, or any certificate of incorporation or certificate of authority issued pursuant to its provisions.

TIME OF TAKING EFFECT

SEC. 147. This act shall take effect 180 days after the date of its approval, and thereafter no corporation eligible to be formed under this act shall be incorporated under any other act or statute now in force in the District of Columbia.

With the following committee amendments:

Page 122, line 11, strike out the word "he" and insert in lieu thereof the word "they."

Page 156, lines 20 and 21, strike out the words "Superintendent of Corporations" and insert in lieu thereof the word "Commissioners."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PENALTIES IN CERTAIN CASES IN THE MUNICIPAL AND JUVENILE COURTS OF THE DISTRICT OF COLUMBIA

Mr. O'HARA of Minnesota. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 1832) to provide for the suspension of the imposition or execution of sentence in certain cases in the municipal court for the District of Columbia and in the juvenile court of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. O'HARA]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in all cases in the municipal court for the District of Columbia, and in the juvenile court of the District of Columbia, the municipal court or the juvenile court, as the case may be, shall have power upon conviction to suspend the imposition of sentence or to impose sentence and suspend the execution thereof, if it should appear to the satisfaction of the court that the ends of justice and the best interests of the public and of the defendant would be served thereby. In each case of the imposition of sentence and the suspension of the execution thereof, the municipal court may, in its discretion, place the defendant on probation as provided by the act approved June 25, 1910 (36 Stat. 864; sec. 24–102, D. C. Code, 1940), and the juvenile court may, in its discretion, place the defendant on probation as provided by the act approved June 1, 1938 (52 Stat. 601; sec. 11–919, D. C. Code, 1940), by the act approved March 23, 1906, as amended (34 Stat. 86; sec. 22–903, D. C. Code, 1940), or by the act approved February 4, 1925 (43 Stat. 807; sec. 31–207, D. C. Code, 1940), as the case may be.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROOSEVELT MEMORIAL ASSOCIATION

Mr. O'HARA of Minnesota. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 2277) to amend the act entitled "An act to incorporate the Roosevelt Memorial Association," approved May 31, 1920, so as to change the name of such association to "Theodore Roosevelt Association," and for other purposes, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to incorporate the Roosevelt Memorial Association," approved May 31, 1920 (41 Stat. 691), is hereby amended by striking out "Roosevelt Memorial Association" and inserting in lieu thereof "Theodore Roosevelt Association."

SEC. 2. Any law heretofore enacted by the Congress and now in effect which refers to said Roosevelt Memorial Association shall hereafter be deemed to refer to such association by its new name, Theodore Roosevelt Association.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXEMPTION FROM TAXATION OF CERTAIN TANGIBLE PERSONAL PROPERTY

Mr. O'HARA of Minnesota. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 3180) to provide for the exemption from taxation of certain tangible personal property, and ask unanimous consent that it be considered in the House as in the Committe of the Whole.

The Clerk read the title of the bill.

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

Mr. REES of Kansas. Mr. Speaker, reserving the right to object, will the gentleman explain this bill? As I understand this, it is going to relieve a lot of property in the District of Columbia from taxation. This is a little different from what is being done in the several States and I would like to have it explained.

Mr. O'HARA of Minnesota. Mr. Speaker, I will be glad to explain the bill.

This bill provides for the exemption from taxation of certain tangible personal property.

The purpose of this legislation is contained in part of a letter which is included herewith to the Chairman of the House District Committee from the President of the Board of Commissioners.

The Committee on the District of Columbia wrote an amendment into the bill which would exempt libraries and nonprofit organizations in the District of Columbia.

Section 3 of the bill was also amended so that in making a return for personal property other than household effects it would not be necessary to make such return under oath. The provision is made that such returns, now being made, may be done by merely signing the return as it is done under Federal law.

The purpose of the bill is to exempt from taxation certain tangible personal property. Generally speaking, the bill, if enacted into law, would exempt household belongings not held for use or used in any trade or business and not held for sale or rent. It would also exempt boats and the contents thereof not held for rent or sale and not held for use or used in a trade or business. There is a definition of the words "household belongings" contained in the bill and this definition would include furniture, clothing, jewelry, and so forth, ordinarily found in a home, but would exclude from the definition, and hence the exemption, automobiles and other motor vehicles.

The Commissioners believe that existing tax on the tangible personal property such as would be exempted if the bill were enacted should be repealed. The statute under which such property is now taxed is about 50 years old. While at the time such tax was levied it was a commonly accepted method of raising revenue, since that time the practice of raising revenue by the taxation of such tangible personal property has fallen into disuse in many tax jurisdictions. Such a tax is difficult to administer and as a result of this fact often results in inequities. For example, it puts the burden on the citizen to place a value upon property which may have been purchased many years prior, and the tax assessor has the duty of determining whether that value is proper. Such a method of taxation, predicated as it is upon opinion as to value, is manifestly unsound from a practical viewpoint. Because of honest differences of opinion between taxpayers and taxing authorities as to the value, much litigation has

arisen under the present District statute. As was hereinbefore stated, the taxation of household property was, at the time the District statute was enacted, a prevalent theory of taxation. At that time, however, there were few, if any, direct taxes upon income or other more equitable methods of taxation in existence. Since the enactment of the present District tax on tangible personal property, including household belongings, other and more equitable methods of taxation have been enacted into law. For example, in Public Law 76, 81st Congress, 1st session, approved May 27, 1949, District sales and use taxes were levied and increased alcoholic beverage taxes, and cigarette taxes were imposed to raise additional revenue. The amount of relief to District taxpayers if H. R. 3180 were enacted, would be comparatively insignificant when considered in the light of the additional revenue which has resulted, and will continue to result, due to the enactment of said Public Law 76. The assessing authorities have estimated that the decrease in revenue which would result from the enactment of this bill would be approximately $800,000 annually.

The Commissioners believe that the continuation of the tax on automobiles and other motor vehicles is proper. It is obvious that automobiles and other motor vehicles, being more or less constantly upon the public streets and highways, are for that reason distinct from other classes of tangible personal property, such as furniture, and that their selection for taxation while exempting certain other tangible personal property would be a classification which rests upon substantial differences.

The Commissioners are advised that the citizenry of the District is most anxious that the present tax on household belongings, and so forth, be repealed. The Commissioners themselves feel that the tax should be repealed and earnestly beseech the Congress to enact the bill.

Mr. Speaker, as I have stated, the Tax Assessor of the District of Columbia appeared before our committee and stated that it was probably true that about 1 out of 5 persons who should pay personal-property taxes pay that tax. He further stated that it was impossible under existing conditions and the limitations of the personnel of the Tax Assessor's office to make the collection of taxes from those who do not pay their taxes, to fully enforce this tax. He did say that if this same personnel—and I am addressing my remarks particularly to the gentleman from Kansas—were freed to pursue other avenues of revenue and their enforcement, that the full amount, and in excess of the full amount of $800,000, would be recouped.

I want to say to the gentleman from Kansas that recently the city of Baltimore, I am informed by one of our colleagues from Baltimore, repealed the personal-property tax upon household goods because of its obnoxiousness and the difficulty of enforcement. There are some States which provide for no personal-property tax on household goods. Some of those removals have been recent. I might say that when the matter of the enactment of a sales tax was before the District, certain pledges were made to the people of the District that if the sales tax became a law, that this tax upon personal property, household goods, would be removed.

Mr. REES of Kansas. Further reserving the right to object, Mr. Speaker, the gentleman has just told us about the city of Baltimore. That applies to the city of Baltimore, and not the State of Maryland, as I understand. There are very, very few States that permit the exemption allowed in this bill. Neither the State of the gentleman from Minnesota nor my State of Kansas provide these exemptions. If it is a question of personnel that are required to collect these taxes, then why not provide personnel? But here we are talking about granting these exemptions because a sales tax has been imposed.

May I remind the gentleman that the sales tax in the District of Columbia is lower than in any State of the Union where there is a sales tax, because you have exemptions. Then when you come to the income tax the same thing applies. There are a few States that do not have an income tax. Those that do have an income tax have higher rates than those applied in the District of Columbia. I think the people of the District of Columbia are pretty well protected in regard to taxes and tax exemptions.

If it is a fact that only 1 out of 4 or 5 does pay this tax, under the act that is already on the statute books, then there is something wrong with the administration of the law. It is my opinion that they ought to pay taxes the same as the rest of us. I think it is rather unfair to bring a bill like this to the floor of the House concerning a city as wealthy as the city of Washington and then say the people in this city ought to be exempted from the so-called household taxes. We should be reminded that under the present law there is a $1,000 exemption before any tax is levied, so there is no real imposition on anyone. People who own less than $1,000 worth of personal property included in this legislation are not required to pay tax under the present law. If $800,000 is a correct figure in the amount of taxes collected, somebody is not performing his duty with respect to the collection of taxes, as I see it.

Does this bill have the approval of all the members of the House Committee on the District of Columbia? Did they all agree that this is right?

Mr. O'HARA of Minnesota. It had the overwhelming approval of the committee. There may have been one or two, I do not recall, who voted against the reporting of the bill, but it had the overwhelming approval of the entire Committee on the District of Columbia.

Mr. REES of Kansas. I do not want to be the only one out of the whole membership of the House to object to the consideration of this bill. I do not think it ought to be approved. That is my opinion as a Member of this House.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Illinois.

Mr. MASON. The gentleman from Kansas is not the only Member that objects to this. It seems to me the people of the District should pay the same taxes we have to pay at home. If they collect only 1 out of 5, that is their trouble. We in Illinois collect every single personal-property tax. If the people do not pay it, their property is seized and sold.

Mr. HARRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRIS. As I understand the parliamentary situation before the House, the gentleman from Minnesota has asked unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman states it accurately.

Mr. HARRIS. There is a reservation of objection before the House at the moment, as I understand. A reservation is to try to clarify a particular situation. I suggest to my colleagues on the committee that there are a number of Members on this side of the aisle who have expressed some very grave reservations on this issue. It occurred to me it might be advisable to go into the Committee of the Whole in order to debate the matter, in order to get the clear picture before the House for its consideration.

Mr. REES of Kansas. Mr. Speaker, I insist on my objection.

Mr. O'HARA of Minnesota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3180) to provide for the exemption from taxation of certain tangible personal property; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Arkansas [Mr. HARRIS] and myself.

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

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 3180, with Mr. SMITH of Wisconsin in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. VORYS].

Mr. VORYS. Mr. Chairman, I merely want to say I am in favor of this bill. If there are States that do not have enlightened tax laws exempting household property from personal taxes then they are far behind my great State of Ohio. We realized a generation ago in Ohio that it was simply impossible to have personal household property taxed as other property should be. We adjusted our laws accordingly and substituted other taxes.

Here in Washington, in this great community of transients, to talk about having enough inspectors to run around and find out the amount and value of household goods in every apartment and house in this vast community, to say that we are to have that sort of administration of this law is just talking through your hat. I certainly hope that we will

get away from the attempt to tax household property. It is utterly unenforcible efficiently throughout this community without a vast army of officials. If the question is what sort of tax should take its place that can be taken up in due course, but let us get away from a tax which the average person does not even know about, that can easily be evaded, that is almost impossible to administer fairly. It is a situation where you have a law that will not be obeyed because people simply do not understand it and do not believe in it. It is a law that would cost more to enforce effectively than the amount that could be collected. Therefore the thing to do is to pass this bill which exempts household property.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HYDE].

Mr. HYDE. Mr. Chairman, the gentleman from Kansas just said that nearby Maryland had not done anything about the personal property tax on household furniture. He is not accurate about that. He said it was only in the city of Baltimore. In the district which I represent, nearby Montgomery County, in Maryland, we have done away with the enforcement of this personal property tax on household goods because we found it was unenforcible. We also had testimony before the committee that in those areas which were still insisting on this inequitable form of taxation they were enforcing it in an arbitrary fashion. To assess and levy taxes arbitrarily without any relation to the value of the property upon which the tax is levied is certainly an unfair method of taxation.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield.

Mr. REES of Kansas. Do I understand that the State of Maryland has exactly the same exemptions as are contained in this bill?

Mr. HYDE. In nearby Maryland we have a system of local legislation passed by the State legislature. In nearby Montgomery County they have no longer enforced the personal property tax on household goods because they found it was an inequitable and unfair tax and impossible of fair administration.

Mr. REES of Kansas. But you do have the law on your statute books.

Mr. HYDE. We do have the law.

Mr. REES of Kansas. But you do not enforce it; is that it?

Mr. HYDE. It is impossible to enforce it; yes, sir.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HARRIS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill which apparently is provoking quite a lot of interest, comes to us after consideration over quite a long period of time. I would refer you to the previous Congress, I think perhaps the 81st Congress, when we had an adjustment of the revenue problem of the District of Columbia. Many of you remember we had quite a fight on the question of a sales tax. I do not recall it at this time, but I am reminded, and the committee is reminded, that when we had the problem under consideration, one of the things promised to the taxpayers of the District of Columbia was that they would recommend a program to remove the personal property tax on household personal property. This recommendation was to be made on the basis that it was wholly inequitable; inequitable because it was almost impossible for the collectors to collect this tax. As I recall, the District gets about $800,000 annually out of this particular tax. Should there be an equitable application of this law, it would probably be many times that much, but the tax apparently applies generally or more so to the old-time, established residents of the District of Columbia. We have thousands and thousands of apartments here, rental properties, transients of all kinds, people coming in and leaving, and they say the problem is this, that by far the greater amount of the personal property in the District of Columbia is actually not exempt, but is not collectible.

I raised some question about this myself, and I did it in the committee with some of the witnesses. The question I raised was this: The long, long issue which we have had before us is the contribution of the Federal Government to the budget of the District of Columbia. A few years ago, in the 80th Congress, you will recall that we set a figure of the obligation for the District of Columbia, which would be $14 million out of the Federal Treasury, as the Federal contribution. This fiscal year the Committee on Appropriations did not recommend, neither did the House appropriate, the full $14 million authorized. I think it was $11 million in fact.

The question I raised was this: There are those who say the Federal Treasury ought to provide a greater share of the budget of the District of Columbia. At the same time they say that this particular type of tax should be eliminated. I raised the issue simply on the basis that it is not a practical situation to be coming to us at one time for reduced taxes, and at the same time saying, "Let us get more money out of the taxpayers."

I realize, on the other hand, the practical problem which the Commissioners have presented to us. That is, they are collecting a very small amount of this tax. Consequently, the costs of collection are so high that if they could apply that cost to the collection of taxes and a revision of their program some other way, they would make substantial savings of the amount lost. I was somewhat impressed with that. I was also impressed with the idea that the people, according to the report we had, were promised 2 years ago that if we imposed a 16-million-dollar-tax increase on the people of the District of Columbia, then we certainly would give them this $800,000 relief. I do not feel that I personally committed myself to it then, but, nevertheless, that is the record, and that is what they say. From that standpoint, I think there is some justification for the committee's action here. The one point that a lot of people bring up is whether or not boats down here on the Potomac River and in Washington Channel should be brought under this exemption. I have no idea how many of those boats would be exempt from this, but I do know that all personal property does not come under this exemption; and if any of these yachts could be considered as a part of a business, they would not come within the exemption provision.

I would like to yield to the chairman to explain that.

Mr. O'HARA of Minnesota. I intend to offer an amendment striking that from the bill. It escaped the attention of the subcommittee. I think they should not be exempt, and I shall offer an amendment to so provide.

Mr. HARRIS. I may say to the gentleman that I think he would remove a lot of objection to this bill if such an amendment were proposed.

Mr. VORYS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. VORYS. Would not the gentleman agree that the question of the tax system of the District of Columbia is not the question before the House in this bill; this question is whether you are going to continue a tax which in its present form is utterly inequitable and which costs more to enforce than is returned to the District treasury.

Mr. HARRIS. I do not go along with that entirely, I may say to my colleague, the statement that the tax cannot be collected if they actually want to go out and collect it. It may be somewhat expensive, possibly more so than the average tax collection, but, nevertheless, I do understand that with so many apartment houses it is difficult to know who owns the personal property in them, and the same is true of the various rental properties, with the transients bringing their furniture in with them, taking it out, and other personal property likewise. From that standpoint, it is quite impractical.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. BAILEY. I would like to ask the gentleman if they classify property here for the purpose of applying the tax levy in the District of Columbia; is the property classified as to types?

Mr. HARRIS. There is some classification.

Mr. BAILEY. In my State of West Virginia we classify our property as to types, personal property, real estate, and so forth, and in the case of personal property we have a provision that the tax can never exceed 50 cents on a thousand dollars.

Mr. HARRIS. There will be a classification, I assure the gentleman, because there is a business classification of personal property already, automobiles, and so forth, which comes under a different category.

Mr. BAILEY. Automobiles would be in a separate classification and real estate likewise.

Mr. HARRIS. Real estate does have a separate classification from automobiles.

Mr. DEANE. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from North Carolina.

Mr. DEANE. I appreciate the statement made by the gentleman from

Arkansas but I would like to ask what procedure does the District follow in listing taxes?

Mr. HARRIS. In listing taxes?

Mr. DEANE. Yes, real estate or personal property.

Mr. HARRIS. They have the real estate listing on the books down at the tax collector's office, and they have a personal property listing just like any other place.

Mr. DEANE. Do they have certain tax lists for a certain section of the District or is it all centralized?

Mr. HARRIS. It is all centralized in the tax assessor's office; he has the overall authority for assessments. I think what the gentleman refers to is the listing of assessments.

Mr. DEANE. That is right.

Mr. HARRIS. That comes under the assessor's office.

Mr. DEANE. The record indicates that approximately $800,000 of revenue is received under this tax. What does it cost to collect this $800,000?

Mr. HARRIS. Will the gentleman from Minnesota answer that question?

Mr. O'HARA of Minnesota. I do not think we have any specifically itemized cost.

Mr. HARRIS. I would say it might be a little difficult to break that down, but the hearings reveal it is excessive.

Mr. DEANE. One other question. I appreciate the gentleman taking this time because it is a matter of some concern to a lot of us. Can the gentleman point out how many States have eliminated the collection of taxes on personal property?

Mr. HARRIS. I yield to the gentleman from Mississippi, a member of the committee, to answer that question.

Mr. ABERNETHY. We were informed in committee that there were 26.

Mr. HARRIS. Twenty-six States.

Mr. ABERNETHY. Twenty-six States have exempted personal property.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I think in those States where it does exist it is practically a dead-letter statute because I do not know of any place where they enforce it strictly because of the practical impossibility of enforcing it.

Mr. HARRIS. It is recognized in many jurisdictions as being a most inequitable tax because of the impracticability of collecting the tax on an overall basis.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Connecticut.

Mr. MORANO. That is true in Connecticut. We repealed the law. Is jewelry and other personal property such as precious stones exempted from this bill?

Mr. HARRIS. They would be, yes; those that are considered to be personal property. Of course, not in business establishments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I do not want to appear to be the only one in opposition to this legislation. As I said a moment ago, if this House after due deliberation thinks this bill ought to be approved, very well, but I want to register my opposition to it.

I appreciate that we have a very good Committee on the District of Columbia. The members of that committee work long and hard in the performance of their duties and in carrying out their obligations that they assumed when they became members of the committee. They do not get any thanks from the House. They may get a little from the District, I do not know.

It seems rather strange to me that this committee comes to the House with a bill stating that we should approve this legislation taking certain property out from under taxation because of a promise we made some time ago when a sales tax was levied on the people of the District. Let me call attention to the fact that the sales tax in the District of Columbia is less than the sales tax in those States a sales tax is in effect, and there are not many States that do not have a sales tax. The same statement applies with respect to the income tax. The income-tax law of the District of Columbia is full of exemptions, and the tax is lighter than in all States, except those where they do not have an income-tax law at all. The same statement applies with respect to the real-estate taxes. You know that as well as I do. I do not want to be unfair to the people of the District of Columbia with respect to taxes, but I do make the statement that to pass this bill is inequitable and it should not be approved.

Mr. DEANE. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from North Carolina.

Mr. DEANE. May I say to the gentleman from Kansas that I share his views. I regret that I will be unable to be present in the event of a roll call, but I would like to register my feeling that this seems to be inequitable and I believe that the Committee on the District of Columbia should give further study to it.

Mr. REES of Kansas. I appreciate the gentleman's statement and I do hope to awaken the committee to some of the facts in the case. This probably would have been approved without discusson. But when you talk about this item of $800,000 being a small item, there is something wrong with respect to the collection of taxes. Of course, if you do not want to collect the taxes that is something else again. A Member spoke a moment ago about the fact that over in Maryland they do not collect it although it is on the statute books. If it is on the statute books you ought to collect it or repeal the statute. I do not see any other way of handling the matter. Now, you are going to come back here with legislation asking an increased amount to be contributed to the District of Columbia. You do one thing with your right hand while with your left hand you are going to exempt several million dollars worth of property from taxation.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Does the gentleman have an apartment in the District of Columbia?

Mr. REES of Kansas. Yes.

Mr. ABERNETHY. Is the gentleman's personal property assessed?

Mr. REES of Kansas. Yes, it is subject to the exemptions allowed under the present law. There is not very much personal property there. I do pay tax on an automobile in the District.

Mr. ABERNETHY. Does the gentleman know what percentage of the personal property in the District is assessed?

Mr. REES of Kansas. I do not know. Someone said only a small amount is assessed. My criticism is that personal property in the District of Columbia ought to be assessed subject, of course, to the present exemptions on the statute book.

Mr. ABERNETHY. May I ask the gentleman if this type of tax is collected on personal property in his own State?

Mr. REES of Kansas. It most certainly is, and here you have a population in the District of Columbia that almost equals half of the population of my own State, where we pay ten times the amount of personal taxes on personal property that you are going to exempt under this bill. If you want to approve it, that is all right with me. If the gentleman from Mississippi thinks it is good legislation he ought to support it. I am just expressing my own private opinion. I know he has gone over it more carefully than I have, I admit that, but I still think it is wrong and that is the reason I am opposing it. I am not trying to say that you are all wrong and I am all right, but I think it is wrong and I do not think it ought to be approved.

Mr. O'HARA of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to my distinguished friend from Minnesota, who I know has given this a great deal of consideration. He certainly would not bring it before the House if he did not think it was good legislation. I just disagree with him.

Mr. O'HARA of Minnesota. I thank the gentleman for his kind comments. The gentleman referred awhile ago to the fact that his State had a tax upon personal property.

Mr. REES of Kansas. And I think the gentleman's State has, too; I may be wrong; is that correct?

Mr. O'HARA of Minnesota. The gentleman is partly correct. I think the current session of our State legislature is considering—I do not say they will—but they are considering at this time very strongly the possibility of removing the personal-property tax in Minnesota.

Mr. REES of Kansas. I am glad to have the gentleman's contribution on this subject matter.

Mr. O'HARA of Minnesota. I wanted to tell the gentleman that because I did not have the opportunity to do so prior to this. I think the gentleman does appreciate that there has been a change from the old personal property tax law in

many jurisdictions, and in many instances that tax has been removed, because it is paid over and over again on the bed that you sleep in, which people resent and I do not approve. And it is difficult of enforcement.

Mr. REES of Kansas. The gentleman's statement is most persuasive, I will say, but I just suggest to him that during these present days, when we are trying to collect all of the taxes we can to take care of the debt that is right now pressing down on this country, that the more you lessen the tax here the more taxes you are going to take from the people throughout the country to help along with the expenses in the District of Columbia. I do not want to impose any more taxes on the people in this District than the people throughout the country, but I think they ought to be willing and glad to pay their share, and the more taxes you take off by legislation of this kind then the more the people in Minnesota and Kansas and other States are going to have to pay to make up for it.

Mr. O'HARA of Minnesota. Permit me to say to the gentleman that when we imposed the sales tax in the District of Columbia, which affected, of course, all of us, that sales tax, let me say to the gentleman, yielded this last fiscal year about $15 million, which is about $3 million more than the most optimistic estimate we had. Now, I would say, in light of the fact that we do have under the present law an exemption of $1,000 on personal household effects, that the average person here never does pay a tax, and of those who should pay, I am sorry to say, there are only about one out of four or five who do pay; therefore, in fairness and in the light of enlightened advancement in tax matters, the District Committee did feel that this tax should well be removed.

Mr. REES of Kansas. My answer is that it is very unfair that one person pays his tax and about three or four do not pay. Again, I think that is a question of administration of the act as it now stands on our statute books.

I am informed the taxpayers of this country in the rather near future are going to be called upon to contribute $15 million or more to help carry the cost of running the government of the District of Columbia. It is my view that before we impose additional taxes on the people of this country to carry on the expenses of the Nation's Capital, we ought to see to it that the taxpayers of the District are contributing their share of the taxload—not more than their share, but only their share.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. ALLEN].

Mr. ALLEN of California. Mr. Chairman, we had before us the Corporation Counsel and the Assessor of the District of Columbia, and I think some of the statements they made to the committee are worth repeating.

The Counsel's first expression, as I remember it, was that it would take an army of inspectors to try to collect this tax. The Assessor went on to say that approximately $850,000 a year is realized. The tax was created by enactment in 1902, and it has not been revised since that time. In 1902 the $1,000 exemption for furniture was supposed to provide an exemption of normal house furnishings, but since that time the price of furnishings has gone up.

He said that if he could turn the personnel now engaged in collecting this $850,000 into other fields he thought they could collect that much or more from the collection of other taxes which are not now being fully collected.

The tax is equivalent to the amount which a levy of an additional 5 cents on the tax rate on real estate would yield. The sales tax is now raising approximately $15,700,000 a year.

He said, and I think this is significant because it is in line with the thinking of the gentleman from Kansas, that for 50 years during which the collection of this tax has been administered, it has been found impossible to collect more than 20 or 25 percent of the tax. The position of the gentleman from Kansas that if the tax that is collectible under the law cannot be collected, the law should be repealed is, I believe, a well-taken position. As it now stands, some taxpayers pay all they are supposed to pay, some pay part, and some pay none.

The method of collecting the tax is rather interesting. The law provides for an assessment. Actually the Assessor sends each potential taxpayer a schedule to be completed. He has found that he cannot, with the force at hand, actually inspect and assess all the property involved. Accordingly, if the potential taxpayer ignores the law and the Assessor's request for a schedule of his taxable property, the Assessor then arbitrarily fixes a tax on the personal property at approximately 10 percent of the value of the improvements on the real estate. They made a survey some years ago and learned that such an assessment would usually approximate the values of the property and furniture in homes. The Assessor now assesses arbitrarily, not in accordance with provisions of law, but as a practical matter, at about 10 percent of the value of the improvements plus 20 percent for a penalty for not filing the schedule.

I learned from the Assessor in answer to a question that some 9 out of 10 who are arbitrarily assessed and who are informed that they have the right thereafter to ask for an actual assessment do not avail themselves of that right, from which it is reasonable to estimate that 90 percent of those arbitrarily assessed are underassessed.

It seems to me we would do very well to repeal this law and, if it is necessary to tax personal property, we could enact a law on some basis under which we could assess an equitable tax and collect equitably from all those who should pay. I doubt that we can collect this tax, as it now stands, without, as the Assessor says, having an army of inspectors to go into each home and appraise or assess the personal property therein and, in addition to that, having a provision for a right of some kind to seal safety deposit boxes periodically so that all safe deposit boxes might be inspected in order to disclose taxable articles of jewelry or other articles of great value.

In relation to the collection of the taxes on jewelry he said that it was impossible to estimate how much jewelry escaped taxation. He has some basis of estimate by reason of the fact that when an inheritance tax becomes due the safe deposit box of the deceased person is sealed and opened only when a representative of the assessor's office is present. By learning what jewelry is in the safe deposit box and comparing it with the amount of tax that the deceased person has paid during his lifetime upon it the assessor can determine that an amazing amount of taxation on jewelry is not paid. Accordingly, Mr. Chairman, I believe it would be a reasonable course to repeal this law and either supply more revenue under other existing laws or to rewrite the personal property tax law upon a basis upon which the tax may be collected equitably from all of those who are subject to it rather than from only 20 or 30 percent of those who are either caught by the assessor or sufficiently honest to volunteer payment.

Mr. O'HARA of Minnesota. Mr. Chairman, I have no further requests for time.

Mr. HARRIS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That subparagraph numbered "Second" of paragraph numbered 10 of section 6 of the act of July 1, 1902 (32 Stat. 620, ch. 1352), as amended, is hereby further amended to read as follows:

"Second. Household belongings located in any dwelling house or other place of abode, or in storage, not held for sale or rent and not held for use or used in any trade or business; boats and the contents thereof not held for sale or rent and not held for use or used in a trade or business. For the purposes of this section, the words "household belongings" shall include all libraries, school books, wearing apparel, family portraits, pictures, furniture, furnishings, rugs, silverware, china, glassware, musical instruments, radios, television sets, refrigerators, food, photographic equipment, bicycles, tools, clocks, watches, jewelry, and other articles of personal adornment, and other tangible personal property (excluding automobiles and other motor vehicles) ordinarily kept and used or held for use by the occupant of any dwelling house or other place of abode for the ordinary purposes of life. For the purposes of this section, the words 'trade or business' shall include the engaging in or carrying on of any trade, business, profession, vocation, calling, rental of property, commercial activity, and any other activity carried on or engaged in for livelihood or profit."

SEC. 2. Subparagraph numbered "Third" of paragraph numbered 10 of section 6 of the act of July 1, 1902 (32 Stat. 620, ch. 1352), and subparagraph numbered "Fourth" of paragraph numbered 10 of section 6 of said act, as amended, are hereby repealed.

SEC. 3. The provisions of this act shall be applicable with respect to tax years or portions thereof beginning on and after July 1, 1951.

Committee amendment:

On page 1, line 7, strike the word "Household" and insert the following: "Libraries of nonprofit organizations and household."

The committee amendment was agreed to.

Committee amendment:

On page 2, line 23, strike out all of section 3 and insert the following:

"SEC. 3. The fourth subparagraph of the first paragraph of section 6 of the act approved July 1, 1902 (32 Stat. 618; sec. 47–1203, D. C. Code, 1951 ed.), as amended, is amended as follows: (a) by striking so much of the first sentence as reads 'together with the rate of tax prescribed'; (b) by striking the word 'affidavit' where it appears in the first sentence and inserting in lieu thereof the word 'forms'; (c) by striking therefrom so much as reads 'and make and sign an affidavit to the truth thereof, as aforesaid, before the assessor or one of the other members of the said board of personal-tax appraisers, and the members of the said board are hereby authorized to administer such and all oaths in connection with their duties as assessor and appraisers without charge, or before any person authorized by law to administer oaths; and the address in the District of Columbia of the person, corporation, or company making affidavit shall in each case be given below his, its, or their signature,' and inserting in lieu thereof the following: 'which statement shall also contain, or be verified by, a written declaration that it is made under the penalties of perjury, such declaration to be signed by, and over the address in the District of Columbia of, said person, association, corporation, firm, company, executor, administrator, guardian, or trustee making the statement required hereby'; (d) by striking the word 'affidavit' in the third proviso and inserting in lieu thereof the word 'statement.'

"SEC. 4. The provisions of this act shall be applicable with respect to tax years or portions thereof beginning on and after the tax year beginning after the approval of this act."

The committee amendment was agreed to.

Mr. O'HARA of Minnesota. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. O'HARA of Minnesota: After the word "business" on page 1, line 10, strike out the following words "boats and the contents thereof not held for sale or rent and not held for use or used in a trade or business."

Mr. O'HARA of Minnesota. Mr. Chairman, this merely is in line with the statement I made earlier that this had escaped the attention of the subcommittee as well as the full committee. There is no reason why these boats should be exempted from taxation in my opinion and my purpose is to strike that exemption out of the bill so that the boats here on the Potomac in the District of Columbia would be taxed. Mr. Chairman, I ask for the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. O'HARA].

The amendment was agreed to.

Mr. O'HARA of Minnesota. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 3180) to provide for the exemption from taxation of certain tangible personal property, had directed him to report the bill back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. O'HARA of Minnesota. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, and read a third time, and was read the third time.

Mr. McCORMACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. Mr. Speaker, may I call to the attention of the Chair and my friend that a number of Members on both sides are having lunch with a very important gentleman. It is not for me to take the necessary steps, but I call attention to the fact that if necessary steps were taken, the rollcall vote could take place later in the day or on Wednesday. I simply make that observation. I realize that under the guise of a parliamentary inquiry I am trying to protect some Members who are away.

The SPEAKER. The Chair understands there are about 20 Members, both Republicans and Democrats, attending that luncheon.

Mr. BONNER. It will be perfectly satisfactory to me to put the vote over.

Mr. O'HARA of Minnesota. Mr. Speaker, I ask unanimous consent that the vote on this bill may be put over until Wednesday.

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

There was no objection.

ARMED SERVICES COMMITTEE

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight tomorrow to file reports on S. 1110 and H. R. 4130.

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

There was no objection.

DISTRICT OF COLUMBIA LEGISLATION—DIRECTOR OF THE DISTRICT OFFICE OF CIVIL DEFENSE

Mr. MILLER of Nebraska. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 3425) to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to appoint a member of the Metropolitan Police Department or a member of the Fire Department of the District of Columbia as Director of the District Office of Civil Defense, and for other purposes," approved May 21, 1951, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to authorize the Commissioners of the District of Columbia to appoint a member of the Metropolitan Police Department or a member of the Fire Department of the District of Columbia as Director of the District Office of Civil Defense, and for other purposes," approved May 21, 1951 (Public Law 37, 82d Cong.), is amended to read as follows:

"That the Commissioners of the District of Columbia are authorized to appoint a member of the Metropolitan Police Department or a member of the Fire Department of the District of Columbia to any position in any office or agency of the government of the District of Columbia, to which office or agency there may be transferred the functions of the Office of Civil Defense (authorized to be abolished by Reorganization Plan No. 5 of 1952), with the salary provided by law for such position, chargeable to the appropriation for the newly established office or agency: *Provided*, That during the tenure of his appointment such member so appointed shall be deemed to be a member of such Metropolitan Police Department or such Fire Department, as the case may be, for all purposes of rank, seniority, allowances, privileges and benefits, including retirement and disability benefits under the provisions of section 12 of the act approved September 1, 1916 (39 Stat. 718–721), as amended, to the same extent as though the appointment had not been made, and at the termination of such appointment he shall be entitled to resume his status within the Metropolitan Police Department or Fire Department, as the case may be, which shall include any promotion in rank to which he may have become entitled: *Provided further*, That retirement and disability benefits and salary deductions shall be based on the salary of the rank or position held in the Metropolitan Police Department or the Fire Department, as the case may be, prior to his appointment to such position in such office or agency succeeding to the functions of the Office of Civil Defense or the salary of the position or rank he would have attained in the Metropolitan Police Department or the Fire Department had his appointment to such position in such office or agency not been made, whichever is greater.

"SEC. 2. As used in this act the terms 'Metropolitan Police Department' and 'Fire Department' shall include, respectively, offices or agencies succeeding to the functions of such departments pursuant to Reorganization Plan No. 5 of 1952.

"SEC. 3. This act shall take effect at such time as the Commissioners of the District of Columbia shall transfer the functions of the Office of Civil Defense of the District of Columbia to a newly established Office of Civil Defense or any other office or agency, pursuant to Reorganization Plan No. 5 of 1952."

With the following committee amendments:

Page 3, line 14, strike out "No." and insert No. 5."

Page 3, line 15, strike out "1952" and insert "1952."

Page 3, line 16, strike out "SEC. 3" and insert "SEC. 2."

Page 3, line 20, strike out "agnecy" and insert "agency."

Page 3, line 21, strike out the word "numbered" and "1952" and insert "number" and "1952."

The amendments were agreed to.

Mr. HARRIS. Mr. Speaker, I think in view of the importance of this bill some explanation should be made for the RECORD. I wonder if the gentleman from Nebraska would care to explain the bill?

Mr. MILLER of Nebraska. Mr. Speaker, I move to strike out the last word.

This bill is made necessary because under the Reorganization Act the Office of Civilian Defense is done away with. We, by this bill, in effect recreate the office. It makes possible for one man in the Police Department to be head of Civilian Defense, or Civilian Defense Director for the District of Columbia without losing the pension retirement rights and other things that would go with it had he stayed on the police force. It merely continues a law that has been in effect before that this Congress passed. Because of the effect of the Reorganization Act, under which the District of Columbia Commissioners are working, it is necessary to reenact the law that we have had in operation heretofore.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TREATMENT OF NARCOTIC ADDICTS IN THE DISTRICT OF COLUMBIA

Mr. MILLER of Nebraska. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 3307) to provide for the treatment of users of narcotics in the District of Columbia, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the purpose of this act is to protect the health and safety of the people of the District of Columbia from the menace of drug addiction and to afford an opportunity to the drug user for rehabilitation. The Congress intends that Federal criminal laws shall be enforced against drug users as well as other persons, and this act shall not be used to substitute treatment for punishment in cases of crime committed by drug users.

DEFINITIONS

SEC. 2. For the purposes of this act—

(1) The term "drug user" means any person who habitually uses any habit-forming narcotic drugs so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of such habit-forming narcotic drugs as to have lost the power of self-control with reference to his addiction.

(2) The term "patient" means a person with respect to whom there has been filed with the Clerk of the United States District Court for the District of Columbia a statement as provided for in section 3.

FILING A STATEMENT

SEC. 3. (a) Whenever it appears to the United States attorney for the District of Columbia that any person within the District of Columbia, other than a person referred to in subsection (b), is a drug user, he may file with the clerk of the United States District Court for the District of Columbia a statement alleging that such person is a drug user and setting forth facts substantiating the allegation.

(b) The United States attorney may not file a statement under this section with respect to any person who is charged with a criminal offense, whether by indictment, by information, or by a proceeding in the juvenile court of the District of Columbia, or who is under sentence for a criminal offense, whether he is serving the sentence, or is on probation or parole, or has been released on bond pending appeal.

COURT ORDER FOR EXAMINATION

SEC. 4. Upon the filing of such a statement, the court shall order the patient to appear before it for an examination by physicians pursuant to section 6 (a) of this act and for a hearing if required under section 7 of this act. The copy of the statement shall be served personally upon the patient.

RIGHT TO COUNSEL

SEC. 5. A patient shall have the right to the assistance of counsel at every stage of the judicial proceeding under this act. Before the court appoints physicians pursuant to section 6 of this act it shall advise the patient of his right to counsel and shall assign counsel to represent him if the patient is unable to obtain counsel.

EXAMINATIONS BY PHYSICIANS

SEC. 6. (a) When such a statement has been filed the court shall appoint 2 qualified physicians, 1 of whom shall be a psychiatrist, to examine the patient. Each physician shall, within such periods as the court may direct, file a written report of the examination, which shall include a statement of his conclusion as to whether the patient is a drug user.

(b) The counsel for the patient may inspect the reports of the examination. No such report and no evidence resulting from the personal examination of the patient or evidence offered by the patient shall be admissible against him in any judicial proceeding except a proceeding under this act.

WHEN HEARING IS REQUIRED

SEC. 7. If, in a report filed pursuant to section 5 of this act, either of the examining physicians states that the patient is a drug user, or that he is unable to reach any conclusion by reason of the refusal of the patient to submit to thorough examination, the court shall conduct a judicial hearing in the manner provided in section 8 of this act. If, on the basis of the reports filed, the court is not required to conduct such a hearing, it shall enter an order dismissing the proceeding under this act. If a hearing is deemed necessary, then such notice of hearing shall be served personally upon the patient to afford the said patient the opportunity to prepare for the hearing.

HEARING

SEC. 8. Upon the evidence introduced at a hearing held for that purpose the court shall determine whether the patient is a drug user. The hearing shall be conducted without a jury unless, before the hearing and within 15 days after the date on which the second report is filed pursuant to section 6 of this act, a jury is demanded by the patient or by the officer filing the statement. The patient may, after appointment or employment of counsel, waive a hearing and be committed directly to a hospital designated by the Commissioners of the District of Columbia, or their designated agent. The rules of evidence applicable in judicial proceedings in the court are applicable to hearings pursuant to this section, including the right of the patient to present evidence in his own behalf and to subpena and cross-examine witnesses.

CONFINEMENT OF PATIENT

SEC. 9. If the court finds the patient to be a drug user it shall commit him to a hospital designated by the Commissioners of the District of Columbia, or their designated agent, and approved by the court, to be confined there for rehabilitation until released in accordance with section 10 of this act. The head of the hospital shall submit written reports, within such periods as the court may direct, but no longer than 6 months after the commitment and for successive intervals of time thereafter, and state reasons why the patient has not been released.

RELEASE OF PATIENT

SEC. 10. (a) when the head of the hospital to which the patient is committed and the Commissioners of the District of Columbia, or their designated agent, find that the patient appears to be no longer in need of rehabilitation, or has received maximum benefits, they shall give notice to the judge of the committing court, and the said patient shall be delivered to the said court, for such further action as the court may deem necessary and proper under the provisions of this act.

(b) The court, upon petition of the patient after confinement for 1 year, shall inquire into the refusal or failure of the head of the hospital to release him. If the court finds that the patient is no longer in need of care, treatment, guidance, or rehabilitation, or has received maximum benefits, it shall order the patient released, in accordance with the provisions of section 11 of this act.

PERIODIC EXAMINATION OF RELEASED PATIENTS

SEC. 11. For the 2 years after his release, the patient shall report to the Commissioners of the District of Columbia, or their designated agent, at such times and places as those officers, or officer require, but not more frequently than once each month, for a physical examination to determine whether the patient has again become a drug user. If the Commissioners of the District of Columbia, or their designated agent, determine that the person examined is a drug user, they shall so notify the United States attorney for the District of Columbia who may then file a statement under section 3 of this act with respect to the person examined.

PATIENT NOT DEEMED A CRIMINAL

SEC. 12. The patient in any proceeding under this act shall not be deemed a criminal and the commitment of any such patient shall not be deemed a conviction.

With the following committee amendment:

Page 7, line 5, insert the following:

"SEC. 13. This act shall become effective 6 months after the date of its approval."

The amendment was agreed to.

Mr. MILLER of Nebraska. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, H. R. 3307 provides for the treatment of users of narcotics in the District of Columbia. The narcotics problem in the District of Columbia is a very real and vital concern to all the people.

This is new legislation and could well be considered as a model for the several States.

The narcotics traffic in the District of Columbia has been large and vicious. It has destroyed the lives and economic power not only of the addicts but of their families.

In my opinion, these narcotic addicts are sick people. They ought not to be

prosecuted and punished. The dope peddler is the one who needs to be punished, and there are criminal laws to take care of him. Many of these addicts need a helping hand, not a punishing whip, if they are to be cured of this vicious habit. The addict should not be forced to go through a criminal procedure as they do now in many States and suffer this stigma in order to get adequate treatment for their addiction.

The testimony before the committee revealed that there are more than 1,500 in the District with police records and with a history of using narcotics. There are probably another 2,000 who are using narcotics but who do not have police records.

In my opinion the individual under the influence of narcotics is not a safe person nor a good citizen and should not be permitted on our streets.

This bill has been carefully drawn. It had good hearings. The United States district attorney for the District of Columbia, the Corporation Counsel for the District, the Narcotics Bureau of the Treasury Department, and others assisted in the drawing of the several provisions in the proposed bill. The committee members took an active part in drawing the legislation.

Under the bill patients could either be treated at the Gallinger Hospital or sent to Lexington, Ky. Patients going to Lexington now go voluntarily, unless they are criminals, and they leave voluntarily. They often go not to be cured but to reduce the expensive narcotics habit from $25 or more per day to $1 or $2 a day.

If this legislation is adopted by the Congress, the patient will either be sent to a proper hospital or one of his choosing if the court approves, where he must take compulsory treatment which may average 6 months. He must then report back under the direction of the court for a period of 2 years or more to ascertain if he has really been cured. In my opinion this is good legislation. It could well be adopted by other States.

I list now a more detailed analysis of the legislation:

The purpose of this legislation is to establish and provide for the compulsory treatment of drug users in a manner similar to the treatment of alcoholics in the District of Columbia.

This is entirely new legislation and approach to the problem and every effort has been made to protect all civil rights of the drug users.

Provision is made for the drug users to be personally served when any statement has been filed alleging that the person is a drug user and there is a specific provision for the patient to have the right to the assistance of counsel at every step of the judicial proceedings under this act.

When the court conducts hearings and reviews the reports of examining physicians, one of whom must be a psychiatrist, the patient or his counsel will be able to question the examiners or the report of the examination.

The hearings shall be conducted in the United States District Court for the District of Columbia and may be held without a jury and the hearings must be held within 15 days after a report has been filed alleging the person to be a drug user. This provision will guarantee against prolonged delay and prevent injustices being done to persons who might be erroneously alleged to be drug users.

If, after a judicial hearing, the patient is found to be a drug user, the court may order the patient to be confined in an institution offering treatment for drug addicts provided such institution is approved by the authorities of the District of Columbia and the court. In order to insure prompt and adequate treatment of the drug addict the court may direct the head of the institution to which the patient is sent, to submit periodic reports on the progress made by the patient, and in no case shall there be an interval of more than 6 months before a report is made to the court concerning the patient.

Release of the patient is provided whenever the head of the institution and the proper agency of the District of Columbia find that the patient has received maximum medical and rehabilitation benefits, and in every case the court shall, at the end of 1 year's confinement of the patient, inquire specifically concerning his condition and the probable release of the patient.

It is further provided that for a period of 2 years after release the patient shall report to a designated agent of the Commissioners of the District of Columbia and submit to examination to determine whether he has made further progress or may again be in need of treatment for his addiction to the use of drugs.

Subsection (b) of section 3 of the bill prohibits the filing of a statement under this act with respect to any person who is charged with a criminal offense, whether by indictment, by information, or by a proceeding in the juvenile court of the District of Columbia, or who is under sentence for a criminal offense, whether he is serving the sentence, or is on probation or parole, or has been released on bond pending appeal. This provision was written into the act to prevent those awaiting trial on criminal charges or serving sentences to avail themselves of the provisions of this act and thereby avoid serving sentence as a result of their criminal activities or escape prosecution for criminal acts.

It is thought that this legislation may serve as a working model for similar legislation in the several States.

Police authorities have definite information on some 1,500 persons in the District of Columbia with police records of one type or another who are known drug users and they estimate that other drug users without any police record may reach a total of some 3,000 in the District of Columbia.

This legislation has the approval of the Commissioners of the District of Columbia, the Corporation Counsel, and the United States attorney for the District of Columbia.

Mr. Speaker, it is my humble opinion that when this legislation becomes active it will be a constructive step in handling the vicious narcotics problem which exists in the District of Columbia. The States and communities may use it as a model. It is a step in the right direction.

I urge my colleagues to vote favorably upon H. R. 3307.

Mr. SIMPSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from Illinois.

Mr. SIMPSON of Illinois. May I state to the House and to the people of the District of Columbia that they are quite fortunate in having a person of Dr. MILLER'S prominence as a physician handling this matter. He and his subcommittee have worked hard on it. I think Dr. MILLER knows what he is talking about and he has put in a lot of time on this matter as well as performing his duties as chairman of the Public Lands Committee.

Mr. MILLER of Nebraska. I thank the gentleman.

Mr. HARRIS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I am supporting the pending bill and I should like to take this occasion to commend our distinguished colleague from Nebraska [Mr. MILLER] for the constant and devoted attention he has given to this highly important problem.

Mr. HYDE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: Page 5, line 12, after the word "the", add the words "patient or the."

Mr. HYDE. Mr. Speaker, I am merely making it possible by this amendment for the court to commit the patient to a hospital of his own choosing, if the court should find that is advisable under all the circumstances. As the bill now reads the court is obliged to send the patient to a hospital picked by the Commissioners of the District or a designated agent. There are many cases where the patient might be perfectly ready, willing, and able to go to a hospital of his own choosing and where his family may want to have him sent to a particular hospital. This would make it possible for the court to commit the patient to the hospital of the patient's own choosing if the court felt that is advisable. In any event, it must be subject to the approval of the court.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield.

Mr. MILLER of Nebraska. Mr. Speaker, I might say that the gentleman from Maryland [Mr. HYDE] presented this amendment to the committee. There were no objections at the time although some of the members thought it was not necessary and therefore it was not included in the bill. We have no objection on this side and if there are no objections from the other side by the gentleman from Georgia [Mr. DAVIS], we accept the amendment.

Mr. DAVIS of Georgia. I know of no objection to the amendment, Mr. Speaker. This would seem to be a salutary provision if a patient were able to pay for his hospitalization and there should be a particular hospital that he might want to go to.

Mr. MILLER of Nebraska. Mr. Speaker, I ask that the amendment be adopted.

The SPEAKER. The question is on the amendment offered by the gentleman from Maryland [Mr. HYDE].

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJUSTING SALARIES OF METROPOLITAN POLICE, UNITED STATES PARK POLICE, WHITE HOUSE POLICE, AND FIRE DEPARTMENT, DISTRICT OF COLUMBIA

Mr. KEARNS. Mr. Speaker, I call up the bill (H. R. 3795) to adjust the salaries of officers and members of the Metropolitan Police force, the United States Park Police, the White House Police, and the Fire Department of the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "District of Columbia Police and Firemen's Salary Act of 1953."

TITLE I—METROPOLITAN POLICE FORCE

SEC. 101. (a) Except as provided in subsections (b) or (c), the annual basic salaries of the officers and members of the Metropolitan Police force shall be at the rates set forth in the following table:

Grade	*Salary*
Chief of police	$12,000
Deputy chiefs	8,600
Inspectors	7,900
Captains	6,800
Lieutenants	6,300
Sergeants	5,800
Corporals	5,300
Private, class 4 (3 or more years' service)	4,800
Private, class 3 (2 or more but less than 3 years' service)	4,500
Private, class 2 (1 or more but less than 2 years' service)	4,250
Private, class 1 (less than 1 year's service)	4,000

All original appointments of privates shall be made at the annual basic salary of $4,000 and the first year of service shall be probationary.

(b) The annual basic salary of a private of any class of the force shall be increased by—

(1) $1,100, while he is assigned to duty as a detective sergeant;

(2) $500, while he is assigned to duty as a precinct detective;

(3) $300, while he is assigned to duty as a station clerk;

(4) $300, while he is assigned to duty as a probational detective; or

(5) $300, while he is assigned to duty as a motorcycle officer.

(c) Subject to approval of the Commissioners, the annual basic salary of a private of the Metropolitan Police force shall be increased by an amount not to exceed $400 while he is assigned to duty as a technician.

SEC. 102. (a) The annual basic salary of each officer and member of the Metropolitan Police force in a grade above that of private, class 3, except the Chief of Police, shall be increased by $120 at the beginning of the next pay period following each 5-year period of continuous service completed in such grade, including service in such grade rendered prior to the effective date of this Act: *Provided*, That in computing service rendered prior to such date by any individual in the grade of private, only service in such grade in excess of 5 years, shall be creditable in determining such increase or increases for any individual assigned to the grade of private, class 4, in the foregoing salary table. The annual basic salary of the Chief of Police shall be increased by $200 at the beginning of the next pay period following each 18-month period of continuous service completed in such grade including service in such grade rendered prior to the effective date of this act. For the purpose of this subsection, service in the grade of private of any class shall not be deemed to have been discontinued by reason of any assignment (with an accompanying increase in basic salary) pursuant to subsection (b) of section 101 of this act. An increase in basic salary under this subsection shall be known as a "longevity increase."

(b) Any officer or member who is promoted to a position in a higher grade in the foregoing salary table who is receiving one or more longevity increases under subsection (a) of this section, and whose basic salary, as increased by such longevity increases, exceeds the scheduled rate for such higher grade, shall, upon promotion, be entitled to the basic salary of such higher grade plus so many equivalent longevity increases as may be necessary to make his salary in such higher grade at least equal the salary he received before promotion, including longevity increases.

(c) Whenever any officer or member is demoted from any grade to a lower grade and such officer or member prior to such demotion was receiving one or more longevity increases, the Commissioners, in their discretion, may in demoting such officer or member fix his annual basic salary so as to exclude all such earned longevity increases or to include one or more of such earned longevity increases.

(d) The Chief of Police shall receive no more than four longevity increases and no other officer or member shall receive more than five longevity increases with respect to service rendered in any one grade.

(e) No officer or member shall be entitled to a longevity increase for a 5-year period of service unless he has maintained a rating of satisfactory or better for such period.

TITLE II—FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA

SEC. 202. (a) Except as provided in subsection (b) the annual basic salaries of the officers and members of the Fire Department of the District of Columbia shall be at the rates set forth in the following table:

Grade	*Salary*
Fire chief	$12,000
Deputy fire chiefs	8,600
Superintendent of machinery	8,600
Fire marshal	8,600
Battalion fire chiefs	7,900
Captains	6,800
Pilots	6,550
Marine engineers	6,550
Lieutenants	6,300
Sergeants	5,800
Assistant pilots	5,300
Assistant marine engineers	5,300
Inspectors	5,000
Private, class 4 (3 or more years' service)	4,800
Private, class 3 (2 or more but less than 3 years' service)	4,500
Private, class 2 (1 or more but less than 2 years' service)	4,250
Private, class 1 (less than 1 year's service)	4,000

All original appointments of privates shall be made at the annual basic salary of $4,000 and the first year of service shall be probationary.

(b) Subject to approval of the Commissioners, the annual basic salary of a private or an inspector of the Fire Department of the District of Columbia shall be increased by an amount not to exceed $400 while he is assigned to duty as a technician.

SEC. 202. (a) The annual basic salary of each officer and member of the Fire Department in a grade above that of private, class 3, except the Fire Chief, shall be increased by $120 at the beginning of the next pay period following each 5-year period of continuous service completed in such grade, including service in such grade rendered prior to the effective date of this act: *Provided*, That in computing service rendered prior to such date by any individual in the grade of private, only service in such grade in excess of 5 years shall be creditable in determining such increase or increases for any individual assigned to the grade of private, class 4, in the foregoing salary table. For the purpose of this subsection, service shall not be deemed to have been discontinued by reason of any assignment (with an accompanying increase in salary) pursuant to subsection (b) of section 201 of this act. The annual basic salary of the Fire Chief shall be increased by $200 at the beginning of the next pay period following each 18-month period of continuous service completed in such grade including service in such grade rendered prior to the effective date of this act. An increase in basic salary under this subsection shall be known as a "longevity increase."

(b) Any officer or member who is promoted to a position in a higher grade in the foregoing salary table who is receiving one or more longevity increases under subsection (a) of this section, and whose basic salary, as increased by such longevity increases, exceeds the scheduled rate for such higher grade, shall, upon promotion, be entitled to the basic salary of such higher grade plus so many equivalent longevity increases as may be necessary to make his salary in such higher grade at least equal the salary he received before promotion, including longevity increases.

(c) Whenever any officer or member is demoted from any grade to a lower grade and such officer or member prior to such demotion was receiving one or more longevity increases, the Commissioners, in their discretion, may in demoting such officer or member fix his annual basic salary so as to exclude all such earned longevity increases or to include one or more of such earned longevity increases.

(d) The Fire Chief shall receive no more than four longevity increases and no other officer or member shall receive more than five longevity increases with respect to service rendered in any one grade.

(e) No officer or member shall be entitled to a longevity increase for a 5-year period of service unless he has maintained a rating of satisfactory or better for such period.

TITLE III—AUTOMATIC EQUALIZATION OF PENSIONS

SEC. 301. Notwithstanding section 6 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police Force and Fire Department of the District of Columbia," approved July 1, 1930 (46 Stat. 841, ch. 783, D. C. Code, 1951 edition, sec. 4–505), each individual heretofore or hereafter retired from active service and entitled to receive a pension relief allowance or retirement compensation under the provisions of section 12 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916 (39 Stat. 676), as amended, shall be entitled to receive, without making application therefor, with respect to each increase in salary granted by this act, or hereafter granted by law to which such individual would be entitled if he were in active service, an increase in his pension relief allowance or retirement compensation: *Provided*, That no such individual retired prior to the effective date of this act shall be entitled to any increase in pension relief allowance or retirement compensation based on longevity increases. Such increase shall be in an amount which bears the same ratio to such increase in salary as the amount of each

such individual's pension relief allowance or retirement compensation in effect on the day next preceding such salary increase bore to the salary to which he would have been entitled had he been in active service on the day next preceding such salary increase. Each increase in pension relief allowance or retirement compensation under this title resulting from an increase in salary shall take effect as of the first day of the first month following the effective date of such increase in salary.

SEC. 302. In computing the pension relief allowance or retirement compensation of any such individual retired before the effective date of this act as major and superintendent of police, assistant superintendent of police, chief engineer of the Fire Department or deputy chief engineer of the Fire Department of the District of Columbia, such person shall, for the purposes of this act, be deemed to have retired as chief of police, deputy chief of police, fire chief or deputy fire chief, respectively.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. The annual basic salaries of officers and members of the United States Park Police shall be the same as the annual basic salaries (including longevity increases under section 102 of this act) provided for officers and members of the Metropolitan Police force in corresponding or similar grades.

SEC. 402. Section 204 (b) of title 3 of the United States Code (relating to the salaries of the White House Police) is amended by inserting after "Metropolitan Police force" the following: "(including longevity increases provided by section 102 of the District of Columbia Police and Firemen's Salary Act of 1953)."

SEC. 403. The second sentence of subsection (e) of the first section of the act approved August 15, 1950, as amended by the act approved March 27, 1951 (Public Law 13, 82d Cong.) is amended by striking therefrom "(one three-hundred-and-sixtieth of his annual basic salary)."

SEC. 404. (a) The following laws and parts of laws are hereby repealed:

(1) The first three sections and section 5 of the act of May 27, 1924, as amended (Public Law 148, 68th Cong.);

(2) The first three sections of the act of July 1, 1930, as amended (D. C. Code, secs. 4–108, 4–405, 4–801);

(3) Act of May 5, 1944 (Public Law 297, 78th Cong.);

(4) Act of July 3, 1945 (Public Law 122, 79th Cong.);

(5) Act of July 14, 1945, as amended (Public Law 151, 79th Cong.);

(6) Act of December 28, 1945 (Public Law 278, 79th Cong.);

(7) Act of June 19, 1946 (Public Law 417, 79th Cong.);

(8) Act of July 5, 1946 (Public Law 491, 79th Cong.);

(9) First two sections of the act of June 30, 1949 (Public Law 151, 81st Cong.);

(10) Section 4 of the act of October 24, 1951 (Public Law 195, 82d Cong.); and

(11) Subsection (a) of the first section of the act of October 25, 1951 (Public Law 207, 82d Cong.).

(b) All laws or parts of laws inconsistent with this act are hereby repealed to the extent of such inconsistency.

SEC. 405. (a) For all pay computation purposes affecting employees covered by this act, basic per annum rates of compensation established by this act shall be regarded as payment for employment during 52 basic administrative workweeks.

(b) Whenever for any such purpose it is necessary to convert a basic annual rate established by this act to a basic biweekly, weekly, or daily rate, the following rules shall govern:

(A) An annual rate shall be divided by 52 or 26 as the case may be, to derive a weekly or biweekly rate; or

(B) A weekly or biweekly rate shall be divided by 5 or 10, as the case may be, to derive a daily rate.

All rates shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

(c) For all officers and employees referred to in this act, each pay period shall cover two administrative workweeks.

SEC. 406. The Commissioners of the District of Columbia are hereby authorized to promulgate such regulations as may be necessary for the administration of this act.

SEC. 407. This act shall take effect on such day as the Commissioners of the District of Columbia shall determine which is not later than the second Sunday following the expiration of 15 days after the enactment of this act.

With the following committee amendments:

Page 2, line 8, strike out "$1,100" and insert in lieu thereof "$1,300."

Page 2, following line 17, insert:

"Paragraph (5) of this subsection shall apply to any officer below the grade of lieutenant."

Page 3, lines 20 and 21, strike "in the grade of private of any class."

Page 3, line 23, insert after "subsection (b)" the words "or subsection (c)."

Page 5, in the salary grades under "Battalion fire chiefs---- 7,900", insert the following:

"Assistant superintendent of machinery---------- 7,900
"Deputy fire marshal---------- 7,900"

Page 6, line 10, following the sentence ending with the word "table", insert the following new sentence: "For the purpose of this subsection, service shall not be deemed to have been discontinued by reason of any assignment (with an accompanying increase in salary) pursuant to subsection (b) of section 201 of this act."

Page 8, line 20, strike out "*Provided*, That no such individual retired prior to the effective date of this act shall be entitled to any increase in pension relief allowance or retirement compensation based on longevity increases."

The SPEAKER. The question is on the committee amendments.

Mr. HARRIS. Mr. Speaker, I think this is rather an important proposal we have before us. I suggest the gentleman from Pennsylvania [Mr. KEARNS] might explain the bill briefly. In fact, we have talked about taxes around here, and this bill increases the salaries of a great many people in the District of Columbia, and I think we should have some explanation of it.

Mr. KEARNS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I am very happy to have the privilege today of introducing H. R. 3795. That bill, in part, takes care of a very serious situation that we now have confronting us in the District of Columbia. That situation is the manning of our police force and our fire force, and keeping those men on the job. After all, the Congress of the United States is the custodian of the District of Columbia. It is up to us to see that this Government is run in a fashion that we want it run. It is up to us to provide the proper instrumentalities to provide a good government. The Committee on the District of Columbia has this responsibility in the House, and we duly report the problems that we have to you, the Members of the House. Today the District of Columbia Police force is understaffed by almost 300 members. The reason we are understaffed, and the reason we have crime creeping into the District at the rapidity that it is, is due to the fact that we cannot get new members to serve on the police force for the pay, $3,400 as a beginning wage. Men with families cannot afford to become a member of the police force and serve as policemen.

The subcommittee members were very dutiful in their attendance. All the police and firemen officers who wished to testify before our committee did testify. We had the president of the Police and Fire Association, as well as the Chief of Police and the Acting Fire Chief. Those men are for the bill, because they have the problem of trying to man the staff without suitable numbers.

Therefore, we had two bills that were presented. The Commissioners of the District of Columbia had a bill which called for a starting pay of $3,750. Then the association had a bill which called for a beginning pay of $4,250. I met with them, along with the ranking minority member of the subcommittee, the gentleman from Georgia [Mr. DAVIS], and we tried to work out some compromise that we thought would be acceptable to all parties concerned. That is why we show in H. R. 3795 a starting pay of the police officer at $4,000. I would like to remind the Members that almost 75 percent of the numbers of the police force at the present time are trying to hold down two jobs in order to make ends meet, so that they can provide their families with the proper necessities of life.

You will notice in the bill that the Chief of the Police Department and also the Chief of the Fire Department do not receive any compensation other than their yearly increment. We do take care of the private, though, who is the first-class man who gets the job, and graduate him after 4 years' service to the sum of $4,800. I feel that when we get a man who is willing to stay on the force and be a good man he should have increments and incentive to stay on the job and thus become a good policeman, which the Chief must have if he is to have the kind of city we wish to have. The same holds good for our Fire Department.

So to the Members who have looked over this report or bill, I will be glad to answer any question I can or try to explain any provision that you may be in doubt about. I do urge, though, that you Members here in Congress realize that the responsibility for the District is ours, and we must take into consideration the fact that it is hard to get the manpower, especially for the police force, manpower that they need, because they have a precarious job and lots of hard work. I call your attention to the fact that during the last inauguration, the one 4 years ago, and the one 8 years ago the men put in a great deal of overtime, and they were not compensated a penny for that overtime. Neither our firemen nor policemen are compensated in any way for the overtime work they have to do. To fulfill our obligation we must fill up the complement needed in the police force and firemen to give good

service, and to do that we must provide an increase in pay to make the work attractive.

I now yield to the gentleman from Illinois [Mr. SIMPSON].

Mr. SIMPSON of Illinois. The gentleman is quite right in all that he says about this legislation. It is perfectly obvious that a policeman in the city of Washington must work a 6-day week subject to 7-day call, subject to be shot at, subject to all kinds of overtime work, and has a much more difficult task than the man who works a 5-day week only. It is no wonder they want an increase; I think they should have it and I think the bill must be passed.

Mr. DAVIS of Georgia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I would like to concur in what the gentleman from Pennsylvania has said with reference to the need for this increase in salary for the members of the Police Department. We had before our subcommittee testimony from the Chief of Police and various other members of the police force; and as he has already stated to you, we have the figures, and the hearings there will show how many of these men find it necessary to supplement their earnings as members of the police force by getting work in their off hours and holding down two jobs. We also have in the hearings before the subcommittee testimony as to how many of the wives of members of the police force have also found it necessary to supplement the family income by leaving their homes and going out to jobs, to work here in the District of Columbia.

As the gentleman from Pennsylvania, [Mr. KEARNS] has said, the authorized strength of the police force is 2,290 members. At the present time there is a shortage of almost 300. They tell us the reason for that shortage is that the pay is not sufficiently attractive to enable them to keep the force up to the authorized strength. Right now we are having what might be called a serious wave of violent crimes, serious crimes here in the District of Columbia, and they need to build the force up to the authorized strength, but the testimony before the subcommittee showed that they could not build up to the authorized strength with the salaries that are now being paid, for they must compete here in the District of Columbia with all the various other governmental agencies and private industry. In addition to the question of pay they have also the question of the hazard that goes with the job and the hours of work connected with it. My own opinion is that the presence of a uniformed policeman on the beat is a great deterrent to the would-be criminal. We ought to have this strength filled up immediately. After having served on the District Committee and on this particular subcommittee for a number of years, I am convinced that this legislation is most important for the safety of the people of the District of Columbia and is vitally necessary for proper law enforcement and observance.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. Would the gentleman from Georgia be willing to inform the Members that in his belief we tried to get all aspects of this legislation from members of both the Police Department and Fire Department so that we are well informed as to the type of legislation we are considering and writing here?

Mr. DAVIS of Georgia. Yes. All were invited to these hearings. We undertook to get the opinions, views, and suggestions of all persons concerned, including various officials and citizens. We had before us not only the officials of the Police and Fire Departments but we had the Commissioners, we had the Corporation Counsel and we had private citizens all there giving their views and opinions regarding these matters.

We held extensive public hearings, after which we had executive sessions to thrash the matter out. This is the result of all the hearings and work that was done and, in my opinion, it is worthy legislation and deserves the support of all Members of the House.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Kansas.

Mr. REES of Kansas. I think the membership of the House should commend the gentleman from Georgia [Mr. DAVIS] who is now addressing the House and other members of the committee for the efforts they have put forth and the time they have spent in dealing with this terrifically important problem. In spite of all we do for the District of Columbia, unfortunately the city of Washington ranks extremely high as compared with other cities of the country with respect to crime. So the gentleman is to be commended as well as every other member of that committee for the splendid work they are doing in attempting to deal with this important problem.

Mr. DAVIS of Georgia. I thank the gentleman from Kansas very much for his remarks.

Mr. BROYHILL. Mr. Speaker, I move to strike out the requisite number of words.

Mr. Speaker, on January 15 a Pennsylvania Railroad passenger train plowed through the guard rail into the Union Station concourse. First on hand to lend aid to the injured and to bring order out of chaos were the men in blue. Fortunately, there were few injuries. But while attention was focused on the train wreck something more serious happened. A tremendous explosion occurred in the building of the Standard Tire & Battery Co., located on H Street NE. When the smoke and fumes died away 46 Washington firemen, including the Chief of the Fire Department, lay injured in the street. Heroic actions too numerous to mention saved human life. And again fortune smiled. Thirty-two of those injured firemen have returned to duty, 14 remain on sick leave, and only 1, Chief Engineer Sutton, remains hospitalized. God was kind to our smoke eaters on that day.

I cite this instance as an outstanding illustration of the hazards the Washington firemen and policemen face in the discharge of their duty. In the Police Department, during the year 1951, 432 officers received injuries in the line of duty which caused them to lose 3,895 days of work. Nineteen fifty-two was a good year—no policemen were killed. But other years tell a different story. Sometimes the cop on the beat stops the lead of a trigger-happy criminal. This happened out in Silver Spring, Md., recently. Sometimes, in apprehending speed-crazed drivers, a police motorcycle skids or a scout car crashes, and hastily summoned ambulance surgeons sadly shake their heads over still, mutilated figures sprawling in the streets. And then a happily married wife suddenly learns she is a widow and gleeful, carefree children suddenly find themselves fatherless.

The records of the fire and police departments here in the Nation's Capital tell tales of courage and heroism equaled only on the fields of battle in the time of war. They also tell tales of tragedy and horror and death. We are wont to take our policemen and firemen for granted. When we see them in their trim blue uniforms we feel a sense of security. We also experience a sense of pride in their bearing and their conduct. To show our appreciation we occasionally contribute a dollar when they ask us to the Boys Clubs which the police sponsor. But few of us actually know our men in blue as men and as human beings. How many of our citizens could tell us how much a policeman or fireman receives in wages? How many could tell us about their working conditions and their hours of work? I am in an unusual position here. Many of these men are my constituents—my neighbors. They live in my congressional district. I know them as friends and I have made it my business to know many of their problems.

The measure we are considering here today deals with one of the most important of those problems. They, like millions of others in all walks of life, have been seriously affected by inflation. Their salaries have not kept pace with the tremendous increase in living costs. In most occupations wages are more in line with increasing costs. But we have amazingly neglected our public servants. I say to you, Mr. Speaker, that the welfare of our policemen and firemen is the concern of every citizen. We cannot and will not obtain the kind of protection we want and expect by neglecting those able protectors who serve us. We must take prompt steps to see that they receive adequate compensation and good working conditions in recognition of the splendid services they have and are rendering. Policemen and firemen in the Nation's Capital should and must receive a salary equal to that of any other police and fire force in the United States. The bill under consideration today does not give them that equality, but it is a step in the right direction and we can come before this House at another time to make up the difference. They deserve nothing less from an appreciative Congress and public.

Mr. Speaker, the lot of a policeman or fireman is not an easy one. They are constantly exposed to danger. The fireman must be constantly alert against poisonous gases, falling timbers, fire-weakened floors, and explosions. The policeman must be on guard against many hazards. He must also know how to deal with hardened criminals and yet at the same time know how to handle stiff-shirt diplomats. One day he may

be in contact with tough riff-raff; another day he may be on school traffic duty to guide our kids safely across dangerous thoroughfares. I have watched him at the latter task. His kindness and gentleness never ceases to amaze me. One of the finest tributes that can be paid the cop on the school traffic beat is to say truthfully that the children love him.

We in these august Halls of the House of Representatives have only to recall what these men in blue have done for our communities and our homes and our children to be convinced of the justice of this measure we are considering today. When we cast our votes for the bill we will have the knowledge that when we go to sleep tonight the lights in the firehouses and police precincts will be burning more brightly; that the men we have made happier will be watching over us and our dear ones while we slumber.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALCOHOLIC BEVERAGE CONTROL ACT

Mr. KEARNS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3655) to amend the District of Columbia Alcoholic Beverage Control Act so as to provide for the control of the consumption of alcoholic beverages in certain clubs in the District of Columbia, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 1 hour, the time to be equally divided and controlled by the gentleman from Georgia [Mr. DAVIS] and myself.

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

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 3655, with Mr. HOEVEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. KEARNS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I am sure the older Members of the Congress and the new Members who have joined us recently have read the papers enough to know that we have a real menace here in the Nation's Capital known as the after-hour clubs, also labeled as bottle clubs.

My distinguished colleague the gentleman from Georgia [Mr. DAVIS] wrote a crime bill which this House considered and passed. He reintroduced the bill again this year. In that bill he had a section known as section 404 which dealt with this situation specifically. I asked him if I could use that section of his bill in order to introduce it as a special piece of legislation so that we could cope with the problems we have confronting us at the present time, and he kindly consented to let me do so.

I doubt whether many Members of Congress realize that these so-called bottle clubs, the after-hours clubs, open up when all legitimate places are forced to close by the law of the District. That time is 2 o'clock on week days and 12 midnight on Saturdays.

If many of the Members of Congress wish to be honest about it, I am sure they would say that many of their constituents who come into the Nation's Capital at various times have been admitted to some of these places, with the result that very unsatisfactory situations have developed.

These clubs are not orthodox in any way. They are an entity unto themselves. They are a law unto themselves. They operate as they choose to operate without any restriction whatsoever.

Further, the police force in the District does not have any opportunity to go into their places and established any kind of routine regulation, even as to how the place should operate. Also, they are not under the sanitary laws of the District or any of the health provisions in the District of Columbia code. So I say to you Members, who I know are liberal in many cases, although some are more rigid, that we have a situation here that should be corrected.

We have at the present time 24 of these nuisance clubs, as I would like to term them, running in the District.

Mr. HAYS of Ohio. The gentleman says there are 24 of them running. They are running illegally, I take it?

Mr. KEARNS. That is correct, sir.

Mr. HAYS of Ohio. And the police apparently know how many there are?

Mr. KEARNS. I got the figures from the police.

Mr. HAYS of Ohio. Why do they not close them?

Mr. KEARNS. Because the police have no right to go in there to try to close them.

Mr. HAYS of Ohio. If it is illegal, there must be a way to do it, if they are operating in violation of the law.

Mr. KEARNS. Oh, no; they are not operating in violation of the law, for this reason: They do not pretend—I will use the word pretend—to sell liquor. They operate on a consumption basis. When a man goes in there they charge him a dollar and a quarter for a membership. I do not know whether it is for a night or for a longer period. Then the man is supposed to have his own bottle when he goes in there.

Mr. HAYS of Ohio. Let me say this, then. If you license them, or if this bill in its present form, with the committee amendments, should pass, do you suppose any of them would bother to get a license, if they can operate free and easy without it?

Mr. KEARNS. No, sir; they cannot stay in business, because they would have to take out a license and would have to close at 2 a. m. during the week and at 12 o'clock midnight on Saturday.

Mr. HAYS of Ohio. Is a committee amendment going to be offered to strike out the section which requires that they close at 2 a. m.?

Mr. KEARNS. No, sir. All the committee amendments that we have considered in committee are properly incorporated in the report.

Mr. SIMPSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KEARNS. I yield.

Mr. SIMPSON of Pennsylvania. Under this bill the so-called clip joint could not get a license unless the Alcoholic Beverage Control Board grants it to them, which we think under this legislation they are not going to do.

Mr. KEARNS. Does that satisfy the gentleman from Ohio?

Mr. HAYS of Ohio. No; if they do not get a license and if they are going to operate just like they do now.

Mr. KEARNS. Perhaps I can explain it to the gentleman this way. The reason they cannot operate is because they would have to pay a fee which is stipulated in this bill at $200, and the police would have the right to go into the places. They did not have that right before because they did not even have to take out a license. All they took out was a realty permit, which cost 50 cents, to open up a building and start business. They had no sort of liquor license and no sort of approval from the Alcoholic Beverage Control Board whatsoever. Do not get confused with the legitimate clubs, either. We have no provision in this bill which hurts clubs like the Eagles or the Moose or the Elks, or any of those clubs which operate under a permit from the Alcoholic Beverage Control Board and under its provisions. Those clubs are licensed. In other words, they close at 2 a. m. during the week and at 12 o'clock midnight on Saturday.

Mr. HAYS of Ohio. May I ask the gentleman one further question?

Mr. KEARNS. Yes.

Mr. HAYS of Ohio. What do these legitimate clubs have to pay for a license?

Mr. KEARNS. The legitimate clubs, up to this time, that run a bar and sell liquor, pay $450.

Mr. HAYS of Ohio. Will this bill reduce their fee to $200?

Mr. KEARNS. It does not reduce their fee at all. But it does cover clubs like the Touch Down Club and the Variety Club, or any of those clubs that have a social membership. They now have no licensed club and the police cannot enter that kind of club to see how they operate and how they conduct business.

Mr. HAYS of Ohio. I think the gentleman's motives are of the best, and all that sort of thing, but it seems to me if you make this fee $200 you are giving these clip joints a reduced fee, whereas you are making the legitimate people, or the people who have been legitimate, pay a higher fee. I do not go along with that.

Mr. KEARNS. The gentleman, I think, is confused between sales and consumption. Most of the social clubs do not have a bar of their own.

Mr. HAYS of Ohio. No; but the gentleman knows, as I do, that people would not go there if they could not get liquor,

because the people who patronize them are people who leave the places that are forced to close at 2 a. m., and they go there knowing that they can be served liquor. The gentleman knows as I do that most of them do not carry liquor there with them. If the fellow who leaves the club at 2 o'clock had a bottle in his pocket and wanted to have a drink, he probably would go home to drink, or go somewhere else. He would not go to a bottle club. That is merely a subterfuge to get the people in there.

Mr. KEARNS. If the gentleman would read the report.

Mr. HAYS of Ohio. I have read the report.

Mr. KEARNS. As to clubs, we will say like the Variety Club, which operates down at the Willard Hotel, they do not dispense any liquor other than during the hours when the hotel license permits them to sell liquor.

Mr. HAYS of Ohio. I agree with the gentleman. I am not after those clubs any more than he is. I am still trying to find out if this law is going to do anything with these clip joints except to give them a license to operate as clip joints for a fee of $200 a year.

Mr. KEARNS. Perhaps I can explain to the gentleman. They will not operate or even attempt to take out a license, because there would be no advantage in taking out the license because when 2 o'clock in the morning comes around they will not be able to sell any liquor. All their take is when they get some fellow coming in who will go in there and pay a dollar and a quarter to get in, and if he does not have any liquor, they will sell it to him after 2 o'clock. That will all be out after this bill is enacted.

Mr. HAYS of Ohio. May I say to the gentleman, if this forces them to close at the same time that the legitimate operators have to close, I am all for it. That is what I am after.

Mr. KEARNS. I can assure the gentleman that this has the support of Police Chief Murray and the police department, and that once we give them the tools to work with these places will be put out of business. As soon as the President signs the bill they will be gone.

I would like to say, in conclusion, I would appreciate the serious consideration of the Members of Congress pertaining to this legislation. I do not think it is the will of the Members here to be unduly strict with people. I think we are all good, law-abiding citizens. We have a situation today in Washington with these nuisance clubs, these after-hours clubs, that is a real disgrace to the Nation's Capital. I would appreciate the support of all Members who would like to eliminate this condition in the Nation's Capital.

Mr. SIMPSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KEARNS. I yield.

Mr. SIMPSON of Illinois. The very purpose of this legislation is to put the clip joints absolutely out of business?

Mr. KEARNS. The distinguished chairman is correct.

Mr. SIMPSON of Illinois. They cannot get a license from the Alcoholic Beverage Control Board, we hope.

Mr. KEARNS. We know that, from what we hear.

Mr. SIMPSON of Illinois. Because they cannot qualify.

Another thing that should be understood is that this legislation does not relax in any manner, shape, or form on the opening and closing hours of the legitimate taverns, saloons, or whatever you call them.

Mr. KEARNS. I would like to explain to the chairman, however, that in the past the police could not go into any club at all, because they have no right to enter that club without a warrant. It is private property. Now, with a license in the legitimate clubs, they still can go in there and see that they are carrying on as they should, and we will have better law and order in our legitimate clubs, which we have not had in the past, because it is possible for some of them not to be so highly standardized in their conduct.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. KEARNS. I yield.

Mr. HAYS of Ohio. I understand the gentleman to say that there is language in this act which will permit the police to check on the clip joint that is operating without a license, which power they did not have before; is that correct?

Mr. KEARNS. Yes; because the place would be operating with a license, and they could not enter heretofore because they did not have a license.

Mr. HAYS of Ohio. But under this new act they can enter there anyway?

Mr. KEARNS. They have to take out a license to do any business.

Mr. HAYS of Ohio. And if they do not, they are in direct violation, and the police can close them?

Mr. KEARNS. Yes. From here on all the police has to do is knock on the door and go in.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the motive behind the introduction of this bill and the motive behind the introduction of the original bill from which it was taken was not to enable these so-called bottle clubs or clip joints to operate or to have a legitimate method of staying in business. The motive which prompted the introduction of this legislation was this: These places have been recognized by the police, by the courts, and by the citizens of the District of Columbia as being breeding places for crime. They are not operated as legitimate clubs. They are operated under a subterfuge that they are legitimate clubs, that they are set up and operated as benevolent or educational institutions. The truth is there is nothing benevolent or educational about them. The people who set them up and operate them do it for the money there is in it. They cannot operate at a profit at all during the hours when legitimate clubs are open, or when restaurants or other places which operate under the ABC are open. They therefore operate when all these legitimate and law-abiding places have closed. The person who then wants to drink at later hours, as a last resort asks a taxicab to carry him to one of these spots, or if he knows where they are located he can go there himself. Anyone who has a dollar and a quarter in his pocket or whatever the entrance fee is, can go there, be admitted, and stay and drink as long as he sees fit. They have been breeding places for much crime, and much viloation of law of a serious nature has arisen among the people who are habitues of these places. After-hours clubs have reached the point where they are a real menace to the safety of the residents of the District of Columbia. It is because of that that our committee investigated the criminal conditions and came up with this provision in the last Congress, and it is the same motive which prompted the gentleman from Pennsylvania [Mr. KEARNS], chairman of the subcommittee this year, to offer this bill.

Mr. HALE. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield.

Mr. HALE. I was a Member of the House in June 1951, when legislation similar to this was adopted. Can the gentleman refresh my recollection as to what happened in connection with that bill? Did the House pass the bill and the other body fail to concur?

Mr. DAVIS of Georgia. The gentleman is correct. The bill passed the House in 1951, went to the Senate, but it was never taken up in the Senate and acted upon.

Mr. HALE. Does the legislation do in substance the same as that which passed the House in 1951?

Mr. DAVIS of Georgia. Yes; it is in substance the same.

We had before this subcommittee this year and also in the last Congress the Corporation Counsel; we had the United States district attorney there; we have had the Chief of Police, we have had the commissioners of the District there, and all have earnestly collaborated in the preparation of this legislation. None of them and none of the members of the subcommittee are in the slightest degree interested in setting up a method through which these bottle clubs or so-called clip joints may operate.

The motive and purpose behind this legislation is to put these places out of business, and those who have to deal with them have assured us that this legislation will do that. I am convinced myself that it will, and if we ever expect to put them out of business I think we shall have to enact this legislation or substantially this legislation in order to do it.

The bill provides a two-pronged method of handling this situation; the first is that they are not allowed to operate at all without getting a license from the ABC Board. They can operate now without such a license. I think it is of the utmost importance that everyone realize that these places operate now without any license, without any supervision whatsoever; they merely go through the subterfuge of procuring a charter maybe in Delaware, maybe in Virginia, Maryland, or some other place, under the designation of a benevolent or educational club, and they come in here and set up business, and they are not required to get a license under existing laws here in the District of Columbia; they are not subject to the supervision of the ABC Board, and they are not subject to the supervision of any branch or

agency of government here; so they operate in an unrestricted manner, and the result has been that they have thrived and done a profitable business here, and that crime has grown and flourished by reason of their existence. The first prong of this remedy is that they cannot hereafter operate when this legislation becomes law without getting a license from the ABC Board; they will operate under that board and be subject to supervision by that board, and it will fix the hours during which they may operate. There is no inducement for the average customer to go there before regular places have closed up, and since they cannot operate longer than the regular places, they will dry up, they will have no patronage; and the result will be that they will dry up. That is one prong of the relief which this grants. The other is that they may be closed as a nuisance; if they violate the law they may be immediately closed as a nuisance; so we have this method of providing against the operation of these clubs. They can ask for a license. If they do not secure a license and operate without it, they are violating the law, of course, and the subject can be handled through that method. If they do secure a license, they are then under the supervision of the ABC Board and if they do not operate according to law and the regulations their license will be canceled and they will be out of business. If they violate the law in any respect they are subject to being abolished as a nuisance by the courts.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. Does the gentleman feel as I do, with the assurances of Chief Murray, that they will not even attempt to take out a license?

Mr. DAVIS of Georgia. I think the great majority of them will make no effort to obtain a license. There may be one or two who might try to obtain it but I do not believe they will have enough patronage to stay in business and I think it will result in all of them being put out of business.

Mr. KEARNS. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, it seems kind of silly, does it not, to say that these so-called bottle clubs are not controllable, therefore we are going to license them. Why not pass an act that puts these bottle clubs completely out of business instead of coming in here through the back door and saying: We are going to license them upon the payment of $200. If you are going to license them, why do you not make it $500?

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Georgia, who has given this subject matter a great deal of study and whose interest in cleaning up the situation in Washington is to be greatly commended.

Mr. DAVIS of Georgia. May I say to the distinguished gentleman from Kansas that efforts have been made to put them out of business ever since I have been a Member of the House and probably ever since the gentleman from Kansas has been a Member, with no success. The people who have to deal with this matter have reached the conclusion that this is the most feasible manner to put them out of business. There is nobody connected with this legislation who wants them to stay in business, I can assure the gentleman.

Mr. REES of Kansas. Does the gentleman mean by that statement that an act has been passed by this Congress putting them out of business, and the act has been violated; is that it?

Mr. DAVIS of Georgia. No.

Mr. REES of Kansas. Or does the gentleman mean Congress will not pass such an act?

Mr. DAVIS of Georgia. May I say to the gentleman that when the matter was under discussion originally in the last Congress we prepared a bill the drastic effect of which was to prevent them from operating at all. The Corporation Counsel has stated that if we pass this bill it will mean that you will put out of business at the same time, all of the legitimate clubs because there is no way to distinguish and separate between those clubs which are designated as legitimate clubs, such as the gentleman has heard mentioned here today, the Elks, the Eagles, and the various other clubs, you cannot distinguish between them and these so-called bottle clubs in such a manner as to put the bottle clubs out of business and not put the others out of business. That is the difficulty here, and that is what we have to hurdle when we pass a bill putting them out of business—period.

Mr. REES of Kansas. Of course, there is no reason why any of them should run until 2 o'clock in the morning. I realize there may be a difference of opinion on that, but I do not think any outfit of this kind should run to the wee small hours of the morning, especially Sunday morning. It seems to me rather strange that you have to pass an act licensing them and in the same breadth say that by requiring a license we shall put them out of business. Furthermore, why do you fix this fee of $200 in place of at least $500?

Mr. DAVIS of Georgia. Well, may I say to the gentleman that there appeared before the subcommittee a representative of the Arts Clubs, I believe it was called, who said that if they charged them more than the fee that is fixed in this, they could not continue to exist. Probably the gentleman from Pennsylvania could enlighten the gentleman from Kansas as to the name of that club. I have forgotten, but you may recall the gentleman from the Arts Club who was there. The Artist Club, I believe it was.

Mr. REES of Kansas. It makes it appear that because the Artist Club cannot pay more than $200, then these people should not pay more, is that it?

Mr. DAVIS of Georgia. No; not that.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. The influence of this legislation would have some effect upon these clubs, because the officers of this club testified at the hearing, and here we have now the president and the secretary resigning and saying that new officers should be elected, or they should dissolve their charter, because obviously they are not interested in taking out a license and operating. I hope this will be the forerunner of many occasions where these clubs will not attempt to operate.

Mr. REES of Kansas. I think the gentleman mentioned 24 clubs.

Mr. KEARNS. That they do not call legitimate. They are the ones that are the outright violators. The police may come in at 3 o'clock if they have cause to enter and shut them up, but by next Tuesday they have a new address and they are operating again. It is a case of chasing them all over town.

Mr. REES of Kansas. I am inclined to agree with the gentleman from Ohio. If they are presently violating the law, why cannot they be prosecuted? That is rather difficult to understand.

Mr. DAVIS of Georgia. Mr. Chairman, if the gentleman will yield further, I would like to say this, that the police have made strenuous efforts to put them out of business. Then, of course, for a policeman to get in, he must get in without the operator knowing that he is a policeman. The gentleman, being an attorney, knows that for a case to stand up in court they must have proof that liquor has been sold, and the way they get it is they get some policeman who is not known to go in and see the sale made and have enough, definite, positive proof, that there was a sale of liquor made; that the man who bought it was not a member. The method which they have had to follow has been cumbersome; it has been slow. Many times they have been unable to get the information to establish a conviction, and they have not been able to cope with it on that basis. The mere fact that they have made honest, bona fide efforts to close these clubs with the machinery which the law now permits, and the fact that they have flourished here throughout the months and years convinces me that more effective means must be devised if they are to be closed up, and that is why I am for this legislation. I do not want to license a liquor selling place any more than the gentleman from Kansas does, but unless we devise some means here other than those which now exist you are going to see these clubs continue to flourish as breeding places of crime, just as they now do and have in the past.

Mr. KEARNS. Mr. Chairman, if the gentleman will yield, I think the whole confusion here is between sale and consumption. The gentleman asks Why do we not have a law here to just put them out of business, rather than licensing them, regardless of anything?

Mr. REES of Kansas. It is difficult to understand why we cannot do it. Of course, the so-called bottle clubs ought to be put out of business once and for all.

Mr. KEARNS. Right today they operate under the code that they have, which is a code of their own, and they do not sell liquor supposedly. The police cannot go in there unless there is a crime committed; you have to have a murder or a brawl of some kind before the police can establish law and order. Those are your laws and regulations of the bottle

clubs of the District. So, the only thing we do in this legislation is just make it impossible for them to operate, and I do hope the gentleman will understand that.

Mr. REES of Kansas. It seems to me it discloses a terrific weakness on the part of the administration of law in the District that we have to handle them in this manner, especially when we are confronted with the figures that more hard liquor is consumed in the city of Washington than any other city of the United States of comparative size.

Mr. Chairman, the purpose of this bill, as I understand it, permits so-called bottle clubs to sell liquor as late as 2 a. m. on weekdays and until midnight Saturday night. These bottle clubs, as everyone knows, constitute one of the worst crime-breeding places in the District. They ought not to be allowed to stay in business. Surely there must be some way to get rid of them without saying, in substance, you can stay in business if you buy a license and thereby permit the police to check once in a while.

Mr. Chairman, the situation in the District of Columbia with respect to liquor consumption is disgraceful. According to a statement reported in one of our Washington papers some time ago, the city of Washington is soaking up three times as much liquor as the national per capita average.

The population of the District of Columbia has decreased 1 percent since the war. The percentage of jail drunks has increased more than 33 percent during the same period. Seventy percent of all jail cases and 77 percent of the District's criminal court cases are on drunkenness charges. That is a pretty poor example for the people in the Nation's Capital to set for people in other parts of the country.

An upswing in drinking is also reflected in the Alcoholic Beverage Control Board figures. The number of all kinds of liquor licenses has soared in 5 years to almost 2,400. According to a recent statement furnished the press, the number of admissions for intoxication in the jails has doubled in 5 years. During the last year more than 40,000 persons were arrested for drunkenness in the District.

Mr. Chairman, instead of extending and expanding the sale of liquor in the District of Columbia and everywhere else, we should be curbing it. I just do not see how the approval of legislation of this kind will help the situation. I say this notwithstanding the best intentions on the part of the committee for recommending the bill for approval.

Mr. DAVIS of Georgia. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS of Ohio. Mr. Chairman, I have asked for this time in order to make particularly clear this situation of having these so-called after-hours clubs close up at the same time everybody else closes. When this bill was being debated in 1951 I offered an amendment which seemed to me to be a very simple one. It said in effect that no club should operate in the city of Washington any later than any class C licensee, which simply means that if the hour of closing was 2 o'clock then everybody had to close at 2 o'clock.

The House was kind enough to adopt that amendment and it became part of the bill. I see on page 2 of the present legislation substantially the same language as was in my amendment of 1951, but then the committee proposes, I understand, to strike that language from line 5 through line 11. Is that correct?

Mr. KEARNS. That is correct.

Mr. HAYS of Ohio. Then you propose to deal with the problem by substituting certain language on page 6 at line 20. Is that correct?

Mr. KEARNS. That is correct.

Mr. HAYS of Ohio. The only difference I see between the language that is used on page 2, which was the language substantially that I used, and the language of the committee amendment, is that the language on page 2 spells it out in very clear and simple language and says:

> The Commissioners shall not authorize the consumption on such premises of any beverages at any time when the sale of beverages is prohibited to a holder of a retailer's license, class C—

And so forth. This other language, although it is a little devious, comes down to this. It says:

> or in any place to which the public is invited * * * at a time when the sale of such alcoholic beverages on the premises is prohibited by this act.

This is an amendment to the Liquor Act, as I understand it. This bill substantially is an amendment to the present liquor legislation?

Mr. KEARNS. That is correct.

Mr. HAYS of Ohio. This new language on page 6 will have the effect of prohibiting any place from staying open after 2 o'clock?

Mr. KEARNS. That is correct.

Mr. HAYS of Ohio. That is what I am interested in, because I think the way to close these bottle clubs is to make them conform. As I have said before, their clientele is largely people who are turned out of the legitimate places by the 2 o'clock closing hour.

While I do not know anything about it first hand I would suggest that by 2 o'clock when they are seeking another place they are in the position or in a situation where they will easily be taken advantage of. That is why there has been so much crime in these after-hours clubs and robberies and so on of people who were in a befuddled condition. So what you are proposing to do in effect then is to make every club in Washington observe the same closing hours, is that true, Mr. Chairman?

Mr. KEARNS. That is true—except the private clubs.

Mr. HAYS of Ohio. The private clubs can still stay open later than 2 o'clock?

Mr. KEARNS. Yes; but they cannot sell liquor.

Mr. HAYS of Ohio. But they cannot sell liquor?

Mr. KEARNS. That is right.

Mr. HAYS of Ohio. What is the advantage of them staying open?

Mr. KEARNS. I do not know. You will have to go and find out about that.

Mr. HAYS of Ohio. In other words, you are going right back to the same situation. I want to say to you I am going to ask for a vote on this amendment if that is the case because you are going to get back in the same situation you are in now if a private club can stay open after hours and the people who patronize them, these illegitimate people, you have differentiated between legitimate and illegitimate, are going to find ways and means of procuring liquor for them and you are not going to clean up anything unless you spell out in the law that they have to close up at the same time as the fellow who pays a big fee. You are going to have the same kind of crime and corruption and the same number of robberies and the same people rolled out in the alleys that you are having now because if you give them a license to stay open it is not going to be very difficult indeed for a policeman to find out just where the customer came by the bottle that he may have on his table drinking from.

Mr. KEARNS. We had better not find that condition.

Mr. HAYS of Ohio. Well do you mean you are going to prohibit them drinking there?

Mr. KEARNS. I do not think the police are going to be a party to it whatsoever. They are as anxious to get rid of this situation as you are.

Mr. HAYS of Ohio. I think the simplest and easiest way is to close them up at 2 o'clock. Practically every other city in the country has a closing hour and I see no reason why Washington should not have a closing hour.

Mr. KEARNS. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Chairman, I commend the gentleman from Ohio for his direct approach to this problem. It seems to me we have gone too far already with the idea of trying to approach or attack illegality by licensing. We have seen that has not worked at all in the matter of gambling and in reducing or controlling the gambling activities throughout our country in any way. I certainly see no reason to believe that a license approach to this problem would be nearly as effective as the clear-cut measure which the gentleman from Ohio had in the bill previously.

Mr. HAYS of Ohio. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. KEARNS. Mr. Chairman, I have no further request for time, unless the gentleman from Massachusetts desires time.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. O'NEILL].

Mr. O'NEILL. Mr. Chairman, this is the first time I have ever heard of a bottle club. We do not have bottle clubs in my section of the country. I have heard them today called a menace to society and an incentive to crime and illegal and clip joints. Perhaps they should be termed "passion pits." But one of the things that strikes me is why did the committee in its amendment on page 4 cut the license fee from $500 to $200? Another thing comes to my mind. As the gentleman from Pennsylvania has said, a private club could not sell after

2 o'clock but then they can remain open as late as they desire. I understand from reading the newspaper columns we have in the shadow of our beautiful Capitol dome a very plush club to which the hierarchy of the Republican Party from all over the country come and stay. It would be interesting to know what they breed there. Is this club allowed to remain open all night? In what category does the club fall? Perhaps the gentleman can answer my question.

Mr. KEARNS. That is very easy to answer. They have a class C license there. They must close the same as anyone else, if they have a bar, who sells liquor. They cannot stay open after 2 o'clock through the week or 12 o'clock midnight on Saturday. It is a licensed place. They have a class C license.

I do want to bring out here a point that I feel people are overlooking. We are taking a step to get rid of unorthodox groups of clubs and we are not trying to penalize the legitimate places which under the laws of the District of Columbia and under our national laws are clubs which have functioned for years and years and years even during prohibition days when they remained open. Why should they be penalized now? We must consider that. Here we have the Variety Club, which has spent over $91,000 just for benevolent and charitable things in the District of Columbia. They are to be commended.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield just for a minute?

Mr. KEARNS. I yield.

Mr. HAYS of Ohio. I do not care what particular club it is or what political party or what private individual may have organized it, but the class C licensee must close at 2 o'clock. However, there is language in this bill on page 6, line 20, which says: "or in any place to which the public is invited." Some of the clubs under discussion do not invite the public. So, even though they be class C licensees, they would not have to close.

Mr. KEARNS. Oh, yes. However, we do have this situation: Very large restaurants, in the hotels, for instance, have a situation where on Sunday the Ohio Society or the Pennsylvania Society or any other reputable society can hire one of the rooms and they can bring bottles there and have their dinner and a party and stay as long as they want to.

Mr. HAYS of Ohio. But does the class C licensee have to close his place?

Mr. KEARNS. The class C licensee has to close his place, and he must close at 2 o'clock sharp during the week, every morning at that time.

Mr. HAYS of Ohio. What about the hotel dining rooms on Saturday nights?

Mr. KEARNS. Saturday night at a quarter to 12 they have to go around and pick up the glasses. They are not allowed to have glasses on the table even.

Mr. HAYS of Ohio. But they do not close.

Mr. KEARNS. They cannot dispense any liquor. If somebody orders a sandwich, they can sit there and eat it.

Mr. HAYS of Ohio. But why should these private clubs be allowed to stay open? They cannot stay open if they are treated as a class C licensee.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KEARNS. Mr. Chairman, I have no further requests for time.

Mr. DAVIS of Georgia. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 7 of the District of Columbia Alcoholic Beverage Control Act, as amended (D. C. Code, sec. 25–107), is amended by striking out the period following the word "morals" at the end of the first paragraph thereof and inserting in lieu thereof the following: ", and the Commissioners are further authorized to prescribe such rules and regulations not inconsistent with this act as they may deem necessary to properly and adequately control the consumption of alcoholic beverages on premises licensed under paragraph (1) of section 11 of this act, with specific authority to prescribe the hours during which alcoholic beverages may be consumed on such premises and to forbid the consumption on Sundays, but the Commissioners shall not authorize the consumption on such premises of any beverages at any time when the sale of beverages is prohibited to a holder of a retailer's license, class C, or of any beverages, other than light wines and beer, on Sundays, and such consumption is hereby prohibited."

SEC. 2. Section 9 (a) of the District of Columbia Alcoholic Beverage Control Act, as amended (D. C. Code, sec. 25–109 (a)), is amended by adding at the end thereof the following new paragraph:

"It shall be unlawful for any person operating any premises where food, nonalcoholic beverages, or entertainment are sold or provided for compensation, and where facilities are especially provided and service is rendered for the consumption of alcoholic beverages, who does not possess a license under this act, to permit the consumption of such alcoholic beverages on such premises."

SEC. 3. Section 10 of the District of Columbia Alcoholic Beverage Control Act, as amended (D. C. Code, sec. 25–110), is amended to read as follows:

"SEC. 10. The Board is authorized to issue licenses to individuals, partnerships, or corporations, but not to unincorporated associations, on application duly made therefor, for the manufacture, sale, offer for sale, consumption on premises of clubs where food, nonalcoholic beverages, or entertainment are sold or provided for compensation, or solicitation of orders for sale of alcoholic beverages within the District of Columbia. The Board shall keep a full record of all applications for licenses, and of all recommendations for and remonstrances against the granting of licenses and of the action taken thereon."

SEC. 4. Section 11 of the District of Columbia Alcoholic Beverage Control Act, as amended (D. C. Code, sec. 25–111), is amended by striking out the word "eleven" in the first sentence thereof and inserting in lieu thereof the word "twelve," and by adding immediately before the last paragraph thereof the following new subsection:

"(1) Consumption license for a club: Such a license shall be issued only for a club. The word 'club' within the meaning of this paragraph is a corporation for the promotion of some common object (not including corporations organized or conducted for any commercial or business purpose, or for money profit), owning, hiring, or leasing a building or space in a building of such extent and character as in the judgment of the Board may be suitable and adequate for the reasonable and comfortable use and accommodations of its members and their guests; and the affairs and management of such corporation are conducted by a board of directors, executive committee, or similar body chosen by the members at least once each calendar year, and no officer, agent, or employee of the club is paid, directly or indirectly, or receives in the form of salary or other compensation, any profit from the conduct and operation of the club beyond the amount of such salary as may be fixed and voted by the members or by its directors or other governing body. No license shall be issued to a club which has not been established for at least 3 months immediately prior to the making of the application for such license. Such a license shall authorize the holder thereof to permit consumption of alcoholic beverages on such parts of the licensed premises as may be approved by the Board. The annual fee for such a license shall be $500."

SEC. 5. The first sentence of section 14 (b) of the District of Columbia Alcoholic Beverage Control Act, as amended (D. C. Code, sec. 25–115 (b)), is amended to read as follows: "Before granting a license under section 11 (1) of this act or a retailer's license, except a retailer's license class E or class F, the Board shall give notice by advertisement published once a week and for at least 2 weeks in some newspaper of general circulation published in the District of Columbia."

SEC. 6. The first sentence of section 14 (c) of the District of Columbia Alcoholic Beverage Control Act, as amended (D. C. Code, sec. 25–115 (c)), is amended by striking out the words "or class D" and inserting in lieu thereof the following: ", class D or a license issued under section 11 (1) of this act."

SEC. 7. Section 20 of the District of Columbia Alcoholic Beverage Control Act, as amended (D. C. Code, sec. 25–121), is amended by adding at the end thereof the following new paragraph:

"No person being the holder of a license issued under section 11 (1) of this act shall permit on the licensed premises the consumption of alcoholic beverages, with the exception of beer and light wines, by any person under the age of 21 years, or permit the consumption of beer and light wines by any person under the age of 18 years; or the consumption of any beverage by any intoxicated person, or any person of notoriously intemperate habits, or any person who appears to be intoxicated; and ignorance of the age of any such minor shall not be a defense to any action instituted under this section. No licensee shall be liable to any person for damages claimed to arise from refusal to permit the consumption of any beverage on any premise licensed under section 11 (1) of this act."

SEC. 8. Section 28 (a) of the District of Columbia Alcoholic Beverage Control Act, as amended (D. C. Code, sec. 25–128 (a)), is amended to read as follows:

"SEC. 28. (a) No person shall in the District of Columbia drink any alcoholic beverage in any street, alley, park, or parking; or in any vehicle in or upon the same; or in or upon any premises where food, nonalcoholic beverages, or entertainment are sold or provided for compensation not licensed under this act; or in any place to which the public is invited for which a license has not been issued hereunder permitting the sale and consumption of such alcoholic beverage upon such premises except premises licensed under section 11 (1) of this act; or in any place (for which a retailer's license class C, D, or a license under section (11) (1) of this act has been issued) at a time when the sale of such alcoholic beverage or the consumption of the same on the premises is prohibited by this act or by the regulations promulgated thereunder. No such person shall be drunk or intoxicated in any street, alley, park, or parking; or in any vehicle in or upon the same or in any place to which the public is invited or at any public gathering and no person anywhere shall be drunk or intoxicated and disturb the peace of any person."

SEC. 9. Section 29 (a) of the District of Columbia Alcoholic Beverage Control Act, as

amended (D. C. Code, sec. 25–129 (a)), is amended to read as follows:

"SEC. 29 (a) A search warrant may be issued by any judge of the municipal court of the District of Columbia or by a United States Commissioner for the District of Columbia when any alcoholic beverages are manufactured for sale, kept for sale, sold, or consumed in violation of the provisions of this act, and any such alcoholic beverages and any other property designed for use in connection with such unlawful manufacture for sale, keeping for sale, selling, or consumption may be seized thereunder, and shall be subject to such disposition as the court may make thereof, and such alcoholic beverages may be taken on the warrant from any house or other place in which it is concealed."

SEC. 10. The District of Columbia Alcoholic Beverage Control Act, as amended, is further amended by adding at the end thereof the following new section:

"SEC. 41. (a) Any building, ground, premises, or place where any intoxicating beverage is manufactured, sold, kept for sale, or permitted to be consumed in violation of this act is hereby declared to be a nuisance, and may be enjoined and abated as hereinafter provided.

"(b) An action to enjoin any nuisance defined in subsection (a) of this section may be brought in the name of the District of Columbia by the corporation counsel of the District of Columbia, or any of his assistants, in the municipal court of the District of Columbia against any person conducting or maintaining such nuisance or knowingly permitting such nuisance to be conducted or maintained. If it is made to appear, by affidavits or otherwise, to the satisfaction of the court that such nuisance exists, a temporary writ of injunction, without bond, shall forthwith issue restraining the defendant from continuing or permitting the continuance of such nuisance until the conclusion of the trial. It shall not be necessary for the court to find the building, ground, premises, or place was being unlawfully used as aforesaid at the time of the hearing, but on finding that the material allegations of the complaint are true, the court shall enter an order restraining the defendant from manufacturing, selling, keeping for sale, or permitting to be consumed any alcoholic beverage in violation of this act. When an injunction, either temporary or permanent, has been granted, it shall be binding on the defendant throughout the District of Columbia. Upon final judgment of the court ordering such nuisance to be abated, the court may order that the defendant, or anyone claiming under him, shall not occupy or use, for a period of 1 year thereafter, the building, ground, premises, or place upon which the nuisance existed, but the court may, in its discretion, permit the defendant to occupy and use the said building, ground, premises, or place, if the defendant shall give bond with sufficient security to be approved by the court, in the penal and liquidated sum of not less than $500 nor more than $1,000, payable to the District of Columbia, and conditioned that intoxicating beverages will not thereafter be manufactured, sold, kept for sale, or permitted to be consumed in or upon the building, ground, premises, or place in violation of this act.

"(c) In the case of the violation of any injunction, temporary or permanent, rendered pursuant to the provisions of this section, the court may summarily try and punish the defendants. The proceedings for punishment for contempt shall be commenced by the corporation counsel or any of his assistants filing with the court an information under oath, setting out the alleged offense constituting the violation, whereupon the court shall forthwith cause a warrant to issue under which the defendants shall be arrested. The trial may be had upon affidavits or either party may demand the production and oral examination of the witnesses. Any person found guilty of contempt under the provisions of this section shall be punished by a fine of not more than $1,000 or by imprisonment for not more than 12 months, or by both such fine and imprisonment."

SEC. 11. Sections 2 and 8 of this act shall take effect 60 days after the date of its enactment.

With the following committee amendment:

Page 2, line 5, after the word "premises", strike out the balance of line 5, all of lines 6, 7, 8, 9, 10, and 11.

The CHAIRMAN. The question is on the committee amendment.

Mr. HAYS of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is the amendment we have been discussing, and this is the language that spells out exactly what I think most of us want to do. That is, to force these clubs to quit selling liquor at the same time that the class C licensees have to quit selling it; namely, at 2 a. m.

It has been brought out in the debate already that they do not have to close at 2 o'clock, but they have to stop selling liquor. They have to quit at the same time that everybody else does. I do not see why we should not prohibit the Commissioners from making exceptions to the law. I do not see any reason why we cannot spell it out, because if you do not do that you are going to have the same trouble we have now except you are going to have these clubs legalized, and you are going to make it more difficult, in my opinion, if you delete this language, to enforce the order that they quit selling liquor at 2 a. m.

I will admit that there is language they want to insert on page 6, but I do not think that language is as clear, I do not think it is as plain, or I do not think it is as easily understandable; I think if you really want to stop it—and I believe every Member of the House does—if you want to stop these breeding places of crime in their tracks you are going to have to treat them as you treat everybody else who dispenses liquor within the confines of the District of Columbia. I do not think you ought to give them a special privilege; and I do not see, since most clubs have been referred to as legitimate clubs, I do not see how you are going to penalize them, because the gentleman must admit that most of them have a Class C license, and they are, therefore, under the law when selling liquor at the hours prescribed.

I will agree with the gentleman that you can get at this problem probably better by licensing these so-called after-hours clubs, but let us not have them after-hours clubs any more; let us have any club that wants to sell liquor a club that has to comply with the laws that are on the books and that is treated exactly and strictly like every other club. I think you are going out of your way, Mr. Chairman, to be charitable to them by giving them a license. Do not give them an unlimited privilege. They will be operated by unscrupulous people. Do not allow them privileges you do not allow the legitimate operators.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. I yield.

Mr. KEARNS. I hope the gentleman will bear in mind that the 100 legitimate clubs I spoke of do not have any license whatsoever now, because they are membership clubs and only members have bottles there of their own which they consume on the premises. After this bill becomes law nobody can sell whether it be a private club or otherwise, after the closing hours prescribed by the ABC Board at the discretion of the Commissioners of the District of Columbia.

Mr. HAYS of Ohio. What is wrong with the language on page 2, then?

Mr. KEARNS. If the gentleman will yield further?

Mr. HAYS of Ohio. I yield to the gentleman.

Mr. KEARNS. I follow the gentleman on his objections to page 2, but let us bear this in mind: Right today we must aid the police, and I am trying to get passed some type of legislation which will be a tool in their hands. Members of the committee from both sides of the aisle are sincere in their efforts and I hope the Members will bear with us as we try to work this program out. Let us put it into effect and see how it works. If we have complaints later that it should be amended we can amend the law, but let us get something started.

Mr. HAYS of Ohio. I could have gone along entirely with the gentleman if the Corporation Counsel's office downtown had not been so bitterly opposed to this language 2 years ago, and I cannot help but feel that there must be some sort of ulterior reason why they would object to having it spelled out. I do not know that there is, but it does not do any harm to have it spelled out. I think if they are sincere, I do not see that there is anything objectionable.

Mr. KEARNS. I can assure the gentleman that we have gone into this thing thoroughly and carefully. We have had them all before us, and we have talked to them like Dutch uncles. If these people do not stand up, if they do not go along and try to do the thing we propose we can call them to account later.

Mr. HAYS of Ohio. I am sure the gentleman is sincere, I appreciate that, but I still feel that this language on page 2 is vital to the bill and vital to the enforcement of it, and I feel that it ought to stay in. When the amendment is voted on I shall ask for a division.

Mr. DAVIS of Georgia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to say for the benefit of the House that when this bill was introduced by the gentleman from Pennsylvania on March 3, it contained the language which is now in controversy, and the members of the subcommittee would have been glad for that language to stay in there. I am not going to take it on myself to champion the cause of any kind of club, legitimate or illegitimate, where liquor is consumed or where it is sold. I am not a member of any of them, I do not frequent any of them and I do not drink whisky or any kind of intoxicating beverage. So I am not the champion of any place that sells liquor or any place where it is consumed.

All of us who were members of the subcommittee were interested in closing out these illegitimate clubs. So when we reached this provision in the bill as

we considered it, the various law enforcement agencies had their representatives there, among them the corporation counsel; and we on the subcommittee were told that if this language stays in it will have the effect of closing the Army and Navy Club, for instance, at 2 o'clock during the week and at 12 o'clock on Saturday nights and it will remain closed until the next day. They told us that this language would not permit any other construction, that it would close them all, good, bad, and indifferent, under the class C license until the next day.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Kansas.

Mr. REES of Kansas. What particular harm would there be if you do close them all at 2 o'clock?

Mr. DAVIS of Georgia. As far as I am concerned, none, and, as I said previously, I am not the champion of any of them.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from Ohio.

Mr. HAYS of Ohio. I am sure the gentleman from Georgia is sincere in wanting to do the right thing about this, but there is too much argument here about closing. This does not say anything about closing. It says you cannot consume any more intoxicating liquor after 2 o'clock, that none shall be offered for consumption. They can stay open until daylight and by that time the patrons will probably be sober enough to go home. This says they cannot sell any more whisky or intoxicating beverages after 2 o'clock. I am not a prohibitionist or anything of that kind, but I do not see anything wrong with the provision in the bill which says that after 2 o'clock they cannot sell any more.

Mr. DAVIS of Georgia. This does not say that. It forbids the consumption, not the sale. Consumption is what is involved.

Mr. HAYS of Ohio. It amounts to the same thing. You cannot drink any more.

Mr. DAVIS of Georgia. I think there is quite a difference between sale on the one hand and consumption on the other.

Mr. ALLEN of California. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from California.

Mr. ALLEN of California. May I say that the closing of clubs like the Army and Navy Club and the country club would close off the recreational facilities for families who are temporarily in the District and have nowhere to go. It would have a very bad effect.

Mr. REES of Kansas. Does the gentleman mean after 2 o'clock in the morning?

Mr. ALLEN of California. No; I mean on Sunday.

Mr. REES of Kansas. And after 12 o'clock on Saturday night?

Mr. ALLEN of California. I mean Sunday noon when the kids are out swimming or playing tennis.

Mr. REES of Kansas. This amendment does not keep the youngsters from playing tennis or anything like that on Sunday, does it?

Mr. DAVIS of Georgia. This relates to the keeping of the clubhouse open and the consumption of intoxicating beverages which are involved here. The difficulty is this: With the language in the bill there will be a difficulty. As I said, nobody on the subcommittee objects to this language. We had it in there when the bill was under consideration. The Corporation Counsel and these other law-enforcement agency representatives said that this is going to go much further than to merely close these illegitimate bottle clubs, that it is going to apply to every one of the clubs which are regarded as being legitimate because they cannot issue one set of regulations for them and another set for these bottle clubs. That is why this amendment was adopted striking this language out.

As the gentleman from Pennsylvania has said, having for several years tried to deal with these things with every bit of the machinery which the law allows and being unsuccessful in their efforts—they are flourishing today just as much as ever—certainly it is worthwhile to try out this legislation which all of these law-enforcement agencies say will deal with the situation. Let us give it a try. If it does not work, Congress will be in session and we can amend it.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. HAYS of Ohio) there were—ayes 34, noes 19.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendments.

The Clerk read as follows:

Page 4, line 17, strike out "$500" and insert in lieu thereof "$200."

Page 6, line 15, strike out all after the semicolon to the end of the sentence in line 20 and insert the following: "or in any place to which the public is invited (for which a license under this act has been issued) at a time when the sale of such alcoholic beverages on the premises is prohibited by this act or by the regulations promulgated thereunder, or in any place for which a license under section 11 (1) of this act has been issued at a time when the consumption of such alcoholic beverages on the premises is prohibited by the regulations promulgated under this act."

Page 9, line 13, strike out the word "shall" and insert in lieu thereof the word "may."

Page 9, following line 23, insert the following:

"SEC. 11. Section 3 of such act, as amended, is amended by striking therefrom clause (f) and inserting in lieu thereof the following:

"'(f) (1) The word "Board" means the Alcoholic Beverage Control Board created by this act or the office, offices, agency, or agencies succeeding to its functions pursuant to Reorganization Plan No. 5 of 1952.

"'(2) The term "Corporation Counsel" means the Corporation Counsel or the officer or officers succeeding to his functions pursuant to Reorganization Plan No. 5 of 1952.'"

Page 9, line 24, strike "SEC. 11" and insert in lieu thereof "SEC. 12."

The committee amendments were agreed to.

Mr. KEARNS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOEVEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 3655) to amend the District of Columbia Alcoholic Beverage Control Act so as to provide for the control of the consumption of alcoholic beverages in certain clubs in the District of Columbia, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. KEARNS. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HAYS of Ohio. Mr. Speaker, I demand a separate vote on the first committee amendment on page 2.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The balance of the committee amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Page 2, line 5, after the word "premises", strike out down to and including all of line 11.

The SPEAKER. The question is on the amendment.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HAYS of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. KEARNS. If the gentleman will withhold his point of order for a moment, Mr. Speaker, I should like to submit a parliamentary inquiry.

The SPEAKER. The gentleman will submit it.

Mr. KEARNS. During the discussion this afternoon, at the request of the other side we withheld the vote on certain legislation and carried it over as the first order of business on Wednesday. May I ask the gentleman if he would be considerate enough to withhold his objection to the vote on this amendment so that it may come up as the second order of business when we meet on Wednesday next?

The SPEAKER. The Chair will state that that will not jeopardize the gentleman's rights.

Mr. HAYS of Ohio. I have no objection, Mr. Speaker.

The SPEAKER. Without objection, further proceedings in connection with the amendment and the bill will be postponed until Wednesday next.

There was no objection.

Mr. KEARNS. Mr. Speaker, the Committee on the District of Columbia has no further business for today.

Mr. HAYS of Ohio. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAYS of Ohio. Mr. Speaker, am I correct in saying that the second order of business on Wednesday next will be a rollcall on this amendment

The SPEAKER. Not a rollcall; it will be a vote on the amendment.

Mr. HAYS of Ohio. Mr. Speaker, I made the point of order that a quorum was not present, and under those circumstances the rollcall is automatic. I will not agree to any withholding of it unless there is a rollcall, because a rollcall is automatic. I think the Speaker will agree that a quorum is not present now.

The SPEAKER. The gentleman is mistaken in his impression. Today a rollcall would be automatic, but not on Wednesday, unless the House so orders.

Mr. HAYS of Ohio. I do not want to agree to anything like that, Mr. Speaker.

The SPEAKER. It has already been agreed to. The gentleman has forfeited any rights he might have. I am very sorry if he did not understand the situation.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 1362. An act for the relief of Rose Martin.

SPECIAL ORDER GRANTED

Mr. BEAMER asked and was given permission to address the House for 30 minutes on Thursday, March 26, at the conclusion of the legislative program of the day and following any special orders heretofore entered.

HOPE AIRFIELD

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

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

There was no objection.

Mr. HARRIS. Mr. Speaker, on last Friday, March 20, 1953, the distinguished Senator from Oregon, Senator MORSE, made a speech in that body across the Capitol in which extensive reference was made to the reactivation and utilization by the Air Force of existing facilities on a base at Hope, Ark., in my district. He read into the RECORD a letter which he received from the mayor of the city of Hope, and the president of the Hope Chamber of Commerce. He included in the RECORD a memorandum, which was sent with the letter, giving statistical information as to the availability of facilities to accommodate such a project, all of which, of course, is true.

The Senator had just completed what he referred to as a major speech, and went into a session of his committee of the Independent Party. As one of the first items of his committee work, he stated that he wished to take up a little problem in Arkansas, and thus followed his discussion of the utilization of the Hope Air Base. I have not had any occasion to discuss it with him.

While I appreciate the interest the Senator has shown in the utilization of this project, with which I am in thorough accord, I would not want the RECORD to imply that his Independent Party is the only one interested in the reactivation and the utilization of this large air base in the public interest. We have heard a great deal in the last few months about "the public's interest, economy in Government, and the savings to the taxpayers of this country" by Democrats and Republicans as well. What we all hope to see is the actual accomplishment of these objectives in providing for adequate national security.

This project affects the people of my district, and quite naturally I am tremendously interested in it. Hope is the county seat of Hempstead County, Ark. It is my native county and I have very warm and close ties to the people of the county. Certainly they are interested in the appropriate and proper utilization of this base by the Air Force. The surrounding communities throughout the south and southwestern part of our State have become intensely interested.

This interest does not stem only from a personal desire, Mr. Speaker, but these people are taxpayers and they, too, are interested in economy in Government and saving on these huge expansion programs wherever and whenever it is possible.

To be sure we are all committed to an adequate national defense program in the interest of our own security. Everyone realizes full well that it is costly. At the same time, we are all committed to a program of economy and it is economy to utilize, whenever possible, facilities that we have available.

Mr. Speaker, I take this time of the House in further explanation of this problem and to fully explain and clarify the record.

In the early part of World War II, the Government established the Southwestern Proving Ground in my native county, a few miles north of this city of Hope. The Government took over nearly 60,000 acres of the finest land in the heart of the county, including half of the community where I was born and reared. This project was used in the testing of all kinds of explosives, shells, large and small, and various types of bombs.

In connection with this proving ground, this large airport was constructed. It was not the usual type of light construction for training purposes, and so forth, but substantial construction to accommodate the heaviest of our bombers and all kinds of aircraft.

This airport cost the taxpayers of this country several millions of dollars. There is included with it some 2,000 acres of land. There are 3 runways of thick concrete construction, with a most substantial foundation—more than 1 mile in length—150 feet in width, appropriate taxiways and a large permanent hangar, constructed of brick and steel. It was constructed as a permanent facility for heavy use. It took a lot of money of the taxpayers to pay for it.

After the war, Mr. Speaker, the proving ground was closed out, and I might say parenthetically, this area was left in a disparagingly depreciated economic condition—and that is putting it mildly.

This huge, costly airport was abandoned and turned over to the city of Hope, under the Surplus Property Act, for $1. Though the city has kept it up and it is in excellent condition, it has laid there idle during these years.

Following the outbreak of the Korean war, when we found ourselves again so wholly unprepared, an expansion program was undertaken by all of our services and appropriately so. Beginning in 1950, the Air Force developed over a period of time a tremendous expansion program throughout the country. All kinds of projects for coordinating program, costing billions of dollars, have been programed.

While I appreciate the fact that all airports constructed in World War II could not possibly be used to any advantage, because of their type of construction, we have, I think, appropriately raised the question of why these especially large, well constructed and permanent facilities, are not being used in connection with this program instead of going out into broad new areas and starting from scratch. The people of this area see this costly project laying out there every day. They know what it is and they have a right to raise the question as to why such a project is not used to good advantage when it is already available. Certainly a subtantial nucleus so valuable, which could be made available, without the cost of 1 cent to the Government, could be utilized advantageously and at a savings to the taxpayers.

The fact that the Senator referred to this in his speech last Friday was not the first time the Air Force has been importuned and urged to consider the appropriate utilization of these facilities.

Some 2 years ago, when the Air Force was considering its expansion program, I urged that they consider the appropriate use of this facility. I was told that investigation of the possible use of this airbase was made and perhaps it was, Mr. Speaker, but if it was, no one in the area of the airport knew about any investigation made of its use. In fact, it appears that regardless of the apparent savings that might be made that all these projects must be within the vicinity of the large cities, which policy I question seriously.

During the course of this planning program there were several times that I took steps in calling to the attention the advantages that could be realized by using such available and established projects.

A few weeks ago, the new Secretary of Defense, Mr. Charles E. Wilson, directed a review of all of these projects in the planning and development stages for our expansion program. One of the nationally known commentators, Mr. Frank Edwards, over his Mutual network program, called attention to the fact that economy in this program of ours could be made by utilizing well constructed and permanent projects already in existence. He referred, as an example, to the availability of this airport at Hope, Ark.

Now, Mr. Speaker, I realize I am not qualified to tell our Air Force where and

what type of projects they should develop, that will provide for us the kind of programs and the security which we must have. I am convinced, however, that this is a strategic location, quite accessible to our programs and for the purposes of these programs.

Consequently, on March 3, 1953, I directed a letter to Mr. Charles E. Wilson, the Secretary of Defense, calling to his attention the availability of this big military airport. I referred to the new airports and airport facilities being constructed under our national defense program from the ground up. I again explained that our people wanted to know why this expensive airport, which is idle, is not being utilized in our expansion program, at a savings no doubt of millions of dollars. I ask unanimous consent to include with my remarks a copy of the letter to the Secretary, together with other letters.

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

There was no objection.

Mr. HARRIS. Mr. Speaker, I wrote a similar letter to the Secretary of the Air Force, Mr. Talbott, and also, to our colleague and chairman of the Appropriations Committee, Mr. JOHN TABER, and our colleague, chairman of the Armed Services Committee, Mr. DEWEY SHORT. I felt that I should again bring this to the attention of the appropriate parties, who are in positions of leadership and thus responsibilities in connection with such matters.

It is, in my opinion, sound procedure to take advantage of any existing facility that is suitable to the program that we must have for the preservation of our freedom.

There have been several editorials written in a number of the leading daily newspapers throughout this area. Not only the paper at Hope, but at Texarkana, nearby, and at Prescott, Nashville, Camden, Magnolia, and other prominent places. They are all familiar with this project and contend that in the interest of economy, the Government should make use of this unused facility. They have written strong editorials in support of it.

Now it is quite strange and most interesting that about the only reason the Air Force gives in justification for not utilizing this facility is that they have got to have a large city for these projects, in order that the personnel can be absorbed properly in the community. While I fully realize the desirability and the necessity of community facilities in connection with any project, the position of the Air Force in this instance is most absurd.

We had a conference with officials of the Air Force this morning at the Pentagon. The amazing position they take which seems to permeate the entire organization, and especially the operational department, is not what facility might be available for utilization in the expansion program but how big is the area in the immediate vicinity. While they said it was not an ironclad policy but it was a rule-of-thumb that a certain size installation comparable to one wing had to be in the vicinity of some city with a minimum of 35,000 population. If it were to be a facility comparable to a two-wing operation, the community had to have a minimum of 55,000 population. This was the first time I had ever heard of such requirement of the Air Force for any such facility.

In other words, Mr. Speaker, it is the position of the Air Force, which I think is an arbitrary one that every area in this country is ruled out of consideration unless it was one of the larger populated metropolitan centers. I am sure this statement of policy or rule-of-thumb will be quite interesting to all of the areas of the United States, with a population of less than 35,000.

On the other hand the City of Hope, Ark., has a population of almost 10,000 people; within 15 miles is Prescott, Ark., with nearly 5,000; within 20 miles to the north is the city of Nashville, with a population of 4,000; and then to the west is the city of Texarkana, within 35 miles and a population of 40,000.

The community of Hope itself, absorbed and took care of some 1,500 families in connection with the Southwestern Proving Ground project during the recent World War. The only such facilities constructed by the Government at that time was some 23 or more fine homes for the Officer personnel. These houses are there and available. There are several adjoining towns within a few miles which have since increased available facilities and provide ample means of absorbing any personnel and the families that would come into the community for such a project.

Everyone in this House, Mr. Speaker, knows that to establish projects of any substantial size near the big cities will require this Government to furnish the community facilities even the schools for the children. Housing and various types of accommodations are obviously critical in these large metropolitan centers.

I firmly believe that their most recent excuse is no excuse at all. I have been very close to this problem for years—all during World War II and since. I think a more thorough investigation would be justified.

I think we should know more about the suitability of this expensive project for an appropriate utilization in connection with our defense program.

I am therefore, Mr. Speaker, today introducing a resolution which would authorize and direct the House Armed Services Committee, which has legislative jurisdiction over our military establishments, to make an investigation as to the advisability of the use of these facilities in the public interest and in support of our national defense program. As the gentleman from New York [Mr. TABER] the chairman of the Appropriations Committee of this House, has said, that it certainly seems like a situation where they—the Air Force—could save a sizable sum of money by using what they have. We are entitled to know the facts and a report in this manner would obviously develop the actual situation.

I shall ask the Rules Committee to report this resolution and I feel sure the Armed Services Committee in carrying out its responsibilities would want to develop this question in the interest of the public, as well as economy in our efforts for a well established and sound defense program.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 3, 1953.

Hon. CHARLES E. WILSON,
Secretary of Defense, the Pentagon, Washington, D. C.

MY DEAR MR. SECRETARY: As Secretary of our Defense Establishment you have the primary responsibility for our national security and the expenditures of the major part of our Federal budget. You, with President Eisenhower, are committed to an economy program in connection with our national defense activities. We know you are making every effort to reduce expenditures where possible.

New airports and airport facilities are being constructed under our national defense program. You propose a huge development in the vicinity of Little Rock, Ark., as well as other places in the Southwest. You have just received a letter from the Honorable John L. Wilson, mayor of Hope, Ark., with reference to the utilization of the airport near that city which cost several millions of dollars in World War II. My people want to know why this expensive airport, which is idle, is not being utilized in this program, thereby saving many millions of dollars of the taxpayers that would be necessary to construct new facilities out and out.

This airport was constructed in World War II to accommodate the heaviest of our bombers. It is still intact and has been kept up by the city of Hope. It has three concrete runways, 150 feet wide and more than a mile long. There is available a huge brick and steel building with suitable equipment, aprons, and taxiways. The city owns 2,000 acres in this airport and is offering to make it available to the Government for utilization without cost.

The city of Hope and community could and will absorb all the personnel that will be necessary at such a bomber base as you propose to construct in the Southwest.

Mr. Frank Edwards, nationally known commentator, Mutual Broadcasting Co., has given this nationwide publicity and appropriately so, because of the saving of millions of dollars to the taxpayers of the country. I understand he has discussed it with your Air Force people and the only excuse given for not utilizing the air base is the question of the community not being able to absorb the necessary personnel and their families. I should like to remind you that in World War II this community absorbed and took care of 5,000 people in the construction and operation of the Southwest Proving Ground. It can and will do it again with, I believe, much lesser outlay than will be required at some other bases you propose to spend so much for the needed facilities. This fine sturdy and well-constructed airport but built by the taxpayers' money for World War II and why not use it in the interest of the program, economy, and operation and a saving to the taxpayers.

I join with the people in that area in bringing this to your attention, urging your consideration and an immediate reply.

Sincerely yours,

OREN HARRIS,
Member of Congress.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D. C.

Hon. OREN HARRIS,
Member of Congress,
House of Representatives,
Washington, D. C.

DEAR COLLEAGUE: I wish to thank you for your letter of the 3d in connection with the Air Force base near Hope, Ark. I am asking the subcommittee that handles military construction to look into this matter.

It certainly seems to sound like a situation where they could save a sizable sum of money by using what they have.

Very sincerely yours,

JOHN TABER, *Chairman.*

THE SECRETARY OF DEFENSE,
Washington, D. C., March 9, 1953.

Hon. OREN HARRIS,
House of Representatives.

DEAR MR. HARRIS: This is in response to your letter of March 3, urging utilization by the Air Force of airport facilities at Hope, Ark.

Initial responsibility for selection and development of Air Force bases rests with the Department of the Air Force. Accordingly, I have referred your letter, as well as the one on the same subject addressed to me by the mayor of Hope, Ark., which you mentioned, to Secretary Talbott, so that he may know of your interest in this matter.

You may be assured that full consideration will be given to the arguments you have presented. I have asked Secretary Talbott to communicate with you directly and because of my interest in this important matter, have requested that he furnish me a copy of his reply.

Sincerely,

C. E. WILSON.

GOVERNMENT PROCUREMENT

The SPEAKER. Under previous order of the House, the gentleman from Tennessee [Mr. SUTTON] is recognized for 30 minutes.

Mr. SUTTON. Mr. Speaker, it is always a very unpleasant task when you are compelled to make some derogatory remarks about people from your home State. I regret that is my task today. I am having to bring the name of a distinguished gentleman from the State of Tennessee into the RECORD. Due to the fact that I think it is absolutely necessary that the taxpayers of the United States get 100 percent value out of the tax dollar, it is necessary that I bring this to the attention of the House of Representatives.

If there ever was a time when we need to cut expenses everywhere we can, to balance the budget and to reduce taxes, it is today. People throughout the country are clamoring at the Members of Congress to do exactly that. Being one Member that has voted against tax increases in the last two sessions of Congress, I do not think I could uphold the oath as a Member of Congress for three terms unless I expose those who are trying to hoodwink the taxpayers of this Government. It so happens, Mr. Speaker, that in the State of Tennessee there are two men, two corporations I should say, that make garbage disposal trucks. There are only two concerns in the United States that make multiple containers for refuse. One of them is known as the Dempster Dumpster. The corporation is owned primarily by George Dempster who is the mayor of Knoxville. I have the privilege of knowing George Dempster personally. He spoke at my home town of Lawrenceburg, Tenn., at a Rotary Club ladies' night, and speaking of somebody that gave the Republicans the devil, he did a wonderful job, but the trouble was it was after the election. The other corporation is known as Brooks Equipment. I do not know Mr. Brooks. But I am speaking as a representative of the people in my district in order that we might bring this to your attention in the hope that something can be done to save the taxpayers some money.

Some 3 years ago it came to my attention that there were certain people over in the Pentagon who have been writing specifications where no concern in the United States could bid on garbage-disposal invitations except Dempster. I do not think that is right because in my opinion, anytime anyone does business with this Government, they should have competition in their bidding so that we might save the taxpayers a little money through competitive bidding. I call this to the attention of various members in the Pentagon Building. On different occasions, of course, the specifications were reworded where Brooks and Dempster both could bid. Two years ago on one contract we saved $120,000. That contact was with the Marine Corps. So for some 3 years I have been watching the specifications and every time an invitation to bid was issued I would ask that it be changed so that they could have competition in the bidding and not have a monopoly bid. Last year they promised they would discontinue to issue monopoly specifications. They claimed they were going to let the Army engineers draw up the specifications and pass them on to the Army, Navy, and Marine Corps for approval so that no concern could have a monopoly in bidding on truck refuse multiple containers, better known to us as garbage-disposal units. On December 27, 1951, they wrote the specifications but it so happened that at that time there were no bids open. There were no invitations for bids. Then again on August 1, 1952, they issued a specification known as military T 11663 A. This specification was drawn up by Colonel Hafto's office over in the Corps of Engineers. Mr. Walter Bonnett was the author of it I understand. I am not saying that anyone has been bribed in this Government of ours in these particular incidents. I just want to give you the facts that I know because I could not prove any willful wrongdoing. But I will say this. There has been some conniving, by whom, I do not know. But I think it should be cut out. It is true, Mr. Speaker, that the name Dempster Dumpster is not mentioned in this military specification but this specification is so drawn that no one in the United States can bid on this garbage disposal except Dempster Dumpster. On March 20 this year an invitation was issued for bids on Navy No. 809. It was supposed to be let on the 20th of March. The delivery price on this article was supposed to be $385,911.53. I contacted Colonel Sloan, our naval liaison at the naval liaison office, who called it to the attention of the Quartermaster General of the Marine Corps. To date that contract has not been given to anyone. It has not been opened. But that is only $358,000. On March 30 of this month there is another bid coming up. It is Army Engineering No. 1118453A367 which bid will amount to over a million dollars. What I am calling to the attention of the House is the fact that no one can bid on this order except George Dempster of Knoxville, Tenn. To me it is rather strange they issue the specifications so they can only receive a monopolistic bid.

On page 2 of the military specification, "T 1163A," under paragraph 3.7, "Hoist-haul unit," here is some of the fine print:

> The hoisting mechanism shall be so designed and balanced on the truck chassis as to operate independently of any auxiliary jack.

It so happens that Dempster Dumpster has a patent on their product which excludes the jack. Therefore no one else can bid.

Then, on page 3, there is another little line like this:

> The top door area shall not be less than 80 percent of the largest horizontal cross-sectional area of the container.

Dempster has a patent on this. Even though it is 79 percent of the door area, no one could qualify to bid on this, because Dempster has the patent, and they are the only ones in the United States who can qualify.

On page 3, here is another one of these fine-line specifications:

> The discharge opening area shall be not less than 90 percent of the largest horizontal cross-sectional area of the container.

It so happens that Dempster has the patent on that—90 percent and above. No one else can bid under that proviso.

All the way through the specifications there are provisions which only describes the Dempster Dumpster.

I like to see money come to Tennessee. I like to see as much as possible come there. There are only two concerns in the United States that make these garbage disposals. Both of them are in Knoxville, Tenn. Both of them went into business at about the same time. But we must be on the alert and save the taxpayers every dollar possible. Of course, when it comes down to garbage-disposal trucks, they must come from Tennessee, because no other concerns make them except the two in Tennessee. But what I do not like to see is someone in the Pentagon approve a specification where no one except George Dempster can bid because of prohibitive clauses in the specifications; regardless of the price, which the Government sets, at $368,000, George Dempster can say $500,000, and there is nothing we can do except to pay, because his is the only concern in the United States that can comply with the specifications.

I do not like monopolies. They are unhealthy for the country. I do not think the Government should connive, draw up specifications where there cannot be competition. It is nice for the man who is doing the selling, but it is unhealthy for the taxpayers of the Nation. I do not think I would be doing my duty to my people if I did not bring this matter to the attention of the Congress. As I say, I am not accusing anyone of accepting or paying a bribe, but I do say that in my opinion there is some conniving going on.

I called this to the attention of the Committee on Armed Services. I talked to Mr. Courtney, one of the attorneys. He suggested that I bring it to the attention of the House, after talking with the Navy about it. I am bringing it to

your attention, in the hope that we can protect the taxpayers by cutting out such monopolistic tactics as some people, not only in Tennessee, but in the Pentagon, willfully and knowingly condone such tactics.

Mr. Speaker, I hope that the Committee on Armed Services of the House will check into this with the Army, the Navy, and the Marine Corps, and will come up with some solution whereby we can save the taxpayers some money. If there is one thing we need to do in this country, it is to see that the overburdened taxpayers are given some relief, some reduction of taxes.

INTERIM AUTHORITY TO THE SPEAKER AND THE CLERK OF THE HOUSE

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Wednesday next the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions passed by the two Houses and found truly enrolled.

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

There was no objection.

CALENDAR WEDNESDAY

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday of this week may be dispensed with.

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

There was no objection.

THE MASSACHUSETTS TEXTILE INDUSTRY

The SPEAKER. Under the previous order of the House, the gentleman from Massachusetts [Mr. LANE] is recognized for 5 minutes.

Mr. LANE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a letter.

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

There was no objection.

Mr. LANE. Mr. Speaker, my request is plain and urgent.

I ask that a subcommittee of the Armed Services Committee be authorized to look into the Defense Department's textile procurement policies to determine if the requirements of defense manpower policy No. 4, as amended, are being sabotaged by an agency of our Government.

And, in doing so, I hope that this administration will not continue to ignore the jobless textile workers of Massachusetts who, to this moment, have been considered as expendable by the Federal Government.

For several years now Washington has turned a deaf ear to the labor-surplus plight of New England's textile industry, which is centered in Massachusetts.

Perhaps the weight of sectional politics had something to do with this dangerous indifference toward a very serious problem.

Now, with a new lineup, perhaps our thousands of unemployed may be heard and helped. Instead of point 4 for Africa, we want the terms of defense manpower policy No. 4 applied to rescue our unemployed millworkers from destitution.

On November 28, 1952, an amended Munitions Board instruction provided that 80-hour plants—those working not more than two shifts—would only have to meet the average price paid on competitive bid awards, instead of the lowest bid in order to get priority. And the reason for this change, stripped of all evasive language, was to provide relief to suplus-labor areas.

Four months have passed.

Nothing has been done.

Those of our mills that have not closed down or sold out are working less than 80 hours per week.

In the Greater Lawrence, Mass., area—population 130,000—between ten thousand and eleven thousand were out of work during January 1953.

This figure is not just seasonal.

Since June 1949, more than $33 million have supported the community in the form of bread-and-butter unemployment benefits.

Similar conditions have prevailed for several years in other Massachusetts textile cities like Lowell, Fall River, and New Bedford.

And still the Department of Defense continues to drag its feet in carrying out the orders for textile procurement in those areas that are fighting for economic survival.

Why? Why?

That is what we want to know.

Blundering delays by the Defense Department might be forgiven, but not any conspiracy to shift the economy of any region merely to suit its own convenience or to reward legislative friends of the past.

That is what we demand to find out by calling defense officials before an Armed Forces Subcommittee, where they can be questioned in public.

Another disturbing question arises concerning the $54 million worth of such textile procurement contracts to be let out during the present fiscal year. As far as we can penetrate the fog enveloping procurement, only $9 million had been spent by early February. How is the remaining $45 million to be accounted for? The refusal on the part of the Defense Department to be clear and specific on this point cannot be excused on the ground that this information is top secret.

Potential enemies know the number of men and women we have in uniform, and from that they can deduce the amount of textile goods needed to clothe them. So why is there any need for a smokescreen, if procurement officials are living up to the law?

Only 3 months remain in this fiscal year, yet we see no visible sign of the set-aside contracts for textiles that were supposed to be awarded as some measure of assistance to the few areas that are going through a depression in the midst of a boom.

The Federal Government cannot sidestep its obligation to help these areas. We insist that textile contracts be awarded—according to the law—to plants that are operating less than 80 hours a week. Not only from now on but to make up for the recent months during which the Government failed to fulfill this legal requirement.

The Defense Department is faced with mounting public criticism of its failures in several fields.

The only way to correct this bureaucratic slow-motion is to put defense officials on the carpet, where we can probe for and extract the facts that will scare them into constructive action.

I ask, therefore, that the Armed Services Committee of the House examine the whole question of textile procurement for the military at once.

GREATER LAWRENCE JOINT BOARD,
TEXTILE WORKERS UNION OF AMERICA,
Lawrence, Mass., March 19, 1953.

Congressman THOMAS J. LANE,
House Office Building,
Washington, D. C.

DEAR SIR: It should not be necessary for me to outline in detail the economic conditions of certain parts of New England, particularly those sections with heavy concentrations of the textile industry, such as Lawrence, Mass.

Because I believe most strongly that the ills of the textile industry run a good deal deeper than appears on the surface, I urge you to bring this matter to the floor of the Congress with the suggestion that a committee be set up to investigate thoroughly the textile industry in New England, with a view to giving concrete help in solving their problem. Although the placing of defense orders will give relief, it will only be of a temporary nature. Something must be done to solve the problem of the New England textile industry on a more permanent basis, thus giving its workers some security and help in maintaining an economic balance comparable to workers in other industries and in other sections of the country.

I believe that an investigation will show that wage differentials and man-hour productivity are by no means the entire answer to the problem. The textile industry in the past 3 or 4 years has been going through a revolutionary change, mostly due to the introduction of man-made fibers such as Dacron, Orlon, Vicara, Dynel, and Acrilan.

These fibers are being manufactured by a number of our large and powerful chemical companies. They are in short supply and with not enough of the raw materials to meet the demands, tremendous pressure could be put on those companies which for one reason or another are not in favorable positions with these large chemical companies.

It seems to me that with proper Government intervention a more equitable distribution of the available raw materials could be agreed upon, which I feel sure would bring a great measure of relief to many New England companies. I feel certain that an investigation will show that it is the worsted end of the textile industry which is being hit hardest, for it is this division of the industry which manufactures the fabrics for suitings and dress goods which is being pressed by the synthetic and blended fabrics.

I believe such a committee should also investigate the amount of worsted cloth being imported into this country which is depriving our textile workers of much needed work. Recently while in New York City, I visited several department stores and was

amazed to see rack after rack with thousands of suits and topcoats bearing imported labels, mostly from Great Britain.

We have approximately one and one quarter million textile workers in this country, and I believe they have a right to expect their Government to give earnest consideration to their problems which have reached such serious proportions.

Very truly yours,

ARTHUR W. BROWN,
Director, Greater Lawrence Area.

THE HONORABLE LYNDON JOHNSON

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include two speeches.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, only a few weeks ago, I had the pleasure of attending a special luncheon meeting of the Texas delegation. It was held to honor the distinguished Democratic leader of the Senate—that great Texan, LYNDON B. JOHNSON.

At that meeting, which was attended by the Governor of our State, we presented LYNDON JOHNSON with a plaque signed by every member of the delegation. On that plaque, we inscribed these sentiments:

TO LYNDON B. JOHNSON, DEMOCRATIC LEADER, UNITED STATES SENATE; A PROGRESSIVE AND PRACTICAL PUBLIC SERVANT; A LEGISLATOR OF VISION AND JUDGMENT; A FAITHFUL TEXAN AND LOYAL FRIEND:

We, the Texas delegation of the 83d Congress, proudly salute you as one who has attained the heights of Senate leadership through brilliant and patriotic service at an age younger than any other man in history. You have brought honor to our State, our Nation, and our people. This the 13th day of February 1953.

I think most of us would subscribe to those sentiments—certainly all of us here who worked with LYNDON JOHNSON when he was a member of this body. We Texans are proud of the honor he has brought to our State. We know that the honor flows from the service he has performed and is performing for Texas and the Nation.

However, I think I have a special reason for pride in LYNDON JOHNSON. It is due to the fact that I have known him practically all his life. I have watched him grow from a teen-aged boy playing on the grounds of the State Capitol at Austin into one of the great statesmen of our day.

When I first entered the State legislature in 1921, I was assigned as a desk mate to his father—the late Sam Johnson. It was a stroke of good fortune that affected the course of my entire life.

I found myself in contact with a truly remarkable man—a man of courage and conviction whose wise counsel and sound judgment was a beacon lighting the way to safe passage through stormy seas. Nothing finer could have happened to a fledgling legislator.

It did not take too long to discover that this truly remarkable man had produced a truly remarkable son. As he grew to maturity, I found him to be a man mature beyond his years—steadfast and loyal—devoted to principle.

I have come to depend upon him as I once depended upon his father. Looking back, I would say unhesitatingly that the Johnson family has a royalty interest in anything good I have done in my life.

When LYNDON JOHNSON was elected to the Senate, I predicted that he would be his party's floor leader before his first term had expired. He fulfilled that prediction. He became the assistant Democratic floor leader in his third year and the Democratic floor leader in his fifth. His colleagues recognized his unusual qualities almost at once.

He has more than justified their confidence.

Although he is the youngest floor leader in Senate history, he has succeeded in putting together a smooth-working team without parallel. In the committee assignments, he combined maturity and experience with youth and vigor.

The result has been a Senate Democratic minority which is harmonious—which is not torn by dissensions—which works together in mutual trust and respect. It is a minority which can work constructively for the country—not just obstructively in the hope of reelection.

Recently, LYNDON JOHNSON has delivered two speeches which are worthy of the attention of every Member of this House.

In the first, he discussed the problems that face a minority party that seeks to work as a constructive, responsible group of men and women.

In the second, he discussed the problems of defense that our Nation must face in this age of dictators.

There is a common bond that ties these two speeches together. It is the thought that we live in a time where the politics of irresponsibility is the politics of disaster. It is the thought that the minority must be more than a carping critic—it must be a party that works as earnestly as the majority for the preservation of the Nation.

He recognizes the frightening problems which burden the shoulders of our President and warns against the petty partisanship that would add to those burdens. He pledges his support when the President goes before Congress with the difficult decisions that are right for our country.

Mr. Speaker, these two speeches are important documents—declarations of policy which merit the attention of every American. So that they may be read and studied, I ask that they be included at this point in the RECORD as a part of my remarks:

SPEECH OF HON. LYNDON B. JOHNSON, OF TEXAS, BEFORE JEFFERSON-JACKSON DINNER, NEW YORK CITY, SATURDAY EVENING, FEBRUARY 14, 1953

Fellow Democrats, we are meeting tonight to dedicate ourselves to the future.

As a political party, we have lost a national election. But we have not lost our determination to serve the American people. With that will and determination, even if we are a minority, we are an undefeated party.

In the last campaign, we presented to our fellow Americans a candidate who stirred millions of people by talking sense, in words that will never be forgotten.

Behind those great Americans—Adlai Stevenson and John Sparkman—the Democratic Party mobilized for a clean and honorable fight. We lost—and under world conditions probably it was inevitable. But we have maintained, and we will maintain, our place in the hearts of the people as the one truly national party.

For more than a century and a half, the Democratic Party has occupied a special position in American life. It has been the one party big enough and strong enough to unite Americans from all walks of life and from all sections of the United States.

Even today, the Democratic Party can be found vital and aggressive, in every part of America. North, South, East, and West—in the strongest bulwarks of Republicanism—Democrats are actively at work rallying the people.

It is only in periods when the Democratic Party appears to lose its character as a national party that it suffers setbacks. It is only when the voices of a few pressure groups drown out all other voices that the Democratic Party loses.

The American people will never long tolerate a political party dominated exclusively—nor one that appears to be dominated—by any special group—be it labor, capital, farm, North, South, East, or West.

All are entitled to proper representation. None are entitled to complete control.

In the Senate, we have done our job by welding together experience and youthful vigor; seniority and new talent. The Senate Democrats have established themselves not on the basis of sectionalism but on the basis of working for the whole Nation.

As a minority, we now face new problems. We also face new temptations.

There are two courses open to a minority party. It can indulge in the politics of partisanship, or it can remain true to the politics of responsibility.

The first course is tempting to the weak, but ultimately would be rejected by the American people. The second course is difficult, but is the one road upon which we can offer leadership to the American people that will be accepted.

As Americans, we are facing grave problems.

The clouds of economic distress are forming on the horizon. Already our farmers feel the pinch of recession. The issues of war or peace—and therefore of life and death—loom larger and more menacing with every passing day.

The politics of partisanship may entice some to trade upon the distress of the American people. Against such partisanship, we must firmly close our ranks.

Our dedication must be to the politics of responsibility—to a statesmanship which is based upon the realization that we cannot survive unless our country survives.

No course will be successful unless that thought becomes our guiding star.

The role of a minority party is to hammer out a program that will solve the problems of America—not just to obstruct the work of the majority party. The American people will place their confidence in a party which seeks honestly to serve them.

There is before us a great opportunity.

It is to work for America—to be a constructive opposition, not an obstructive minority—to act as statesmen dedicated to the national welfare, instead of political opportunism.

In the measure of our service to the American people, they will have confidence in us. In the measure we serve our Nation, our Nation will permit us to serve.

As a national party—as a party devoted to responsibility—we will march forward to victory. But it must be not just victory for the Democratic Party. It must be a victory for America.

Fellow Democrats, fellow Americans, our duties and our obligations are clear. We have lost power and office. But, we have maintained the right to fight for the American people.

Let us dedicate ourselves to future achievement and victory.

SPEECH OF HON. LYNDON B. JOHNSON, OF TEXAS, DELIVERED ON THE FLOOR OF THE SENATE, MARCH 16, 1953

Mr. President, within the last week, the world has witnessed two of the most brutal and unprovoked acts in modern times.

Two aircraft—one belonging to the United States and the other to Great Britain—have been shot down in cold blood. They were attacked—without provocation—while flying on routine, nonbelligerent missions.

It would serve no purpose for anyone to use these incidents as a springboard for a hysterical dive into panic. They are serious—indeed grave. We have been brought face to face with the only too evident reality that our Nation could be thrust into total war in a matter of hours.

A show of firmness and unity on our part may convince the Communists who attacked our men that there must be reparations and that the present reckless course must end.

However, regardless of the outcome we cannot afford to ignore the clear warning of the past 3 days. We can refuse to learn this clear lesson only at the peril of our lives and our liberties.

These incidents may serve to awaken us to the full magnitude of our danger. If we awaken in time, we can count ourselves fortunate. For it is only such an awakening that will save us from the threatened destruction that hangs over our heads.

We are now paying the price for the years of complacency and ease we shared together, the years in which we blindly shut our eyes to the realities that surround us. The price is bitter. It may be the price paid by the householder who checks his insurance only when the flames leap out of the basement and lick at the rafters.

There have been many years of such complacency—years in which we decided it was too expensive to pay the premiums on our insurance against aggression.

They began in 1945 when we demobilized the mightiest army the world has ever known with a haste that was neither prudent nor economical.

They continued through 1946, 1947, and 1948, when we peddled our military equipment as surplus at a fraction of its cost without regard to the future.

They reached their high point when the funds appropriated by Congress to build a 70-group Air Force were impounded.

They were summed up in the pre-Korea era when the needs of defense were placed second to the objective of convincing the country that military budgets could be slashed without weakening our preparedness.

The complacency—which was shared generally—continued even after the Korean war had spelled out its grim warning to democracy. Even then, officials persisted in trying to sell our vital synthetic rubber plants—our only reliable source of this material so crucial to military operations.

There were those who warned against this course of weakness and folly. There were those who refused to believe that it was more important to live in luxury than to preserve the liberties which we enjoy for our children and their children.

Among those were the members of the Senate Preparedness Committee—the group of which I had the honor of the chairmanship during the last two Congresses. It was a fine committee—a committee all of whose members worked to strengthen our defenses without regard to politics.

In our very first report—issued on September 6, 1950—we warned against the "siesta psychology" that pervaded our defense program. Just 2 months later—November 11, 1950—we cautioned that "paperwork preparedness is only flimsy protection against the threat we face."

And yet, 1 year later—November 29, 1951—a survey of the facts compelled us to report that complacency still ruled the defense program.

"Deliveries on defense hard goods—planes, tanks, ships, and guns—have fallen dangerously behind schedule" we said, in our 35th report. "And as those deliveries have fallen behind, so too has our capacity to fortify the strength of our allies of the North Atlantic Treaty Organization."

A few months later—March 20, 1952—the Preparedness Committee summed up the mobilization program in the following words:

"The objective has been ample supplies of both butter and guns. The result has been a small number of guns and a great amount of butter with a considerable number of lollipops thrown in."

On June 17, 1952, in our 39th report, we presented a summary of the views of the military commanders upon whom we rely for the defense of our country. I would like to quote one paragraph from that report:

"They (our military commanders) do not believe we have the strength we need; they do not believe we will have the strength we need unless we raise our sights at once and raise them drastically."

A few weeks later—on August 23, 1952—we reported that America has "lost the right to claim unquestioned mastery of the air. America is behind in the very weapon in which we should have unchallenged supremacy."

Mr. President, the situation was perfectly clear. The story was outlined in the reports of the Senate Preparedness Committee. It is available now and was available then when so many of the crucial decisions were made.

And yet, the clear warnings were met only with "stretchouts" and "cutbacks." Our preparedness program was "stretched out" and our defense production was "cutback."

"Stretchout" and "cutback"—two of the most dangerous phrases in the English language today.

The real tragedy of our time is not that we lacked the ability to bring ourselves to the necessary level of military strength. The real tragedy is that we lacked the will to use the ability.

I have not reviewed the history of the last few years merely to rake over the ashes of the dead past. I have reviewed the past only because it points the way to the present and the future.

The lesson of the past is inescapable. We cannot have military strength by trimming our defense program to our desires for ease and luxury.

There is still another lesson to be drawn from the history of the post-World War II world. It is that we cannot have freedom unless we are willing and able to defend it.

Have we learned those lessons?

There are many who even now advance the slogans "balance the budget," "reduce taxes," "cut back military production," "stretch out the defense program" as the solution to all our ills. They would trim our defense program to what they consider the needs of our budget rather than trimming our budget to the needs of the defense program.

It may be that we can balance the budget, reduce taxes, cut back military production, and stretch out the defense program. But if we do so and at the same time relegate our defense needs to a second priority, it will be at the peril of our lives and our liberties.

There are some who insist that we cannot afford the kind of defense program that will guarantee our survival. I am no economist—no expert in fiscal policy.

But I do know that the one thing we cannot afford is a defense program that is inadequate—a defense program too small to safeguard our liberties.

We cannot, of course, afford waste because in total war the margin of waste could well be the margin between defeat and victory. No one has fought harder than I against military waste, but our objective should be to cut out the waste and institute efficiency—not to weaken our defenses on the excuse that some of our generals do not use their money and their authority prudently. Our goal is the preservation of America as a free Nation. If we lost sight of that goal, we will lose not just our money but our liberties.

The Communist pilots who shot down our plane and the British plane were merely the forerunners of the future. There will be other incidents; there will be other acts of provocation; if they continue we must—sooner or later—face the supreme test.

Are we ready to meet that test?

Our President faces responsibilities that are frightening. He must make the decisions that will determine the course of the future—that will decide whether we survive as a free nation or succumb to the aggressors.

Thus far, he has had very little time to assess the situation and come to the necessary conclusions. But as many Members of Congress know, there are facts and figures on his desk which cannot be avoided and which I know he does not want to avoid. Soon—only too soon—the Congress and the people must reckon with those facts and those figures.

I believe the President should be told that he will have the support of the Congress no matter how difficult the decisions that must be made. I should like for him to think, with justification, that Americans will back him—not as Republicans and not as Democrats—but as Americans who place the salvation of their Nation above all else.

He has the responsibility for leadership because he is the commander in chief. In calm, measured words, the people must have the facts—the facts upon which decisions can be based. I hope that when the time comes the President and the Congress can meet together to work out the answers to the basic question before us.

Does an aggressor nation have the planes and the weapons with which the United States can be attacked at any and every point?

Does an aggressor nation have a stockpile of atomic bombs that could be used to strike at every American city?

Do we have a defensive force adequate to beat off an attack?

Do we have a force that could deliver devastating counterblows against an enemy or have we placed our faith in equipment that is obsolete?

How much time do we have before an aggressor nation will be up to its peak strength?

Is our military force large enough to keep pace with the buildup of the aggressor or should we be building more?

There are answers to all of those questions, and they are not pleasant answers. But they must be faced. The alternative is to drift helplessly into extinction.

We live in the age of the totalitarians—an age in which war is total, victory is total, and defeat is total. It is also the age of the atomic bomb—an age in which the first battle may decide the war.

We cannot wait to decide upon a course of action after the bombs begin to fall. We must decide now—now while there may still be time.

We do not know how much time still remains. That is the factor that is out of our hands—the factor that we cannot control.

We can appropriate money, mobilize manpower, and step up production. But we cannot appropriate 1 minute, mobilize 1 hour, or step up the number of days.

We must use our time, and use it wisely. Whatever we waste can never be recovered.

Furthermore, there is only one yardstick by which the size of our defense program should be measured. It should be no smaller than the force needed to defend our lives and our liberties. Anything smaller is waste—tragic waste that we cannot afford.

I sympathize deeply with those who wish to introduce more economy and more efficiency into our Armed Forces. No one has fought harder than I for those goals.

We can have greater economy and efficiency. But we must not permit our zeal to lead us into the false economy of weakening our defense structure in what may well be the hour of our greatest need.

I am not speaking as a partisan nor do I think this is a partisan subject. The reports of the Senate Preparedness Committee were signed by all members—both Democrats and Republicans.

The American people are looking for leadership to defend their country. They do not care whether that leadership comes from Democrats or Republicans as long as it is effective.

We are past the stage where we can afford partisan bickering. We must discard trivialities and petty arguments. It is far more important to determine how we will get out of this situation than how we got into it.

We are in it. We must look to the past only insofar as it is a guide for the future.

We can, if we wish, exhaust our strength and squander our substance through partisan quarrels that serve only to set American against American. We can, if we wish, use our time and our energy in searching the records of the past for minute details that will pin down the blame for our present situation.

Personally, I would rather concentrate our strength and mobilize our substance against the Soviet enemy who threatens our lives and our liberties. Personally, I think we will find that there is enough blame for all of us to share. It would be better if we were all to concede the errors of the past without further divisive argument and proceed to work toward the only worthwhile goal—the defense of our country.

Mr. President, the incidents in the airspace over Germany were but the handwriting on the wall. They indicate clearly the shape of the future. If we are incapable of understanding that future we have no one to blame but ourselves.

It would be tragic were we to be caught unprepared—with defenses that were inadequate and forces incapable of delivering a counterblow. It would be even more tragic if we were caught unprepared simply because of timidity—simply because we hid from the facts.

There may still be time—time to arm—time to arouse ourselves to the defense of our lives and liberties. Let us seize that time. Let us use it to forge defenses so strong that freedom will triumph over the designs of the aggressor and guide mankind throughout eternity.

SMALL BUSINESS MUST BE ALERT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes on small business.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, the silhouette of a Trojan horse has just appeared on the horizon. At least, if we can believe what has been printed in such journals as the New York Times and the Wall Street Journal, a package deal for abolishing the Reconstruction Finance Corporation has been wheeled up before the struggling citadel of small business.

The initial attack by those opposed to small business was relatively clear cut. It was simply "Let's abolish the RFC." True, this proposition was falsely labeled with the popular brand "economy." But, anyone who cares to examine the facts knows, first, the RFC brings in a net revenue to the Treasury each year; and, second, the assets of the RFC could not be liquidated quickly without great loss of the public's money.

As a result, the simple proposal of abolishment was readily recognized for what it is and hence began to lose some of its political flavor. It is the type of situation in which the opponents of the RFC were too readily recognized as being either ignorant of the facts or against small business.

ARE THOSE ASKING FOR END OF RFC AND SDPA FRIENDS OF THE LITTLE FELLOWS?

Now, as I stated before, a Trojan horse has appeared. In the guise of a peaceful and friendly gesture, it seems that consideration is being given to a brand new agency—just to help small business. Of course, the plan calls for abolishing the RFC and the SDPA. But, its proponents assure us that the new agency will be even better.

From the press reports, it is not clear whether the new agency is to be allowed to make new loans or whether this important function is to be handled by the Federal Reserve banks. Let me just point out that the Federal Reserve banks as well as their members can make loans to small business now. What reason do we have to expect them to change their attitude or their practices?

You might be interested to know that the RFC used to rely upon the Federal Reserve banks to perform certain necessary fiscal services for them. However, in the interest of economy and efficiency, this practice was abandoned. The House Appropriations Committee in its report on the general appropriation bill of 1951 gave recognition to the economy advantages of having the RFC handle these services itself and went on to state that "the committee believes"—these services—"can just as well be handled by the Reconstruction Finance Corporation," as by the Federal Reserve bank system.

If we all favor making sound loans to small-business men, who cannot get the money from private sources, how can any of us favor the elimination of an agency which has performed such a valuable service over several decades and which is able to continue to do that job or anything else that Congress sees fit to have it do for small business. If the "new package" is just a change in name, then it is a useless and expensive deception. To thousands of businessmen and disaster victims in the United States, the name Reconstruction Finance Corporation is a highly respected label. They were saved by an agency by that name. How many big and little banks in the United States can we name who were not saved by the RFC during the depression, how many disaster victims have been restored to decent living and business conditions, and how many able small-business men have had an opportunity to perform important roles in the defense effort—all because of the services of the Reconstruction Finance Corporation.

I am not opposed to change when it promises democratic progress. But, I am opposed to deception and confusion wrapped in a fancy package to the disadvantage of small business.

THANK YOU, GENERAL MELOY; YOU BET WE'RE TEAMMATES

Mr. SIEMINSKI. 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 New Jersey?

There was no objection.

Mr. SIEMINSKI. Mr. Speaker, today I received one of the nicest letters it has been my pleasure to receive since returning from Korea to take my seat in this distinguished House of Representatives.

The letter is from a wounded veteran of Korea, one of the first American officers to hit the line against the Reds in June of 1950. The letter is from Maj. Gen. G. S. Meloy, Jr., commanding general of the infantry center at Fort Benning, Ga., the most outstanding training headquarters of the ground forces in the world.

It is a pleasure to list below an idea as it is about to hit the silk, Mr. Speaker. General Meloy's letter follows:

HEADQUARTERS,
THE INFANTRY CENTER,
Fort Benning, Ga., March 19, 1953.

Hon. ALFRED D. SIEMINSKI,
House of Representatives,
Washington, D. C.

DEAR MR. SIEMINSKI: Thanks for your note about the contact you made with the Department of Defense reference the Korean graduating ceremonies. We were contacted immediately after your visit, I believe, and are all set to record the program. I still feel your idea has tremendous possibilities and will be of great service to both countries. As I am telling the graduating class, we are teammates and it's certainly essential to have teammates understand each other.

We certainly enjoyed your visit with us, and if the time and occasion comes up again, come on back. We would like to show you more and at greater leisure.

Kindest personal regards.

Sincerely,

G. S. MELOY, Jr.,
Major General, USA, Commanding.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mrs. CHURCH and to include certain extraneous material.

Mr. WALTER (at the request of Mr. GRAHAM).

Mr. MORANO and to include an article on alcoholism.

Mr. LANE in three instances and to include extraneous material.

Mr. COUDERT in two instances and to include extraneous matter.

Mr. BOLAND in the Appendix and include extraneous matter.

Mr. GORDON in two separate instances, in one to include a letter and in the other a resolution.

Mr. HOWELL in four instances, in each to include extraneous matter.

Mr. DAVIS of Tennessee and include extraneous matter.

Mr. LYLE and include an article.

Mr. KELLEY of Pennsylvania in two instances, in one to include certain testimony given by Mr. George Meany before the Committee on Education and Labor; and in the second to include a statement by Mr. Walter Reuther, president of the CIO, before the Committee on Education and Labor, regarding amendments to the Labor Management Relations Act of 1947.

Mr. THORNBERRY and include extraneous matter.

Mr. BONNER and include an interesting article.

Mr. BEAMER.

Mr. PATTERSON (at the request of Mr. SEELY-BROWN).

Mr. BENDER in four instances.

Mr. HOPE and to include extraneous matter.

Mr. SMITH of Wisconsin in four instances and to include extraneous matter.

Mr. SHAFER in two instances.

Mr. YORTY in three instances and to include extraneous matter.

Mr. YORTY and to include a statement on the illicit drug traffic, notwithstanding the fact that the Public Printer estimates the extra cost will be $252.

Mr. MACK of Illinois in two instances and to include extraneous material.

Mr. KEAN (at the request of Mr. WOLVERTON).

Mr. BROWNSON (at the request of Mr. REES of Kansas) and include extraneous matter.

Mr. WILSON of California in two instances.

Mr. CURTIS of Nebraska and to include a resolution from the Nebraska Legislature.

Mr. FOUNTAIN and to include a sermon.

Mr. HESELTON in two instances and to include extraneous matter.

Mr. BAILEY and to include a letter to the Tariff Commission.

Mr. SIEMINSKI.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. AUCHINCLOSS (at the request of Mr. ARENDS), for Monday, March 23, 1953, on account of illness in family.

Mr. SCRIVNER (at the request of Mr. ARENDS), for balance of week, on account of official business.

Mr. HRUSKA (at the request of Mr. ARENDS), for balance of week, on account of official business.

Mr. FRAZIER (at the request of Mr. PRIEST), until April 3, on account of official committee business.

BILLS PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 206. Joint resolution to authorize the Clerk of the House of Representatives to furnish certain electrical or mechanical office equipment for the use of Members, officers, and committees of the House of Representatives.

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 16 minutes p. m.) the House, under its previous order, adjourned until Wednesday, March 25, 1953, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

566. A letter from the Acting Comptroller General of the United States, transmitting a report on the audit of Federal Deposit Insurance Corporation for the fiscal year ended June 30, 1952, pursuant to section 17 (b) of the Federal Deposit Insurance Act (12 U. S. C. 1811) (H. Doc. No. 109); to the Committee on Government Operations and ordered to be printed.

567. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated June 6, 1952, submitting a report, together with accompanying papers and an illustration, on a review of reports on Savannah Harbor, Ga., with a view to determining if it is advisable to modify the existing project in any way at this time; particularly to providing a turning basin above Seaboard Air Line Railroad bridge, requested by a resolution of the Committee on Public Works, House of Representatives, adopted on April 25, 1951 (H. Doc. No. 110); to the Committee on Public Works and ordered to be printed, with one illustration.

568. A letter from the General Counsel, Office of the Secretary of Defense, transmitting a draft of legislation entitled "A bill to continue the effect of the statutory provisions relating to the deposit of savings for members of the Army and Air Force, and for other purposes"; to the Committee on Armed Services.

569. A letter from the President, Board of Commissioners of the District of Columbia, transmitting a draft of a bill entitled "A bill to amend the District of Columbia Traffic Act, 1925, as amended"; to the Committee on the District of Columbia.

570. A letter from the President, Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to amend and extend the provisions of the District of Columbia Emergency Rent Act of 1951"; to the Committee on the District of Columbia.

571. A letter from the Acting Administrator, General Services Administration, transmitting a report on contracts negotiated under section 302 (c) (10) during the 6 months ending December 31, 1952, pursuant to Public Law 152, 81st Congress, as amended; to the Committee on Government Operations.

572. A letter from the General Counsel, Office of the Secretary of Defense, transmitting a draft of legislation entitled "A bill to continue in effect certain provisions of section 6 of the act of February 4, 1887, as amended, relating to military traffic in time of war or threatened war, for the duration of the national emergency proclaimed December 16, 1950, and 6 months thereafter"; to the Committee on Interstate and Foreign Commerce.

573. A letter from the Assistant Secretary of the Interior, transmitting one copy each of certain bills passed by the Municipal Council of St. Croix, pursuant to section 16 of the Organic Act of the Virgin Islands of the United States approved June 22, 1936; to the Committee on Interior and Insular Affairs.

574. A letter from the Commissioner of Immigration and Naturalization Service, United States Department of Justice, transmitting a letter relative to the case of Alfredo Herrera-Arriaga, [redacted] and requesting that it be withdrawn from those before the Congress and returned to the jurisdiction of the Department of Justice; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of March 19, 1953, the following bill was reported on March 20, 1953:

Mr. KEARNS: Committee on the District of Columbia. H. R. 3655. A bill to amend the District of Columbia Alcoholic Beverage Control Act so as to provide for the control of the consumption of alcoholic beverages in certain clubs in the District of Columbia, and for other purposes; with amendment (Rept. No. 200). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. RODINO: Committee on the Judiciary. H. R. 2368. A bill for the relief of Richard E. Rughaase; with amendment (Rept. No. 201). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YORTY:

H. R. 4143. A bill to amend the penalty provisions applicable to persons convicted of violating certain narcotic laws, and for other purposes; to the Committee on Ways and Means.

By Mr. ASPINALL:

H. R. 4144. A bill to clarify the status of mining claims in areas held under an oil and gas prospecting permit or lease and to encourage the exploration and development of fissionable source minerals; to the Committee on Interior and Insular Affairs.

By Mr. BAILEY:

H. R. 4145. A bill to provide for assistance to State agencies administering labor laws in their efforts to promote, establish, and maintain safe work places and practices in industry, thereby reducing human suffering and financial loss and increasing production through safeguarding available manpower; to the Committee on Education and Labor.

By Mr. BAKER:

H. R. 4146. A bill to amend section 8 (a) of the Tennessee Valley Authority Act of 1933 so as to provide that the Tennessee Valley Authority shall continue to maintain its principal office at Knoxville, Tenn.; to the Committee on Public Works.

By Mr. BROWN of Georgia:

H. R. 4147. A bill to amend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Currency.

By Mr. BROYHILL:

H. R. 4148. A bill to repeal certain provisions of law which impose requirements and limitations with respect to appointments,

promotions, and other personnel transactions in or outside the competitive civil service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CHIPERFIELD:

H. R. 4149. A bill to create a commission to be known as the Corregidor Bataan Memorial Commission; to the Committee on Foreign Affairs.

By Mr. COON:

H. R. 4150. A bill providing that 5 percent of the revenues from the national forests may be expended by local governmental units for developing, operating, and maintaining national forest recreational resources and areas; to the Committee on Agriculture.

By Mr. COOPER:

H. R. 4151. A bill to extend for 1 year the wage credits for certain military service under the Federal old-age and survivors insurance provisions of the Social Security Act, and to provide for lump-sum death payments on behalf of any individual whose death occurred while in military service and who is reinterred; to the Committee on Ways and Means.

H. R. 4152. A bill to extend the time for exemption from income taxes for certain members of the Armed Forces; to the Committee on Ways and Means.

By Mr. DEMPSEY:

H. R. 4153. A bill to extend the benefits of certain provisions of the Reclamation Project Act of 1939 to the Arch Hurley conservancy district, Tucumcari reclamation project, New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. EBERHARTER:

H. R. 4154. A bill to amend section 23 of the Internal Revenue Code, relating to deductions from gross income; to the Committee on Ways and Means.

By Mr. ELLIOTT:

H. R. 4155. A bill to amend Veterans Regulation No. 1 (a) to provide that certain chronic and tropical diseases becoming manifest within 2 years after separation from active service shall be presumed to be service connected; to the Committee on Veterans' Affairs.

By Mr. FORD:

H. R. 4156. A bill to increase from $600 to $1,000 a year the amount of gross income which may be received by certain dependents without causing the taxpayer to lose the income-tax exemptions for such dependents; to the Committee on Ways and Means.

By Mr. HOPE:

H. R. 4157. A bill to amend the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. HORAN:

H. R. 4158. A bill to extend for 5 years the authority of the Secretary of Agriculture to make loans for the purpose of making available in any area or region credit formerly made available to such area or region by the Regional Agricultural Credit Corporation; to the Committee on Agriculture.

By Mr. JOHNSON:

H. R. 4159. A bill to prohibit the introduction or movement in interstate commerce of articles of wearing apparel and fabrics which are so highly flammable as to be dangerous when worn by individuals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEAN:

H. R. 4160. A bill to provide for a waiver of premiums under the social-security program and thereby preserving the insurance rights of permanently and totally disabled individuals, to provide for rehabilitation of the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of California:

H. R. 4161. A bill to amend the Internal Revenue Code to provide that the gain from the sale of a residence by a taxpayer who has attained the age of 65 shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. METCALF:

H. R. 4162. A bill to amend section 508 (a) of the Federal Crop Insurance Act so as to extend for 4 years the authority of Federal Crop Insurance Corporation to expand the crop insurance program into additional counties; to the Committee on Agriculture.

By Mr. MILLER of California:

H. R. 4163. A bill to amend the Railroad Retirement Act of 1937, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. MORANO:

H. R. 4164. A bill to authorize members and certain former members of the Armed Forces to accept and wear certain decorations tendered them by foreign governments; to the Committee on Armed Services.

By Mr. O'HARA of Minnesota:

H. R. 4165. A bill to amend the Interstate Commerce Act, as amended, with respect to the issuance of certificates of public convenience and necessity, and relating to railway property; to the Committee on Interstate and Foreign Commerce.

By Mr. OSTERTAG:

H. R. 4166. A bill to provide a deduction for income tax purposes, of losses caused by abnormally high water levels; to the Committee on Ways and Means.

By Mr. RICHARDS:

H. R. 4167. A bill to create a commission to be known as the Corregidor Bataan Memorial Commission; to the Committee on Foreign Affairs.

By Mr. SMITH of Mississippi:

H. R. 4168. A bill to readjust, in certain cases, the salaries of postmasters; to the Committee on Post Office and Civil Service.

By Mr. THORNBERRY:

H. R. 4169. A bill to repeal those provisions of the Railroad Retirement Act of 1937 which reduce the amount of a railroad annuity or pension where the individual or his spouse is (or on proper application would be) entitled to certain insurance benefits under the Social Security Act; to the Committee on Interstate and Foreign Commerce.

By Mr. WALTER:

H. R. 4170. A bill to define the application of the Clayton and Federal Trade Commission Acts to certain pricing practices; to the Committee on the Judiciary.

By Mr. WAMPLER:

H. R. 4171. A bill to amend the Railroad Retirement Act of 1937, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLVERTON (by request):

H. R. 4172. A bill to amend section 20a of the Interstate Commerce Act, so as to treat as securities those contracts for the purchase or lease of equipment which are not to be fully performed within 1 year from the dates on which they are made; to the Committee on Interstate and Foreign Commerce.

By Mr. MACK of Washington:

H. J. Res. 229. Joint resolution authorizing the Architect of the Capitol to permit certain temporary construction work on the Capitol grounds in connection with the erection of a building on privately owned property adjacent thereto; to the Committee on Public Works.

By Mr. ROONEY:

H. Con. Res. 83. Concurrent resolution expressing the sense of the Congress with respect to the recent wave of anti-Semitism in the Soviet Union and in the persecution of Roman Catholics behind the Iron Curtain; to the Committee on Foreign Affairs.

By Mr. SMALL:

H. Con. Res. 84. Concurrent resolution expressing the sense of the Congress with respect to voting in the Armed Forces, and urging the various State legislatures to take action to encourage and facilitate voting by members of the Armed Forces; to the Committee on House Administration.

By Mr. HARRIS:

H. Res. 184. Resolution directing the Committee on Armed Services to investigate the advisability of utilizing the airport at Hope, Ark., in connection with the current program of construction and conversion of public works for military purposes; to the Committee on Rules.

MEMORIALS

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

By Mr. HESELTON: Resolutions of the General Court of the Commonwealth of Massachusetts memorializing the President and the Congress of the United States to instruct delegates to the United Nations to propose Italy as a member thereof; to the Committee on Foreign Affairs.

Also, resolutions of the General Court of the Commonwealth of Massachusetts memorializing the Congress of the United States to protest the present political division of Ireland and the presence of British troops therein; to the Committee on Foreign Affairs.

Also, resolutions of the General Court of the Commonwealth of Massachusetts memorializing Congress to pass anti-poll-tax legislation; to the Committee on House Administration.

Also, resolutions of the General Court of the Commonwealth of Massachusetts memorializing the Congress of the United States to urge the Federal Power Commission to insure that Massachusetts obtains the lowest possible natural gas rates; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the General Court of the Commonwealth of Massachusetts memorializing Congress to pass antilynching legislation; to the Committee on the Judiciary.

Also, resolutions of the General Court of the Commonwealth of Massachusetts memorializing Congress for legislation whereby aliens serving in the Armed Forces of the United States while engaged in hostilities under the flag of the United Nations may, prior to their being shipped overseas, be granted United States citizenship, as was the practice during World War II; to the Committee on the Judiciary.

Also, resolutions of the General Court of the Commonwealth of Massachusetts memorializing Congress to pass legislation to provide free mailing privileges to all persons or organizations sending letters or merchandise to persons serving overseas in the Armed Forces of the United States, while engaged in hostilities under the flag of the United Nations; to the Committee on Post Office and Civil Service.

Also, resolutions of the General Court of the Commonwealth of Massachusetts memorializing Congress for the payment by the Federal Government of a Federal old-age pension of $100 monthly for all persons who have attained age 65; to the Committee on Ways and Means.

By Mr. LANE: Memorial of the General Court of Massachusetts memorializing the Congress to protest the present political division of Ireland and the presence of British troops therein; to the Committee on Foreign Affairs.

Also, memorial of the General Court of Massachusetts memorializing the Congress to instruct delegates to the United Nations to propose Italy as a member thereof; to the Committee on Foreign Affairs.

Also, memorial of the General Court of Massachusetts memorializing Congress to pass anti-poll-tax legislation; to the Committee on House Administration.

Also, memorial of the General Court of Massachusetts memorializing the Congress to urge the Federal Power Commission to insure that Massachusetts obtains the lowest possible natural gas rates; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the General Court of Massachusetts memorializing Congress to pass antilynching legislation; to the Committee on the Judiciary.

Also, memorial of the General Court of Massachusetts memorializing the Congress for legislation whereby aliens serving in the Armed Forces of the United States while engaged in hostilities under the flag of the United Nations may, prior to their being shipped overseas, be granted United States citizenship as was the practice during World War II; to the Committee on the Judiciary.

Also, memorial of the General Court of Massachusetts memorializing the Congress of the United States to increase the quota of immigrants from Italy; to the Committee on the Judiciary.

Also, memorial of the General Court of Massachusetts memorializing the Congress of the United States to enact legislation whereby certain mothers and fathers may be granted United States citizenship; to the Committee on the Judiciary.

Also, memorial of the General Court of Massachusetts memorializing the Congress to pass legislation to provide free mailing privileges to all persons or organizations sending letters or merchandise to persons serving overseas in Armed Forces of the United States; to the Committee on Post Office and Civil Service.

Also, memorial of the General Court of Massachusetts memorializing Congress for the payment of Federal old-age pension of $100 monthly for all persons who have attained age 65; to the Committee on Ways and Means.

By Mr. LOVRE: Memorial of the South Dakota State Legislature memorializing the Congress of the United States to renew the present International Wheat Agreement which expires July 31, 1953, and renegotiate said world agreement; to the Committee on Banking and Currency.

By Mr. RHODES of Arizona: Memorial of the Arizona State Legislature requesting the establishment of an additional international gate at Nogales, Ariz., and urging the Congress to appropriate the sum of $170,000 for the purpose of establishing additional border inspection facilities at Nogales, Ariz.; to the Committee on Appropriations.

Also, memorial of the Arizona State Legislature requesting Congress to allow welfare recipients to earn $50 a month without deduction from assistance; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States, to allow welfare recipients to earn $50 a month without deduction from assistance; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Colorado, memorializing the President and the Congress of the United States to enact legislation authorizing the Colorado River storage project and participating projects in the States of Colorado, New Mexico, Utah, and Wyoming; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of Idaho memorializing the President and the Congress of the United States to make an investigation and take such action as it deems necessary to facilitate and expedite the administration of the public land laws and that such action be taken as shall be deemed necessary in order to accomplish the results intended under the provisions of said public land laws; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of Iowa memorializing the President and the Congress of the United States to amend the Atomic Energy Act so as to eliminate therefrom any language which may be interpreted as providing for the extension of tax exemption to private contractors with the Atomic Energy Commission or to the vendors of such contractors, etc.; to the Joint Committee on Atomic Energy.

Also, memorial of the Legislature of the State of Kansas memorializing the President and the Congress of the United States to take immediate action to halt the preliminary work now in progress for the construction of Tuttle Creek Dam on the Big Blue River in Kansas until certain debatable issues have been resolved; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Nebraska memorializing the President and the Congress of the United States relative to the withdrawal of Federal Government from the field of gasoline taxation; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of North Dakota, memorializing the President and the Congress of the United States to enact legislation for the creation of an overall integrated plan for the development of the Missouri Basin, the extension of the benefits of the Rural Electrification Administration, and for the construction of the St. Lawrence waterway; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Utah, memorializing the President and the Congress of the United States relating to draft deferments and to take such action as is necessary to avoid the drafting of young men of 18 and 19 years of age and to limit deferments of older men; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of Washington, memorializing the President and the Congress of the United States, to enact legislation to readjust the boundaries of the Olympic National Park so as to restore the private land and road along the north shore of Quinalt Lake and River to the administration of the agency or agencies under whose jurisdiction it existed prior to the proclamation of January 4, 1940; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of Washington, memorializing the President and the Congress of the United States, to enact legislation to make adequate appropriation for the development of the facilities for fishing fleet moorage in the Blaine Harbor; to the Committee on Public Works.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States to appropriate the necessary funds for construction of the proposed Metlakatla-Walden Point road on Annette Island; to the Committee on Appropriations.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States, urging enactment of H. R. 2683, to extend the Alaska Public Works Act; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States, to adopt adequate measures to provide security clearance covering travel to and from Alaska toward expediting clearance procedures of the Immigration Service; to the Committee on the Judiciary.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States, to enact legislation abolishing fish traps from the waters of the Territory of Alaska; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the Territory of Hawaii, memorializing the President and the Congress of the United States, for prompt action of S. 225, designed to prevent interruptions to ocean transportation service between the United States and its territories and possessions as a result of labor disputes; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BATES (by request):

H. R. 4173. A bill for the relief of Joaquim Jose; to the Committee on the Judiciary.

By Mr. BENDER:

H. R. 4174. A bill for the relief of Gary and Sherry Meisetz, formerly Johann and Gertrude Gruenzangl; to the Committee on the Judiciary.

H. R. 4175. A bill for the relief of Charles R. Logan; to the Committee on the Judiciary.

By Mr. CARRIGG (by request):

H. R. 4176. A bill for the relief of Incencio Nunez; to the Committee on the Judiciary.

By Mr. DINGELL:

H. R. 4177. A bill for the relief of Frank S. Aquilina; to the Committee on the Judiciary.

By Mr. FINE:

H. R. 4178. A bill for the relief of Celia Herskovits; to the Committee on the Judiciary.

By Mr. FULTON:

H. R. 4179. A bill for the relief of Francesco Cupelli; to the Committee on the Judiciary.

By Mr. HAGEN of Minnesota:

H. R. 4180. A bill for the relief of the village of Roseau, Minn.; to the Committee on the Judiciary.

By Mr. HINSHAW:

H. R. 4181. A bill for the relief of Nicholas Szabo; to the Committee on the Judiciary.

By Mr. JACKSON:

H. R. 4182. A bill for the relief of Kuo Lum Leong (Way Ping Leong); to the Committee on the Judiciary.

By Mrs. KELLY of New York:

H. R. 4183. A bill for the relief of Phillip Ronald Mack; to the Committee on the Judiciary.

By Mr. KEOGH:

H. R. 4184. A bill for the relief of Michele Bennici; to the Committee on the Judiciary.

By Mr. KLEIN:

H. R. 4185. A bill for the relief of John G. Zeros; to the Committee on the Judiciary.

By Mr. LANE:

H. R. 4186. A bill for the relief of Antonio Aste; to the Committee on the Judiciary.

H. R. 4187. A bill for the relief of Battista Rosso; to the Committee on the Judiciary.

By Mr. McCARTHY:

H. R. 4188. A bill for the relief of Pieter Mathias Pennings; to the Committee on the Judiciary.

H. R. 4189. A bill for the relief of Joseph Andrew O'Neill (Masanobu Tateda) and Mary Rita O'Neill (Miyo Terayama); to the Committee on the Judiciary.

By Mr. MACHROWICZ:

H. R. 4190. A bill for the relief of Marie Fernande Yvette Leschzenier; to the Committee on the Judiciary.

By Mr. METCALF:

H. R. 4191. A bill authorizing the Secretary of the Interior to issue a patent in fee to Donald B. Billedeaux; to the Committee on Interior and Insular Affairs.

By Mr. MORANO:

H. R. 4192. A bill for the relief of Mrs. Niké Varga; to the Committee on the Judiciary.

By Mr. O'BRIEN of Illinois:

H. R. 4193. A bill for the relief of Luigo Ginese Belluomini; to the Committee on the Judiciary.

By Mr. PATMAN:

H. R. 4194. A bill for the relief of Edith Marion Kempthorne; to the Committee on the Judiciary.

By Mr. RABAUT:

H. R. 4195. A bill for the relief of Mrs. Maria Verrecchia; to the Committee on the Judiciary.

By Mr. SMITH of Virginia:

H. R. 4196. A bill for the relief of Mary Goodyear Brown; to the Committee on the Judiciary.

By Mr. YORTY:

H. R. 4197. A bill for the relief of Bertram P. Tomkins and family; 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:

100. By Mr. CANFIELD: Resolution adopted by the governing body of the city of Clifton, N. J., requesting the Federal Government to consider carefully economic problems with the thought in mind that the tariff on woolen products and fabrics be raised in order to permit industry in this country to compete with foreign imports; to the Committee on Ways and Means.

101. By the SPEAKER: Petition of the secretary of the West Virginia State Bar, petitioning consideration of their resolution with reference to legislation permitting practicing attorneys to become eligible for benefits under the Social Security Act and a tax-deferment pension plan; to the Committee on Ways and Means.

102. Also, petition of the Polish Roman Catholic Union of America, petitioning consideration of their resolution with reference to protesting against the vicious and inhuman activities of the Soviet tyrants; to the Committee on Foreign Affairs.

103. Also, petition of the National Defense League of America Inc., petitioning consideration of their resolution with reference to initiating action to cause immediate withdrawal of the United States membership in the United Nations; to the Committee on Foreign Affairs.

104. Also, petition of A. R. McCrae, and others, of Orlando, Fla., petitioning consideration of their resolution with reference to enactment of H. R. 2446 and H. R. 2447, proposed social security legislation known as the Townsend plan; to the Committee on Ways and Means.

105. Also, petition of M. I. Henry, and others, of Winter Park, Fla., petitioning consideration of their resolution with reference to enactment of H. R. 2446 and H. R. 2447, proposed social security legislation known as the Townsend plan; to the Committee on Ways and Means.

106. Also, petition of Mr. and Mrs. J. W. Glissor, and others, of Orlando, Fla., petitioning consideration of their resolution with reference to enactment of H. R. 2446 and H. R. 2447, proposed social security legislation known as the Townsend plan; to the Committee on Ways and Means.

SENATE

WEDNESDAY, MARCH 25, 1953

The Senate met in executive session at 12 o'clock meridian.

The Reverend Cliff R. Johnson, Th. D., pastor of the Westminster Presbyterian Church, Alexandria, Va., offered the following prayer:

Heavenly Father, it is a long, long trek from the jungle where in the symbolic shadows of the forest men made their laws to fit their superstitions to this august Chamber where in dignity, freedom, and wisdom the affairs of men and the laws of the Nation may be determined.

By Thy hand, Thou hast brought us from the jungle here. Sometimes we frighten ourselves by the awareness of how close we yet remain to the law of tooth and claw. The beasts of our natures still crouch ever near to leap upon our moral and spiritual weakness.

Help us as a people, and as legislators, O God, to remember that the moral heights we have painfully climbed may be maintained only as in humility we call upon Thee. Our greatest hope is that Thou hast given us the capacity to call Thee by name.

Let there be something of an air of holiness to fill this room; grant that it may breathe not alone an atmosphere of pressing legislative necessity but also of spiritual and moral commitment. Let Thy particular blessing rest upon these men as again they must assume the responsibility of taking our lives into their hands on this day. We make our prayer in the name of Him who gave His life into the hands of men for the redemption of the world, even Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 23, 1953, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 23, 1953, the President had approved and signed the act (S. 1188) to amend the Dependents Assistance Act of 1950 to continue in effect certain of the provisions thereof.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1832. An act to provide for the suspension of the imposition or execution of sentence in certain cases in the municipal court for the District of Columbia and in the juvenile court of the District of Columbia;

H. R. 2277. An act to amend the act entitled "An act to incorporate the Roosevelt Memorial Association," approved May 31, 1920, so as to change the name of such association to "Theodore Roosevelt Association," and for other purposes;

H. R. 3307. An act to provide for the treatment of users of narcotics in the District of Columbia;

H. R. 3425. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to appoint a member of the Metropolitan Police Department or a member of the Fire Department of the District of Columbia as Director of the District Office of Civil Defense, and for other purposes," approved May 21, 1951;

H. R. 3704. An act to provide for the incorporation, regulation, merger, consolidation, and dissolution of certain business corporations in the District of Columbia; and

H. R. 3795. An act to adjust the salaries of officers and members of the Metropolitan Police force, the United States Park Police, the White House Police, and the Fire Department of the District of Columbia, and for other purposes.

ENROLLED BILL SIGNED DURING ADJOURNMENT

Pursuant to the order of the Senate of the 23d instant,

The VICE PRESIDENT, on March 24, 1953, signed the enrolled bill (H. R. 3053) making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—LEGISLATIVE REORGANIZATION PLAN NO. 2, 1953 (H. DOC. NO. 111)

Mr. TAFT. Mr. President, I ask unanimous consent that, as in legislative session, the message just received from the President of the United States may be laid before the Senate and read.

The PRESIDENT pro tempore. As in legislative session, the Chair lays before the Senate a message from the President of the United States, which the clerk will now read.

The legislative clerk read the message. (For President's message, see House proceedings for today.)

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair). As in legislative session, the message, together with the reorganization plan, will be referred to the Committee on Government Operations.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MCCARTHY, and by unanimous consent, the Permanent Investigating Subcommittee of the Committee on Government Operations was authorized to sit this afternoon during the session of the Senate.

On request of Mr. KNOWLAND, and by unanimous consent, the Committee on Banking and Currency was authorized to sit this afternoon during the session of the Senate.

ONE HUNDRED AND THIRTY-SECOND ANNIVERSARY OF GREEK INDEPENDENCE

Mr. GRISWOLD. Madam President, today, March 25, is independence day in Greece. It is their Fourth of July.

Independence day celebrations are great events in the annals of all nations, but the celebration of Greek independence day is of particular significance to Americans because the idea of independence, as understood in the West, originated with the great ancestors of the present-day Greeks. Of the many noble ideas which ancient Greece bequeathed to the West, the idea of independence, the love of freedom and liberty, seems to be the noblest and purest of them all. These worthy descendants of the ancient Greeks, who unfurled the flag of revolt against their oppressors in 1821 and cast off the invaders' unwelcome yoke, have, in recent years, declared to the world that in the course of many centuries they have not lost any of the qualities that had made their ancestors great. During 7 strenuous years of