H. R. 4798. A bill for the relief of Walter Mims; to the Committee on the Judiciary.

By Mr. CHELF:

H. R. 4799. A bill for the relief of Otho F. Hipkins; to the Committee on the Judiciary.

By Mr. DOLLINGER:

H. R. 4800. A bill for the relief of Antonio Porco; to the Committee on the Judiciary.

By Mr. FINO:

H. R. 4801. A bill for the relief of C. T. Freeman also known as Theodore C. Freeman; to the Committee on Merchant Marine and Fisheries.

H. R. 4802. A bill for the relief of Fernando Del Bove; to the Committee on the Judiciary.

By Mr. GARMATZ:

H. R. 4803. A bill for the relief of Argyrios G. Georgandopoulos; to the Committee on the Judiciary.

By Mr. HELLER (by request):

H. R. 4804. A bill for the relief of Eliseva Kaufman (Saltz); to the Committee on the Judiciary.

By Mr. HERLONG:

H. R. 4805. A bill for the relief of T. C. Elliott; to the Committee on the Judiciary.

By Mr. HOLTZMAN:

H. R. 4806. A bill for the relief of Donata Giorgio; to the Committee on the Judiciary.

By Mr. LANHAM:

H. R. 4807. A bill for the relief of Constantinos Demetrias Petropoulous, sometimes known as Petropol; to the Committee on the Judiciary.

By Mr. MACHROWICZ:

H. R. 4808. A bill for the relief of Jerzy George Birnbaum; to the Committee on the Judiciary.

By Mr. MORANO:

H. R. 4809. A bill for the relief of Nicolo Raitano; to the Committee on the Judiciary.

By Mr. O'BRIEN of New York:

H. R. 4810. A bill for the relief of Alexander Hahnl, his wife, Ninon Hahnl, and their children, Ninon Marie, and Alexander Fritz; to the Committee on the Judiciary.

By Mr. POWELL:

H. R. 4811. A bill for the relief of David Clarence Hines; to the Committee on the Judiciary.

H. R. 4812. A bill for the relief of Chin York Gay; to the Committee on the Judiciary.

By Mr. RAYBURN:

H. R. 4813. A bill for the relief of Radu Florescu and Nicole Elizabeth Michel Florescu; to the Committee on the Judiciary.

By Mr. RODINO:

H. R. 4814. A bill for the relief of Mrs. Sumiko Melillo; to the Committee on the Judiciary.

By Mr. WAINWRIGHT:

H. R. 4815. A bill for the relief of Alexander Petsche; to the Committee on the Judiciary.

By Mr. WINSTEAD:

H. R. 4816. A bill authorizing the Secretary of the Interior to issue to Robert Graham a patent in fee to certain lands in the State of Mississippi; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

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

192. By Mr. GROSS: Petition of Mr. and Mrs. K. A. Graham, Route 5, Waterloo, Iowa, and about 30 other families living in or near Waterloo, Jesup, Dunkerton, and Fairbank, Iowa, urging enactment of H. R. 1227; to the Committee on Interstate and Foreign Commerce.

193. By the SPEAKER: Petition of Sofia Peterscn and others, Holly Hill, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

SENATE

THURSDAY, APRIL 23, 1953

(Legislative day of Monday, April 6, 1953)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Jesse E. Waller, minister, the First Methodist Church, Bartow, Fla., offered the following prayer:

Almighty and eternal God, our Heavenly Father, Thou hast made us in Thy spiritual image, and made us free and intelligent beings. We thank Thee for this good land in which we live, and for the great heritage that is ours as freedom-loving people. We beseech Thee, O God, that Thou wilt inspire the minds and wills of these men who have been elected to high office, that they may lead our Nation aright according to Thy divine wisdom and purpose. Cause us to remember that righteousness exalteth a nation and that Thy favor is toward wise servants. Keep us diligent and steadfast in the things that make for a good and great people as we humbly seek Thy guidance. In the name of Christ our Lord. Amen.

THE JOURNAL

On request of Mr. SCHOEPPEL, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 22, 1953, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on April 22, 1953, the President had approved and signed the following acts:

S. 147. An act for the relief of Sizuko Kato and her minor child, Meechiko;

S. 516. An act for the relief of Ronald Lee Oenning;

S. 682. An act for the relief of George Rodney Giltner (formerly Joji Wakamiya); and

S. 954. An act for the relief of Robert Harold Wall.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4663. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1954, and for other purposes; and

H. R. 4664. An act making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The PRESIDENT pro tempore. Under the unanimous-consent agreement entered last evening the Senator from Minnesota [Mr. HUMPHREY] has the floor.

Mr. SCHOEPPEL. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I yield for a question provided I do not lose my right to the floor.

Mr. SCHOEPPEL. I understand that, pursuant to the proceedings at the conclusion of the session of the Senate yesterday, the Senator from Minnesota is to have the floor until he finishes his address, which will be in approximately an hour and a half from the opening of the session.

Mr. HUMPHREY. The Senator is correct.

Mr. SCHOEPPEL. Do I understand that at the conclusion of the Senator's speech it is proposed to have a quorum called?

Mr. HUMPHREY. Yes.

Mr. President, for a few moments I should like to review some of the points I made yesterday.

First, Senate Joint Resolution 13 does not meet the recommendations of the Attorney General of the United States in his testimony before the Committee on Interior and Insular Affairs. Second, it ignores the testimony and the points which were carefully presented to the committee by representatives of the Department of State. Third, it is at variance with and in contradiction of the position taken by Secretary of the Interior McKay. Fourth, the pending measure makes claims which cannot be justified in terms of international law or in respect to the doctrine of national sovereignty.

Mr. President, I submit that those are serious difficulties and indicate serious defects in the pending measure. Particularly is it very serious to note that Senate Joint Resolution 13, which is the main item of business before the Senate, is at variance with established doctrine as to the sovereignty of the United States over territorial seas, marginal seas, and, of course, all the land and water involved in the marginal seas.

Yesterday I made note of the fact that in 1793 Thomas Jefferson proclaimed a 3-mile belt around the coasts of the United States as an extension of the external sovereignty of the Government of the United States. I also produced evidence indicating that the Government of the United States, through the Continental Congress, exercised sovereignty over the territorial seas and the marginal seas during the Revolutionary War, after the Declaration of Independence. I submit that this is evidence which cannot be contradicted. It is evidence which is a part of the history of the United States of America. This history, as Justice Story pointed out, is a continuous history of the exercise of national sovereignty by a central govern-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ment, dating from the Declaration of Independence.

Mr. President, other developments of yesterday's discussion centered around the propaganda drive which has been carefully nourished and developed throughout the past 7 or 8 years for the passage of legislation which would give to certain States title—and I emphasize the word "title"—to the submerged lands off the shoreline or the coastline of the United States of America.

I submit that such propaganda has led to false conclusions, has misrepresented the case, and has misled the American people. The American people have been led to believe that we are talking about the tidelands, when, of course, that is not the issue. Again, let it be remembered that the tidelands are within the jurisdiction of the respective States, just as is the land under lakes, rivers, bays, and inlets, as has been documented by one court case after another. Let it be further noted that the doctrine of the Supreme Court pertaining to inland waters has been a consistent one from the beginning of this Republic.

Let it be noted that the first time a case came before the Supreme Court relating to the territorial seas and the lands thereunder was in 1947. Let it be equally clear that in those cases the Supreme Court made note of the fact that the decision pertaining to marginal seas was a separate and distinct decision from that which pertained to the inland waters and the land under the navigable rivers, lakes, and bays.

I have mentioned the Illinois Central case as announcing the doctrine of the State trusteeship of land under the Great Lakes, a trusteeship which could not be violated.

The Pollard case was the case which pertained to the tidelands proper. It was the case which referred to the State of Alabama.

The Waddell case pertained to the bays. So we have a consistent, concrete doctrine insofar as the internal sovereignty of the respective States is concerned over all inland waters, lands thereunder, rivers, bays, and eddies.

The next question is, What about the territorial seas? What about the marginal seas? What did the Court say?

The Supreme Court in three decisions has ruled that the Federal Government has paramount rights in those seas. Not only has the Federal Government paramount rights, but the Court pointed out in the California case in 1947 that the Federal Government has dominium and imperium—ownership and control, ownership and jurisdiction. In the Texas case the Court not only used those Latin words, but placed the English equivalents, "ownership" and "control" in brackets.

I have also tried to answer what I consider to be some of the pertinent points raised by the proponents of the Holland resolution.

The Senator from Texas [Mr. DANIEL] has stressed his point that Texas, by reason of its history, by reason of its background, has a 3-league belt of 10½ miles off its coast into the Gulf of Mexico.

The Senator from Illinois [Mr. DOUGLAS] pointed out that, regardless of the historical claims of Texas, when Texas was admitted into the Union she came in with no more rights than any other State. She came in on an equal footing with the Original Thirteen States. There is nothing to the contrary, and nothing that should in any way detract from those rights. As a result of admission into the Union she has the same rights as every other State—no more and no less. Many Americans have been led to believe that Texas came into the Union by treaty, which is not true. Texas came into the Union by a resolution of annexation.

Furthermore, the State of Texas acted upon that resolution, and, as I pointed out in my argument of yesterday, the equal-footing clause is something more than modern doctrine.

When the Supreme Court, in the Texas case, invoked the equal-footing clause in the resolution of admittance of Texas to the Union, it was not establishing a new doctrine. It was only reiterating the doctrine which had been accepted in this country since 1787 and 1789.

I submit that the burden of proof rests upon the proponents of the joint resolution to submit any evidence to the contrary. The historical evidence of the United States is that every one of the 48 States has come in on the basis of equal footing—no more privileges than the others, and no less. Yet I submit that there are some who would like to have greater privileges than some others. What we are really talking about is a parity, or equal footing—each State shall have equal treatment.

I say that the burden of proof rests upon the proponents of Senate Joint Resolution 13 to show any evidence of State ownership in the territorial seas.

I would say to my friends of the fourth estate that as they write their stories about this debate they should ask the question, Where is the evidence that the States on the coast ever could claim ownership? How can they claim ownership of the territorial seas? Where is the legal doctrine which gives them the right to claim ownership of the submerged lands? Their case for ownership is built on the fallacious assumption that since there must be internal sovereignty on the part of the States with respect to internal waters, therefore they have the right to external sovereignty with respect to the marginal seas. The whole corpus of international law is a repudiation of this argument.

I shall address myself in a few moments to the international implications. For this is not an ordinary legislative debate. It goes into the fundamental purposes of the Nation in its foreign relations.

I also pointed out during my remarks yesterday that the purpose of the Constitution was to prevent jungle warfare between the States. I said that the Constitution provides an equilibrium in the Republic. It was framed and adopted for the purpose of promoting domestic equilibrium and justice and to prevent domestic warfare and domestic argument and domestic injustice. Senate Joint Resolution 13 will give us constant litigation in the courts. It will give us more trouble between the States. Furthermore, it will not give us justice, because some States will claim for themselves rights from the national sovereign which they cannot claim under any law.

These arguments require an answer, Mr. President. They cannot be ignored.

Mr. President, one other point which I raised yesterday concerned the peculiar nature of the Federal structure and the unique functions and powers of the Supreme Court. It should be noted that section 1, article III, of the Constitution, establishing the Supreme Court, gives the Court original jurisdiction to settle disputes between States and between States and the Federal Government. Why? I read from the Federalist Papers, in which Alexander Hamilton made note of the purposes of the Judiciary. He was fearful that a majority in the Congress might disrupt the Federal system and might give to some States more than to other States. The reason for giving the Supreme Court original jurisdiction in cases involving the States and the Federal Government was to keep a semblance of balance and to prevent a struggle for power amongst the States.

I submit that the Constitution does not provide for such disputes to be adjudicated by Congress. They are cases in equity. Such cases should go directly to the Supreme Court.

I think that we should come to grips with that issue. Yet we hear talk about States rights. States rights for whom? States rights for 48 States or for 2 or 3 States?

The Anderson counterproposal gives States rights to all the States. It is generous. It gives to the coastal States 37½ percent of all revenues from oil and an additional share from revenue which may come into the Treasury of the United States to be distributed amongst all the 48 States. It applies the principle of the Mineral Leasing Act. That act requires, in the State of Wyoming, for example, that of the oil extracted from lands owned by the Federal Government, 37½ percent of the revenue shall be kept by the State of Wyoming. The balance goes to the Federal Treasury, either to be distributed amongst the States or for the purpose of administering the program. That is the formula the Anderson bill applies to the submerged lands under the sea. That is fair. That is equitable. That is equal treatment. It is respect for States' rights.

The Anderson bill is directed toward simplification and clarification of the problems before us. I maintain again today that Senate Joint Resolution 13 does not simplify. It confuses. It will result in untold litigation. It is a step out of line with our national history.

Mr. President, that is how I concluded my remarks of yesterday. I was citing the record of the testimony of the Attorney General. The testimony of the Attorney General before the committee does not jibe either with the terms of the joint resolution or with the arguments made in favor of it. It does not

jibe with the platform of the Republican Party. It does not jibe with the statements which the Republican candidate made in the recent campaign. Let me read, for example, some statements which were made with respect to the question we are now considering. The Republican platform says:

> We favor restoration to the States of their rights to all lands and resources beneath navigable inland and offshore waters within their historic boundaries.

But the States have had no rights to the submerged lands of their coastlines. The assertion of a right does not mean that it is valid. The assertion of a claim to property does not mean that the claimant owns it. So it is wrong to speak of restoring the States rights in these submerged lands.

In New Orleans on the 13th of October, the Republican presidential candidate stated:

> Twice by substantial majorities both Houses of Congress have voted to recognize the traditional concept of State ownership of these submerged areas. Twice these acts of Congress have been vetoed by the President. I will approve such acts of Congress.

That is the commitment approving the joint resolution.

But this traditional concept of State ownership of these submerged areas has never existed at law.

Later in the same speech, at New Orleans, on the 13th of October, the Republican presidential candidate said:

> So, let me be clear in my position on the tidelands and all submerged lands and resources beneath inland and offshore waters which lie within historic State boundaries. As I have said before, my views are in line with my party's platform. I favor the recognition of clear legal title to these lands in each of the 48 States.

Let me say to the proponents of the joint resolution: "You did get a pledge for clear legal title to the lands in each of the 48 States. You did get that pledge, but it is very peculiar language." The Attorney General, Mr. Brownell, came before the committee and recommended no title.

Later on, at Lubbock, Tex., on October 14, the then candidate now our President, said:

> Along with this, and in furtherance of my conviction that we must fight against growing centralization of power in the Federal Government, I spoke briefly on the tidelands—the oil lands—question, off your coast.

You will note Mr. President, that Mr. Eisenhower even used the word "tidelands." However, the tidelands off the coast are not a subject of debate. We are talking about the submerged lands under the territorial seas and the marginal seas; we are not talking about the tidelands.

Mr. Eisenhower went on to say:

> I spoke briefly on the tidelands—the oil lands—question, off your coast, and in doing so I took my stand against the opposition. I said I believed that these lands belonged just exactly where they have belonged for more than 100 years—

Mr. President, if the gentleman who now is our great President had only stopped there, that would have been reasonable. But he continued, in these next six words—

> with the States that own them.

Mr. President, the only States that own the submerged lands are the United States of America. The only States that have title to the lands under the territorial sea, within the 3-mile belt, are the United States of America. Mr. Justice Story's commentaries on the Constitution and Mr. Justice Sutherland's decision in the case of United States against Curtiss Wright constitute ample legal opinion to that effect. In the Supreme Court case of United States against Curtiss-Wright the Court said that sovereignty is indivisible; that the external sovereignty of the United States cannot be divided; but that once the States entered the Union, external sovereignty rested in the Government of the United States of America.

At Long Beach, Calif., the presidential candidate said on October 9:

> For 100 years or more the lands under the se..s along our coasts have been held by the courts and by the agencies of the Government to belong to the State.

Mr. President, if Mr. Eisenhower meant the lands on the shore where the tide ebbs and flows, he was correct. But there is no relevant court decision which holds that the lands under the seas along the coasts are held by the States. There are no court cases which hold that the States have title to the lands under the sea.

Then, on October 13, at New Orleans, La., the President—at that time the candidate—said:

> State ownership of lands and resources beneath inland and offshore navigable waters is a long recognized concept.

Mr. President, that is not so. It is true in the case of inland waters. However, in that statement the grouping together of inland waters and offshore navigable waters was misleading.

There were those who said, "If you have control of the inland water, of course you have external control."

But, Mr. President, I repeat again that the sovereignty of the Government of the United States externally in the marginal seas and in the territorial seas is an indivisible one, an undivided one, and it has no relevancy to the so-called inland waters sovereignty of the respective States. The Constitution of the United States gave the Central Government exclusive powers in matters of foreign relations.

Mr. President, the burden of proof rests upon the proponents of the joint resolution to show why it is that the Attorney General testifies one way and the head of the administration talks another way. That is where the burden of proof rests. Unfortunately, that burden of proof has not as yet been accepted.

Mr. President, I think it likely that if the pending joint resolution is enacted, it will be declared unconstitutional by the courts. In the Illinois Central case, pertaining to inland waters, the Court said the State of Illinois could not sell, give away, or relinquish title to the lands under Lake Michigan, because those lands were held in trust for all the people of the State. The important point here is that the waters of the marginal seas and the Continental Shelf—like the waters of Lake Michigan, which were dealt with in the Illinois Central case—are "of public concern to the whole people."

I remind the proponents of the joint resolution that they are dealing with land which belongs to the whole people, and they are trying to take squatters' rights for certain States. The legal rights have been determined by the Court. These rights to the submerged lands under the marginal seas are in the United States of America.

The issue has been brought to Congress in an effort to overrule the decision of the Court. So questions affecting equitable rights, questions dealing with property, or disputes over the ownership of property, are submitted to a political body. That should not be done. Such questions should be submitted to a judicial body for adjudication. It is the Court which is the protector of the integrity and basic soundness of the Federal structure. We are not dealing with a mere legislative matter, Mr. President; we are dealing with a constitutional matter.

Congress should take the greatest care before passing legislation which, on the face of it, seems to be unconstitutional.

Further, I believe that when the Congress acts it ought to act so as to clarify issues, not so as to raise further doubts and further legal issues. As matters stand today, all legal issues are resolved. The States control and own the tidelands, and the lands beneath navigable inland waters, and historic bays and harbors. The Federal Government controls and owns the marginal seas, and asserts jurisdiction and control over the national resources of the subsoil and seabed of the Continental Shelf as an incident of external sovereignty. All of these issues are settled, and now, it seems, we are to begin raising them again.

This seems to me to be the most unwise policy conceivable. Not only is the Congress asked to pass legislation which appears to be unconstitutional, the Congress is further asked to overturn established law and legal opinion to accomplish an ill-conceived objective. In doing so it would reopen many legal issues and subject the development of our most important natural resources to untold legal delay.

Legally, Senate Joint Resolution 13 thus appears to be a most unwise measure. I propose now to examine some of its public-policy implications which appear to me to be equally foolhardy.

The indefinite, confused, clouded, and very possibly untoward effects of the Holland joint resolution are most dangerous, I believe, in two fields. One of these is the field of international law, where a traditional United States policy and future United States interest are endangered.

Our traditional policy has been to press for and to uphold the doctrine of the 3-mile limit of territorial waters in international law. This policy has been based firmly on the national interest of the United States, and our interest in it remains the same today. That interest

stems from the fact that we are a great maritime power—the greatest in the world today—with the natural interest of a maritime power in maximum freedom of the seas. It stems from the considerable fishing industry of our country, and our desire to obtain natural freedom for that industry. It stems from our position as a trading nation, with a vital interest in the free movement of our shipping.

The doctrine of the 3-mile limit has had a long and tortuous development. The United States was a leader in the development of that doctrine and it cost us a lot of effort. It is being questioned by many nations today and it is certainly unwise for us to question or repudiate the leading role we have played in the protection of that doctrine, since it is vital to our interest that we continue to protect it.

In the development of the 3-mile doctrine in the last century, the United States, as I have said, took the lead. The Scandinavian and Iberian nations opposed this doctrine, claiming a wider margin. Let me read the Senate a passage from Thomas Wemyss Fulton's the Sovereignty of the Sea, page 681:

> The diversity in practice between the Iberian and Scandinavian States and the other states of Europe may be traced to the modes by which the limits were evolved. In the former case, the boundaries were fixed in the middle of the 18th century, without special reference to the range of guns of the time. The 3-mile zone, on the other hand, was developed early in the last century from the doctrine of Bynkershoek, 3 miles being then looked upon as approximately the range of cannon.
>
> The general adoption of this limit * * * was due in great measure to the preponderating influence of Great Britain and America in maritime affairs, the lesser states following their example, willingly or with reluctance. It is not too much to say, indeed, that the 3-mile boundary in its origin and development is an Anglo-American doctrine, its authors being Washington and Lord Stowell.

Now, the first assertion of the 3-mile doctrine by this country was, as we all know, made by Thomas Jefferson for George Washington in 1793. The two letters in which Jefferson made this claim have often been quoted here and I do not intend to read them. I would, however, like to incorporate them in my remarks at this point.

The PRESIDING OFFICER. Is there objection?

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

APPENDIX C: STATE DEPARTMENT DELINEATION OF NATIONAL TERRITORIAL WATERS

1. MR. JEFFERSON, SECRETARY OF STATE, TO MR. GENET, MINISTER OF FRANCE

GERMANTOWN, *November 8, 1793.*

SIR: I have now to acknowledge and answer your letter of September 13, wherein you desire that we may define the extent of the line of territorial protection on the coasts of the United States, observing that Governments and jurisconsults have different views on this subject.

It is certain that, heretofore, they have been much divided in opinion as to the distance from their seacoasts, to which they might reasonably claim a right of prohibiting the commitment of hostilities. The greatest distance, to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upward of 20 miles, and the smallest distance, I believe, claimed by any nation whatever, is the utmost range of a cannon ball, usually stated at 1 sea league. Some intermediate distances have also been insisted on, and that of 3 sea leagues has some authority in its favor. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would entitle us, in reason, to as broad a margin of protected navigation, as any nation whatever. Not proposing, however, at this time, and without a respectful and friendly communication with the powers interested in this navigation, to fix on the distance to which we may ultimately insist on the right of protection, the President gives instructions to the officers, acting under his authority, to consider those heretofore given them as restrained for the present to the distance of 1 sea league, or 3 geographical miles from the seashores. This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts.

Future occasions will be taken to enter into explanations with them, as to the ulterior extent to which we may reasonably carry our jurisdiction. For that of the rivers and bays of the United States, the laws of the several States are understood to have made provision, and they are, moreover, as being landlocked, within the body of the United States.

Examining, by this rule, the case of the British brig *Fanny*, taken on the 8th of May last, it appears from the evidence, that the capture was made 4 or 5 miles from the land, and consequently without the line provisionally adopted by the President, as before mentioned.

I have the honor to be, etc.,

TH: JEFFERSON.

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2. MR. JEFFERSON, SECRETARY OF STATE, TO MR. HAMMOND, BRITISH MINISTER

GERMANTOWN, *November 8, 1793.*

SIR: The President of the United States thinking that before it shall be finally decided to what distance from our sea shores the territorial protection of the United States shall be exercised, it will be proper to enter into friendly conferences and explanations with the powers chiefly interested in the navigation of the seas on our coast, and relying that convenient occasions may be taken for these hereafter, finds it necessary in the meantime, to fix provisionally on some distance for the present Government of these questions. You are sensible that very different opinions and claims have been heretofore advanced on this subject. The greatest distance to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of 20 miles, and the smallest distance I believe, claimed by any nation whatever is the utmost range of a cannon ball, usually stated at 1 sea league. Some intermediate distances have also been insisted on, and that of 3 sea leagues has some authority in its favor. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would entitle us in reason to as broad a margin of protected navigation as any nation whatever. Reserving however the ultimate extent of this for future deliberation the President gives instructions to the officers acting under his authority to consider those heretofore given them as restrained for the present to the distance of 1 sea league or 3 geographical miles from the seashore. This distance can admit of no opposition as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts. For the jurisdiction of the rivers and bays of the United States the laws of the several States are understood to have made provision, and they are moreover as being landlocked, within the body of the United States.

Examining by this rule the case of the British brig *Fanny*, taken on the 8th of May last, it appears from the evidence that the capture was made 4 or 5 miles from the land, and consequently without the line provisionally adopted by the President as before mentioned.

Mr. HUMPHREY. Jefferson's claim for territorial waters extending 1 league, or 3 miles, was derived from the practice which grew up in the 18th century, under which nations claimed territorial seas within the range of a cannon shot. Jefferson's statement was the first such statement by a nation, adopting 3 miles as the range of a cannon shot, and thereby as the range of territorial waters. Thus, the United States clearly took the lead. In 1794 the United States Congress passed a law authorizing the district courts to take cognizance of all captures made within 3 miles of American shores, which was a further step in the development of the 3-mile doctrine.

It is not my purpose to discourse at any length here upon the doctrine of the 3-mile limit and its history. It is only fair to say that in the early days of this country this limit was not always adhered to in official statements and pronouncements. But the United States was more consistent in advocating this doctrine than were other nations, and this was particularly true in the second half of the 19th century, when it had become clear that that doctrine was in the interest of the United States.

There has been one principal exception to American support of the 3-mile limit and that concerns that limit where smuggling is involved. In this regard, the United States has supported extensions of boundaries—and, as has often been pointed out, this is probably the explanation of the Treaty of Guadalupe Hidalgo of 1848, and has been the rationale of our State Department in interpreting that treaty and the boundary it set.

In this century, the United States has steadfastly stood by the 3-mile limit. In 1902, for example, the American agent in the arbitration case of a dispute with Russia regarding the capture of American sealers off the Russian coast declared:

> The Government of the United States claims, neither in Bering Sea nor in its other bordering waters, an extent of jurisdiction greater than a marine league from its shores, but bases its claims to such jurisdiction upon the following principle: The Government of the United States claims and admits the jurisdiction of any state over its territorial waters only to the extent of a marine league unless a different rule is fixed by treaty between two states; even then the treaty states alone are affected by the agreement.

At the Hague Conference of 1930 the United States supported and worked for adoption of the 3-mile limit.

The letter of Under Secretary of State Thruston B. Morton to the chairman of

the Senate Interior and Insular Affairs Committee, with reference to the Holland measure, sums up the United States position very well:

With respect to claims of States in the seas adjacent to their coasts, the general policy of the United States is to support the principle of freedom of the seas. Such freedom is essential to its national interests. It is a time-honored principle of its concept of defense that the greater the freedom and range of its warships and aircraft, the better protected are its security interests. It is axiomatic of its commercial interest that the maintenance of free lanes and air routes is vital to the preeminence of its shipping tonnage and air transport, and it is becoming evident that its fishing interests depend in part—and may come more so to depend in the future—upon fishing resources in seas adjacent to the coasts of foreign states.

Pursuant to its policy of freedom of the seas, this Government has always supported the concept that the sovereignty of coastal States in seas adjacent to their coasts (as well as the lands beneath such waters and their space above them) was limited to a belt of waters 3 miles width, and has vigorously objected to claims of other States to broader limits.

The term "states" means "nations."

In the circumstances, the Department is much concerned with the provisions of Senate Joint Resolution 13 which would permit the extension of the seaward boundaries of certain States of the United States beyond the 3-mile limit traditionally asserted by the United States in its international relations. Such an extension of boundaries would compel this Government, now committed to the defense of the 3-mile limit in the interest of the Nation as a whole, to modify this national policy in order to support the special claims of certain States of the Union, for obviously, the territorial claims of the States cannot exceed those of the Nation.

Likewise, if this Government were to abandon its position on the 3-mile limit it would perforce abandon any ground for protest against claims of foreign states to greater breadths of territorial waters.

Such a result would be unfortunate at a time when a substantial number of foreign states exhibit a clear propensity to break down the restraints imposed by the principle of freedom of the seas by seeking extensions of their sovereignty over considerable areas of their adjacent seas.

Do not say that we are not warned. Let the record be perfectly clear. If we enact this joint resolution we will have told the countries of the world, "Get all you can get." Mr. President, when we do that, we are going to have trouble with every one of our fishing treaties, as the Senator from Massachusetts [Mr. KENNEDY] pointed out. The Republican platform, strange to say, dealt with submerged lands, within the historic boundaries, and yet in the next sentence it said:

We favor protection of our fisheries.

But, Mr. President, the Secretary of State says that we cannot protect our fisheries if we abandon the 3-mile limit.

We are having trouble with Mexico right now, Mr. President.

I read further from Mr. Morton's letter:

A change of position regarding the 3-mile limit on the part of this Government is very likely, as past experience in related fields establishes, to be seized upon by other States as justification or excuse for broader and even extravagant claims over their adjacent seas. Hence, a realistic appraisal of the situation would seem to indicate that this Government should adhere to the 3-mile limit until such time as it is determined that the interests of the Nation as a whole would be better served by a change or modification of policy.

Mr. President, I ask the proponents of the measure to answer the State Department. To fool with the 3-mile limit is to open up a Pandora's box of troubles.

It is well known that the rules of international law are more tenuous and more susceptible of change and violation than are rules of national or domestic law. Certainly that is the position today with respect to the 3-mile limit. There is great danger that the Holland bill will give rise to more nations claiming extended boundaries. There has been a great deal of this already, and the United States has so far been opposed to it.

I might point out that doctrines of international law generally grow up either out of treaties and conventions, or by long uncontested usage.

This is an essential of international law, but in order to establish the United States position on this point, let me quote from a letter of Secretary of State Seward to the Foreign Minister of Spain in 1862:

Nevertheless it cannot be admitted, nor, indeed, is Mr. Tassara understood to claim, that the mere assertion of a sovereign, by an act of legislation, however solemn, can have the effect to establish and fix its external maritime jurisdiction. His right to a jurisdiction of 3 miles is derived not from his own decree but from the law of nations, and exists even though he may never have proclaimed or asserted it by any decree or declaration whatsoever.

He cannot, by a mere decree, extend the limit and fix it at 6 miles, because, if he could, he could in the same manner, and upon motives of interest, ambition, or even upon caprice, fix it at 10, or 20, or 50 miles, without the consent or acquiescence of other powers which have a common right with himself in the freedom of all the oceans. Such a pretension could never be successfully or rightfully maintained (I Moore's Digest 710).

In this light the unilateral assertion of a 10½-mile seaward boundary by the Republic of Texas in 1836 is very questionable at international law. Since the Republic of Texas only lasted for 10 years, there was insufficient time for usage to develop. And there is not one treaty or document during that 10-year period which indicates that any other nation ever recognized Texas' claim to a 10-mile seaward boundary.

The State Department's traditional advocacy of the 3-mile limit sheds a good deal of doubt on the matter of the Treaty of Guadalupe Hidalgo—the only exception to the general American policy of territorial waters of only 3 miles which has ever been claimed. It seems clear that this treaty set a 3-league limit only for purposes of customs and the prevention of smuggling. The State Department of the United States has consistently so interpreted it and does not consider that treaty an exception from the general United States claim to territorial waters of only 3 miles.

Secretary of State Buchanan's interpretation of the Treaty of Guadalupe Hidalgo, when the British protested this treaty in 1848, should be noted:

The stipulation in this treaty can only affect the rights of Mexico and the United States. If, for their mutual convenience, it has been deemed proper to enter into such an arrangement, third parties can have no just cause for complaint. The Government of the United States has never intended by this stipulation to question the rights which Great Britain or any other power may possess under the laws of nations (I Moore's Digest 730).

As the last word on this point, let me cite the letter of the Department of State to Senator Tom Connally, of Texas, of December 30, 1949. It will be recalled that Senator Connally had written to the State Department, asking the following questions:

1. Does the Department of State recognize the 3-league boundary of Texas in the Gulf of Mexico as binding upon Mexico and its citizens?

2. Does the Department of State recognize the three-league boundary of Texas in the Gulf of Mexico as binding upon the United States and its citizens?

3. Are there now pending in the State Department any objections from other nations to this boundary, and the 3-league area of territorial waters off the coast of Texas?

The State Department replied to Senator Connally, and I want to read part of that reply:

Accordingly, this United States Government claims and asserts an extent of territorial waters in the Gulf of Mexico and elsewhere along its coast of 3 marine miles. It does not recognize any claim other than its own as binding on the relations of the United States with foreign nations. It does not, therefore, recognize the Texas claims of 3 leagues as binding for international purposes and does not recognize the Texas claim as binding upon Mexico or the nationals of Mexico.

Senator Connally's third question referred to whether or not there were now pending in the State Department any protests with regard to the presumed 3-league Texas seaward boundary. The Department replied that there were not then any such protests before the Department, but enclosed some of its back correspondence on the matter which indicates that there have in the past been plenty of protests. I should like to have this correspondence covering the period 1848–1936, pertaining to the Treaty of Guadalupe Hidalgo, included in the body of the RECORD.

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

[Mr. Crampton, British Chargé d'Affaires a. i. at Washington, to Mr. Buchanan, Secretary of State, April 30, 1848]

WASHINGTON, *April 30, 1848.*

SIR: I have been instructed by Her Majesty's Government to call the attention of the Government of the United States to that part of the 5th article of the treaty of peace between the United States and Mexico, signed on the 2d of February, by which the boundary line between the two republics is defined as commencing in "the Gulf of Mexico, three leagues from land opposite the mouth of the Rio Grande."

As the tenor of this article appears to Her Majesty's Government to involve an assumption of jurisdiction on the part of the United States and Mexico, over the sea beyond the usual limit of 1 marine league (or 3 geographical miles), which is acknowl-

edged by international law and practice as the extent of territorial jurisdiction, over the sea that washes the coasts of States.—I have been directed to state to the United States' Government that, in order to prevent future misunderstanding, Her Majesty's Government think it right to declare that they cannot acquiesce in the extent of maritime jurisdiction assumed by the United States and by Mexico in the article in question.

I am further instructed to remark that this step is the more necessary on the part of Her Majesty's Government, because the Gulf of Mexico is a great thoroughfare of maritime commerce, and is not like a bay or creek which can by nature be susceptible of being subjected to exclusive dominion.

Her Majesty's Chargé d'Affaires in Mexico has been instructed to address a similar declaration to the Mexican Government.

I avail myself of this opportunity (etc.).

(VII Manning Diplomatic Correspondence of the United States 294.)

[Mr. Buchanan, Secretary of State, to Mr. Crampton, British Chargé d'Affaires a. i. at Washington, August 19, 1848]

I have had the honor to receive your note of the 30th April last objecting, on behalf of the British Government, to that clause in the 5th article of the late treaty between Mexico and the United States by which it is declared that "the boundary line between the two republics shall commence in the Gulf of Mexico 3 leagues from land, instead of 1 league from land, which you observe "is acknowledged by international law and practice as the extent of territorial jurisdiction over the sea that washes the coasts of States."

In answer I have to state, that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties can have no just cause of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain or any other power may possess under the law of nations.

(I Moore Digest of International Law 730.)

[Mr. Seward, Secretary of State, to Mr. Welles, Secretary of the Navy, September 3, 1863]

I have the honor to acknowledge the receipt of your letter of yesterday and to return the dispatch of Commodore H. H. Bell, which accompanies it. The stipulation in the treaty of Guadalupe-Hidalgo by which the boundary between the United States was begun in the gulf 3 leagues from land is still in force. It was intended, however, to regulate within those limits the rights and duties of the parties to the instrument only. It could not affect the rights of any other power under the law of nations. It seems that the peculiarity of the clause adverted to attract the notice of the British Government. A copy of the reply of this Department upon the subject is herewith enclosed.

(I. Moore, Digest of International Law, 730–1.)

[Mr. Fish, Secretary of State, to Sir Edward Thornton, British Minister at Washington, January 22, 1875]

DEPARTMENT OF STATE,
Washington, January 22, 1875.

SIR: The instruction from the Foreign Office to Mr. Watson, of the 25th of September last, a copy of which was communicated by that gentleman to this Department, in his note of the 17th of October, directs him to ascertain the views of this Government in regard to the extent of maritime jurisdiction which can properly be claimed by any power, and whether we have ever recognized the claim of Spain to a 6-mile limit or have ever protested against such claim.

In reply I have the honor to inform you that this Government has uniformly, under every administration which has had occasion to consider the subject, objected to the pretension of Spain adverted to, upon the same ground and in similar terms to those contained in the instruction of the Earl of Derby.

We have always understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a marine league from its coast.

This opinion on our part has sometimes been said to be inconsistent with the facts that, by the laws of the United States, revenue cutters are authorized to board vessels anywhere within 4 leagues of their coasts, and that by the Treaty of Guadalupe-Hidalgo, so-called, between the United States and Mexico, of the 2d of February 1848, the boundary line between the dominions of the parties begins in the Gulf of Mexico, 3 leagues from land.

It is believed, however, that in carrying into effect the authority conferred by the act of Congress referred to, no vessel is boarded, if boarded at all, except such a one as, upon being hailed, may have answered that she was bound to a port of the United States. At all events, although the act of Congress was passed in the infancy of this Government, there is no known instance of any complaint on the part of a foreign government of the trespass by a commander of a revenue cutter upon the rights of its flag under the law of nations.

In respect to the provision in the treaty with Mexico, it may be remarked that it was probably suggested by the passage in the act of Congress referred to, and designed for the same purpose, that of preventing smuggling. By turning to the files of your legation you will find that Mr. Bankhead, in a note to Mr. Buchanan of the 30th of April 1848, objected on behalf of Her Majesty's Government, to the provision in question. Mr. Buchanan, however, replied in a note of the 19th of August, in that year, that the stipulation could only affect the rights of Mexico and the United States, and was never intended to trench upon the rights of Great Britain, or of any other power under the law of nations.

I have, etc.

HAMILTON FISH.

(Foreign Relations 1875, vol. I, 649–50.)

[Mr. Ryan, American Minister to Mexico, to Mr. Mariscal, Mexican Minister for Foreign Affairs, December 7, 1889]

LEGATION OF THE UNITED STATES,
Mexico, December 7, 1889.

SIR: Referring to Your Excellency's unofficial communication of the 25th ultimo to Mr. Whitehouse touching the arrest of Captain Stilphen, of the American schooner *Robert Ruff*, I beg to state that I have this day received from my Government specific instructions to bring to Your Excellency's notice the views hereinafter stated, not doubting that the Mexican Government will probably take appropriate action, if not already taken, without delay, in accordance therewith.

It appears that the ground on which Captain Stilphen had been arrested was that on a previous voyage from Coatzacoalcos he assisted an American citizen named Patton, charged with assault and battery at that place, to escape. The facts in the case, as they were stated to my Government, were that Patton, who was accused of the offense alleged, but who had not been arrested, took passage on the schooner for the United States. When the schooner was about 9 miles from land on the high seas and outside the jurisdiction of Mexico, she was approached by a boat, on board of which were certain persons in citizens' clothes, one of whom, who spoke in Spanish, exhibited a piece of paper, and apparently solicited Patton's surrender. He did not, however, come on board of the schooner, and Captain Stilphen kept her on her course, paying no attention to the demand apparently made upon him. For this act he was upon his return to Coatzacoalcos arrested on the charge of aiding a criminal to escape.

My Government is of the opinion that, upon the facts stated, there is no ground for Captain Stilphen's detention, and that he should be set at liberty without delay, if that step has not been already taken. As my Government is informed, the *Robert Ruff* at the time the demand was made upon her master was clearly outside of the jurisdiction of the Mexican Government, and was an American vessel on the high seas, within the exclusive jurisdiction of the Government of the United States. She was not, therefore, in any respect subject to the criminal laws of Mexico, and her commander was not, and is not, answerable to those laws for acts then and there committed. For the same reason the demand upon him was unauthorized and illegal, and one which he would not have been justified in conceding.

Merchant vessels on the high seas being constructively considered, as for most purposes, a part of the territory of the nation to which they belong, they are not subject to the criminal laws and processes of another nation, and any attempt of the officers or citizens of the latter to execute and serve such laws and processes on board of them can only be regarded as an illegal proceeding, which their masters and crews are justified in not only disregarding, but also in resisting.

It gives me pleasure, etc.,

THOMAS RYAN.

(Foreign relations, 1890, 622.)

[Mr. Root, Secretary of State, to Mr. Thompson, American Ambassador to Mexico, October 6, 1906]

OCTOBER 6, 1906.

His Excellency DAVID E. THOMPSON,
Mexico.

SIR: I have to acknowledge the receipt of your telegram of the 29th ultimo, reading as follows:

"Your telegram of yesterday. Article 5, paragraph 2, reads: 'The inspection and the jurisdiction of the Federal authorities may extend into the sea for fiscal purposes up to a distance of 20 kilometers measured from the line marked by low tide on the coasts of the Republic.' "

In this connection, I enclose herewith, for your information, a copy of an opinion given by the Solicitor of the Department, on the second instant, on the Mexican claim to jurisdiction beyond the 3-mile limit.

I am, sir,

Your obedient servant,

E. ROOT.

(Enclosure: Solicitor's opinion, as above stated.)

DEPARTMENT OF STATE,
October 2, 1906.

MY DEAR MR. ADEE: For the past few months the Mexican authorities have been very active in overhauling American vessels suspected of fishing within the territorial waters of Mexico. It would appear that these vessels are boarded and taken in for investigation even although they may have sought refuge within the territorial waters and no evidence appears to convict them of violating the rights of Mexico within the 3-mile limit. It further appears that Mexican public vessels have seized American fishing craft beyond the 3-mile limit and sent the American vessels into port for alleged violation of Mexican fishing ordinances or revenue laws.

The American shippers state positively that their presence within the 3-mile limit was due solely to accidental circumstances and that they have in no instance fished within the 3-mile limit.

In the case of schooner *Aloha*, seized by the Mexican transport *Progeso Hil*, it appeared that the American schooner was anchored 1½ miles from the Arcas Reef, that the wind had died out and that the current was carrying the vessel toward the rocks, and that the anchor was dropped to prevent the vessel from being destroyed.

In other instances it is alleged that American fishing vessels making a Mexican port on account of storm or seeking harbor under lee of reefs during bad weather, are seized and sent into port for investigation when found within the 3-mile limit. In a third instance it is stated that the Mexican gunboat *Aroclas* boarded the American schooner *Hatteras* in the open seas 7 miles from Triangle Reef, and that the Mexican authorities demanded the papers and inspected the cargo.

The right of the Mexican authorities to subject merchant vessels within the territorial waters of Mexico to the operation of local ordinances is beyond question, and whether it be convenient or inconvenient, it must be submitted to. If, however, the vessel is merely entering territorial waters driven by stress of weather, it would seem that such vessel, unless destined to a Mexican port, should not ordinarily be examined. Still the right exists and it is too late in the day to question it as applied to merchant vessels. Comity, however, would limit its exercise to cases in which inspection is reasonably necessary or advisable.

The case is different with vessels found beyond the 3-mile limit. International law limits the sovereignty of a country to 3 miles from low-water mark, and although Mexican sovereignty follows Mexican vessels upon the high seas until they put into a foreign port, international law does not recognize Mexican sovereignty over a foreign vessel, or any right on the part of Mexico to assume the incidents of sovereignty upon a foreign vessel, beyond the 3-mile limit. It is doubtful whether the right of hot pursuit, that is, pursuit of a vessel for an offense against local laws committed within the 3-mile limit, justified, for example, a Mexican vessel pursuing an offending American vessel beyond the 3-mile limit and taking the vessel into port.

If, therefore, Mexican sovereignty beyond the 3-mile limit is not recognized by international law, it follows that the Mexicans have no right to visit or inspect vessels beyond that line, unless there is a local law of Mexico permitting visit and search under such circumstances. The absence of such a law would make any inspection of foreign vessels beyond the 3-mile limit clearly illegal. The existence of such a law does not change the nature of the transaction so far as the foreigner is concerned, but legalizes the action according to the municipal law of Mexico. In such a case the municipal law would be a defense to an action if brought, but Mexico itself would be liable for any damages sustained by reason of the exercise of a right unrecognized or forbidden by international law, inasmuch as Mexico expressly or tacitly recognizes the binding effect of international law.

The claim to exercise the right of visit and search beyond the 3-mile limit is based upon paragraph 2, article 5, of a Mexican law issued December 18, 1902, which reads as follows:

"The inspection and jurisdiction of the Federal authority may extend into the sea for fiscal purposes up to a distance of 20 kilometers measured from the line marked by low tide on the coasts of the Republic."

Expressed in English terms, it appears that Mexico claims the right to extend its laws for fiscal purposes to a distance of 12½ statute miles—a little over 10 nautical miles—from low-water mark. In the light of the previous statement it is at once evident that this law can only bind Mexican subjects to submit to visit and search and such foreign vessels as consent to the exercise of the right. In the absence of such consent, resistance to the exercise of the alleged right is clearly justifiable.

While it is clearly settled that territorial jurisdiction does not extend beyond the 3-mile limit, still there is a tendency to permit the regulated exercise of the right of inspection beyond this limit. A distinction is taken between the general application of municipal laws beyond the limit and the extension of the revenue or customs laws for the purpose of facilitating importation. For example an unrepealed statute of the United States permits officers of revenue cutters "to board all vessels which arrive within 4 leagues of the coast thereof, if bound for the United States, and search and examine the same, and every port thereof, and shall demand, receive, and certify the manifest required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain on board such vessel until they arrive at the port or place of their destination." (R. S. 2760).

It cannot be claimed that the jurisdiction of the United States rightfully extends beyond the 3-mile limit, except to its citizens. It would seem, however, that where foreign vessels are bound to the United States, the visitation and examination of cargo as provided for in this article may be convenient. Convenience, therefore, to both parties—to the incoming vessel as well as to the customs officers—would seem to dictate the act and justify the policy. Such seems to be the general view, for in the statement to the British Minister Mr. Secretary Fish was able to say: "It is believed, however, that in carrying into effect the authority conferred by the act of Congress referred to, no vessel is boarded, if boarded at all, except such a one as, upon being hailed, may have answered that she was bound to a port of the United States." (Moore's International Law Digest, vol. I, p. 731.)

It is to be noted, however, that only those vessels are inspected which are bound or destined to the United States; that a foreign merchant vessel outside of the 3-mile limit would not be inspected even although such vessel should proceed along the entire extent of the Atlantic coast.

To this extent, therefore, the United States has extended its revenue laws. It cannot object that Mexico should claim and exercise the same right under similar circumstances. It is, however, recognized by Mexico and the United States that revenue laws can solely be applied to the purpose for which they are passed and that they cannot be extended as a cover to other and different circumstances. For example, the United States Government demands an indemnity for an attack by Mexican officials on merchant vessels of the United States when distant more than 3 miles from the Mexican coast the ground alleged being a breach of the revenue laws. It was stated that the attack beyond the 3-mile limit, although alleged to be justified by revenue laws, is an international offense. (Moore's International Law Digest, vol. I, p. 731.) So in the case of the American schooner *Robert Ruff*, it appears that the master had already left a Mexican port and that he was upon the high seas 9 miles from low-water mark; that the master of the vessel picked up from a boat and took on board an alleged fugitive from justice; that a Mexican official attempted to serve notice upon the American master to deliver the said fugitive; that the American master refused to deliver the alleged fugitive and continued on his voyage. Upon his subsequent return to a Mexican port the master was proceeded against for a violation of the local law of Mexico. This Government maintained that the American master, being 9 miles from low-water mark, was upon the high seas, that he was not subject to the Mexican jurisdiction but to the jurisdiction of the United States, and that if he had obeyed the summons of the Mexican official he would have been derelict in his duty. The Mexican Government it seems, admitted this contention, but insisted that the American vessel at the time was 2½ miles from the coast. If this latter allegation were true, the Mexican authorities would have been justified, otherwise not. The essentials of the case are set forth in Moore's International Law Digest, volume I, pages 731–732, and more at length in Foreign Relations for 1889, pages 611–614, and Foreign Relations for 1890, pages 620, 623, 629–631.

It would appear, therefore, in the light of authority that local jurisdiction without the consent of the party to be affected does not extend beyond the 3-mile limit; that this Government has, as previously stated, extended its jurisdiction 4 marine leagues solely for the purpose of examining foreign vessels bound to an American port; that this extension of local law is for the purpose of convenience; that it has always been consented to and that when convenience and consent should cease the law itself would be inoperative as regards foreign vessels. The attempt to use a customs or revenue law to confer jurisdiction for other purposes and for all purposes is not and cannot be justified.

It would appear, therefore, that the statute of Mexico extending its jurisdiction beyond the 3-mile limit should not affect American vessels unless such vessels are bound for a Mexican port, and that inasmuch as the statute is general in its nature and subjects all foreign vessels to examination whether such vessels be bound for a Mexican port or merely be temporarily within the limits covered by the statute, this Government should refuse to recognize the effect of the statute so far as American interests are concerned.

J. B. S.

CARNEGIE HERO FUND COMMISSION,
Pittsburgh, Pa., June 8, 1909.

Hon. P. C. KNOX,
Secretary of State,
Washington, D. C.

DEAR SIR: As you are no doubt aware, the field of the Carnegie Hero Fund is confined to the United States of America, the Dominion of Canada, the Colony of Newfoundland, and the waters thereof. To aid us in determining what distance from shore acts performed at sea may properly be considered as within the waters of the United States, will you kindly inform me how far from the shore line along the coasts the United States Government holds its jurisdiction extends, particularly along the coast touched by the Gulf of Mexico.

If this inquiry is not addressed to the proper department, will you kindly refer it to the one it should go, and oblige.

Yours very truly,

F. M. WILMOT,
Manager.

JUNE 16, 1909.

Mr. F. M. WILMOT,
Manager, Carnegie Hero Fund Commission,
Pittsburgh, Pa.

SIR: I have to acknowledge the receipt of your letter of the 8th instant, wherein, for the information of your Commission in determining what distance from shore acts performed at sea may properly be considered as within the waters of the United States, you inquire as to the extent of the maritime jurisdiction of the United States.

In reply you are advised that this Government has always adhered to the principle that its maritime jurisdiction extends for a distance of 1 marine league (or nearly 3½ English miles) from its coasts. This, of course, does not include any waters or bays

which are so landlocked as to be, without question, only in the jurisdiction of the United States.

I am, sir,

Your obedient servant,

HUNTINGTON WILSON,
Assistant Secretary.

[Mr. Daniels, Ambassador to Mexico, to Senor General Hay, Mexican Minister for Foreign Affairs, March 7, 1936]

No. 1438

MEXICO, *March 7, 1936.*

His Excellency Senor General EDUARDO HAY,
Minister for Foreign Affairs,
Mexico.

EXCELLENCY: I have the honor, under instructions from my Government, to refer to the Presidential Decree of August 29, 1935, published in the Diario Oficial of August 31, 1935, which purports to amend existing law so as to extend the territorial waters of Mexico in breadth from 3 to 9 nautical miles.

It is the desire of my Government to inform the Government of Mexico that the United States of America reserves all rights of whatever nature so far as concerns any effects upon American commerce from enforcement of this legislation.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

JOSEPHUS DANIELS.

[Senor General Hay, Mexican Minister for Foreign Affairs, to Mr. Daniels, Ambassador to Mexico, May 6, 1936]

MINISTRY FOR FOREIGN AFFAIRS,
UNITED MEXICAN STATES,
Mexico, D. F., May 6, 1936.

His Excellency, Mr. JOSEPHUS DANIELS,
Ambassador Extraordinary and Plenipotentiary of the United States of America.

MR. AMBASSADOR: I have the honor to acknowledge the receipt of Your Excellency's courteous note dated March 7, last, in which you are good enough to inform me that the Government of the United States reserves all rights of whatever nature so far as concerns any effects upon American commerce of the enforcement of the presidential decree of August 29, 1935, published in the Diario Oficial of August 31, 1935, whereby the breadth of Mexican territorial waters is extended to 9 nautical miles.

In reply, I beg to inform Your Excellency that the Government of Mexico, in issuing the above-mentioned decree, bore well in mind the general principles of international law and adhered strictly to the provisions of article V of the treaty of February 2, 1848, concluded between Mexico and the United States, which reads as follows:

"The dividing line between the two republics shall begin in the Gulf of Mexico, 3 leagues from land at the mouth of the Rio Grande * * *."

The above-mentioned paragraph leaves no doubt that reference is made to the breadth of territorial waters, which was fixed at 3 nautical leagues, a distance which at that time was equivalent to 9 nautical miles, that is, the 16.668 kilometers mentioned in the decree in question.

There is no question but that article V refers to territorial waters, despite the fact that that phrase does not expressly occur, for this question has been definitely settled since 1848, in which year Mr. Percy W. Doyle, Charge d'Affaires of the British Government addressed to the then Minister for Foreign Affairs, Don Mariano Otero, the following note dated June 9:

"The undersigned, Her Britannic Majesty's Chargé d'Affaires, has the honor to inform His Excellency the Minister for Foreign Affairs Don Mariano Otero, that he has received instructions by the packet which has just arrived, to state, that Her Majesty's Government have observed in the fifth article of the treaty of peace, which was signed on February 2 last between the United States and Mexico, that the boundary line between the two Republics is defined as commencing in 'the Gulf of Mexico 3 leagues from land opposite the mouth of the Rio Grande.' As the tenor of this article seems to involve an assumption of jurisdiction on the part of the United States and Mexico over the sea beyond the usual limit of 1 marine league (or 3 geographical miles) which is acknowledged by international law and practice as the extent of territorial jurisdiction over the sea that waters the coasts of the states. Her Majesty's Government think it right to declare, in order to prevent future misunderstanding, that they cannot acquiesce in the extent of maritime jurisdiction assumed by the United States and Mexico in the article in question, and Her Majesty's Government consider this step the more necessary, because the Gulf of Mexico is a great thoroughfare of maritime commerce, and is not like a bay or creek which can by its nature be susceptible of being subjected to exclusive dominion."

John T. Crampton, Esq., Chargé d'Affaires of the British Government in the United States, addressed a similar note to the Government of the United States on April 30, 1848, protesting against the provision of article V of the Treaty of 1848 extending territorial waters from 3 to 9 nautical miles.

In this connection, Mr. James Buchanan, then Secretary of State of the United States, addressed to Mr. John T. Crampton on August 19, 1848, the following note, in which it is tacitly recognized (reconoce, al no negarlo) that artivle V of the treaty of 1848 refers to territorial waters when speaking of the 3 leagues:

"I have had the honor to receive your note of the 30th of April last, objecting, on behalf of the British Government, to the clause in the fifth article of the late treaty between Mexico and the United States, by which it is declared that "the boundary line between the two Republics shall commence in the Gulf of Mexico 3 leagues from land" instead of 1 league from land, which you observe 'is acknowledged by international law and practice as the extent of territorial jurisdiction over the sea that washes the coasts of States.'

"In answer I have to state that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties have no just cause of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain or any other power may possess under the law of nations."

By virtue of the foregoing, the following conclusions are deduced:

1. The territorial waters of Mexico as well as those of the United States have been fixed by the treaty of peace, amity and boundaries concluded between the two countries on February 2, 1848, at 9 nautical miles or 16 kilometers, 668 meters.

2. Any doubts as to whether article V of the said treaty refers to territorial waters have been definitely settled by the exchange of notes between Mexico, the United States, and Great Britain. In his note of August 19, 1848, Mr. James Buchanan, Secretary of State of the United States, recognizes that the territorial waters extend for 3 nautical leagues as determined by the United States and Mexico in the treaty of peace, amity, and boundaries signed on February 2, 1848.

3. The decree of August 29, 1935, published in the Diario Oficial of August 31, 1935, conforms strictly to the provisions of article V of the above-mentioned treaty, since it fixes the breadth of territorial waters at 9 nautical miles, that is, 16 kilometers, 668 meters.

The Government of Mexico believes that an appraisal of the foregoing facts will cause the Government of Your Excellency to consider as just and proper the decision taken by the Government of Mexico in regard to territorial waters, and therefore as unwarranted the reservation of rights made by the Government of the United States.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EDUARDO HAY.

[Mr. De L. Boal, American Chargé d'Affaires ad interim at Mexico City, to Senor General Hay, Mexican Minister for Foreign Affairs, June 3, 1936]

MEXICO, *June 3, 1936.*

His Excellency Senor General EDUARDO HAY,
Minister for Foreign Affairs, Mexico.

EXCELLENCY: I have the honor under instructions from my Government to acknowledge Your Excellency's courteous note No. 4002 of May 6, 1936, regarding the extension of the breadth of Mexican territorial waters, and to make the following comment thereon:

The Foreign Office relies upon provisions of article V of the treaty of February 2, 1848, between the United States and Mexico and correspondence concerning such provisions to sustain its position that the decree in question is "just and proper" and that the reservation of rights made by the Government of the United States was unwarranted.

The treaty provisions in question read as follows:

"The dividing line between the two Republics shall begin in the Gulf of Mexico three leagues from land at the mouth of the Rio Grande."

The Foreign Office has not taken into account the remaining words of the paragraph from which the quotation is taken, which words delimit the boundary line between its eastern end in the Gulf of Mexico and its western end which is said to be "the Pacific Ocean." It will be observed that the western limit of the boundary line is not stated to be "three leagues from land." Moreover, the second paragraph of article V of the treaty of 1848 contains the following provision as to the western limit of the boundary line between the two countries:

"and, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southermost point of the port of San Diego."

It will be further observed that in the last quoted provisions of the article upon which the Mexican Foreign Office relies, the westernmost point of the boundary line between the two countries is stated as being on the coast of the Pacific Ocean.

That portion of article V of the treaty of 1848 which the Mexican Foreign Office quotes relates only to the boundary line at a given point and furnishes no authority for Mexico to claim generally that its territorial waters extend 9 miles from the coast. The British note of June 9, 1848, which is quoted by the Mexican Foreign Office recognizes the merely local applicability of the agreement between the United States and Mexico as to the easternmost part of the boundary line, when it states in giving notice that the British Government could not "acquiesce in the extent of maritime jurisdiction assumed by the United States and Mexico," that the giving of such notice is "the more necessary because the Gulf of Mexico is a great thoroughfare of maritime commerce."

Furthermore, this view of the restricted nature of the agreement is strengthened by the statements in the note of the Department of State to the British Minister of August 19, 1848, which is also quoted by the Mexican Foreign Office, and wherein it was said that if for the "mutual convenience" of the United States and Mexico it had been

proper to enter into such an arrangement, third parties had no just cause of complaint and that the Government of the United States never intended by the stipulation to question the rights which Great Britain or any other power may possess under the law of nations.

Presumably it is true as indicated by a note sent by this Department to the British Minister of January 22, 1875, that the arrangement thus made between the United States and Mexico with respect to the Gulf of Mexico was designed to prevent smuggling in the particular area covered by the arrangement.

Wholly aside from the question of the boundary line between the two countries, there remains to be considered the total great extent of the Mexican coast and the bordering territorial waters. To say that because the United States agreed that in one area, so far as the United States was concerned, Mexican territorial waters extended 3 leagues from land, therefore Mexico was entitled to claim such an extent of territorial waters adjacent to her entire coastline is a deduction which the terms of article V of the treaty of 1818 do not warrant.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

PIERRE DE L. BOAL,
Chargé d'Affaires Ad Interim.

[Senor General Hay, Mexican Minister for Foreign Affairs, to Mr. Daniels, Ambassador to Mexico, July 8, 1936]

MINISTRY FOR FOREIGN AFFAIRS,
UNITED MEXICAN STATES,
Mexico, July 8, 1936.

Mr. AMBASSADOR: I have the honor to acknowledge the receipt of the courteous note of that Embassy, number 1635, of the 3rd of June last, with respect to the extension of the territorial waters of Mexico and the United States.

The Government of Mexico notes that the Government of the United States does not reject the interpretation which my Government has given to the first paragraph of article 5 of the treaty of 1848, regarding the extension of the territorial sea in the Gulf of Mexico, which is the same that Mr. James Buchanan expressed concerning the matter in the note which he addressed to the Chargé d'Affaires of Great Britain on August 19, 1848; likewise, it judges that it should not be concluded that the whole of the territorial waters of Mexico extends 9 miles, in view of the fact that that extension has been fixed in a definite area.

Moreover, the Government of the United States concludes that the extreme western limit of the United States and Mexico terminates on the coast of the Pacific Ocean. To that effect a paragraph of article 5 of the treaty of 1848 is cited, which reads:

"And, in order to preclude all difficulty in tracing upon the ground the limit separating upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southermost point of the port of San Diego."

This interpretation of article 5 is not in accord with the purposes of those who signed the treaty, since the paragraph cited does not refer expressly or implicitly to the territorial sea, but has exclusively as its object the avoidance of difficulties by indicating the tracing of the terrestrial dividing line between Upper and Lower California, without this signifying that they prescinded their inalienable right to the corresponding territorial waters.

Accordingly, there is no basis whatsoever for supposing that the extreme western limit between Mexico and the United States terminates on the coast of the Pacific Ocean.

Moreover, the Government of the United States never objected to fraction I of article 4 and article 5 of the law of December 18, 1902, in which it was stated precisely that Mexico had absolute sovereignty over the territorial sea which bathed its costs.

Moreover, in article 10 of the convention of December 23, 1925, signed by Mexico and the United States, both countries recognized in a categorical manner the unquestionable existence of the territorial sea which bathes its coasts on the side of the Pacific Ocean.

"ART. 10. The High Contracting Parties agree that the waters dealt with under this convention shall be the waters of the Pacific coasts of California, United States of America, and Lower California, Mexico, including both territorial and extraterritorial waters, the latter being the westward extension of the former."

As can be observed, this convention abstained from fixing the extension of the territorial sea of Mexico and the United States with respect to the Pacific Ocean because it considered that, for the purposes of the treaty, all waters off (a partir de) the coasts of the two countries would be jurisdictional waters.

Finally the International Fisheries Commission—United States and Mexico, created by article 11 of the convention of 1925, adopted unanimously the following resolution on June 21, 1926:

"With the object of making effective the program of conservation of both Governments and in accordance with clause 10 of the treaty between Mexico and the United States, the International Fisheries Commission establishes in this act a zone of 50 nautical miles west of the respective coasts. It is understood that the said zone of 50 nautical miles shall be applied in like manner to the islands located in the waters embraced in clause 10 of the treaty, and that all of the marine products existing in the said zone or extracted from it shall be considered the property of the Nation off whose coasts they may exist or may be extracted."

Later, the Government of the United States was not in accord with the decision of the Commission.

The Government of Mexico, after signing the treaty of 1848 and at every opportunity which arose, fixed with diverse countries an extension equal or greater than that which was stipulated for territorial waters in the said treaty of 1848. Besides that treaty, Mexico has in force the following:

With Guatemala: Treaty on limits, of September 27, 1882; 16.668 kilometers (3 marine leagues).

With Ecuador: Treaty of Friendship, Commerce, and Navigation, of June 10, 1888; 20 kilometers.

With the Dominican Republic: Treaty of friendship, commerce, and navigation, of March 29, 1890; 20 kilometers.

The absence of a precise limitation of the extension of the territorial waters of both countries in the Pacific Ocean, for the purposes of the treaty, is due to an understandable omission since, evidently, it was considered that by analogy, the precedent having been established, the extension fixed for the littoral of the Gulf of Mexico should be adopted also for the Pacific Ocean.

In this respect, it seems to be inferred from the note of that embassy, number 1438 of March 7, that the extension in question should be 3 miles instead of the 9, to which the Presidential Decree of August 29, 1935, makes reference.

All of the jurists and authors of treatises on international law have recognized expressly and have agreed unanimously that: There exists no fixed rule for determining the extension of the territorial sea, and that up to the present time it has not been possible for the States to arrive at a general agreement in the matter.

It would be too prolonged to cite textually the opinions of these authors. Accordingly, I shall limit myself to mentioning the names of some of them of recognized authority:

Samuel Pufendorf: "Elementorum Jurisprudentiae Universalis Libri Duo" (1660), definition V, 8.

Cornelius van Byndershoek: "De Dominio Maris Dissertatio" (1702), chapter II.

Emerich Vattel: "Le Droit de Gens ou Principes de la Loi Naturelle" (1758), chapter XXIII.

Robert Phillimore: "Commentaries Upon International Law" (1854), volume I, part III, chapter VIII.

L. Oppenheim: "International Law" (1905), volume 1, part II, chapter 1, section 186.

Frantz von Liszt: "Derecho Internacional Público" (1917) (translation), book II, chapter IV.

"Be that as it may, the question arises how far into the sea those waters extend which are coast waters and are therefore under the sway of the littoral state. Here, too, no unanimity exists as to the breadth of the belt or the point on the coast forma (sic) which it is measured." (Oppenheim.)

"The zone of 3 miles is, as we have seen, insufficient. It would be advantageous to extend it to such a point that would enable the littoral State to exercise its effective sovereignty and assure the defense of its interests. If it is not desired to recognize in each State the right to determine the zone of its littoral waters by the range of its coast batteries, an international agreement on the maximum limit of the said zone would be extremely advantageous (sic or 10 nautical miles)." (Von Liszt.)

Almost all of the States admitted the urgent need of putting an end to the uncertainty which existed concerning the extension of the territorial sea, and to this end the Conference for the Codification of International Law, which was held at The Hague in 1930, was convoked.

Unfortunately, the diversity of points of view prevented an agreement being reached, since while some countries proposed 3 miles, others proposed 4, 6, and even 12.

The conference, in the final act, recommended to the governments that the matter continue to be studied:

"B. TERRITORIAL SEA

"I. THE CONFERENCE

"Notes that the discussions have revealed, in respect of certain fundamental points, a divergence of views which for the present renders the conclusion of a convention on the territorial sea impossible, but considers that the work of codification on this subject should be continued. It therefore

"Requests the Council of the League of Nations to invite the various governments to continue, in the light of the discussions of this conference, their study of the question of the breadth of the territorial sea."

In view of the fact that the Treaty of 1848 is not clear concerning the extension of the territorial sea in the Pacific Ocean and that article X of the Treaty of 1925 did not fix its extension concretely either, and, whereas neither the doctrine nor the practice are in accord with respect to the same and the Conference for the Codification of International Law had to suspend its work without having reached the said agreement, the Government of Mexico considers that there is no basis for maintaining that the territorial waters of Mexico and the United States should have an extension of 3 miles in the Pacific Ocean.

The Government of Mexico, on issuing the decree of August 29, 1935, considered that the only way of arriving at a definitive solution regarding the Pacific Ocean, consisted in taking into account the precedents previously established between Mexico and the United States. In this special case, article 5 of the Treaty of 1848, in referring to the Gulf of Mexico, established a precedent which cannot be ignored immediately either by Mexico or by the United States.

By virtue of the foregoing, Mexico believes that the precedent established by the Treaty of 1848 with respect to the Gulf of Mexico and the principles invoked should be taken into consideration by the United States in fixing the extension of its territorial waters in the Pacific Ocean insofar as Mexico is concerned an equitable solution which, by placing the two countries in the same position, permits a better and more rational utilization of the resources which nature has placed at the disposition of both, respectively.

I avail myself of the opportunity to renew to your excellency the assurances of my highest consideration.

EDUARDO HAY.

(At this point Mr. HUMPHREY yielded to Mr. ROBERTSON for the insertion of matter in the RECORD, which appears in the Appendix under the appropriate heading.)

Mr. HUMPHREY. It is, then, the settled contention of the United States that our territorial waters extend only 3 miles out to sea. Yet the Holland bill would allow certain States to extend their boundaries 10½ miles out to sea. These States would take this action at a time when the United States is protesting unilateral extensions of their boundaries by several nations, and would put us in a completely inconsistent and ineffective position internationally.

This proposed extension would have the most dire effects, not only on our traditional policy of the 3-mile limit, but also, for example, on the American fishing industry. I shall come to that point in a moment.

Now there is no doubt at all as to the fact that it is impossible for a single State to extend its boundaries without the United States itself being affected.

Let me quote on this point from the testimony of Mr. Jack Tate, deputy legal adviser to the State Department, before the Senate Committee on Interior and Insular Affairs on March 3, 1953:

In international relations, the territorial claims of the States and of the Nation are indivisible. The claims of the States cannot exceed those of the Nation. If the Nation should recognize the extension of the boundaries of any State beyond the 3-mile limit, its identification with the broader claim would force abandonment of its traditional position. At the same time it would renounce grounds of protest against claims of foreign states to greater breadths of territorial waters.

In this connection, and to point out the consequences of such a boundary extension, let me also cite some of the letters of the former Secretary of the Navy, Mr. Dan A. Kimball, to the Secretary of State on June 20, 1952:

Were the United States to extend its territorial waters as proposed by House Joint Resolution 373—

A former measure along similar lines—

other nations could be expected to assert claims to large water areas off their coasts. Many nations have already asserted these claims and those nations could be expected to treat such action by the United States as a recognition of the validity of their own previously asserted claims. Any action by other nations which would restrict the range of warships and commercial vessels and military and commercial aircraft would be clearly disadvantageous to a great maritime power such as the United States. Any action which tends to restrict free navigation of the high seas by recognizing sovereignty over territorial in excess of 3 miles is contrary to United States security interest. At the present stage of international relations adoption of House Joint Resolution 373 would, it is believed, serve no useful purpose not realizable by other means and could lead to embarrassing and burdensome consequences to the United States.

With regard to the effect which similar legislation would have on the jurisdictional claims of other nations, a study has been made of only a few charts randomly selected, enclosures (1) through (4) covering the coastal areas of Venezuela, Greece, Sumatra, and the Netherlands East Indies. This study reveals that the possible effects of a broad interpretation of the decision of the Anglo-Norwegian Fisheries case could seriously affect the free navigation of the seas in areas such as the Aegean Sea, the coast of Sumatra between the chain of islands from Enggano and Simeuloee, the seas in the vicinity of the Netherlands East Indies, the coastal area of Venezuela between Farallon Centinela and Morro de Robledar and between Pta Ballena and Morro Do Chacopata. In other areas not mentioned similar restrictions to free navigation would likewise apply.

I should like to say, Mr. President, that Mr. Kimball's letter to the Secretary of State was asked for by an Indepartmental Committee on Foreign Waters, which functioned in the last administration in 1952. This committee was called into existence to consider the benefits and detriments to the United States which might result from the Yorty resolution in the 82d Congress. The Yorty resolution posed precisely the same problem with regard to the United States position at international law, as does the now pending Holland joint resolution.

I have read some other reports of departments of our Government represented on that committee, and I must say that they all express fear of the international consequences of an extension of the seaward boundaries of the United States.

The State Department, for instance, feared that freedom of movement of United States air and sea trade and commerce would be jeopardized by such an act, since it would lead to retaliatory action by other nations.

The State Department, pointed out its traditional position on territorial waters, referring to the fact that it had always been unwilling to recognize broad claims to such waters by other nations.

The Department of Commerce, the Office of International Trade, and the Maritime Administration went on record before this committee as opposing any move by the United States which might provoke extension by other nations of their territorial seas.

The Fish and Wildlife Service of the Department of the Interior was very much concerned over the effects of an extension of our seaward boundaries on the American fishing industry. They indicated that the major possible future areas of expansion of that industry were areas that would be adversely affected by any actions of other nations extending their seaward boundaries. The Fish and Wildlife Service pointed out that closure of some of these areas to American fishing operations would have a disastrous effect upon the American fishing industry.

If we claim our boundaries extend beyond 3 miles, so may other nations which could then keep our fishing vessels from operating within water that they now operate in.

Mr. President, this matter of the American fishing industry is an important one. It is important because there is a billion-dollar industry involved; and it is important because the effects of an extension of the boundaries of the United States, as proposed in the Holland joint resolution, are likely to have an immediate effect upon that industry.

Fisheries and the fishing industry are, of course, within the province of the Department of the Interior. Secretary McKay did not have anything to say about the effects of the Holland Joint Resolution upon this industry when he testified before the Senate Committee on Interior and Insular Affairs on February 24 of this year. But last week the Secretary gave a speech before the National Fisheries Institute. Let me read some excerpts from Secretary McKay's speech:

Yet, the commercial fishing industry is only one of many that compete for the use of our waters. Farmers, particularly in the West, require water to irrigate their crops. Hydroelectric plants depend upon water stored behind dams for the generation of electrical energy. Many firms use water in their industrial processes, or dispose of their waste products in nearby streams. All compete with fish. As our population and industrial capacities increase, competition for water will be intensified. I want to assure you that Department of the Interior will do all that is possible to minimize the effects upon fisheries of man's competition for water. In some instances, remedial action has been delayed too long. We must now formulate plans looking far ahead if we are to make the best use of this great resource in the interior and coastal areas.

Then the secretary goes on to tell us about the great fishing industry of our country.

Mr. President, I ask unanimous consent that the remainder of the quotation from the speech of the Secretary of the Interior be incorporated in the RECORD at this point, as a part of my remarks.

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

Many stocks of fish which are of great importance to our fishing industry are also caught by fishermen of other nations. The trawl fishery of the Northwest Atlantic, the halibut fishery of the Pacific, and the fisheries of the Great Lakes are examples. In each of these fisheries the best efforts of one nation alone is not sufficient to insure sound management and preservation of the fish populations. International cooperation is necessary, often in the form of treaties which establish research and management commissions. The Department is aware of the need for cooperation among nations in the preservation of these fisheries and is working closely with the Department of State to provide for that cooperation.

Our fishermen catch from 4 to 5 billion pounds of fish each year, but this does not meet the demand. As a result, in recent years imports of a number of fishery items have substantially increased. Last year products from more than 1 billion pounds of fish and shellfish were imported into this country. A catch of more than 2 billion pounds was required to provide nonedible

products, principally fish meal, received from foreign countries. If our fishermen had attempted to provide this additional 3 billion pounds of fish, it would have required an increase of over 70 percent in the domestic catch. It is difficult to believe that the United States fisheries industry could have caught, purchased, and packed 70 percent more fish of the types that were imported last year.

In recent months, we have all heard a great deal about the tidelands oil question. I have taken the position that the national interest would be best served by giving to the various States the coastal offshore lands to the limits of the historical boundaries of each of them. I believe, however, that this should be done without changing the regulation or control of fisheries in our coastal waters, and without affecting the traditional position of the United States with respect to the extent of territorial waters. A large portion of our fishermen's catch of tuna, shrimp, halibut, salmon, ocean perch, and groundfish is taken on the high seas off the coasts of our neighboring countries to the north and south. The rights of our fishermen to continue in these high-seas fisheries must not be jeopardized.

Mr. HUMPHREY. Mr. President, let me point out that Mr. McKay may wish that certain States could be granted extended boundaries without this affecting the traditional position of the United States with respect to the extent of the territorial waters.

But the fact is, as Mr. Jack Tate's testimony before the Interior and Insular Affairs Committee showed, that this cannot be done. I thoroughly agree with Mr. McKay that "the rights of our fishermen to continue in high seas fisheries must not be jeopardized." But those rights are being jeopardized by the Holland bill. Senate Joint Resolution 13 will seriously jeopardize and damage America's rights to fishing on the high seas. If we extend the territorial limits of the United States 10½ miles we will get retaliation from other nations.

When Mr. John J. Real, representing the Fishermen's Cooperative Association of San Pedro, Calif., testified before the committee, he had a good deal to say about the likely effects of the United States' increasing its seaward boundaries through the joint resolution. I should like to read some of his testimony to the Senate:

Economically, some American interests would suffer. For example, during the past several years a large segment of the American fishing industry has been threatened because of the extension of territorial waters by some Latin American countries. American fishing boats have been seized in these extended waters. The State Department has protested that these seizures are illegal on the ground that the extensions of boundaries are contrary to international law. Charges for fishing in this area have also been challenged. An extension of United States territorial waters (by means of a new system of base lines) would knock the props from under our protests in these areas.

Mr. President, Mr. Real is the head of a great fishermen's cooperative association. He says that if we alter the 3-mile limit, and if we start to redraw the map, and assert sovereign power on behalf of the States out into the marginal seas and the territorial seas 10½ miles, foreign nations will retaliate. He says we are having plenty of trouble right now.

Mr. DANIEL. Mr. President, will the Senator from Minnesota yield for a question?

Mr. HUMPHREY. I shall yield for a question.

Mr. DANIEL. Mr. President, is the Senator from Minnesota aware of the fact that the Atlantic Coast Fisheries Association, the Gulf Coast Fisheries Association, and the Pacific Coast Fisheries are all on record in favor of the pending legislation?

Mr. HUMPHREY. I am aware of it. Perhaps the fisheries associations were led to believe that the Federal Government was trying to grab something, when in fact it already owns and controls the marginal seas. They may have been led to believe that it was the Federal Government that was trying to extend its power, when in fact the Federal power to the territorial seas has been recognized since the inception of the Republic and has been inherent in our Government since the birth of the Nation.

The Senator from Massachusetts [Mr. KENNEDY] directed his remarks to the fishing industry. Massachusetts has been fishing for a longer time than any other State in the Union. I think they started fishing on the first day they landed at Plymouth Rock.

Mr. President, my time will soon have expired. I intend, however, at a later time, in connection with one of the amendments, to address myself in detail to other subjects affected by Senate Joint Resolution 13.

Mr. President, I ask unanimous consent to have the balance of my statement on this subject incorporated in the body of the RECORD at this point.

I continue with the testimony of Mr. John J. Real, on fisheries:

The great fisheries that have been prosecuted by New Englanders for 300 years lie for the most part in the high seas contiguous to the coast of Canada. All expansion that is anticipated lies in the direction of being farther and farther from our coasts, northward and eastward around the corner of Newfoundland and up Davis Strait past Greenland and Labrador.

In the Pacific Northwest we have valuable fisheries for salmon, halibut, various ground fish, albacore, and other fishes in the high seas contiguous to British Columbia. Our Pacific fisheries are expanding outward into the multitudinous islands of Oceania, which are under the jurisdiction of many nations.

The fishery for shrimp in the Gulf of Mexico has become one of our most rapidly growing and valuable fisheries. New banks are being discovered one after the other. The rapidly expanding fishery is moving south into the high seas contiguous to our neighbors to the south. It is known that large unused resources of shrimp lie farther south waiting the harvest and going to waste each year for want of it.

Thus if we permit the loss of our fisheries that now exist in the high seas contiguous to the coasts of foreign countries we lose the biggest half of our fishing industry at one stroke.

Even this, however, is not so serious as the fact that we would at the same time lose the right to expand these fisheries as this Nation's need for protein food and animal oils expands with our growing population.

The food resources of our land area are strictly limited. The vast food resources available in the sea are only now being realized as the result of ocean-research programs which have been going on during and since the war. Undreamed-of new technical means are being designed and put into use to harvest food resources not known to mankind before. The picture of harvesting food from the sea is changing with such rapidity that no man can tell today what shape or volume it will take next year or the years thereafter.

We cannot afford to allow ourselves to be excluded from access to these raw materials of the sea.

If one nation can unilaterally extend its sovereign territory out to sea by as much as a quarter of a mile, then there is no reason why it or any other nation cannot extend its boundaries seaward by 200 miles, by 400 miles, or by such distance it may desire. In the chaotic situation that such claims and counterclaims would bring about, the United States would not stand to be the gainer nor, I believe, would mankind generally.

Whether the band of marginal sea is 2 miles, 3 miles, or 6 miles is not a matter of the greatest practical importance. The important practical point is that it must be narrow in order to prevent those nations who are able to harvest the resources of the sea from being excluded from access to these resources.

Mr. REAL. If the tuna industry had to fish only in waters off the coast of the United States, Senator, I do not know what the price of a can of tuna would be. I would think it would be in the neighborhood of $1.50 a can, and I think you would see very, very few cans of tuna in the United States because over 90 percent of the tuna production of the United States comes from areas on the high seas off other countries.

I should also like to have certain documents which Mr. Real submitted to the committee made a part of my remarks. These documents show some of the nations which have recently attempted to extend their boundaries unilaterally. Mr. Real pointed out that actions seriously affect our fishing industry in the following statement:

SUPPLEMENTAL STATEMENT OF JOHN J. REAL

During our appearance before the committee, the chairman requested that we file a supplemental statement setting forth the claims of Latin American nations to expand sovereignty over the high seas.

Our point in this connection is that any movement by the United States with respect to territorial waters is closely watched by other nations, particularly those of Latin America. Unquestionably the tendency of those nations is to find a way to expand their own claims. Many times what the United States says on this subject is misunderstood. Sometimes such misunderstanding appears to be intentional. When the Presidential proclamation of September 28, 1945, respecting ownership of the Continental Shelf seabed resources was issued a rash of claims which went far beyond the stated limitations of the Presidential proclamation were made.

It is our suggestion that a more complete and detailed study of what these claims were and what the United States has done about them should be requested by this committee from the Department of State. Our information indicates the following claims made on the heels of the Presidential proclamation.

Mexico: On October 29, 1945, the President of Mexico published a declaration in which he claimed the whole Continental Shelf adjacent to the coasts of Mexico.

Panama: In 1946, the Constitution of Panama was amended to provide that the national territory of Panama includes the submarine Continental Shelf.

Chile: On June 23, 1947, Chile proclaimed national sovereignty over the adjacent Continental Shelf and its natural resources.

Peru: On August 1, 1947, Peru issued a decree in which it was declared that the national sovereignty and jurisdiction of Peru was extended over the Continental or Island Submarine Shelf.

Costa Rica: In 1948, Costa Rica issued a proclamation substantially similar to that of Chile.

Nicaragua: In 1950, Nicaragua provided that the national territory of Nicaragua includes the Continental Shelf and the Marine and Island Shelves.

El Salvador: In the 1950 Constitution of El Salvador the national territory of that country was declared to include the adjacent seas within a distance of 200 nautical miles of its coasts.

Honduras: In 1951, Honduras declared that its sovereignty was extended over the Continental and Island Shelves.

Ecuador: Ecuador has under consideration at the present time the proposition of whether or not it should follow Peru and Chile. Ecuador has declared that its present jurisdiction extends 12 miles from a line drawn from headland to island to headland. In some instances this brings under Ecuadorian jurisdiction waters within 20 to 30 miles from its beaches. Ecuador has also declared that the right of innocent passage does not exist in favor of fishing vessels.

Argentina, Brazil, and lately, Venezuela, have made claims similar to those set forth above.

In all of the foregoing cases the claims purported to assimilate in one manner or another adjacent sea areas to national control. The United States Presidential proclamation did not do this and, therefore, in most, if not all, of the foregoing cases the United States Department of State was forced to protect the claims made by these other nations.

It is our belief that the seaward boundaries implications of Senate Joint Resolution 13 would set off a similar and more damaging chain reaction.

We reiterate that it would be of value to the committee to invite detailed comments of the Department of State on the foregoing as well as on the entire problem which we have sought to bring forth to the committee.

Mr. President, in this discussion of the effects of the Holland resolution, so far as international law is concerned, they are very unfortunate effects indeed. A traditional American policy at international law is at stake. With it, the freedom of our international commerce, the freedom of movement of our Navy, and vital interests of the American fishing industry are at stake.

I believe that passage of an act which will wreak this kind of havoc on traditional policies, interests, and industries of our Nation is the most unwise kind of legislative act. Surely, legislation should take more care for its consequences than this.

TRANSACTION OF ROUTINE BUSINESS

Mr. HOLLAND addressed the Chair.

Mr. TAFT. Mr. President, will the Senator from Florida yield to me, to permit me to propound a unanimous-consent request?

Mr. HOLLAND. Yes. I was about to request consent to make an insertion in the RECORD.

Mr. TAFT. Mr. President, I thought the Senator from Florida would prefer to have that done in the regular way. Therefore, I ask unanimous consent that Senators may introduce bills and submit various matters and requests which regularly are in order during the morning hour, and that speeches by any Senator be limited to not exceed 2 minutes, such speeches not to be counted as being made on the unfinished business.

The PRESIDING OFFICER (Mr. POTTER in the chair). Without objection, it is so ordered.

LEAVE OF ABSENCE

On his own request, and by unanimous consent, Mr. GREEN was excused from attendance on the sessions of the Senate on Friday and Saturday of this week.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED EMERGENCY IMMIGRATION LEGISLATION

A letter from the President of the United States, recommending the enactment of emergency immigration legislation for the special admisison of 120,000 immigrants per year for the next 2 years; to the Committee on the Judiciary.

REPORTS ON FORT PECK PROJECT

A letter from the Secretary of the Interior, transmitting, pursuant to law, the eighth and ninth annual reports on the Fort Peck project, for the fiscal years ended June 30, 1951, and 1952 (with accompanying reports); to the Committee on Public Works.

REPORT ON NUMBER OF OFFICERS OF THE AIR FORCE DETAILED AT THE SEAT OF GOVERNMENT

A letter from the Director, Legislation and Liaison, Department of the Air Force, reporting, pursuant to law, that 2,489 officers were detailed to permanent duty in the executive element of the Air Force at the seat of government, as of the end of the third quarter of fiscal year 1953; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution of the House of Representatives of the State of Missouri; to the Committee on Finance:

"House Resolution 67

"Resolution memorializing the Congress of the United States to enact legislation which will return to the several States amounts collected as unemployment tax by the Federal Government in excess of grants for administration costs of the unemployment insurance and employment service program

"Whereas the several States are responsible by law for administration of the unemployment insurance and employment service program; and

"Whereas the Federal Government levies a payroll tax of three-tenths of 1 percent on employers of 8 or more persons to pay the administrative costs of such State programs; and

"Whereas the Federal Government has collected since 1937 from Missouri employers for the administration of such program over $28 million more than has been returned to the State, while the amounts returned to Missouri have been grossly inadequate to provide flexible administration; and

"Whereas each State is limited to the amount allowed it by the Federal Government with the excess of such tax being diverted for purposes other than intended; and

"Whereas an inadequate operating fund restricts service to job seekers in finding work and to employers seeking workers, makes exceedingly difficult prompt detection of fraudulent benefit claims, hinders activities to prevent tax evasions, impairs effectiveness of control over disbursements from the unemployment insurance fund, and circumscribes the fulfilment of the objectives of the entire program: Now, therefore, be it

"*Resolved*, That the Congress of the United States be and hereby is respectfully memorialized to enact legislation which will—

"1. Earmark the taxes collected under the Federal Unemployment Tax Act for the purposes of the employment security program in each State;

"2. Make reasonable provisions assuring all States equitable participation in the allotment of such funds;

"3. Transfer to the States for use in the employment security program any excess over the amounts allocated by the Federal administrative agencies with full responsibility resting on each State agency for the proper use thereof; and be it further

"*Resolved*, That copies of this resolution be transmitted to the Secretary of the Senate of the United States; the Clerk of the House of Representatives of the United States, the Chairman of the Committee on Ways and Means of the House of Representatives, the Chairman of the Committee on Appropriations of the House of Representatives, the Chairman of the Finance Committee of the Senate of the United States, the Chairman of the Committee on Appropriations of the Senate of the United States, and each member of the congress from the State of Missouri."

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

"House Concurrent Resolution 24

"Concurrent resolution requesting the Congress of the United States of America to enact legislation whereby lands owned by the United States Government and under the control of the Armed Forces in Waianae, Oahu, be offered for sale or exchange to the city and county of Honolulu, T. H.

"Whereas the land area of the city and county of Honolulu, T. H., is limited; and

"Whereas there are government lands in the district of Waianae, city and county of Honolulu, T. H., under the jurisdiction of the Armed Forces which could be made available for educational purposes, without conflicting with the primary activities for which such lands are held; and

"Whereas there is now a public high school in the said Waianae district; and there is a clear need for the acquisition of such land and the construction of public high school in the Waianae district, city and county of Honolulu, T. H.: Now, therefore, be it

"*Resolved by the House of Representatives of the 27th Legislature of the Territory of Hawaii (the Senate concurring)*, That the Congress of the United States of America be and it is hereby respectfully requested to offer for sale or exchange to the city and county of Honolulu, T. H., to be used for educational purposes, 30 acres of land more specifically identified under tax key No. 8–5–02–15 and situated in the Waianae district, city and county of Honolulu, T. H.; be it further

"*Resolved*, That duly authenticated copies of this concurrent resolution be forwarded to the President of the United States, to each of the two Houses of the Congress of the United States of America, the Secretary of the Interior, and the Delegate to Congress from Hawaii."

ST. LAWRENCE SEAWAY—RESOLUTION OF MILWAUKEE COUNTY (WIS.) BOARD OF SUPERVISORS

Mr. WILEY. Mr. President, I present a resolution adopted by the Milwaukee County, Wis., Board of Supervisors, recommending the enactment of the Great Lakes-St. Lawrence seaway proposed legislation. I ask unanimous consent that the resolution be printed in the RECORD, and appropriately referred.

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

Whereas there is presently pending before the United States Senate a bill authorizing necessary governmental action to establish the St. Lawrence Waterway; and

Whereas at the hearing on the proposed St. Lawrence Waterway resolution held before the said Senate in 1948, the Milwaukee Association of Commerce recommended deferment of the project, but today has changed its stand and recommends its construction; and

Whereas the best interest of the city and county of Milwaukee and the entire State of Wisconsin will be greatly served by the early establishment of this great project: Now, therefore, be it

Resolved by the County Board of Supervisors of Milwaukee County, Wis., this 16th day of April 1953, That the Representatives in Congress from Milwaukee County and the United States Senators from Wisconsin be and they are hereby requested to do all in their power to secure the passage of the said seaway bill; and be it further

Resolved, That the county clerk is directed to transmit forthwith certified copies of this resolution to the United States Senators from Wisconsin and Representatives in Congress from Milwaukee.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs:

S. 380. A bill to authorize the sale or lease by the State of Kansas of certain lands situated near Garden City, Kans.; with amendments (Rept. No. 160); and

S. 1292. A bill providing for the reconveyance to the town of Morristown of certain land included within the Morristown National Historical Park, in the State of New Jersey; without amendment (Rept. No. 159).

By Mr. SALTONSTALL, from the Committee on Armed Services:

S. 1545. A bill to authorize the Secretary of the Army to convey certain Government-owned burial lots and other property in the Washington Parish Burial Ground, Washington, D. C., and to exchange other burial lots; without amendment (Rept. No. 161);

S. 1547. A bill to authorize payment for the transportation of household effects of certain naval personnel; without amendment (Rept. No. 162); and

S. 1548. A bill to provide for the exchange between the United States and the Commonwealth of Puerto Rico of certain lands and interests in lands in Puerto Rico; without amendment (Rept. No. 163).

By Mr. CASE, from the Committee on Armed Services:

S. 1525. A bill to authorize the Secretary of the Navy to convey to the Tarrant County Water Control and Improvement District No. 1 certain parcels of land in exchange for other lands and interests therein at the former United States Marine Corps air station, Eagle Mountain Lake, Tex.; without amendment (Rept. No. 164);

S. 1549. A bill to retrocede to the State of Virginia concurrent jurisdiction over certain highways within Fort Belvoir, Va.; without amendment (Rept. No. 165); and

S. 1641. A bill to retrocede to the State of Oklahoma concurrent jurisdiction over the right-of-way for United States Highways Nos. 62 and 277 within the Fort Sill Military Reservation, Okla.; without amendment (Rept. No. 166).

By Mr. DUFF, from the Committee on Armed Services:

S. 1544. A bill to repeal the authority to purchase discharge from the Army, the Navy, the Air Force, and the Marine Corps; without amendment (Rept. No. 167).

By Mr. HENDRICKSON, from the Committee on Armed Services:

S. 1550. A bill to authorize the President to prescribe the occasions upon which the uniform of any of the Armed Forces may be worn by persons honorably discharged therefrom; without amendment (Rept. No. 168).

PAYMENT OF CERTAIN EXPENSES INCURRED IN PREPARATION OF STUDY ENTITLED "TENSIONS IN SATELLITE COUNTRIES OF SOVIET UNION"

Mr. WILEY. Mr. President, from the Committee on Foreign Relations, I report an original resolution adopted by that committee, the purpose of which is to complete a study of tensions in the satellite countries of the Soviet Union. I ask unanimous consent that a statement by me relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER (Mr. POTTER in the chair). The resolution will be received, and, under the rule, referred to the Committee on Rules and Administration; and, without objection, the statement will be printed in the RECORD.

The resolution (S. Res. 105), reported by Mr. WILEY from the Committee on Foreign Relations, was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Foreign Relations is authorized to expend from the contingent fund of the Senate a sum not to exceed $1,200 for the purpose of reimbursing the Library of Congress for certain expenses incurred in connection with the preparation, for such committee, of a study entitled "Tensions in the Satellite Countries of the Soviet Union."

The statement by Mr. WILEY is as follows:

STATEMENT BY SENATOR WILEY

Two years ago, at my request, the Legislative Reference Service of the Library of Congress prepared a study called Tensions Within the Soviet Union. This study was an effort to appraise what the Russian people feel and think, for it is my conviction that a proper understanding of the tensions within the Soviet Union would be an important asset for our side in the so-called battle of the minds. The Senate subsequently printed that study as Document No. 41, 82d Congress, first session. Since that time that study has not only been used extensively in our own country but it has been translated into several foreign languages as well as being issued in commercial form. By motion of the Committee on Foreign Relations, the Legislative Reference Service is now bringing this study up to date and it should be ready within the next few weeks.

It is the opinion of the committee that only part of the story is told in the document, Tensions Within the Soviet Union. There are, in addition to the U. S. S. R., all of its satellite countries where companion problems are to be discerned and therefore the committee voted on April 10, 1953, to embark upon a study called Tensions in the Satellite Countries of the Soviet Union.

When the committee requested the aid of the Legislative Reference Service of the Library of Congress in this connection it was advised that experts were available either within the Library or in groups affiliated with the Library to do all the necessary work with one exception. There is no one immediately available to the Library of Congress to deal with Hungary. In canvassing the problem the Library determined that the needed expert could be secured, but it would require $1,200 for his services to produce the report on Hungary.

Therefore the Committee on Foreign Relations requests that $1,200 be made available to it for the purpose I have indicated. This will be only one-tenth, or even less, of the total cost represented, and the committee is anxious to take advantage of the opportunity.

In closing may I point out that the actual or potential strength of these satellite countries cannot be accurately measured without taking into consideration the mood and the temper of the people. The wide gulf that separates the governments of the satellite countries and the victims of the theory and practice of communism within those countries is clear and undeniable. The intelligentsia, religious groups, military personnel, peasants, and many other minority groups are forces of opposition and sources of weakness.

The Committee on Foreign Relations is convinced that the completion of this study will not only be a valuable source of information to the free world but it should assist us greatly in enabling us to understand better the many factors and forces that are at play back of the Iron Curtain. The committee would appreciate prompt action so that it may take advantage of the opportunity which now presents itself.

INCREASE IN LIMIT OF EXPENDITURES BY COMMITTEE ON RULES AND ADMINISTRATION

Mr. JENNER. Mr. President, from the Committee on Rules and Administration, I report an original resolution to increase the limit of expenditures under Senate Resolution 333, 82d Congress, for the Committee on Rules and Administration.

The PRESIDING OFFICER. The resolution will be placed on the calendar.

The resolution (S. Res. 106), reported by Mr. JENNER from the Committee on Rules and Administration, was ordered to be placed on the calendar, as follows:

Resolved, That the limit of expenditures authorized under Senate Resolution 333, 82d Congress, second session, agreed to June 12, 1952 (authorizing the expenditure of funds and the employment of assistants by the Committee on Rules and Administration, or any authorized subcommittee thereof, in carrying out the duties imposed upon it by subsection (o) (1) (D) of rule XXV of the Standing Rules of the Senate), is hereby increased by $100,000.

BILLS INTRODUCED

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

By Mr. CAPEHART:

S. 1739. A bill to provide for continuation of authority for regulation of exports, and for other purposes; to the Committee on Banking and Currency.

By Mr. BEALL:

S. 1740. A bill to amend section 11 of the act of April 1, 1942, relating to retirement of judges of the Municipal Court for the District of Columbia, the Municipal Court of Appeals for the District of Columbia, and title IX of the District of Columbia Revenue Act of 1937; to the Committee on the District of Columbia.

By Mr. GREEN:

S. 1741. A bill for the relief of Alexandra G. Bregianou; to the Committee on the Judiciary.

By Mr. IVES:

S. 1742. A bill for the relief of Edith Kahler; to the Committee on the Judiciary.

By Mr. COOPER:

S. 1743. A bill for the relief of the city of Corbin, Ky.; to the Committee on the Judiciary.

By Mr. WILEY:

S. 1744. A bill to create a Commission to be known as the Corregidor Bataan Memorial Commission; to the Committee on Foreign Relations.

By Mr. KEFAUVER:

S. 1745. A bill to provide that the sale or exchange of livestock held for draft, breeding, or dairy purposes necessitated by drought conditions shall be treated as an involuntary conversion for income-tax purposes; to the Committee on Finance.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Appropriations:

H. R. 4663. An act making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1954, and for other purposes; and

H. R. 4664. An act making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes.

PRINTING OF DECISION OF SUBVERSIVE ACTIVITIES CONTROL BOARD (S. DOC. NO. 41)

Mr. McCARRAN. Mr. President, on Monday of this week the Subversive Activities Control Board handed down its decision and order in the case against the Communist Party of the United States.

This is an extremely important document, Mr. President. It has great historical interest. There is already tremendous demand for this decision, and this demand will increase. Furthermore, this decision should be in every library in the country, for it is a masterful exposition of the role of the Communist Party as an instrument of the world Communist conspiracy, dedicated to the overthrow of the United States Government.

As Senators can see, this decision of the Board, which I hold in my hand, is in mimeographed form. Additional copies cannot be provided to supply the demand. My own office has had many requests for this decision, and I cannot fill these requests.

I have secured from the Public Printer an estimate of the cost of having this decision printed as a Senate document. It will cost $1,637.20. In my opinion, Mr. President, it will be worth the money. I therefore ask unanimous consent that this decision of the Subversive Activities Control Board may be printed as a Senate document.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

NOTICE OF HEARING ON S. 1235, RELATING TO ADJUSTMENT OF ROYALTIES

Mr. BUTLER of Maryland. Mr. President, on behalf of the Judiciary Committee, I desire to give notice that a subcommittee of the Judiciary Committee has scheduled a public hearing for Tuesday, May 12, 1953, at 10 a. m., in room 424, Senate Office Building, on S. 1235, to continue the effectiveness of the provisions of the act of October 31, 1942, as extended, relating to the adjustment of royalties, for the duration of the national emergency proclaimed December 16, 1950, and 6 months thereafter. 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 Idaho [Mr. WELKER], and the Senator from Mississippi [Mr. EASTLAND].

LETTER BY DR. D. F. FLEMING IN OPPOSITION TO THE BRICKER AMENDMENT

Mr. KEFAUVER. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD a letter addressed to me by Dr. Dana F. Fleming, research professor of international relations, at Vanderbilt University, on the Bricker amendment. Dr. Fleming is a thorough student of international and constitutional law. He has written several books and treaties on these subjects and on political science. His letter is an excellent statement of objections to the Bricker amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

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. WILEY:

Address entitled "The Developing Crisis in Southeast Asia," delivered by him at the League of Women Voters Council dinner, Statler Hotel, Washington, D. C., April 21, 1953.

By Mr. RUSSELL:

Address delivered by National Commander Lewis K. Gough at the annual legislative dinner of the American Legion, in Washington, D. C., on April 22, 1953.

By Mr. ROBERTSON:

Correspondence between him and Agostino Desalvo, of Savona, Italy.

By Mr. SMITH of North Carolina:

Newspaper article by Edward T. Folliard, with reference to the enactment of an emergency immigration law to allow 240,000 refugees in Europe to enter the United States in the next 2 years.

Article entitled "The Truth About the Immigration Act," recently published in the Reader's Digest.

By Mr. JOHNSTON of South Carolina:

Article entitled "Success Is Due to Coworkers," from the Anderson (S. C.) Independent describing tribute paid to James C. Self, Sr.

Article entitled "Caucasian Population Off 11,019 Since July 1948," published in the Honolulu Advertiser of April 14, 1953.

By Mr. KEFAUVER:

Editorial from the Chicago Daily News of April 17, 1953, on the President's foreign policy address to the American Society of Newspaper Editors.

Letter addressed to him by Dr. Dana F. Fleming, research director of international relations, Vanderbilt University, on the subject of the Bricker amendment to the Constitution.

By Mr. MARTIN:

Article entitled "Camerons in Union County Linked With Centennial of Bank," written by Dr. Charles M. Steese, and published in the Sunbury (Pa.) Daily Item of March 30, 1953.

By Mr. WILLIAMS:

Editorial entitled "What's a Sussex Countian?" published in the Milford Chronicle of Milford, Del., on April 9, 1953.

By Mr. MONRONEY:

Newspaper column by Roy P. Stewart, published in the Oklahoman-Times, April 18, 1953.

STATEMENT BY SENATOR CAPEHART REVIEWING HISTORY OF FEDERAL DEPOSIT INSURANCE CORPORATION

Mr. CAPEHART. Mr. President, we now have before us the annual report of the Federal Deposit Insurance Corporation, which organization is now 20 years old.

Believing that it is altogether proper that we pay tribute to the success of this fine agency of the Government, I have prepared a statement reviewing the history of the Corporation and commenting on its accomplishments.

I, therefore, ask unanimous consent that this review and discussion be inserted in the body of the RECORD as a tribute to the Corporation, to those who were responsible for the legislation establishing the Corporation, and to those who have guided it to success in its first 20 years.

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

STATEMENT BY SENATOR CAPEHART

1. BIRTH OF THE FEDERAL DEPOSIT INSURANCE CORPORATION

It was just 20 years ago that Federal deposit insurance ushered in a new era of banking progress and stability. When bills proposing the insurance of bank deposits threatened to be pigeonholed in that historic 73d Congress, it was Senator Vandenberg who came forth with a formula for a temporary plan which led to the enactment of a deposit-insurance law. Speaking in the Senate on May 19, 1933, almost 20 years ago, Senator Vandenberg stated:

"I happen to be one of those who hold firmly to the view that there is no remote possibility of adequate and complete economic recuperation in the United States during the next 12 months, regardless of all the other splendid undertakings which may be under way, until confidence in normal banking is restored; and in the face of the existing circumstances I am perfectly sure

that the insurance of bank deposits immediately is the permanent and fundamental necessity of the moment."

A century of history replete with recurring banking crises and chronic banking ills must have passed before the Senator's eyes as he stated his determination. There, passing in review, were the fight over the Second Bank of the United States, and its death; the upsurge of State banks as our frontier pushed westward; the specific difficulties which led to passage of the National Bank Act and the establishment of the Federal Reserve System; the panics of 1837 and 1873, of 1893 and 1907, and finally the crisis of the early 1930's.

The record was not an inspiring one. For 60 years there had been an average of nearly one bank failure a day. Over 18,000 banks had had to close their doors from 1874 to 1933. Extending the period back 10 years farther, losses to bank depositors had totaled about $3,500,000,000. How was it that this long record of failure and loss had been allowed to continue? Had nothing been done, or were the attempts at solution merely ineffectual?

2. DEPOSIT INSURANCE SYSTEMS AND PROPOSALS PRIOR TO FEDERAL DEPOSIT INSURANCE CORPORATION

Federal deposit insurance, as provided in 1933, was certainly not a full-blown idea conjured out of a magician's hat. Instead, it represented the culmination of over a century of experimentation and experience. As early as 1829 New York State had set up a safety fund to secure the circulating medium and protect noteholders. Before the Civil War similar plans calling for an insurance system were adopted by five other States—Vermont, Indiana, Michigan, Ohio, and Iowa. In these plans it was recognized that the protection of noteholders was a responsibility of the individual banks, a responsibility to be met by their uniting together in a mutual and joint guaranty of the soundness of their notes. Thus early in our history the principle of bank responsibility for the protection of bank creditors was established. Government was the catalytic agent which brought together and fused into a workable system the determination of the banks to reassure the holders of their notes. But it was the banks themselves which shouldered the financial responsibility for the insurance and guaranty systems.

These early State insurance systems went out of operation around the time of the Civil War. While experience with them was in general sucessful, our banking structure had not yet developed to the point to be able to sustain them. Expiration of legislation under which they or their banks operated, along with the prohibitive tax on State bank notes in 1865, was principally responsible for their demise. The protection which these plans afforded, it was felt, was no longer needed after the virtual prohibition of State bank-note issues; for the national-bank notes which largely supplanted State-note issues were backed by United States Government securities and were directly guaranteed by the Federal Government. No greater protection was possible or necessary.

The sense of security within the new arrangement was destined, however, to be short-lived. The prohibitive tax on State bank-note issues proved to be only a temporary frustration. No longer able to issue notes, State banks turned more and more to deposit banking, a form of banking not hampered by such restrictions. Bank deposits, which in 1860 were about equal in amount to bank notes, had become twice as important by 1870, and by the end of the century were seven times as great as notes. Along with this rejuvenation of State banks by way of deposit banking there went the old evil of unsecured bank obligations and the concomitant threat to bank creditors and banking stability.

To meet this situation, there was introduced in Congress in 1886 the first proposal for nationwide insurance of bank deposits. Indeed, 4 bills for this purpose were introduced in that 49th Congress, and, with but 3 exceptions, bills for the same purpose were introduced in every succeeding Congress. In all, 150 such bills were submitted before Federal deposit insurance became a reality in 1933.

During the period of nearly 50 years when bills were regularly introduced in Congress for some kind of nationwide deposits insurance, eight States enacted plans of their own. All of the State plans came into being between 1907 and 1917. Oklahoma was the first State to venture upon this ground which had laid fallow since before the Civil War. Within 2 years the neighboring States of Kansas, Nebraska, and Texas followed suit. Mississippi joined the parade in 1914, and within 3 years both Dakotas and Washington State also enacted insurance systems for the protection of bank creditors.

Membership in these State insurance systems reached a peak, except in Oklahoma, in the boom years following the First World War. As the growth in the number of banks ceased, however, and bank failures mounted, increasing pressure on the insurance plans put them in jeopardy. The farm depression of the 1920's was particularly hard on those States, all predominantly agricultural States, which had insurance plans. The avalanche of bank failures during this period, along with the fact that most of the plans had not had ample time to establish themselves financially, led to their dissolution, one by one, as their funds were exhausted. The last one folded up in 1930.

It might be supposed that this experience with State deposit-insurance systems would have discouraged further consideration of the idea. Instead, proposals for nationwide deposit insurance were given new impetus, for the increasing number of bank failures swelled the popular chorus that something must be done. Something was done, and that was the organization and establishment of the Federal Deposit Insurance Corporation.

3. BANKING PROGRESS AND STABILITY SINCE 1934

A new era in our banking history began with the creation of the Federal Deposit Insurance Corporation. In it was epitomized the hopes of all those who for long years pressed untiringly for a means of securing the safety of the country's money supply, for a way of protecting the thousands of persons who entrusted their small but lifetime savings to a bank. How well did it succeed?

One person who had high hopes for it, who indeed was most instrumental in establishing Federal deposit insurance, was not disappointed. Looking back over the record 15 years later of that which he helped to create, Senator Vandenberg had this to say:

"The FDIC is the most important of all contributors to the psychology of public confidence in the public and private fiscal systems of this country. * * * It is the most successful single instrumentality of Government created this century."

On what facts did Senator Vandenberg draw in making this extraordinary statement? Certainly they must have been impressive, but even so not quite so impressive as the total progress which has come from 5 years more of experience with the Federal Deposit Insurance Corporation.

The first measure of the success of the Federal Deposit Insurance Corporation is the virtual elimination of bank failures from the national picture. In the whole period since the Federal Deposit Insurance Corporation began operations only 420 insured banks have required its assistance. During an equal period before its organization over 15,000 banks failed, more banks than are now in existence.

Of even greater significance is the nearly complete elimination of losses to depositors. In the nearly 20 years since the Federal Deposit Insurance Corporation started operations, losses to depositors of insured banks have totaled less than $2 million. In contrast, losses to depositors in the 70 years prior to Federal deposit insurance totaled $3,500 million. In terms of average annual rates, losses to depositors since 1934 have been less than 1 percent of what depositors lost in the 70 years prior to Federal deposit insurance.

What this remarkable record has done to depositor confidence is too well known to require more than mere mention. Almost no one worries today about the safety of his bank deposit. All but about 1 percent of the depositors of insured banks have their deposits fully protected under the $10,000 limitation. Since our whole banking structure and the stability of our money supply are built upon depositor confidence, the significance of this development can hardly be exaggerated.

The sharp reduction in bank failures, taken in conjunction with a modest increase in the number of new banks, has led to virtual stability also in the total number of banks. This has not prevented them, however, from promoting and participating in the growth of the economy. Assets of all insured banks totaled $48 billion in 1934; an almost steady increase thereafter has raised them to about $205 billion at the present time.

The growth in bank assets has been accompanied also by improvement in their quality. In the course of examining its risk, the Federal Deposit Insurance Corporation has done much to improve the techniques and raise the standards of bank management. It is there, in the individual bank, that most of the problems of banking are finally resolved, and the cooperative relationships which the Federal Deposit Insurance Corporation has established with the insured banks promises that the good record of the last 20 years will be extended far into the future.

4. POLITICAL INDEPENDENCE OF THE FEDERAL DEPOSIT INSURANCE CORPORATION

It is apparent by now that the roots of Federal deposit insurance lie deep in America's banking history and constitute an indispensable link in our economic system. Experience with insurance plans stretching over a century and encompassing 14 States give it a realistic basis which lifted it above mere conjecture or theory. The 150 congressional proposals to make it nationwide brought forward for discussion and improvement the different elements of an effective deposit insurance program. Finally, actual experience with its operation over a period of nearly 20 years has demonstrated the wisdom of principles which should not be lightly disturbed.

The emergency conditions of 1933 which brought to a focus a century of experience and exploration caused the Congress to grant to the new agency more freedom than is ordinarily accorded government agencies. Congress recognized that the gravity of the problems for whose solution the new agency was made responsible required an imaginative administration unhampered by the restrictions. That this was not an oversight, but was a deliberate element of policy, was proved by its retention in the Banking Act of 1935, and by the careful attention in subsequent amendments to preserve the independence of the Federal Deposit Insurance Corporation. When the Congress was considering in 1947 the reorganization of Government agencies our late colleague, the senior Senator from Michigan, addressed himself to this point. Listen to his words on that occasion:

"The only thing in the economic life of the United States which is basically essential is the maintenance of banking confidence, which is dependent, fundamentally and primarily, upon the continuing independent

sanctity of the Federal Deposit Insurance Corporation."

That this was not a mere random thought of the late senior Senator from Michigan, whom all of us acknowledge to be the founder and guardian of Federal deposit insurance, is shown by his reference to the matter on numerous occasions. In a letter to the senior Senator from New Hampshire at a time the Congress was considering a proposal relating to the Federal Deposit Insurance Corporation, Senator Vandenberg wrote again:

"Although we are entirely surrounded these days by economic uncertainty and economic anxiety in all other directions, there is no lisp of worry about our banking system. The answer is the FDIC. I confess that I am totally unable to understand why Congress should do anything to upset this priceless psychology."

The whole legislative history of Federal deposit insurance, both in embryo and in being, has been singularly free of partisanship. The first bill introduced in 1886 bore the name of a Republican; and the last, in 1933, had a Democrat as its sponsor. In between the sponsors were about equally divided between the major parties, and included as well a Populist and a representative of the Farmers' Alliance Party. Amendments to the Federal deposit insurance law through the years following its enactment has also had bipartisan sponsorship. Reflecting this history, the law itself provides the Corporation with a bi-partisan Board of Directors. In operation as well as in concept the Corporation has been free to direct its whole attention to the efficient administration of deposit insurance, a not inconsequential factor in its singular record of achievement.

It was the belief in this principle that bank supervision should be free of political control which underlay the foresighted and prudent arrangement that the Federal Deposit Insurance Corporation should report, not to the executive branch of the Government, but to the Congress. This annual report of the Corporation which I have before me, like all the 18 annual reports which it has made, is addressed to the President of the Senate and the Speaker of the House of Representatives. The Federal Deposit Insurance Corporation is uniquely an agency of the Congress. It is our responsibility to review its performance, to set up necessary guideposts for its operation, and to be vigilant lest it be subjected to political domination by the executive branch of the Government.

However, we must remember that the demands upon the Federal Deposit Insurance Corporation and its necessary disbursements are contingent upon events which cannot be foreseen. In view of the importance of maintaining the confidence of bank depositors, a psychological factor which undergirds our entire banking system, it would be most inappropriate for the Corporation to forecast bank failures, even if it could do so with reasonable accuracy. But this is not to say that it should be given full rein to do as it pleases. Through the General Accounting Office, the Congress keeps close watch over the financial practices of the Federal Deposit Insurance Corporation. Its procedures are carefully explored and weighed each year in the light of approved administrative practices. Similarly, the financial records of the Corporation are each year submitted to a thorough audit, a practice which the Corporation itself followed voluntarily for several years. It is of some significance that the Federal Deposit Insurance Corporation is the only bank supervisory agency whose procedures and financial records are subjected to such careful scrutiny.

5. FINANCIAL INDEPENDENCE OF THE FEDERAL DEPOSIT INSURANCE CORPORATION

It is a small thing for the Congress to allow the Federal Deposit Insurance Corporation the freedom necessary for it to perform its great responsibilities. On all sides the Members of this body are subjected to great pressures to appropriate money for purposes more or less esential to the Nation's welfare. The needs for defense, for furnishing our allies with the means for strengthening themselves, these and other needs mount up into the billions of dollars. What does it cost us, on the other hand, to guarantee the integrity of our money supply, the most important element of our internal economic stability? Not 1 penny. The Federal Deposit Insurance Corporation does not and never has required 1 cent of tax money for its operations. It lives wholly upon assessments collected from the banks it insures.

In its determination to avoid any demands whatsoever upon the Public Treasury the Federal Deposit Insurance Corporation has even gone farther than that. At the time it was established the United States Treasury and the Federal Reserve banks advanced capital amounting to $289 million. Through favorable loss experience and efficient operation over the years the Corporation was able to add regularly to its surplus or insurance fund. When this built up to a figure in excess of $1 billion, the present directors of the Corporation wholeheartedly supported a proposal to retire its initial capital stock. At that time, I introduced a bill in the Senate which was enacted, and approved by the President on August 5, 1947, providing for the retirement of the Corporation's original capital in the amount of $289 million plus $80 million interest thereon, making a grand total repaid to the Government of $369 million. In accordance with this measure initiated by me, the Corporation soon thereafter paid to the United States the entire amount of its initial capital as above outlined.

The scruplous care with which the Federal Deposit Insurance Corporation has undertaken to fulfill its responsibilities without recourse to the Public Treasury was demonstrated again when it readily acquiesced in a suggestion that it should pay interest on the $239 million capital originally advanced to it. This suggestion was incorporated in the Federal Deposit Insurance Act of 1950 and, in accordance with it, a total of $80 million in interest was paid to the United States Treasury. It is typical of the Corporation's regard for sound fiscal methods that it did not question the payment of interest on capital which had already been retired and whose original advancement contemplated no interest.

Instead, it believed that the removal of this element of subsidy would make more complete its attempt to abide by the principles of private enterprise in the performance of its responsibility to the millions of bank depositors who look to it for their safety and security.

6. FREE ENTERPRISE AND THE DUAL BANKING SYSTEM

The scope of the responsibility of the Federal Deposit Insurance Corporation is breathtaking. It extends to every bank depositor who has one of the 112 million accounts in insured banks; it covers the major portion of our money supply, the element which moves the wheels of business and industry; it reaches into every town in every State which has an insured bank—and there are nearly 14,000 insured banks in this country.

Very few people realize the great differences which exist between banking in this country and in the rest of the world. In England there are five large banks, with numerous branches; the situation is similar in France, in Canada, and in other countries whose traditions are generally akin to ours. Yet in the United States we have a total of around 15,000 banks, only a minority of which have branches, and then frequently only one or two. What accounts for this great difference in banking structure?

The basic reason is clear. It is that we in the United States believe in free enterprise, that we practice free enterprise. We know that by unleashing the imagination and the energies of all who dare to risk their resources we are building both a moral and a material stronghold. The hundreds of thousands of businesses in this country, including the 15,000 banks, represent the response of free individuals to this opportunity and challenge.

Complete freedom of individuals to start banks wherever and however they pleased would, of course, be anarchy. Therefore, governments have from the beginning provided rules concerning the organization and management of banks. I say governments deliberately, for the freedom of banks to organize under State or national charter preserves the greatest measure or free enterprise consonant with the responsibility to protect the public interest.

In addition to being an instrument of free enterprise, the dual banking system is ideally designed to serve the economic needs of the Nation. About half the banks are State-chartered institutions oriented to local needs, while the other half are nationally chartered or affiliated institutions. Differences in economic conditions from one area to another, and the accompanying need for banks in the respective areas to be able to deal with those conditions, requires a flexibility which only the dual banking system can provide. New ideas can be tried on a small scale; if they fail, they can be abandoned with little or no damage; if, on the other hand, they succeed, they will tend to spread throughout the banking system.

The Federal Deposit Insurance Corporation has throughout its history been a tireless champion of the dual banking system. Its appearances before congressional committees or in public forums have frequently been in the role of spokesman for the smaller banks of this country. Whenever conflict appears between measures which would tend to centralize banking authority and standardize banking regulations on the one hand, or on the other would disperse authority and permit local autonomy, the Federal Deposit Insurance Corporation can usually be counted on the latter side. It is not simply a policy of supporting the weak in order to maintain balance in our banking structure. It is also a matter of conviction that water cannot rise above its source, that the genius and strength of our Nation lies in recognizing and developing the resources of individual areas and institutions.

If all of those persevering individuals who had a hand in shaping the Federal Deposit Insurance Corporation—yes, even those who saw it tried in miniature in State systems along with those to whom it was only a vision—if these persons could know the fine record of the agency which they helped to mold, they would marvel at their underestimation of its role in our economic system. In its virtual banishment of bank failures from our national life, in its protection of bank depositors against loss, in the restoration of confidence in the safety and stability of our money supply, in all of these vital avenues of progress the achievement of the Federal Deposit Insurance Corporation has far exceeded even the fondest hope.

That these objectives have been reached without compromising or sacrificing any of our fundamental principles concerning the proper division of public and private responsibilities adds immeasurably to the satisfaction of all of us. The Federal Deposit Insurance Corporation has patterned its own internal structure after that of the private enterprise it so zealously supports. It has built upon and strengthened the dualism of our banking system which is so largely responsible for its ability to adapt to changing economic conditions. Eschewing many of its legal sanctions, the Federal Deposit Insurance Corporation has chosen to persuade rather than compel observance of sound banking practices. An institution so successful in performing its responsibility and

so firmly dedicated to American principles commands our unreserved admiration and respect. To do anything which might change the structure and responsibility of an organization which everyone recognizes as having been 100 percent successful in its objectives is a matter which each of us should weigh deeply on his conscience.

If we permit the administrative structure of this organization to be scuttled, and condone the compromising of its independence, can we honestly say to our children that we are building for them a future better than what we have known? If we deprive this agency of its freedom to deal with banking problems in a purely objective manner, can we in all sincerity criticize its operations which are in effect predetermined? If we, finally, draw closer within the Government orbit still another agency, can we evade the charge that our lavish words praising our private enterprise system are but empty and hypocritical phrases?

Let me say to you again, with all the vigor and conviction at my command, that it is the system of free enterprise which has made our country great. We are not hobbled by traditions of caste, where a son can rise no higher than his father, where his social position and his very occupation are predetermined by a heritage entirely beyond his effective protest. We do not have the extremes of economic status marked by affluent indifference at one end and poverty-stricken despair at the other—a condition still normal for most men on this earth, and the fertile soil which nurtures and feeds the delusive promises of communism. These conditions we have avoided, with the grace of God and the wisdom of the ages which guided those farseeing souls who set the compass for our experiment with a free, democratic system. In this benign society man has been able to develop his abilities without inhibitions of caste or the prejudice of his fellowman. He has been free to rise as high in esteem or wealth as his abilities and ambitions allowed. In the preservation of this freedom lies all our hopes of keeping and improving the economic system which even today is the model—and, let us hope, not the envy—of the western world.

Those hardy adventurers who brought with them in the Mayflower a devout and determined independence planted the idea in friendly soil. For 200 years the plant grew, strong and healthy, and in 1829 sent out a promising shoot, when New York State established the first bank insurance system. Another century followed and, as our economic system became more and more complex, the Federal Deposit Insurance Corporation was organized to meet the challenge to our tradition of freedom and independence. What does the future hold? If we rise to the challenge which again confronts us, we can say to our children, "Your future is secure." With the Federal Deposit Insurance Corporation continuing to promote and inspire confidence in our economic system, standing as a symbol of the promise which unfolds before every American of high or low degree, we shall honor our past by building upon it a better and brighter future. Only in this way can we justify the faith of Senator Vandenberg, Senator Glass, and Representative Steagall, those great men of vision whose courage and high resolve gave body and form to the idea of deposit insurance. Let us stand firm against those forces which would destroy this living monument to their statesmanship. Let us make sure that this proud heritage embodied in the Federal Deposit Insurance Corporation is preserved and enhanced for the wellbeing of a generation yet unborn.

THE NEW FILIBUSTERERS—ARTICLE FROM TIME MAGAZINE

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be recognized for 2 minutes, under the agreement which has been entered.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Yesterday, Mr. President, I took occasion to place in the RECORD three articles or columns which indicate that the distinguished Senators who oppose the joint resolution are getting results through their filibuster, in that their filibuster is being recognized far and wide as such. For instance, I quoted the distinguished liberal columnist, Mr. Mellett, who said, as I recall, it is one of the finest filibusters he has ever seen. I also placed in the RECORD a column by Mr. Arthur Krock and a column by Mr. Gould Lincoln.

At this time I should like to quote from an article appearing in Time Magazine, in the issue dated April 27. The article presents an additional accolade to these distinguished filibusterers. It is entitled "The New Filibusterers," and reads as follows:

THE NEW FILIBUSTERERS

By the end of last week United States Senators had poured forth half a million words during 3 weeks of debate on the tidelands bill. This was too much for Majority Leader Robert A. Taft, who had a word for the tactics being used by opponents of the bill: filibuster.

He was shocked and surprised, said BOB TAFT, that such fervid Democratic opponents of the filibuster as New York's Senator HERBERT H. LEHMAN, Illinois' PAUL DOUGLAS, and Minnesota's HUBERT HUMPHREY are now obviously engaged in one. He was not shocked but was irked at Alabama's Democratic Senator LISTER HILL, a veteran filibusterer. At one point, HILL, who had held the floor for 3 days, strolled down the aisle, clapped a hand on TAFT's shoulder and called him "my sweet, good friend from Ohio, whose shining virtue is the virtue of integrity." When HILL later began to move toward TAFT's desk a second time, TAFT called a point of order. Said he, with a wry smile: "Mr. President, the Senator must speak from his chair. He cannot approach me and pat me on the head."

While the talk droned on, 20 opponents of the tidelands bill petitioned TAFT to set the bill aside while other issues were considered. "Ridiculous," said TAFT. When the opponents pointed out that Federal rent control will expire April 30 unless the Senate acts, TAFT had a rejoinder that was enough to give LEHMAN, HUMPHREY, DOUGLAS and company a chill on behalf of their big-city constituents. Said he: "I don't care if rent control expires or not."

Mr. President, I thought it would be comforting to our friends of the opposition to know that their filibuster is gaining the recognition at the hands of the public which they so ardently desire it to receive.

"WHERE THE ONUS LIES"—EDITORIAL FROM THE ST. LOUIS POST-DISPATCH

Mr. DOUGLAS. Mr. President, I ask unanimous consent that, in speaking at this time, my remarks shall not be counted as a speech by me on the pending joint resolution.

Mr. TAFT. Mr. President, I object, unless the Senator's remarks are made in accordance with the unanimous-consent agreement which has been entered.

The PRESIDING OFFICER. The Senator from Ohio has asked and received unanimous consent that Senators may speak at this time on routine matters for 2 minutes, but not longer.

Mr. DOUGLAS. Mr. President, I should like to read an editorial which was published in the St. Louis Post-Dispatch on April 22. The editorial is entitled "Where the Onus Lies."

I now read from the editorial:

WHERE THE ONUS LIES

Who is responsible for the delay on rent control and other pressing legislation in the Senate—Majority Leader TAFT or the Senators opposed to the offshore-oil giveaway?

Senator TAFT says the onus is on the minority of Senators who are fighting the quitclaim bill to turn over these vast resources to three States—California, Texas, and Louisiana. He says these Senators are filibustering and that he, therefore, is getting ready to invoke a cloture limitation to shut off debate. He has already invoked night sessions.

A few basic facts show readily enough who is at fault:

First, the Senate is debating the bewhiskered offshore oil issue at this time only because the Taft leadership has accorded the giveaway bill this high priority. The Senators opposed to it cannot choose the time of their debate. They must register opposition when the bill is up. If the administration's economic controls legislation languishes and rent control dies April 30, it will be because TAFT is using this strategy in order to force passage of the rape of the coastal oil reserves.

Second, the Senators who are fighting the oil giveaway and all that it entails are not only willing but eager to halt their presentation of the people's case at any moment to enable Senator TAFT to bring up the controls bill and all other pressing legislation. When 20 Senators so notified TAFT in a joint letter the majority leader retorted: "I don't care whether rent control expires or not."

Third, a thorough presentation of the case against State exploitation of the American people's own resources is required to inform the people themselves. The oil lobby has been at work for about 10 years on a costly, skillful campaign in Congress and out. The Senators who are opposed to the giveaway would be untrue to their own conscience if they did not now explain in detail to the country how this legislation involves defense, security, inland natural resources, Federal-State relations, foreign affairs, treaty provisions, and other vital matters.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. DOUGLAS. Mr. President, I ask that the remainder of the editorial may be printed at this point in the RECORD.

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

Fourth, the official position of the Eisenhower administration, as set forth by Attorney General Brownell and others from the executive department, does not square with the terms of the oil Senators' giveaway. Twenty-five other Senators, more than a fourth of the total membership—including to their credit, Republicans TOBEY, of New Hampshire, and LANGER, of North Dakota—have joined in a letter to President Eisenhower calling his attention to this conflict.

Every minute taken by the opponents of the giveaway has been on the subject. No one is reading the Bible, the Sears, Roebuck catalog, or the Encyclopedia Britannica. What Washington is seeing this month is a heroic effort to awake the American people to the impending gold rush, to use Senator DOUGLAS' accurate description, into the people's own priceless, natural heritage.

Every day this fight continues produces more and more support from grass roots for the Hill-Humphrey-Lehman-Douglas-Ander-

son-Fulbright-Kefauver-Morse group of Senators.

Every hour of the wearing night sessions increases the chance that Dwight D. Eisenhower will come to see where his duty lies as President of all the people.

President Eisenhower has already straightened himself out on taxes. After loose campaign talk about cutting taxes he is now standing firm for a balanced budget. Let him now rise above the campaign confusion over offshore oil, inform himself on the full facts and then follow his own true conscience without pressure from the oil Senators. If he does so there is little doubt as to what his final stand would be.

No, the blame for the situation in the Senate does not lie on the 25 Senators. Their conduct up to this moment is unassailable. The onus is squarely on the majority leadership.

RESIGNATION OF PETER CAMPBELL BROWN AS CHAIRMAN OF SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. FERGUSON. Mr. President, on Monday, I inserted in the CONGRESSIONAL RECORD an analysis of the Communist Control Act. As that analysis shows, those who undertook the drafting of the control legislation bore a heavy responsibility. It was necessary that the control provisions comply meticulously with every provision of the Constitution, first, because it was in protection of that document that we were legislating, and, secondly, because, were the courts to rule the act unconstitutional and the Communist Party uncontrollable, the Soviet world would twist the decision into a vindication of communism and its odious practices. The responsibility was not ours alone, however, since it was necessary in this, more than with most legislation, that there be careful, patient, and conscientious administration.

The burden carried by Peter Campbell Brown as Chairman of the Subversive Activities Control Board, was, then, an enormous one, requiring courage and sagacity. My analysis of the record of the Communist Party case satisfies me that he exercised an abundance of both in the trying circumstances that case presented. On the occasion of his resignation, I wish to say Peter Brown, in the discharge of his onerous duties, has earned the gratitude of this body, and deserves well of his countrymen.

Mr. McCARRAN. Mr. President, the Subversive Activities Control Board on Monday last issued a decision in respect to the status and control of the Communist Party. Now the chairman of the Control Board, Peter Campbell Brown, his arduous task completed, is resigning his office. As he returns to the private practice of law, he takes with him the thanks of the President of the United States for devotion to a duty well and conscientiously discharged.

Mr. President, I had more than passing knowledge of the difficulties with which Mr. Brown was to be confronted when, on his becoming presiding member of the Board panel which for 14 months had the Communist Party on hearing, it devolved upon him to render the Communist Party the fair and impartial consideration which the Constitution's due process clause requires.

Having sponsored the Communist control law, under which the Board operates—a law which requires the granting of due process—and having, for my pains, been vilified by the Communist Party, I was well aware that Mr. Brown's patience and his devotion to constitutional principles would also be sorely tried—as, indeed, they were.

A scrutiny of the immense, 2,900,000-word record in the Communist Party hearing discloses instance after instance in which the respondent party by bold and artful devices strove to provoke presiding member Brown into attitudes of bias and prejudice which, had he yielded to the provocation, might, when the case reaches the courts, have enabled the Communist Party to escape the registration and control that its treacherous conduct has made necessary.

Peter Brown's abounding patience withstood those provocations. Schooled in the law, imbued with patriotism, and endowed with natural sagacity—a large store of which, I daresay, was needful in his trying position—Mr. Brown, I feel sure, kept the proceedings just and more than fair. I am satisfied that, as much as they labored to achieve the contrary, the Communists received impartial treatment. My confidence that the judiciary will vindicate this judgment is fortified by the fact that in both of two lawsuits by which the Communists tried to enjoin the hearing on allegations including bias, the Communist Party failed.

Peter Brown, therefore, deserves the thanks, not alone of the Chief Executive, but also of the Senate of the United States, the overwhelming majority of whose Members voted for the control legislation when it was before this body. Mr. Brown also deserves the thanks of all his countrymen, for whose safety he carried a heavy responsibility. May he fare well and may he prosper in the field to which he goes.

Mr. MUNDT. Mr. President, I desire to associate myself with the words of commendation of Peter Campbell Brown which have been so eloquently spoken by the senior Senator from Nevada [Mr. McCARRAN], the former chairman of the Senate Committee on the Judiciary.

In his great work on the Subversive Activities Control Board, from which he retired voluntarily this week, Peter Campbell Brown has struck a very definite blow at the basic enemy of freedom in this world, the Communist Party. In a painstaking, deliberate, and scholarly manner, Mr. Brown appraised the evidence by which it has been determined that the Communist Party is, indeed, an international conspiracy and that the members of it and friends of it must register under the terms of the Federal statute.

As the senior Senator from Michigan so graciously took note in his analysis of the Subversive Activities Control Act, in his address in this body on Monday, this act was preceded by and built upon a bill which previously had passed the other House, where that bill had been developed jointly by the then Representative from California, now the distinguished President of the Senate and Vice President of the United States [Mr. Nixon] and by the then Member of the House of Representatives from the State of South Dakota, the present speaker. That measure was then referred to as the Mundt-Nixon bill.

Mr. President, I believe that I yield to no one in my interest in and my efforts toward control of the Communist Party in this country. So I wish to salute the great and patriotic work that has been done by Peter Campbell Brown. As one who holds a deep and abiding interest in this matter, I have found satisfaction in Mr. Brown's administration of the Subversive Activities Control Board. As is the case with many other Senators, I, too, realize keenly the necessity that the organization cited for hearing be given every opportunity for hearing on the basis of due process of law. The Communist Party was given such opportunity, and the Subversive Activities Board has found the Communist Party to be a subsidiary and puppet of the Soviet Union—a decision with which no American will disagree.

Knowing Peter Campbell Brown's character and legal ability, I am confident that in reaching that decision, the Board followed due process of law at every step. Convinced that the act is in every respect constitutional, I look for an affirmation by the courts of the Board's finding. When that affirmation comes, with the result that communism is controlled, a great measure of credit should be ascribed to Peter Campbell Brown.

Mr. SMITH of North Carolina. Mr. President, I ask unanimous consent that I may proceed for not to exceed 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from North Carolina is recognized for 2 minutes.

Mr. SMITH of North Carolina. Mr. President, as a member of the Senate Judiciary Committee, I had occasion to pass upon the qualifications of Peter Campbell Brown, Chairman of the Subversive Activities Control Board. I am happy to add to the tribute which has been paid to Peter Campbell Brown by the distinguished Senator from Nevada [Mr. McCARRAN] and by other Senators on the other side of the aisle as well as on this side of the aisle. I desire to add a few words of praise from those of us who knew about Mr. Brown's work. To concur in what has already been said is the more pleasurable for me, since, as indicated by the conjunction of the remarks of the distinguished Senators from Nevada and Michigan, there is no partisanship in the admiration which Peter Brown's attainments inspire. I can, then, proceed to acclaim a most able fellow Democrat in my own way without risk of my remarks being construed as partisan. There have been departures from high office in the administrative branch in recent days under conditions of disagreeable reluctance, to employ a mild phrase. Such is not the situation of the Chairman of the Subversive Control Board. As can be attested by several Senators, members of the Committee on the Judiciary, to whom nominations to the Control Board are referred, Chairman Brown, weeks ago, voluntarily made known his desire, upon completion

of the Communist Party case, to be replaced. Wisely, the matter was arranged so that he, as the Board's administrative member, who had also presided over the Communist Party hearing, remained chairman until after the case concluded, the President not exercising his right to entrust the chairmanship to other hands. In this, the field of control of subversion, which should be immune from partisanship, the principle could be maintained, and was, because Peter Brown in the conduct of his office had been nonpartisan. He does, indeed, deserve the commendation of the Senate and of his countrymen for the very excellent service he has performed in a most difficult situation and, at times, under very trying circumstances. I, therefore, am glad to join with other Senators in paying tribute to Peter Campbell Brown as he makes his exit from Government service and to express the hope that we may continue to have on the Subversive Activities Control Board the same type of services which have been rendered to America by Peter Campbell Brown.

LEWIS G. WOOD

Mr. MAYBANK. Mr. President, one of my close friends, Lewis Wood, has retired after 35 years with the Washington Bureau of the New York Times. Despite a 37-year official absence from South Carolina, he is still an avid South Carolinian.

His kindness and his understanding, coupled with his keen sense of humor, have endeared him to the great, the near-great, and the multitudes with whom he has come in contact during his outstanding career.

I ask unanimous consent that an article from the Charleston News and Courier, devoted to Mr. Wood's career, be printed in the RECORD as a part of my remarks.

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

DOING THE CHARLESTON

(By Ashley Cooper)

A South Carolinian, who joined the Washington press corps by way of the Mexican border, New York, and London, has retired after 35 years with the Washington bureau of the New York Times.

Though officially off duty, Lewis G. Wood still has a desk in the bureau and uses it whenever his health permits. At 73, his news sense is as keen and his humor as penetrating as ever. But arthritis has slowed him down in the legs, the chief requisites of a reporter. He came to the spring dinner of the Gridiron Club, of which he has long been a moving spirit, in a wheelchair to witness the semiannual roasting of politicians.

A native of Columbia, Lewis Wood broke into the newspaper profession on the staff of the State (1902–9). Though the rest of his career has been with northern newspapers, he never has ceased being a South Carolinian. A Confederate flag, a stock of what an associate calls "some of the most delectable profanity this side of Catfish Row in his beloved Charleston" and a healthy distrust for phony liberals are part of his journalistic equipment.

The Supreme Court was his special bailiwick, and he became an expert on its procedures. Few newspaper reporters know more about the changing political currents of Washington, where he has been a reporter 37 years, 35 of them with the Times.

On leaving the State, Mr. Wood was a reporter for the New York Tribune (1909–16). Part of that time, 1912–14, he was a Tribune correspondent in London. He saw the last of the elegant era that was brought to a rude end by World War I. Returning to this country he was with the New York American in 1916, then was sent the same year by Hearst's International News Service to its Washington bureau. Two years later he joined the Times Washington bureau and retired last January 30.

Arthur Krock, chief of the Times bureau and an intimate friend of Lew Wood, has written of him as follows:

"He is a humorist. He is a wit. He is a severe moralist on newspaper standards and personal conduct. He is a clubman and a bon vivant. He is an orator whose parts of speech include the magnolia blossom, the cactus, and the well-ripened chestnut. His qualities are numerous and remarkable. His prejudices are equally so; and perhaps the dominant ones are pride in South Carolina, hatred for the toil imposed by his duty of analyzing Supreme Court opinions (or any other labor), and distaste for manners which 'have not that repose which stamps the caste of Vere de Vere.'

"Rudeness or blatancy in another freezes his association with the offender. Then all the aloofness of the palmetto gentry envelops Lewis Wood. This is the most Carolinian thing about him except perhaps his delight in anecdotes that deal with the bare-breeched humor of the American countryside."

Lew Wood's assignment to cover the Supreme Court brought him the inevitable title of judge. In appearance he has the dignity associated with the bench, but his staccato speech and sometimes ribald irreverence for stuffing in a shirt are more in keeping with newsroom than courtroom traditions.

A son of Lewis Gaynor Wood and Fanny B. Portlock Wood, Lewis Wood was born January 3, 1880, in Columbia and attended the University of South Carolina (1897–98). He was a student at the University of the South 1900–01.

During the 51 years of his active newspaper career, he has met famous people and recorded stirring events. His prodigious memory contains a panoramic picture of a momentous half century. His southern manners have helped, not hindered his work. For people instinctively like him. The affection and esteem of the press corps of Washington, one of the most discriminating bodies of specialists in the world, are proof that personality counts heavily in journalism as in every other line of work.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further routine business?

Mr. GILLETTE. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa.

Mr. ANDERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Mexico?

Mr. GILLETTE. For what purpose?

Mr. ANDERSON. I wanted the floor after the morning hour was concluded. I heard no announcement.

The PRESIDING OFFICER. The Chair asked if there were other routine matters.

Mr. ANDERSON. I am sorry, but the majority leader was over here and I was engaged in conversation with him.

The PRESIDING OFFICER. Without objection, and without prejudice to the right of the Senator from Iowa to the floor——

Mr. GILLETTE. Yes; with that understanding.

The PRESIDING OFFICER. With that understanding, the Senator from New Mexico may be recognized.

Mr. TAFT. Mr. President, what is the request? Is it requested that the Senator from Iowa yield to the Senator from New Mexico? For what purpose is the request made?

Mr. ANDERSON. I was trying to get the floor, and the majority leader was over here, and I did not hear the announcement.

Mr. TAFT. I apologize for interrupting the thoughts of the Senator from New Mexico; but if he wishes to make a speech, he should make it in his own time, not in the time of the Senator from Iowa.

So I object to a request that the Senator from Iowa be permitted to yield for any such purpose to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, the Senator from Iowa did not address the Chair at the conclusion of the morning hour. So how does he have the floor?

The PRESIDING OFFICER. The Chair will state that the Senator from Iowa did address the Chair. Before that, the Chair asked if there was any further routine business. No Senator then submitted any further routine business, so the Chair recognized the Senator from Iowa; and the Senator from Iowa has the floor.

Mr. GILLETTE. Mr. President, the Senator from Iowa was recognized, or asked for recognition; but the Senator from Iowa was perfectly willing to yield, by unanimous consent, to the Senator from New Mexico, provided he did not lose his right to the floor. I understand objection has been made.

Mr. TAFT. Mr. President, if the Senator from New Mexico merely wishes to place in the RECORD certain morning business, which will require not to exceed 2 minutes, I am not objecting. But my impression is that he wants to make a speech, and, if so, I think he ought to make it in his own time.

Mr. ANDERSON. Mr. President, perhaps I can straighten this out. I rose for the purpose of making a motion. The distinguished majority leader came over to my desk and we were engaged in conversation as to the possibility of closing the discussion on the pending amendment. If by the process of objection I am to be prohibited from making my remarks, I shall be unable to make them, but I do not think such tactics are those which should be followed on the floor of the Senate.

The PRESIDING OFFICER. The Chair would inquire of the Senator from New Mexico whether he desires to speak on the pending measure?

Mr. ANDERSON. I desire to speak as in the morning hour.

The PRESIDING OFFICER. Is there a motion which the Senator from New Mexico desires to make, a motion that would normally be considered in the morning hour?

Mr. ANDERSON. I intended to make the following motion:

That the Senate temporarily lay aside the pending business and proceed to the consideration of S. 1081, the Capehart bill, to provide authority for temporary economic controls, and that it be agreed that at the conclusion of action on said bill there shall be not to exceed 1 hour's debate on the Hill amendment to be followed at once by a vote on said amendment and thereafter not to exceed 1 hour's debate on the Anderson substitute, to be followed at once by a vote on that amendment; provided that the time on said amendments shall be equally divided between the proponents and opponents thereof, and provided further that no vote shall be taken on either amendment before Monday, April 27, 1953.

My motion would conform to the time schedule which the distinguished majority leader stated he would like to have followed in the vote on the pending joint resolution.

The PRESIDING OFFICER. The Chair would state that such a motion would not be in order at this time. Does the Senator from New Mexico wish to ask unanimous consent that he may make the motion?

Mr. ANDERSON. Yes, Mr. President. I ask unanimous consent to make the motion at this time, and that it be considered at this time.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. Mr. President, reserving the right to object, I may say I do not quite understand. The Senator from Iowa has the floor. I did not obtain the floor. We did not make any such arrangement.

Mr. ANDERSON. Very well, then.

Mr. TAFT. There was no attempt to block the Senator from New Mexico. But, if the Senator from Iowa has the floor, I think he ought to make his speech, and then let the Senator from New Mexico make his motion.

Mr. ANDERSON. Mr. President, I am agreeable to that. If we have come to such a pass in the Senate that, when I am standing on my feet, prepared to make a motion, another Senator may walk across the floor, and distract me, and then have the floor given to someone else, I am perfectly satisfied to leave it that way.

Mr. TAFT. Mr. President, the Senator knows I had no such intention.

Mr. ANDERSON. I realize that. But why does the Senator from Ohio insist that a particular Senator be recognized? The distinguished majority leader came over here to my desk. I did not go to the desk of the Senator from Ohio to speak to him. He came in a sincere effort to ascertain whether we could reach some agreement regarding the time for a vote, and, in my desire to have a vote, I subscribed to that.

The PRESIDING OFFICER. The Chair will state that he has no idea of what transpired in the minds of various Senators. The Chair was endeavoring to follow the rules of the Senate—which he did. The Senator from Iowa has the floor.

Mr. GILLETTE. Mr. President, the Senator from Iowa was recognized. He thereupon requested unanimous consent that he might yield to the Senator from New Mexico, without losing his right to the floor. The Chair stated the unanimous-consent request. Has the unanimous-consent request been objected to, or is it now pending?

The PRESIDING OFFICER. The Senator from Ohio objected to the unanimous-consent request.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. GILLETTE. Mr. President, I desire to state at the outset that I am not participating in a filibuster. The majority leader, I believe, stated last Friday or Saturday that, up to that time, approximately 500,000 words of debate had been uttered on the pending measure. I do not know how the able Senator arrived at that number. If he took his own time to count the words, he took 14 hours, assuming a rate of 60 words a minute. If he had a member of his staff count them, it would seem to have been rather a waste of time. I desire to make it plain, Mr. President, at the outset of the remarks I am going to make, that, of the 500,000 words spoken up to date, I have not given utterance to one word; nor, up to today, have I attended a meeting of any group, large or small, to consider procedures in connection with the question now before the Senate. Therefore, no one, even by the greatest distortion, can accuse me of participating in any way, shape, or manner in a filibuster.

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

Mr. GILLETTE. I am very glad to yield to the Senator from Ohio for a question.

Mr. TAFT. I ask unanimous consent that, without the Senator's losing the floor, I may be permitted to comment on my position, as stated by the Senator.

Mr. GILLETTE. I ask unanimous consent that the Senator from Ohio may make his statement, without prejudice to my rights to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Ohio.

Mr. TAFT. Mr. President, through Tuesday of this week—and today is Thursday—there had been spoken on the pending measure 716,000 words, according to an estimate prepared by the staff—not my staff, but the staff of the policy committee, who keep track of the debate. The estimate is based upon the number of lines in the RECORD. Of the 716,000 words, 502,000 have been spoken by the opponents, 176,000 by the proponents of the pending measure.

I desire to point out to the Senator from Iowa that I said I thought everything had been said on the subject that could be said. I think that is confirmed by an examination of the long, studious, and well-prepared speeches which were delivered in the beginning of the debate. However, I also accepted the fact that many Senators, regardless of what might have been said, desired to state their own positions; and I certainly was strongly in favor of their doing so. I certainly approve in every way of every Senator having an opportunity to speak, and to have ample time. We are giving plenty of time to every Senator who desires to make a statement.

I may say frankly that I do not think any Senator, unless he is a very great expert on the subject, requires more than about an hour to say what he has to say on the pending measure, and in my opinion, the long speeches are clear evidence of a filibuster. I do not put the Senator from Iowa in that class, at all. He is doing what I think every Senator has a perfect right to do, and what every Senator probably should do—that is, state his own position on this important issue.

Mr. DOUGLAS. Mr. President, will the Senator from Iowa yield to me for a statement, provided he may do so without losing his right to the floor?

Mr. GILLETTE. Mr. President, I am very grateful to the Senator from Ohio for his statement. I am particularly glad that he absolved the junior Senator from Iowa from participating in a filibuster.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. GILLETTE. I ask unanimous consent that I may yield to the Senator from Illinois—for a statement?

Mr. DOUGLAS. For a statement.

Mr. GILLETTE. I ask unanimous consent that I may yield to the Senator from Illinois for a statement, without losing my right to the floor, and without having it counted against me.

The PRESIDING OFFICER. Does the Senator from Illinois accept the qualifications made by the Senator from Iowa?

Mr. DOUGLAS. Mr. President, has the request already been acted upon? Has unanimous consent been given?

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. GILLETTE. I yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I thank the Senator from Iowa for permitting me the same rights which he accorded the distinguished majority leader.

I wish to say that the statistics of the majority leader are interesting, but I do not think they have much bearing upon the case. There are certain other statistics, which I have quoted from time to time, namely, that of the 40 sponsors of the Holland resolution, 37 of them have either been participants in filibusters or defenders of the institution of filibustering, by having voted against the Anderson motion to revise the Senate rules in January. Secondly, of the 28 sponsors who were in the Senate in 1949, all 28 of them voted for the Wherry resolution.

So we have the extraordinary spectacle of those who have participated in and defended the practice of filibustering on civil-rights measures now trying to shut off debate on the question of offshore oil.

Furthermore, it is a fact that about nine-tenths of those who are opposing the Holland joint resolution, with certain very distinguished exceptions, have been in the past, and still are, opponents of the so-called filibuster. Therefore, I think we should have this issue cleared up at the very beginning.

Had it been the intention of those who are opposing the Holland joint resolution to filibuster the measure, we could quite properly have subjected to prolonged debate the motion to consider it. That is the first move of a group intending to filibuster. We did not adopt such a course. We allowed the measure to come up immediately, because we believed that we should not oppose a motion to consider it. If we had been trying to filibuster, we could also have asked for the reading of the Journal. But we did not do so.

Third, I submit that the discussion has been germane. It has applied to the points at issue. We have not indulged in any irrelevant or nongermane remarks. The Senator from Florida [Mr. HOLLAND] attempted to show that nongermane remarks had been indulged in, because there was one line devoted to the subject of baseball, two lines to a quotation from George Meredith, and two lines to a quotation from the Bible. The effort of the Senator from Florida indicates to my mind that he thinks the debates in the Senate should be stripped of all poetry, religion, and humor. It is always proper to put a few gargoyles in the construction of the cathedral of argument.

Mr. President, I desire to mention a further point. A filibuster is the process of prolonged debate intended to prevent a vote. I want to emphasize that point again and again. It is not the purpose of those who are opposing this measure to prevent the measure from coming to a vote, but it is our purpose to see that the subject is thoroughly discussed. For 10 years there has been a stream of propaganda unleashed on the country which has confused the people. They think of the measure as being related to tidelands, when it is not related to tidelands at all. They think of it as an attempt to prevent the Federal Government from taking the submerged lands under inland waters from the States, when such lands are not involved at all. The sole issue is the question of the ownership of submerged lands seaward of the low-water mark. We are trying to make this issue clear to the Senate and to the country. We shall not filibuster, but we shall see that the subject is thoroughly discussed.

Mr. President, if we were engaged in a filibuster, which we are not, it would be only poetic justice, so far as those who are sponsoring the giveaway measure are concerned, because, in the main, proponents and defenders of the filibuster are supporting the measure, while the opponents of the measure are opposed to the filibuster. It would be poetic justice if the rules of the Senate which permit unlimited debate should now be turned against those who have defended those rules.

We shall not indulge in such tactics. It cannot be done both ways. The Senators favoring the giveaway measure cannot consistently filibuster on a bill which they oppose, and then say that any Senator who speaks on a measure which they favor is indulging in a filibuster and is subject to public obloquy. If they persist in defending the institution of filibustering and in practicing it themselves, they could not legitimately object if the weapons they have forged and cherished were to be used against them.

But we are not doing so. We want this measure to be brought to a vote at an appropriate time, but we want the people and the Senators to be made aware of the real issues when this happens. As I have said, the mists of misinformation have been so heavy that it will take some time for the sun of truth to shine through.

Mr. GILLETTE. Mr. President, I think I have been sufficiently lenient to both sides, and I should like to proceed with my statement.

Mr. TAFT. Mr. President, I should like to ask the Senator from Iowa one question without his losing the floor.

Mr. GILLETTE. Mr. President, I ask unanimous consent that the Senator from Ohio may ask me a question without prejudicing my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GILLETTE. I yield to the Senator from Ohio for a question.

Mr. TAFT. The Senator from Illinois [Mr. DOUGLAS] says he is not objecting to fixing a time for a vote. I am willing to fix the time for a vote on the 10th or 15th of May, but I want the Senator to show his good faith. The Senator from Illinois can have all the time he may wish to have on the floor, if he wants to take it. But I should like to know whether the Senator is willing to agree upon a date, within any reasonable time, on which the Senate shall vote.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the Senator from Iowa may yield and permit me to reply without his losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. I want to say to my good friend from Ohio that if he had not shut off the Senator from New Mexico [Mr. ANDERSON] from the floor, the Senator from New Mexico would have presented a proposal which would enable the Senate to proceed with the consideration of the controls bill, and then, upon the completion of the consideration of that measure, to move immediately to a vote on the Anderson amendment, and do it within the time schedule which the Senator from Ohio suggested last night, if the Senator from Ohio is of the same opinion he held last night.

Mr. GILLETTE. Mr. President, I enjoy hearing the two eminent Senators, but I should like to proceed with my remarks.

In connection with the colloquy which has just taken place, Mr. President, it might be worthwhile for me to make a suggestion. In view of the fact that there have been charges of filibustering, which have been denied on the part of those of us who are opposing the pending measure, and there has been an attempt to limit debate, it might be well to invite attention to the fact that the Committee on Rules and Administration of this body yesterday reported by voice vote, and unanimously, I believe, an amendment to rule XXII which will be reported to the Senate, I am informed, tomorrow, and which will restore the cloture rule to the position it held before it was so rudely dislodged some 2 or 3 years ago by those who purported to support a stronger cloture rule. If it is the opinion of the Senate, as it certainly is, that it should be able to shut off debate when it has gone beyond a reasonable point, it would be a simple matter to lay aside temporarily the pending measure and take up the amendment to the cloture rule which will be before this body tomorrow.

Mr. President, since the Senator from Ohio has so kindly absolved me from the charge of participating in a filibuster in any way, shape, or manner, I desire to say, preliminary to reading the little document I have to present, and which I hope will not take longer than 1 hour, that I have never during my service in the Senate been confronted with the responsibility of voting on a measure which I considered so dangerous as is the pending measure if it shall pass. I propose to discuss one phase of it, and one phase only. The fact that it attempts to dispose of huge resources of the United States is of itself of tremendous importance, but the fact that what it intends to do and what it seeks to do is to constitute the Senate a court of appeals from the Court of last resort of the United States of America, makes its danger paramount.

Those who are interested in the question of the submerged lands have prosecuted it over and over again in lower courts, in courts of appeal, and in courts of original jurisdiction, the Court of last resort, by which a decision was rendered against them. The Court of last resort held that the paramount interest in the resources of the Nation affected by the pending measure belonged to all the people of the United States. There was no appeal. That was the decision of the Court of last resort. The question is now res adjudicata. Those who have sponsored the pending legislation have recognized that, but, nevertheless they have then came into the Senate of the United States and attempted to transform this body into a court of appeals, to overrule the Supreme Court of the United States.

If that sort of procedure is to be sanctioned, this body could easily be resolved into a body of appeal and hold hearings on all matters connected with the determination of property rights which have been adjudicated by the Supreme Court of the United States. It is for that reason, Mr. President, that I have been so tremendously concerned. It is for that reason that I am speaking at the present time, for I shall not be a party to any such procedure.

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

Mr. GILLETTE. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Nevada for a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

OWNERSHIP OF SEABOTTOM LANDS LONGTIME CONGRESSIONAL PRINCIPLE OF DISPOSAL OF PUBLIC LANDS

Mr. MALONE. I am very much interested in the flat statement which has been made by the junior Senator from Iowa to the effect that the Supreme Court has ruled that seabottom lands, the lands in question, off the coasts of California, Texas, and Louisiana, seaward from low tide, belong to all the people of the United States.

Is it the Senator's contention that since the Supreme Court made it plain in its language of paramount rights in, and full dominion and power over the lands, minerals, and other things, that they are public lands, the property of the United States?

Mr. GILLETTE. I may say to the Senator from Nevada that it is not my intention to go into the meaning of the decree of the Supreme Court. It has been recognized by those who have sponsored the proposed legislation that it was necessary to override the Supreme Court by legislative action, and that recognition on the part of the sponsorship of the Holland joint resolution is the reason why the measure is before the Senate.

In that connection, I may say—and I hope the Senator from Nevada will allow me to proceed—that the argument in favor of the measure which has been presented in the Senate by the sponsors of the joint resolution is an argument that either was or could have been presented to the Supreme Court, when that Court had the questions in hearing. The Court has passed on them, and they are not in the jurisdiction of this legislative body. As the Senator from Nevada and every other Senator knows, the Congress has the power by constitutional provision, to dispose of the property of the United States. It is another question as to whether Congress has the right to dispose of it.

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

Mr. GILLETTE. I yield.

Mr. MALONE. I am not asking the distinguished Senator from Iowa to define what the Supreme Court meant in every part of its decision. However, the contention has been made that there is a subtle difference between the term "public lands" or "federally owned lands off the coast of California." The Supreme Court ruled that the State of California did not own the lands in controversy; then the question was posed, Who does own the lands? Does the Federal Government own them just as it owns other federally owned public lands?

The point has been made that the Supreme Court did not say that the Federal Government owned the submerged lands; however, the Supreme Court did say that the State of California did not own them, and that the Federal Government did have "paramount rights in, and full dominion and power over, the lands, minerals, and other things."

The dictionary—Webster's—defines "paramount rights" as the "highest title"—"preponderant"—"dominant."

Therefore, it becomes an important point as to whether the Federal Government—the public—does own the sea bottom lands off the coast, between mean low tide and wherever the boundaries may be fixed. I wish the RECORD to show an expression from the Senator from Iowa in that respect.

Mr. GILLETTE. I repeat that I do not have the legal ability or the disposition to pass on what the Supreme Court meant. I have read the finding of the Supreme Court. I recognize, as a United States Senator from the State of Iowa, that I am here asked to vote upon a measure which, while it recognizes that the finding of the Supreme Court did fix a paramount ownership in the submerged lands in certain areas, seeks to override that decision by legislative action. I repeat that the Constitution gives Congress the power to dispose of what rights the Government has. Of course, those who drafted the proposed legislation said:

> The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources.

They salve their consciences there with the little phrase, "if any it has." But they do provide for releasing and relinquishing all the right, title, and interest of the United States.

Again, in the phrase, "if any it has," they refuse to answer the question the Senator from Nevada has just asked me, namely, What did the Supreme Court mean? But they have attempted in this proposed legislation to show that the Supreme Court said the United States had paramount interest in something. If it has, then, whatever it is, by the pending measure Congress would be releasing it to the States.

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

Mr. GILLETTE. I yield for a question.

Mr. MALONE. I am very much interested in the public lands question.

Mr. GILLETTE. I am certain the Senator is.

Mr. MALONE. There are three-quarters of a billion acres of public lands. Approximately 65 million acres of it are located in my own State of Nevada. Therefore, any proposed legislation that touches on the public-lands question, or tends to change a long-established policy of Congress, is something in which I and the people of my State are very much interested.

Mr. GILLETTE. There is a paramount interest on the part of the junior Senator from Nevada.

Mr. MALONE. The Senator is correct. We have made no effort to gain control or ownership of the public lands within our boundaries except through individuals conforming to the public-land laws.

However, in the past 20 years a very awkward situation has arisen in regard to the jurisdiction, administration, and customary use of the public rangeland for grazing purposes in connection with headquarters—feed producing—ranches and range water rights.

Probably a herd of cattle, say 150 to 200 head, can be spread on 160 acres of Iowa land, whereas in Nevada the same number might require say from 2,000 to 200,000 acres.

The record will show that for perhaps 140 years or more the settled policy of Congress was to hold the public lands in trust for the States until such time as they can be put into the hands of individuals in family-sized units, or whatever manner is the most feasible for a nominal filing fee.

The policy of Congress and the Federal Government was to hold the public lands in trust for the States until a Federal law could be arranged for the people living on the land to gain ownership and pay taxes, just as is done in the State of Iowa.

The Supreme Court said that the California lands do not belong to the State of California and the dictionary says that paramount rights are the highest title—which would seem to be sufficient to justify the opinion that the Federal Government does own them.

I have observed the record of the distinguished Senator from Iowa for 6 years and I know that it is his desire to be fair on every question.

Therefore if it is intended now to change the 140-year-old policy of holding lands in trust for the States, to put them on the tax rolls, in the names of individuals—through deeding the lands direct to the States, and to change the century-old policy of withholding mineral rights when such lands are transferred to the States, then I believe that all public-lands States should be treated alike.

I have offered an amendment to the pending joint resolution which has been printed and is lying on the table, and which, if accepted, would transfer the mineral rights in the public-lands States to the States except in forest preserves, just the same as these mineral rights are being transferred to the three States of California, Texas, and Louisiana.

Would the Senator from Iowa agree that if we are going to break the precedent, change this long-standing policy, that all public-lands States should be treated alike?

Mr. GILLETTE. In reply to the Senator's question I may say that I recognize that the ramifications of the question can go in 100 different directions. But, as a lawyer, I know, as does the Senator from Nevada, that when a case is submitted to a court, the issues which are presented are the only issues which are decided. Questions such as the Senator from Nevada has raised, and such as other Senators may raise with respect to matters in their respective States, which are of the utmost importance to them, as to drawing a line between Federal authority and State authority, are issues that can be raised and presented in court.

Of course, a finding of this kind might be persuasive, but, as the Senator knows, it is not a finding on an issue which is before the court. The position of the Senator from Iowa on this matter is determined not by what ought to be the decision with reference to public lands, grazing lands, mineral lands, or other lands, but by the attempt, in the case

of a finding by the Supreme Court on issues which are properly adjudicated there, to make the Congress, a legislative body, a court of appeal from the Court of last resort.

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

Mr. GILLETTE. If the Senator will ask me a question, I shall yield. I should like to proceed with my speech. I have not even started as yet.

Mr. MALONE. It is a very interesting subject. There are several angles to this subject which have not been debated affirmatively.

Mr. GILLETTE. I know how concerned the Senator is.

Mr. MALONE. First, to lay the foundation for the question, the distinguished Senator knows, of course, that the 1920 Oil and Gas Leasing Act provided for a certain method of leasing Federal lands by individuals and companies for the purpose of prospecting for oil and gas. It provided a special division of the revenues. A 12½ percent royalty was to be charged on unexplored lands. After the area was proved to be oil and gas lands, leases were to be let by bids, and the royalty might be any amount.

The city of Long Beach, for example, gets 96 percent gross, but when expenses are deducted, I understand it amounts to a net of 68 percent, which is considerably different from 12½ percent.

Of the total revenue, 10 percent goes to the Government, presumably for supervision. Thirty-seven and one-half percent of the revenue is paid to the State wherein the oil and gas are located, and 52½ percent is paid into the reclamation fund, for the benefit of 17 western reclamation States, including Texas. Oklahoma, Kansas, Nebraska, and the two Dakotas are included in this group of Western States which benefit from the reclamation fund.

Whenever a bill is passed in Congress to provide for the construction of a reclamation project, the funds for such construction are charged to the reclamation fund.

In addition the repayments from projects already constructed under the reclamation fund, which are returned without interest over a definite period of years, are also available for the construction of further projects. The Senator is familiar with the process.

The revenue from the National Oil and Gas Leasing Act constitute practically the only new money of any consequence accruing to the fund.

If we deed the oil lands in a particular State to that State, we simply change the setup to that extent, and those States would receive 100 percent of the revenue instead of the customary 37½ percent.

Of the 3 States concerned, 2 of them are in the area to which the reclamation fund applies.

I ask the distinguished Senator that if we are going to change the long-established policy, would it not be logical to change it for all of the public-land States, so that they would have an opportunity to secure at least a commensurate amount of money that is being taken away through this special act?

Mr. GILLETTE. I will answer by saying that there is a great deal of merit in the Senator's contention, but I come back to my basic statement, that the place to raise those issues is in the agencies which the Constitution of the United States has made available to citizens for the determination of disputes.

Mr. MALONE. I will say to the Senator that the law can be changed only by Congress. The law cannot be changed by the Supreme Court. The Court can only interpret what we do. So, if we are to change the law and the principle already established by Congress, should we not reconsider the whole public-land question?

The Supreme Court cannot make the law. It can only interpret it. So, if we are to change the principle and allot the money in a different manner, should we not consider the entire public-land question by amending the Oil and Gas Leasing Act, or whatever is necessary, in order to treat all States alike?

Mr. GILLETTE. I agree with the Senator that it is very logical.

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

Mr. GILLETTE. I yield for a question.

Mr. CASE. The question I wish to ask is based upon an exchange between Hon. Burton K. Wheeler, a former Member of this body, and the Senator from Texas [Mr. DANIEL], which appears in the hearings at page 753. Mr. Wheeler said:

> What the Supreme Court said was that these lands belonged to the United States.
>
> Senator DANIEL. They said the terms "paramount rights," and so forth.
>
> Mr. WHEELER. It said "dominium," and then in the Texas case they went on to say that "dominium" meant ownership. There is not any question about that at all.

Is that the Senator's understanding?

Mr. GILLETTE. That is my understanding.

Mr. CASE. I should like to ask the distinguished Senator from Iowa whether he intends in his speech to refer to the statements of the former Senator from Montana, Mr. Wheeler, in which he raised the very point which the Senator is discussing relative to the overruling of the Supreme Court.

Mr. GILLETTE. I will answer that it had not been my intention to do so, but I appreciate very much the courtesy and thoughtfulness of the Senator from South Dakota in calling the subject to my attention and making the statement a part of the RECORD while I am addressing the Senate.

Mr. CASE. I may say that the former Senator from Montana, Mr. Wheeler, devoted a considerable portion of his testimony before the committee to this particular point. He then said that when he was a candidate for the Vice Presidency, on the ticket with Senator La Follette, who was the candidate for President, at first he was not aware of what was in the platform. He was not nominated at the convention, and he was not aware of the platform; but in the platform which was adopted a plank was included to the effect that if the Supreme Court decided a certain way, then the Congress of the United States could override the Supreme Court. That was the effect of it, said Mr. Wheeler. He went on to say:

> When I got out to Cleveland and some lady got up and asked me about that plank in the platform, I was rather flabbergasted, because I did not know it was in there, to be frank with you. But that was an issue, let me say, that was raised in that campaign against La Follette, and it was the one issue that did more to lose him votes than any one plank in that platform.

Mr. Wheeler went on to say before the committee in his testimony on this particular measure, which is found from page 749 to page 754 and following, that that was the background of his opposition to the proposal to pack the Supreme Court. The distinguished Senator from Iowa will recall, as does every other Member who served in the Congress at that time, that Senator Wheeler was one of those in the forefront of opposition to the movement to pack the Supreme Court, on the ground that it would mean destruction of the Court. In his remarks before the committee, Mr. Wheeler said:

> There was a terrific attack upon the Supreme Court by the administration and by others, as to what the Supreme Court was doing; that they were usurping their powers, et cetera, et cetera. I took the position then that, while I had not always agreed with the Supreme Court of the United States, nevertheless I resented the attacks upon the Court. In these matters the propaganda that has been carried on against the Supreme Court has really been more violent on the part of some of the oil interests and paid propagandists, than was ever made by the administration or by some of the liberals at that time.
>
> Chief Justice Hughes said to me, when I got the letter from him with reference to the Court:
>
> "I am not interested in who is a member of the Supreme Court. What I am interested in is the Supreme Court as an institution. If you destroy the Supreme Court as an institution, then you have destroyed your Government."

Is that the position of the Senator from Iowa?

Mr. GILLETTE. That is certainly my position. I thank the Senator from South Dakota. As always, he has made a contribution to the debate. He always makes a contribution to the discussion of any subject which he chooses to discuss.

The Senator from South Dakota has just referred to the fact that former Senator Wheeler, of Montana, was in the forefront of the opposition to the so-called attempt to pack the Supreme Court. The present speaker was not in the forefront, but he was a high private in the rear ranks at the same time.

The Senator from Iowa, during the years he has served in the Congress, has made a weak effort, of course, but with all the power he possessed, to oppose any attempt to encroach on any of the three coordinate branches of the United States Government. I am opposed to encroachments on the judiciary by the legislative branch of the Government. Mr. President, I have opposed on the floor of the Senate encroachments of the legislative on the executive, as I have opposed attempts by the executive branch to encroach on the legislative power. My convictions, that the dan-

gers inherent in encroachments of that kind far outweigh any temporary advantage that might accrue to any group or area, are so strong that I shall, during all the time I am permitted to serve in this body, continue to oppose such encroachments on that basic ground.

Mr. President, every citizen of the United States, every taxpayer, every parent, every school child in America has a personal stake in the outcome of the battle now being waged here in the Senate.

The battle over Senate Resolution 13 concerns one single, simple question: Shall the Congress transfer to three coastal States the rich petroleum resources lying off our shores which repeated decisions of the Supreme Court have declared belong to the United States?

But this leads to another, even graver question: Is this proposal the foot in the door for a gigantic plundering of the Nation's resources not only beneath the marginal sea but also under the lands of the entire public domain? That question was of such great concern to the eminent occupant of the chair [Mr. MALONE].

On how we answer the question raised by the offshore oil bill can depend our future national security, the preservation of our national sovereignty, the prosperity of our people, the progress of our educational system and the burden of taxation to be imposed on our citizens.

Sooner or later, Mr. President, the American people will awaken to the threat to the Nation contained in this present proposal. I hope that this awakening comes before irrevocable and irretrievable damage has been done. I pray that our people come quickly to realize what huge stakes they have in the outcome of this battle.

Most of our States have absolutely nothing to gain if this offshore oil is handed over to Texas, California, and Louisiana. We in the Middle West have a great deal to lose, however, if Congress in this fashion disposes of our rightful share in this Federal property. On the other hand, we have a great deal to gain if Congress adopts legislation to develop the oil reserves lying beneath the sea so that all our people may benefit from the revenues that would flow to the Federal Treasury from this development.

Iowa's stake, for example, can be measured in a number of ways. Here is one measurement: The farmer in his field, the workman at his bench and the businessman at his desk in Iowa in 1951 reached down into his pocket and paid the Federal Government in individual income taxes a total of $327,516,367. And in 1952 they did better than that. In 1952 they contributed to the Federal coffers from their hard-earned personal incomes a total of $364,028,779. We may reasonably expect that Iowa will again in 1953 pay in individual income taxes a sum well exceeding $300 million. By the end of this year, in other words, the citizens of Iowa will have contributed more than a billion dollars in the past 3 years from their personal incomes to the United States Treasury, the moneys to be used of course for the general welfare of all the people of our great Nation.

Now the official estimates of the value of the undersea petroleum and gas deposits in the Continental Shelf—and I admit it is merely a guess—range upward from a minimum of $50 billion to as high as $300 billion. Taking the most conservative estimate of the worth of this national resource—$50 billion—we find that Iowa's share in it amounts to nearly a billion dollars—or just about the same amount as our people will have paid in Federal income taxes over the years 1951, 1952, and 1953. That is personal income taxes, not corporation taxes or excise taxes, or any other Federal tax.

While I do not want to suggest that Iowans or citizens of any other State would not have to pay income taxes if the Federal Government retains control of the offshore oil deposits, the figures show rather clearly that if Iowans are asked to hand over on a silver platter to California, Texas, and Louisiana our portion of the offshore oil properties it will equal in value what we in Iowa have paid to the Federal Government in income taxes for 3 years.

That is a measurement of the personal stake which every citizen in my State has in this legislation. Applied to every other State of the 45 States which stand to be deprived of their proper share in this national asset, this measuring rod would make clear to the people of those States how large a loss they will suffer if the entire Continental Shelf is turned over to three States. This is truly a program about which it can be said: Never have so many been asked to give so much to so few.

I shall vote against Senate Joint Resolution 13 in its present form because I regard the course of action it proposes as outrageously unfair to my own constituents, eminently unwise as a national policy, and extremely dangerous as a precedent for future grabs of national resources on a monumental nationwide scale.

When finally the people of this Nation awaken to the immeasurable harm that would be inflicted on them by successful attempts to deprive them of these vast resources, they will rise up in holy wrath to demand why Congress so flagrantly and blindly turned its back on the interest of all the people and voted to strip the Nation of this huge slice of its natural resources.

Senators and Representatives from the Midwestern States of Illinois, Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, and Missouri are very familiar with the serious problems we have faced for several years as a result of floods on the Missouri and Mississippi Rivers. For a number of years we have been trying, without success, to secure the necessary Federal funds to enable the Army engineers to do the flood-control work required along these rivers.

Only last year we suffered from a serious flood on the Missouri River. The people of our cities and on our farms lost millions of dollars. Within the past few weeks, I have been visited by delegations of farmers and businessmen representing the communities in eastern Iowa, Illinois, and other States along the Mississippi River who have stressed to me the essential need for Federal funds for flood-control work. This is a problem affecting a large part of our midwestern region.

Within the past year, after consulting with the Army engineers, I have appeared before the Appropriations Committee to urge sufficient funds for this work. I have appealed to the President and to the Bureau of the Budget. Yet we have been unable to secure the few million dollars that are needed to do this job right, once and for all.

We are told we must reduce expenditures and balance the budget and reduce taxes, with which I am in complete agreement, and which I shall continue to support. But I am at a complete loss to understand what sort of economy it is to permit these devastating floods which cost us millions annually, and at the same time to give away Federal resources worth billions. How will this help balance the budget or reduce taxation?

Many of the governors and legislatures, along with chambers of commerce and other groups in the Missouri and Mississippi Valleys, have been pleading for a few millions to prevent recurring floods, yet I receive requests, apparently based on misleading information, from some of these same individuals and groups that I support this giveaway program of resources capable of producing revenues hundreds of times greater than the amounts they are asking for flood control.

I am at a complete loss to understand how representatives from the Missouri and Mississippi River Basins who plead for Federal assistance to stop floods and who fail to get that assistance, can justify voting away the income from offshore oil resources that could run into billions over the years. I cannot find any valid reason for governors and State legislatures in these flood basins to ask Congress to overrule the Supreme Court so as to hand over to three coastal States these national resources.

If this measure is adopted by Congress and is signed by the President, I call attention to a fact that will go down in history and will not soon be forgotten—and I do not pose as a prophet—that the first major piece of legislation passed by the Republican 83d Congress and approved by the new Republican administration will be a bill giving away immensely valuable properties belonging to the people of the whole Nation.

Mr. President, I am not speaking from a partisan standpoint when I say that this proposal is political dynamite. Its passage could contribute to destroying faith in the new administration far more completely than the Teapot Dome explosion helped wreck an earlier Republican administration. Did the people elect the new administration to preside over the liquidation of our natural wealth in the public domain?

If this joint resolution is passed by Congress, the President should reconsider his intention of signing it. He should veto it, just as President Truman twice before vetoed similar giveaway proposals. For the sake of the country—not for the sake of the Democratic Party, but for the sake of the country—I hope President Eisenhower will do so.

Mr. President, in order to reach a sound decision on how to vote on this measure, we do not need to retry the cases that have already been decided by the courts. The Senate of the United States is not an appellate court of law. I do not serve in the Senate as an attorney for any litigant, and I am not sent here to serve as a judge of any court of either original or appellate jurisdiction. I am elected to serve here as a legislator. It is not our role to set up ourselves as a court of appeals superior to the Supreme Court itself. That would be usurpation of judicial power.

As one who throughout his public life has fought to preserve the independence and integrity of our judicial system, I deny that the legislative branch has any more right or power to encroach upon the judiciary than has the executive branch. I have fought executive encroachment on the Supreme Court. I will fight legislative encroachment on the Supreme Court.

For us to reach a decision on the pending legislative proposal, we are not obliged to review and recite every scrap and iota of evidence presented in the courts in cases involving submerged lands, or the arguments which able and learned lawyers sought to adduce from the evidence, or the reasoning by which the equally able and learned judges reached their conclusions, or any of the thousand and one other details of the judicial process through which the submerged-lands cases have passed. All that we need to know, in order to be able to perform our legislative duties, is what the final decisions of the Supreme Court have been. Our legislative function begins at that point and proceeds from that point.

I regret deeply that at times in recent days the Senate has seemed to attempt to transform itself into a sort of superior court of appeals, to place above the Court established as our supreme judicial tribunal by the Constitution, and to sit in judgment on the Justices of the Supreme Court.

The decisions of the Court have been that the submerged lands now under consideration in the Senate belong to the Federal Government, under the paramount right of the Federal Government. Those who lost their case in court have brought before us a proposal designed to overrule, overthrow, and reverse the judicial decision by legislative enactment. A short time ago I read the specific phraseology of the joint resolution. This is so patently the situation that I do not believe any Member of the Senate will deny it. The proof is that if the Court's decisions had been favorable to the parties pressing for adoption of this measure, they would not have brought such a measure before us, and we would not be debating it either now or hereafter.

The effect of this joint resolution is to declare null and void the Supreme Court's decisions in the offshore oil cases, by transferring title to these lands to the States, whereas the Court had specifically placed it in the Federal Government. The result of passage of this joint resolution would be to give away to 3 of the 48 States the resources lying in these submerged lands.

The legislative problem before us, however, is not to decide whether the Supreme Court was right or wrong in these decisions. To do so would be to engage in what I call usurpation of judicial power. The Court of last resort has confirmed these resources as Federal property. The problem is to determine whether it is wise or unwise national policy now to dispose of this national property to a limited number of States.

While there exists a body of opinion, that has been cited in this debate, which holds that Congress does not have the right to dispose of this property, either because it would thereby violate the general welfare provisions of the Constitution or because it would be an illegal and improper interference with national sovereignty, I am prepared to grant, for the sake of argument, that Congress might have the power to take such giveaway action. Of course the contitutional provision is explicit. But I add immediately that it would be a national tragedy if Congress were to exercise that power.

In this connection, I call attention to the second paragraph of section 3 of article IV of the Constitution of the United States, which says:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Of course, that provision has been read many times during this debate.

The controlling language in this paragraph is:

> The Congress shall have power to dispose of * * * the territory or other property belonging to the United States.

If in adjudicating a case involving title to property, the Supreme Court determines that the property belongs to the United States, as the Court has done in the case of these submerged lands off certain of our coasts, then it might reasonably be argued that under article IV of the Constitution, the Congress has power to dispose of this property in accordance with its own judgment.

In essence, that is what the measure before us asks Congress to do. It says that "title to and ownership of the lands" in question and "the right and power to manage, administer, lease, develop, and use the said lands and natural resources are recognized, confirmed, established, and vested in and assigned to the respective States," and so forth. This joint resolution attempts to transfer to certain of the component States of the Union title to property belonging to the United States. Of course, by their introduction of the joint resolution, its proponents recognize that the property belongs to the United States.

The action now proposed would be precisely the opposite of that taken by the Supreme Court in vesting title to these lands in the United States. Therefore, the pending measure raises a question of policy that far overshadows the question of the power of Congress to dispose of this property as it will. By supporting this proposition, we would be declaring that the Supreme Court of the United States is neither capable nor trustworthy in matters involving the determination of proper title to lands in dispute. Where would such a course lead us? Is the floor of Congress to become the arena where every property dispute in the United States is to be settled? Can anyone imagine worse confusion compounding confusion than for the Congress to interfere in disputes of this kind? We would have nothing to do but to try and retry cases, and we would have no time whatever for conducting the business of the United States Government. No, Mr. President, this is no proper subject for consideration by this legislative body. I am astonished that it has been allowed to reach the floor of the Senate.

The matter before is res adjudicata. The lands belong to the United States. The mere fact that this proposed legislation has been introduced is an admission by the sponsors, as I have said, that the United States owns these resources. Congress has the power, if it wishes to use it, to pass legislation giving away this Federal property. But that does not mean it has the right to do so. The fact that we may have this power does not mean we have to use it; it does not mean that we should use it.

If Senators are persuaded that it is wise national policy to strip the United States of its natural resources, in the interest of a few States, they will be justified in supporting this joint resolution. If Senators believe it is against the national interest to divest the United States of these vital resources, they will oppose this joint resolution.

Mr. President, all of us are familiar with the difficulties that arise when we attempt to define the national interest. Each of us would doubtless define somewhat differently the national interest. But I believe none among us would hold that the national interest is merely the sum of the interests of the 48 States or the sum of the interests of the 159 million people inhabiting the United States. The national interest is greater than the sum of its parts. It is, particularly in these days of international conflict, a question of the interests of the whole United States as they affect the family of nations in which we live and as they are affected by that family of nations.

A very clear national interest of this kind is involved in the pending measure. As was abundantly brought out in the hearings of the committee when it considered this measure, as was testified by the official spokesman for the Department of State at those hearings, and as has been established beyond cavil here on the floor of the Senate, this joint resolution deals with matters affecting international waters and the international domain.

As the able Senator from Alabama [Mr. HILL] said the other day in a colloquy with the Senator from New Mexico [Mr. ANDERSON]:

> It affects the jurisdiction of waters belonging to the family of nations. * * * Therefore, no one can tell where the action we take may lead us in our relations with other nations, or what effect it may have on improving or deteriorating our relations with other nations, or whether it may irritate or challenge other nations. We cannot tell how far this action might affect the question of peace or war.

With these considerations in mind, Mr. President, it is disarming to hear the spokesmen of the States that would benefit from passage of the pending measure express such concern over the status of submerged lands lying under the inland waters of other States. Their solicitude is heart warming, of course, but quite unnecessary and irrelevant.

Until those who dislike the Supreme Court decisions governing offshore submerged lands had skillfully planted seeds of doubt and had sedulously propagated the myth that the decisions somehow jeopardized State title to lands lying inland from the shoreline, nobody had ever seriously questioned where the title to the lands rested.

It rested with the States before the Court decisions on offshore-oil lands. It rests with the States since those decisions. It has not been affected one way or the other by the Court decisions relating to lands outside the low-water line, and it was not at issue before the Supreme Court.

The States' titles to their inland properties were never in jeopardy. They have not become so because of decisions relating to lands under the ocean and the Gulf of Mexico. But it is one of those strange facts that it is seemingly impossible to register on the minds of persons who have deliberately closed their minds to facts. Those who prefer mythology to facts prefer to believe the bogey of a Federal threat to lands under our ponds and creeks.

The whole idea that somehow every State in the Union is threatened by Federal seizure of its property is part and parcel of the effort which interested parties have been making to make it seem that the national interest is equal to the sum of the interests—or supposed interests—of the 48 States. The idea seems to be that if it is possible to persuade every State that it is endangered by the Court rulings against California, Texas, and Louisiana, they can then be persuaded that it is in the national interest to reverse the rulings—thereby, of course, turning over valuable properties to 3 States, but leaving the other 45 States chasing a will-o'-the-wisp.

Stated bluntly, all that the 45 other States would obtain as a result of enactment of the pending joint resolution would be an affirmation that they hold title to lands to which they have always held title and to which they now hold title.

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

Mr. GILLETTE. I yield to the Senator from Montana for a question only.

Mr. MURRAY. The Senator apparently takes the position that, while the Congress may have power to give away the lands in question, it would nevertheless be utterly wrong for the Congress to do so. Does the Senator not feel that if the matter were to come before the Supreme Court again, the Court would be justified in saying that it would be a violation of national policy to give to two or three States the rights proposed to be conveyed by the pending joint resolution, thus giving to the 2 or 3 States that which rightfully belongs to the 48 States, especially in view of the fact that many of the States of the Union have found it difficult, because of their small populations and their large areas, to maintain their school systems, and have also found it difficult to maintain their highway systems because of the tremendous mileage within their borders? I am thoroughly in accord with what the Senator says, that it would be utterly unjust, unreasonable, and a violation of national policy for the Congress to attempt to give the lands in question to 2 or 3 States.

Mr. GILLETTE. I thank the Senator from Montana for his contribution. It emphasizes what I have stated over and over again in the brief time I have been addressing the Senate, namely, that, although power is vested in the Congress to dispose of the property, the question of whether it should exercise that power and should dispose of the property, as is now proposed, is something different.

I repeat, I am utterly opposed, and shall continue to be opposed, to any effort to transform this legislative body into a court of appeals over the United States Supreme Court, created as the Court of last resort by the Constitution of the United States.

Some days ago I received a letter from the Chamber of Commerce of the United States, which has been taking an active interest in obtaining passage of the pending measure. The letter sought to put me on guard against what it called the doctrine of Federal paramount rights and dominion, because it said such a dangerous doctrine could be applied to any lands and any natural resource, and permit the Federal Government to seize them without recompense to the rightful owners.

If I may say so, this is utter fantasy. The so-called doctrine could not be so applied. The Supreme Court decisions apply only to lands beyond the low-water line on the shores of our coastal States, an area lying partially in the domain over which the United States has always exercised sovereignty, and therefore had paramount rights and dominion, and partially beyond the 3-mile limit, which in international law is the outer boundary of the United States.

The Court dealt with lands lying under the sea outward from our shores, much of its land which, if it did not fall under United States sovereignty and paramount rights, would lie in the international domain. There is nothing in any of the decisions relating to submerged lands or any other lands or any other property or resources within the inland territory of any State of the Union. But, as I say, when one has closed one's mind to facts there is no hope of understanding facts. I do not need to tell any lawyer, in or out of the Senate, that the finding of a court of original or of appellate jurisdiction relates to the issues before the Court, and that, though it may be persuasive, it is not controlling as to matters which may later come before the court. The men who asserted the contrary on behalf of the United States Chamber of Commerce, if they were lawyers, certainly knew better than to make the statements they made. This kind of argument may succeed in creating fears where none existed before, but in doing so it beclouds and befogs the central issue. I would prefer, and I could understand, a frank admission from those who support the giveaway measure that the States of Texas, California, and Louisiana are solely concerned with obtaining for themselves some valuable pieces of Federal property, property whose value derives entirely from the petroleum and mineral wealth lying in it. I have no difficulty understanding why some residents of Texas or California would wish to secure exclusive hold on this Federal property. But it does not follow that because they wish it the rest of the Nation should be willing to hand it over to them.

This is a dispute about oil, and that is all it is. I see no reason for those who seek the oil for 3 States to go to such pains to mask their self-interest. It would make for much more fruitful debate if all concerned would frankly acknowledge that this is a fight over oil, with the interests of 3 States ranged against the interests of 45 States.

We have heard complaints that this debate has been too long. It would have been over within a few days, if, from the beginning of this controversy years ago, totally irrelevant issues had not been dragged into it as camouflage for a naked grab of Federal property. We have had to tear away the camouflage to reveal the oil behind it.

Mr. President, the proponents of the pending measure have been temporarily driven back from their ultimate demands. They now tell the Senate they do not wish the Nation to give away the whole Continental Shelf, at least not yet.

They insist that this resolution deals only with submerged lands out to the 3 mile limit in some cases, or out to what they call historic boundaries in other cases. The phrase "historic boundaries," incidentally, is not mentioned in the resolution before us.

They deny this is an open-end proposition, but the doubts on that score are legion. I note that the Senator from Louisiana recently placed in the RECORD an article from a newspaper published in his State saying that there was nothing in the present resolution that would prevent Louisiana claiming as far out into the Gulf of Mexico as it wanted to go. Up to now Louisiana has wanted to extend her boundaries at least 27 miles into the Gulf.

I also note that the junior Senator from New Mexico was unable to obtain committee approval for an amendment specifically limiting boundaries by declaring that "in no event shall the seaward boundaries of any State extend more than 3 miles into the Atlantic Ocean, or the Pacific Ocean, or more than 3 marine leagues into the Gulf of Mexico." The proponents of the pending measure did not want that amendment.

And there are many other indications that the areas covered by the proposed legislation are not the only areas which the claimant States seek to have turned over to them. The joint resolution could well be the foot in the door. Later, at a more auspicious time, the door to the entire Continental Shelf will be

knocked wide open. For that reason, Mr. President, at the outset of my remarks I stated that the implications inherent in the pending proposal were more destructive in their threat to the economy and to the future of the Nation than any other measure which had been before the Senate during my 16 years of service in the Senate.

The strategy of the giveaway proponents is to cut off the dog's tail a little at a time, possibly on the theory that it won't hurt as much as whacking it all off at one blow. In either case, the dog loses his tail. In either case, the people of the entire Nation lose their rightful shares in this national asset.

This resolution does not provide for Federal development of lands under the Continental Shelf. It leaves this question entirely open, as if with the thought that the less said about this the better. If Congress does not express itself one way or the other, then it will be easier later on to find opportunity to pass legislation extending State control out to the limits of the Continental Shelf.

This proposal would be less dangerous if it defined where the State boundaries are. Attorney General Brownell's suggestion that a line showing the boundaries be drawn on a map was a good one. Unfortunately, the committee did not see fit to accept it. If they had, we would be able to accept, in our turn, the thesis advanced by the proponents that the sums involved are really much less than the $50 billion figure representing the value of oil and natural gas in the entire Continental Shelf.

Not having a line on the map, we must content ourselves with the statement of the Senator from Oregon who in reporting the bill declared the resolution says what the State boundaries are, but not where they are.

I would prefer knowing where they are. So would the people of America. So would the people of the Middle West who have no Continental Shelf to comfort them. So would the people of Iowa who have neither tidelands nor marginal seas, but who do have a substantial interest in the offshore oil assets of the Nation.

It has seemed to me that one important factor in determining how we shall vote on this resolution is to know what the people of our own States stand to gain or lose by our action. Naturally, the national interest at large comes first, but each of us has also been elected to represent the interests of our own constituents.

Senators will surely have been interested in the table of figures placed in the RECORD on April 10 by my esteemed colleague and neighbor from Illinois [Mr. DOUGLAS]. I call attention again to this table, on page 2936 of the RECORD. Rather than read through the entire table, let me select from it figures significant for the people of Iowa, as well as for the people of the States that border on Iowa.

What is the stake in this property of these eight Middlewestern States? What do they stand to lose if the offshore oil lands under the sea are handed over to the interested coastal States?

What do they stand to gain if the Federal Government retains title and if development takes place under Federal leases with royalties flowing into the Federal Treasury as the Anderson bill provides, and with the fund thus accumulated being used to defray national defense and educational costs, as the Hill amendment would provide? It is on the basis of the answers to these questions that people in my part of the country are making up their minds on this question, and I will say that their views have a very great influence with me.

On the basis of the accepted minimum estimate of $50 billion as the capital value of offshore oil and gas deposits under the Continental Shelf, Iowa's share in the table submitted by Senator DOUGLAS is shown as $900 million.

On the basis of a value of $125 billion, as estimated by Mr. L. G. Weeks, the petroleum expert, Iowa's share rises to $2,250,000,000.

And on the basis of total reserves valued at $300 billion by the former vice president of the Standard Oil Co. of New Jersey, Iowa's share amounts to $5,400,000,000.

Our neighbors in the Midwest, of course, have a proportionate stake in preventing this giveaway.

Illinois, for example, has a share in the $50 billion reserve amounting to more than $2,600,000,000.

Wisconsin's share comes to about $1,165,000,000.

Minnesota's share is just over $1 billion.

South Dakota has a stake that amounts to over a quarter of a billion.

Nebraska's share is nearly $450 million—just under half a billion.

Kansas stands to be deprived of a share worth $630 million.

Missouri's share is valued at about $1¼ billion.

Adding these together, on the basis of the low estimate of total value of $50 billion, we see that Iowa and the seven other States contiguous with our borders have an overall stake in this battle amounting to a total of $8.7 billion. If the offshore oil giveaway program finally goes through, we States in the heart of the Middle West stand to lose a share in a national resource under the sea worth to us, at a minimum, nearly $8¾ billion.

This, Mr. President, is in the face of the fact that the entire State budget of Iowa for school purposes last year was $117 million. What could our State not do with the revenues from her proper share of this undersea petroleum?

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

Mr. GILLETTE. I shall be glad to yield to the Senator for a question.

Mr. CASE. In view of the fact that a great many of the States which the Senator has cited were carved out of the original Louisiana Purchase, and in view of the fact that the interest of the State of Louisiana in the joint resolution must stem from its relationship to the Louisiana Purchase—I, coming from a State which was carved out of the Louisiana Purchase, feel a very special interest in the figures which the Senator has cited. Has the Senator compiled a statement for the area of the Louisiana Purchase, grouping those States together?

Mr. GILLETTE. No, I have not. However, it would be very significant.

Mr. CASE. It would be significant, because obviously, unless at sometime or other the Louisiana Territory had been carved up, the States which comprise the Louisiana Purchase would be able to share in what it is proposed to assign forever to Louisiana under the pending joint resolution.

Mr. GILLETTE. Mr. President, I ask unanimous consent that I may have printed in the RECORD, at this point in my remarks, a compilation of the figures asked for by the Senator from South Dakota.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). Is there objection? The Chair hears none, and it is so ordered.

The table referred to is as follows:

Table showing share in offshore petroleum reserves of the Continental Shelf of the 13 States which were formed entirely or mostly from the Territory of the Louisiana Purchase, based on each State's percentage of enrolled school children aged 5 through 17, in accordance with the Hill amendment to use resources for education, and figured on the most conservative estimate of the United States Geological Survey, $50 billion:

State	Percentage, children aged 5 to 17	Share in capital value of oil and gas reserves in Continental Shelf
Louisiana	2.05	$1,025,000,000
Arkansas	1.54	770,000,000
Oklahoma	1.68	840,000,000
Missouri	2.48	1,240,000,000
Iowa	1.80	900,000,000
Kansas	1.26	630,000,000
Nebraska	.89	445,000,000
South Dakota	.47	235,000,000
North Dakota	.48	240,000,000
Minnesota	2.05	1,025,000,000
Colorado	.88	440,000,000
Wyoming	.24	120,000,000
Montana	.42	210,000,000
Total		8,120,000,000

Mr. GILLETTE. Mr. President, I do not comprehend, I cannot comprehend, why we in the Middle West should give a second's thought to the proposal that we should knowingly and willingly deprive ourselves of such a sum for the benefit of three coastal States. We in the Middle West are neighborly people, but this is surely carrying neighborly generosity beyond the realm of the conceivable.

Yes; when we from the Middle West study the pending proposal for any length of time, we ask ourselves how in the world it could come about that anyone from our part of the country could ever find reason to support it. We have no coastline. We have no tidelands. We have no offshore oil deposits. Nobody is threatening our oysters, our clams, our crabs, our kelp; and nobody is going to seize our piers, our jetties, our wharves, or our filled-in lands, for the simple reason that we have none to be threatened or seized. What we do have is sufficient reason to oppose this giveaway of our property—a substantial stake in the national oil reserves offshore.

There is no use repeating to us that somebody has doubts about title over lands beneath our streams and ponds. There is no doubt at all. But if there were, Mr. President, if there were, the place to settle those doubts would be in

the courts and not in the Halls of Congress. That is why we have a judicial system.

There is no need to confirm State title in our inland submerged areas, because for as long as the courts have judged cases in this field they have said title rested with the State. Since this scarecrow has been set up to frighten people into giving away the Nation's oil properties, it is no doubt wise policy to eliminate the scarecrow by placing an otherwise unnecessary affirmation of State title on the statute books.

But we can lay this ghost much more easily by the Anderson substitute amendment than by the Holland resolution and do it without costing any of us a single penny. Why must the Middle Western States sign away their rights to a share in the Nation's offshore wealth merely to settle in a few lawyers' minds the question of title to lands under streams and ponds? Why must we do this small job so expensively?

If there remain these fabricated doubts, if Miami Beach trembles that some ogre in Washington might reach out and seize its beautiful hotels, if other coastal States quiver with dread lest the cold hand of Federal bureaucracy is going to clamp itself around their shorelines—if these fears have any reality and are not pure phantasmagoria seen through the mists hovering over the oil derricks off Texas—then let the matter be resolved in a manner that will not cost us $50 million or more. If there are States whose people want to redouble their insurance, they do not have to deprive themselves of part of their patrimony to do so.

In conclusion, Mr. President, let me repeat that all that is at issue here is whether 45 of the 48 States are willing to yield to the demands of 3 of the 48 States and authorize disposal to them of the Federal property underlying the submerged lands.

This is a question of policy and of politics, not of rights or of doctrine. The issue of rights has been settled by the Supreme Court. Our friends who seek this oil for their States do not like the Court's decision. They are seeking a legislative enactment to overrule the judicial decision. They have been seeking to obtain through political means what they have failed to obtain through the judicial process. This proposal reeks of oil, and in our time where there is oil it is wise to look for politics.

As the able majority leader took pains to point out here a few days ago, this was a political issue in the recent campaign and, in his words, a "vital element of difference between the Candidate Eisenhower, on the Republican ticket, and the Candidate Stevenson, on the Democratic ticket." My distinguished colleague, the Senator from Arkansas [Mr. FULBRIGHT], then made note of the fact that "inasmuch as the great State of Texas has already delivered its vote, I think now the matter can be considered on its merits, from the point of view of whether it is good for the country."

It cannot be denied that the candidate for President of the Republican Party reaped political advantage in certain States by his support of their claims to this Federal property, no more than there can be doubt that, by the same token, the Democratic candidate for President suffered political losses because of his forthright refusal to bow to political expediency. The claim has been made that we should rush this measure through the Congress because the "people have spoken" last November.

That is a most specious claim. We can argue all year about what constitutes a mandate from the people, but I, for one, will never believe that the Republican Party received a mandate from the American people to ram this grab bill through the Congress as the first major legislative step of the new administration.

In that connection, I call attention to the list of must legislation presented by the President of the United States. Here is the list:

First, appropriation bills. Of course, they are not yet before the Senate, but they are listed first.

Second, Hawaiian statehood.

Third, Taft-Hartley amendments.

Fourth, Defense Production Act extension.

Fifth, tidelands oil.

Four items of proposed legislation were listed by the President of the United States as being paramount or must before there was to be consideration of proposed submerged lands legislation. I am unable to understand the zeal—perhaps praiseworthy zeal, but certainly zeal—with which the majority leader insists that the pending measure be kept before the Senate as the first major bill to be enacted by the 83d Congress at this session, while everything else must wait, when the President himself had the submerged lands measure fifth on his list. I cannot understand it. It does not ring true. Something is wrong. There must be some reason for this action, which I, for one, am unable to fathom.

The Republican candidate may have received a mandate from those in Texas and Florida or 1 or 2 similar States who voted for him because of his stand on what was then blithely called "tidelands," and if so, the attempt to force through this measure is to be regarded merely as the payment of a political debt. But I deny that the votes for the Republican candidate in Iowa went to him because he had promised our people to strip them of their share in the offshore oil.

No, Mr. President, the place for political bargaining is in the campaign, and the place for calm deliberation on national policy is in the Congress. Our deliberation so far has made it unchallengeably clear that this is one political bargain too costly to the country to permit our approving it.

The value of the oil at stake in this battle ranges upward from $50 billion, and I am not impressed to hear that only one-tenth or one-sixth or some such fraction is immediately involved in this particular measure. The issue far transcends this resolution, and every Senator knows it.

If we dispose of this Federal property, we will establish a precedent for the spoilation of everything the United States now owns. If sufficient political glamor can be wrapped around a given piece of Federal property, it will be handed out by the Congress. If this particular measure does not give away the entire Continental Shelf, it is only because we have been able temporarily to check the relentless march of those who plan to despoil the Nation of every dollar's worth and every acre of the public domain.

Already an appeal is being made to the Western States to grab the minerals under the public lands. The oil lobby is but the vanguard in this invasion of America's heritage.

Behind the oil lobby stand marshaled in greedy readiness the forces of the ranchmen's lobby, the lumber lobby, the utility lobby, and the whole army of lobbies of the one big lobby to which they all belong, the "grab lobby."

Mr. President, the boodle battalions are on the march, and this oil grab is only a preliminary skirmish. The plunder-bund sees a new chance in the new scheme of things, and this measure is a scouting expedition to reconnoiter how much booty can be carried off without awakening the sentinels guarding the public interest. Their method is legalized looting of the Federal Treasury. The result will be impoverishment of the public domain, ruin of our forests, destruction of our land, and disaster for the entire people.

Mr. President, let us stop this invasion. Let us turn back those who would commit this piracy—piracy not on the high seas, but under them. Let us defeat this giveaway resolution, and let us enact legislation that will develop the rich underseas resources for the good of all the people.

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

Mr. GILLETTE. I am very glad to yield for a question.

Mr. DOUGLAS. I ask the Senator from Iowa if he is familiar with article III of the Constitution.

Mr. GILLETTE. Yes; I am reasonably familiar with it.

Mr. DOUGLAS. Is it not true that article III, dealing with the judicial powers, provides that disputes concerning controversies to which the United States shall be a party shall be subject to judicial determination?

Mr. GILLETTE. Absolutely.

Mr. DOUGLAS. Were not these disputes cases in which the United States was a party?

Mr. GILLETTE. That is correct.

Mr. DOUGLAS. Were not these disputes cases which did not involve statutes?

Mr. GILLETTE. That is correct.

Mr. DOUGLAS. Was not the proper place, therefore, to decide those cases the Supreme Court of the United States?

Mr. GILLETTE. That is correct. Jurisdiction was not placed in the Congress of the United States.

Mr. DOUGLAS. Therefore would not Congress be usurping judicial power if it were to constitute itself as a sort of super-Supreme Court?

Mr. GILLETTE. Definitely. That is the burden of what I have tried to say. The Senator has put it clearly and succinctly. That is what is behind this entire question.

Mr. DOUGLAS. May not the Holland measure, if passed, lead to disputes between American States and foreign states?

Mr. GILLETTE. Certainly.

Mr. DOUGLAS. In the last clause of section 2 of article III is it not provided that the judicial power shall extend to cases involving disputes between States and foreign states?

Mr. GILLETTE. That is correct.

Mr. DOUGLAS. Therefore, should not the decision of this matter be left to the courts and not to the Congress?

Mr. GILLETTE. Definitely.

Mr. DOUGLAS. So does not the Senator feel that this proposal is tantamount to an act on the part of Congress to take away the judicial powers and to destroy the principle of separation of powers upon which the Republic is based?

Mr. GILLETTE. That is clearly put. That is such a danger as to constitute a sword of Damocles which is hanging over us now. If we pass this proposed legislation we shall have transformed the legislative body into an appellate court to hear appeals from the decisions of the Supreme Court of the United States.

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

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

Mr. GILLETTE. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. SALTONSTALL. I announce that the Senator from New Jersey [Mr. SMITH] is necessarily absent.

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Alabama [Mr. SPARKMAN] are absent by leave of the Senate.

The Senator from Arkansas [Mr. FULBRIGHT], the Senator from Missouri [Mr. HENNINGS], the Senator from Oklahoma [Mr. KERR], the Senator from New York [Mr. LEHMAN], and the Senator from Louisiana [Mr. LONG] are absent on official business.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). A quorum is present.

The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. HILL], for himself and other Senators, to the amendment in the nature of a substitute, proposed by the Senator from New Mexico [Mr. ANDERSON] to the committee substitute.

Mr. ANDERSON. Mr. President, again I ask unanimous consent that I be privileged to make a motion to have the unfinished business temporarily laid aside, and to have the Senate proceed to the consideration of Senate bill 1081.

The PRESIDING OFFICER. Is there objection?

Mr. TAFT. Mr. President, reserving the right to object, will the Senator from New Mexico state again exactly what it is for which he seeks to obtain unanimous consent? He is free to make a motion to have the proposed Defense Production Act taken up, if he wishes to do so.

Mr. ANDERSON. Yes, but that would displace the so-called tidelands joint resolution or offshore oil joint resolution; and we have agreed that we do not wish to lose the benefit of all the discussion of it that has taken place.

Therefore, it would seem to me that the simpler thing to do would be to have the Senate take up the so-called economic controls bill; and thereafter, as soon as that bill is disposed of, resume consideration of the so-called offshore oil joint resolution.

Mr. TAFT. Mr. President, I may not object. Will the Senator from New Mexico repeat the proposal he wishes to submit, although it is out of order, so that I may determine whether I wish to consent?

Mr. ANDERSON. I shall be happy to do so.

I move that the Senate temporarily lay aside the unfinished business, and proceed to the consideration of Senate bill 1081, the Capehart bill, to provide authority for temporary economic controls; and that it be agreed that at the conclusion of action on said bill, there shall be not to exceed 1 hour's debate on the Hill amendment, to be followed at once by a vote on said amendment; and thereafter not to exceed 1 hour's debate on the Anderson substitute, to be followed at once by a vote on that amendment, provided that the time on said amendments shall be equally divided between the proponents and opponents thereof; and provided further, that no vote shall be taken on either amendment before Monday, April 27, 1953.

Mr. TAFT. Mr. President, does the proposal of the Senator from New Mexico contain no provision about debate on the joint resolution itself?

Mr. ANDERSON. No.

A suggestion has been made that the vote on these amendments should occur on Monday. We feel that the time available is sufficient to permit of a discussion of the bill proposing to extend economic controls. The procedure now proposed would not in any way change the time on the discussion of the submerged-lands measure; it would merely give the Senate an opportunity to dispose of the bill relating to economic controls. If final action on that bill could not be taken by Monday, consideration of the bill could continue on Tuesday; and if final action could not be taken on Tuesday, consideration of the bill could continue on Wednesday; and if final action could not be taken on Wednesday, consideration of the bill could continue on Thursday, or until the controls expire. However, no opponent of Senate Joint Resolution 13 would then be taking up the time of the Senate, while the controls were expiring.

Mr. TAFT. Mr. President, reserving the right to object, I should like to propound an inquiry. If we do not object, would the Senator from New Mexico agree to have the debate on this particular motion limited to 20 minutes to a side, or a total of 40 minutes, so that the vote could be taken promptly this afternoon?

Mr. ANDERSON. Yes, or to 10 minutes to a side, or to whatever amount of time the distinguished majority leader might desire.

Mr. TAFT. I believe we had better provide for 20 minutes to a side, if the Senator from New Mexico is agreeable to having that done.

Mr. President, although this motion is out of order, and although it obviously is a dilatory motion, and although obviously the only effect of the motion would be to make it possible for the other side to continue their filibuster without being required to speak on the joint resolution, nevertheless I agree to the unanimous-consent request on the basis stated.

Mr. ANDERSON. Then, Mr. President, I offer my motion.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from New Mexico?

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, let me inquire whether the request of the Senator from New Mexico also includes a time limitation on debate on the motion of the Senator from New Mexico.

Mr. TAFT. Yes.

Mr. JOHNSON of Texas. The motion has been so amended; is that correct?

Mr. TAFT. I understand so.

Mr. ANDERSON. If there is no objection, Mr. President, I do offer that amendment.

Mr. BUSH. Mr. President, will the Chair please have the pending question stated?

The PRESIDING OFFICER. The Chair will endeavor to have the unanimous-consent request stated.

Mr. ANDERSON. Mr. President, I send to the desk the motion I offer.

The PRESIDING OFFICER. The unanimous-consent request will be read.

The Chief Clerk read as follows:

It is moved that the Senate temporarily lay aside the unfinished business, and proceed to the consideration of Senate bill 1081, the Capehart bill, to provide authority for temporary economic controls; and that it be agreed that at the conclusion of action on said bill, there shall be not to exceed 1 hour's debate on the Hill amendment, to be

followed at once by a vote on said amendment; and thereafter not to exceed 1 hour's debate on the Anderson substitute, to be followed at once by a vote on that amendment: *Provided*, That the time on said amendments shall be equally divided between the proponents and opponents thereof: *And provided further*, That no vote shall be taken on either amendment before Monday, April 27, 1953.

Mr. JOHNSON of Texas. Mr. President, what provision of the motion will limit debate on the motion to 20 minutes to a side?

Mr. ANDERSON. I wish to have my unanimous-consent request include the suggestion made by the distinguished majority leader, namely, that debate on the motion be limited to 20 minutes to each side, with the time to be controlled by, I assume, the majority leader and by some Senator on this side of the aisle, respectively.

Mr. KNOWLAND. Mr. President, I object.

The PRESIDING OFFICER (Mr. BARRETT in the chair). Objection is heard.

The question is on agreeing to the amendment proposed by the Senator from Alabama, for himself and other Senators, to the amendment in the nature of a substitute, proposed by the Senator from New Mexico, to the committee substitute.

Mr. KILGORE. Mr. President, today the United States is a Nation of 158,848,000 people. Each of them is a stockholder in the greatest enterprise in the world, namely, the United States of America. Each of them owns one share of the vast, but not unlimited, public wealth of the United States of America. This public wealth includes the great public domain—nearly one-fourth of our entire national area, or a total of approximately 409,000,000 acres of land.

Those of us who serve in the Congress of the United States—which is composed of the 96 Members of this body and the 435 Members of the other House—have been chosen by these shareholders as directors of this great enterprise. We have been chosen to administer this great enterprise in the interest of all the stockholders, in the public interest; not in the interest of a favored few of the shareholders, not for the benefit of a small minority, not for the benefit of special interests.

Mr. President, this great enterprise, which I always think of as the largest corporation in the world, is little different from other corporations, in that the "directors" are not chosen on the basis of the number of shares they may have in the corporation, for each one of them has only one share. Furthermore, this corporation does not, as do private corporations, exist for the purpose of earning money and for the purpose of paying dividends to the stockholders. The dividends this corporation pays are services.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from West Virginia may yield for the purpose of permitting the Chair to put the unanimous-consent request of the Senator from New Mexico again. I think the Senator from California will withdraw his objection, if the Chair will again state the request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. HILL. Mr. President, if the Senator from Texas will yield, I notice that the Senator from New Mexico has temporarily left the floor. Should he not be on the floor during this discussion?

Mr. JOHNSON of Texas. I believe the distinguished Senator from California will withdraw his objection to the request of the Senator from New Mexico. I have asked my colleagues to get the Senator from New Mexico to the floor. I assumed he would have no objection to getting agreement to his own request. It has not been modified in any way. But if there is objection——

Mr. KILGORE. Mr. President, under the circumstances, in order to safeguard my rights, I ask unanimous consent that my right to the floor will not be lost.

The PRESIDING OFFICER. The Chair will protect the rights of the Senator from West Virginia to the floor. Is there objection to the request of the Senator from Texas?

Mr. GORE. Mr. President, reserving the right to object, is it possible for one Senator to submit a unanimous-consent request in the name of another?

Mr. TAFT. Mr. President, the Senator from New Mexico has reentered the Senate Chamber.

Mr. GORE. Mr. President, reserving was submitted by the Senator from New Mexico. It was objected to. It is not now before the Senate. It would have to be resubmitted, either by the Senator from New Mexico or by some other Senator, in order to be before the Senate.

The PRESIDING OFFICER. The Chair will say to the Senator from Tennessee that the Senator from New Mexico is now on the floor and he may speak for himself.

Mr. JOHNSON of Texas. Mr. President, I should like to state for the information of the Senator from New Mexico that after conferring with the Senator from California [Mr. KNOWLAND], and after the Senator from California had had an opportunity to read the motion of the Senator from New Mexico, the Senator from California agreed that, if the request were renewed, he would not object. Therefore, I requested the distinguished Senator from West Virginia to yield, in order that I might submit the request to the Chair. Now that the Senator from New Mexico is present on the floor, I suggest that he renew his request, in the hope that it will not meet with objection.

Mr. ANDERSON. Mr. President, will the Senator from West Virginia yield to me that I may propound a unanimous-consent request?

Mr. KILGORE. Mr. President, I yield under the same terms and conditions, namely, that I do not thereby lose my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from New Mexico is recognized with that understanding.

Mr. ANDERSON. Mr. President, I ask unanimous consent that I may be permitted to submit a motion reading as follows:

That the Senate temporarily lay aside the unfinished business and proceed to the consideration of S. 1081, the Capehart bill, to provide authority for temporary economic controls, and that it be agreed that at the conclusion of action on said bill there shall be not to exceed 1 hour's debate on the Hill amendment to be followed at once by a vote on said amendment and thereafter not to exceed 1 hour's debate on the Anderson substitute to be followed at once by a vote on that amendment: *Provided*, That the time on said amendments shall be equally divided between the proponents and opponents thereof: *And provided further*, That no vote shall be taken on either amendment before Monday, April 27, 1953.

Mr. President, in addition to making that motion, I desire to have it understood that unanimous-consent shall be given that debate on the motion shall not exceed 40 minutes, 20 minutes to be controlled by the distinguished majority leader, 20 minutes to be controlled, let us say, by the Senator from Alabama [Mr. HILL].

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from New Mexico?

Mr. HILL. Mr. President, I think the Senator from New Mexico should, of course, control the 20 minutes on his side.

The PRESIDING OFFICER. Is there objection?

Mr. BUTLER of Nebraska. Mr. President, reserving the right to object, I should like to ask one question. Does the proposal contain any provision to put a limit on the debate on Senate Joint Resolution 13, after the amendments are out of the way?

Mr. ANDERSON. No; it does not. I may say to the Senator from Nebraska that I am trying to follow the time schedule previously suggested by the distinguished Senator from Ohio.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

Mr. ANDERSON. Mr. President, I then make the motion, which has been stated over and over again.

Mr. TAFT. Mr. President, it has been agreed to.

The PRESIDING OFFICER. The question on the motion has not yet been put.

Mr. TAFT. No, the unanimous-consent request has been agreed to, has it not?

The PRESIDING OFFICER. The unanimous-consent request has been agreed to.

Mr. TAFT. Mr. President, I ask unanimous consent that the Senator from West Virginia, who has been standing a long time, be permitted to resume his seat, and that he be permitted to resume his place on the floor when action on the present matter has been finally concluded; in other words, that he may resume the floor, without his right to the floor having been prejudiced, and

without his later remarks being counted as another speech.

Mr. KILGORE. I thank the distinguished Senator from Ohio.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

The question now is agreeing to the motion of the Senator from New Mexico, on which, under the unanimous-consent agreement, there may be debate of 20 minutes on each side of the question. All in favor will say "aye"——

Mr. TAFT. Mr. President, what is the question?

The PRESIDING OFFICER. The question is on the motion of the Senator from New Mexico.

Mr. TAFT. Mr. President, I make the point of order that on a unanimous-consent request, it is unnecessary to put the question to a vote. I certainly do not want a vote on the motion, Mr. President, before debate is had.

Mr. ANDERSON. Mr. President, I had asked unanimous consent to make the motion. I again made the motion, and, as I understand, debate is now in order on the motion.

Mr. TAFT. That is correct. I request the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, I wish to point out to the Senate briefly that the pending motion is merely an effort to delay debate on the submerged lands measure, which we have now been debating for about three weeks. There is no other purpose. So far as the long rigamarole about the time for a vote on the Hill amendment and the Anderson amendment is concerned, it would be possible to get a vote on those amendments at any time. We do not need any concession from the distinguished Senator from New Mexico. We could get a vote tomorrow, we could get a vote at this minute, by moving to lay the amendments on the table. The motion contains no concession at all.

The barebones proposition is that we lay aside the unfinished business, in order that we may take up the bill for the extension of the Defense Production Act. The bill is one which contains many controversial provisions. It contains the proposal for a standby control system, or at least a 90-day freeze, to which I am very much opposed, and on which there will be vigorous debate.

The distinguished Senators who are trying to delay a vote on the pending measure, and who have filibustered the measure for 3 weeks, or at least the past 2 weeks, certainly can filibuster a bill relating to the Defense Production Act. They can talk indefinitely on that measure just as easily as they can talk on the submerged lands measure. The pending proposal is only a device to relieve them from the burden of concluding the debate.

Mr. President, the business of the Senate cannot be conducted unless we take up measures one by one and dispose of them after we have begun their consideration. In a great emergency there might be reason for laying some measure aside; there might be something we had to do at the moment, which required no debate, and on which we could act without debate. But the moment there is substituted for the pending measure another measure of any importance, we shall have another debate—a debate that could continue for a month or 2 months.

The whole proposal is a fraud on its face. If we are to have any control over the procedures of the Senate, it will be necessary that we maintain the calendar schedule which is adopted by the majority, submitted by the majority leader, and backed up by the majority policy committee.

That committee is determined to keep the pending measure before the Senate until a decision is reached, and we propose to sit tonight; we propose to sit tomorrow night, we propose to sit on Saturday, and we propose to sit next week, including night sessions, possibly all night sessions. We propose to continue the debate on the pending joint resolution until a vote is obtained, and certainly the distinguished Senators who are opposing that measure cannot deny today that there is a filibuster in progress; it would be nonsense to deny it.

Of course, there is always denial that there is a filibuster, but no one can have witnessed the scenes on the Senate floor during the past weeks, no one can have observed Senators struggling through long days of talk, on all kinds of subjects, subjects only indirectly relating to the pending measure, without realizing that a filibuster is in process. I think the Senator from Illinois stated the matter very well when, in the debate on the Wherry cloture amendment, he said:

> This filibuster to date has cost the taxpayers approximately a half million dollars.

At that time the debate had proceeded for about 3 weeks.

The Senator from Illinois said in 1949:

> What does the filibuster do? As I have said, it permits a minority of the Senate, and in reality a minority of a minority, to defeat the will of the majority of its Members by never-ending talk. The filibuster is a veto which a few men with strong lungs and sturdy constitutions can impose upon the overwhelming majority of the people of the United States. If we continue along this line, the great qualifications which a Senator will need will be his ability to speak for 24 hours without stopping; that will be said to be the type of person whom the States should send to the Senate. Everyone in his heart knows that this is a disgrace. The events of the past 3 weeks have discredited representative Government at a time when above all times it needs to be strengthened. So long as the filibuster can continue, the people's will is thwarted.

Mr. President, if there is to be orderly procedure in the Senate, I see no recourse except to ask all Senators to oppose the pending motion, and to keep the submerged lands measure before the Senate until a vote is obtained.

Mr. ANDERSON. Mr. President, I yield 10 minutes to the distinguished Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. President, I find it difficult to determine just why the Senator from Ohio is becoming so excited about this matter. We all want to adjust matters with his wishes and desires if that is in the public interest. Last night, after having stated that he would ask the Senate to table the Hill and Anderson amendments at 7:30, either prodded by his conscience, or finding that he did not have the votes, the Senator backtracked, and proposed that the Senate vote on those amendments next Monday.

But we want, in the meantime, to have an opportunity of considering the Defense Production Act, or the so-called economic controls bill. It is a highly important bill; it provides for a 90-day freeze which the President of the United States has said is acceptable to him but to which the majority leader has just declared he is opposed. It provides for a temporary extension of rent controls in the major cities of the Nation until the State legislatures can act. The majority leader has been quoted as saying that he does not care whether rent controls are extended or not.

So we have a situation, Mr. President, where the majority leader is attempting to balk the desires of the administration and of the President of the United States. From where does the support of the President come? Does it come from the leaders on the other side of the aisle? No, it does not, with some notable exceptions, such as that of the distinguished Senator from Indiana [Mr. CAPEHART] whose attitude has been above reproach in this matter and who is struggling to have an effective controls bill. But the main driving force to carry into effect the program of the President comes from this side of the aisle.

We are offering in good faith to do just what the Senator from Ohio said he wanted; namely, to vote on the Hill-Anderson amendments next Monday.

The Senator from Ohio, with his vigorous constitution, has threatened to keep us in session all night long, day after day. That is perfectly acceptable to me, and it is perfectly acceptable to the others who are opposing the pending measure. We are ready to stay here 24 hours a day for 4 days and pass the defense production bill, and we ask the Senator from Ohio to give us a chance to support the President of the United States and not to try to kill the administration's program by not letting it be brought up.

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

Mr. DOUGLAS. No. The Senator from Florida can make his speech in his own time, and I shall make my speech in my time. [Laughter.]

The Senator from Ohio has spoken about the cost of the debate thus far. Possibly it has cost several hundred thousand dollars in printing, but it is better that it cost that amount of money and that the people of the United States should be awakened, than that it should cost the people of the United States from $50 billion to $300 billion.

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

Mr. DOUGLAS. I yield.

Mr. TAFT. I was quoting the Senator in reference to the cost.

Mr. DOUGLAS. I think it is probably true that it has cost the Printing Office a certain large amount of money, but I say that when it is compared with the size of the giveaway of the resources of

the people of the United States, it is money well spent.

We are asking that the President have an opportunity to put through his program of continuing rent control for a brief period of time until the legislatures have the chance to act. If the Anderson motion is defeated the responsibility for preventing such action will clearly lie on the shoulders of the majority and the majority leader. Let there be no mistake about that.

Mr. TAFT. Mr. President, I yield 2 minutes to the Senator from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. President, the Senator from Illinois [Mr. DOUGLAS] has stated that he is following out the desires of the President of the United States. The fact of the matter is that the President of the United States was elected on a platform calling for the return of submerged lands to the respective States, to their historic boundaries. The fact of the matter is that in his message to the Congress the President of the United States has requested submerged lands legislation.

The basic issue before the Senate today is whether we are going to have an orderly procedure in this legislative body. If we do not follow the recommendations of the majority leader in the listing of legislation before the Senate, we shall have chaos in the Senate of the United States.

I appeal to those on the other side of the aisle who want to proceed on an orderly basis, so that we can complete the legislative program and adjourn for a reasonable period, to defeat the motion of the Senator from New Mexico.

Mr. TAFT. Mr. President, I yield 6 minutes to the Senator from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. President, I did not object to the unanimous-consent request of the Senator from New Mexico. I thought the time had come when the membership of this body should have an opportunity to express itself and to indicate to the country that only a very small group in this body is keeping the pending legislation from coming to a vote.

The effect of the motion by the Senator from New Mexico would be to delay further a vote on the so-called tidelands joint resolution. If a small group is determined to oppose the majority, it can talk the controls bill to death just as it is attempting to talk the tidelands legislation to death.

Mr. President, the proposed tidelands legislation has been clearly explained in this body on several occasions. It was an issue in the Presidential campaign. It has been discussed at great length since April 1 in this Chamber. The Senate should have a chance to express its views. I think if the Anderson motion prevails, we shall jump from pillar to post. We could run into a long and extended discussion on controls in order to delay a vote on the proposed tidelands legislation. I do not believe the people of this country and the majority of the Senate, who have already voted on the question on two previous occasions are willing to jump from pillar to post in order to avoid a vote on the proposed legislation. Therefore, Mr. President, I hope the motion of the Senator from New Mexico will be overwhelmingly defeated, and that we can say to the Senate and to the country that when we adopt a program we are going to put it through without unnecessary delay.

The PRESIDING OFFICER (Mr. BARRET in the chair). The Senator from Ohio has consumed a total of 16 minutes. The Senator from New Mexico has 16 minutes.

Mr. ANDERSON. Mr. President, when the suggestion is made that a group of Senators will now proceed to filibuster the economic-controls bill to death, I suggest we follow the line in the Scriptures, which reads:

> What I say unto you I say unto all: Watch.

I think we had better watch what happens to the controls bill.

I am not worried that the Senator from Illinois is going to filibuster, when he has helped the Senator from Indiana [Mr. CAPEHART] bring out a good bill. I congratulate the Senator from Indiana for bringing out such a good bill.

Mr. President, my mind goes back to a time a couple of years ago when there was a proposal to prevent a vote on statehood for Alaska. We who favored statehood for Alaska and Hawaii realized that if the Alaskan bill should pass it would be followed immediately by the Hawaiian statehood bill, and that if that bill came to a final vote the Hawaiian bill would be passed because there were enough of us who joined with former Senator O'Mahoney in his support of it to have passed the bill.

But a motion was made and adopted to recommit the Alaska statehood bill. All Senators knew that that was the last chance they would have to vote to aid Hawaiian statehood. Nevertheless, they voted to send the Alaska statehood bill back to committee. When that was achieved the Senate never saw such a pounding of breasts by people who were just crying for a chance to vote on Hawaiian statehood, knowing that they had lost their chance when they sent the Alaska statehood bill back to committee.

In the next few days we will see Senators crying for a chance to vote on the economic controls bill, but this will probably be their last chance to do so.

There is a rule of law which gives the driver of an automobile an opportunity to have his last clear chance to avoid a collision. That last clear chance is now before Congress. There is time enough, in this last clear chance, to bring up the economic controls bill. We can use the remainder of today, all day Friday, and all day Saturday to debate the controls bill, and, if need be, it can be debated on Monday, Tuesday, and Wednesday. Those days can be entirely given to its discussion.

Yes, the leader of the majority policy committee can hold the Senate in all-night sessions in order to accomplish what is sought. We would like to watch if that will happen, because we strongly suspect that there are some who are not anxious to see an economic controls bill passed. There are Senators who may not wish to be on record, however, as voting it down.

If we can agree to the motion now pending, we will learn who is in favor of economic controls and who is not. We will ascertain that by a yea-and-nay vote. That is the purpose of the motion. It is not a dilatory motion.

The distinguished majority leader leader served notice on Tuesday night that we would vote at 7 o'clock on Wednesday night on a motion to table the Anderson amendment. We who favor it and oppose the Holland bill were willing to vote on the motion to lay the Anderson amendment on the table. No one from our group so far as I know opposed that plan. At least, I did not. It was my bill that was about to be, if you please, placed in a tomb.

There is no dilatory motion before us today. There is no atempt being made to delay, because we agree to come to a vote. We will vote just as has been planned on Monday on the Hill amendment and the Anderson substitute. There will be no difference in timing whatsoever. The only difference will be that the American people will be told that they are not to have a chance for economic controls, because there are Senators who do not wish to have a vote taken on that hazardous question. I am willing to go ahead and vote. I am willing to follow the leadership of the distinguished Senator from Indiana [Mr. CAPEHART] and the distinguished Senator from Illinois and other members of the Committee on Banking and Currency. I do not know everything that is contained in the bill, but I promise that I shall not be indulging in any debate called a filibuster. I shall be interested to vote on the bill.

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

Mr. ANDERSON. I yield to the Senator from Tennessee.

Mr. KEFAUVER. Is it not a fact that about a week ago most Senators who are interested in opposing the submerged lands joint resolution joined in a letter to the distinguished majority leader, urging that the submerged lands measure be laid aside, in order that the controls bill might be taken up; and that, to show the good faith of Senators who are opposing the submerged lands measure, and as an expression of good will, we were willing to expedite consideration of and endeavor to help reach a final vote on the controls bill before controls expired?

Mr. ANDERSON. Oh, yes; but there were Senators who might have said that that was not a good-faith proposal; that we would have kept on talking afterward on the subject of submerged lands, and thus no time would have been gained.

This proposal absolutely would not take up 1 hour of time. We shall vote Monday, anyway, on the Hill amendment. Therefore, no time will be lost. All we would do would be to say, "We will cut off our own discussion on our amendments to the pending joint resolution in order to have an opportunity to show to the American people that the Senate is willing to debate upon and act on economic controls."

Perhaps there are Senators who do not wish to vote on economic controls. But there will be an opportunity given to Senators to vote and have their votes registered. There are Senators who

hope that controls may die. There are Senators who hope that we may still be talking about the submerged lands measure until controls expire on April 30. Senators who have that hope in their hearts can show it now by voting against this motion.

I have mentioned that the able majority leader served notice on Tuesday evening that he would move Wednesday to lay the Anderson substitute on the table. The next morning I tried to ascertain if we might have 30 minutes for the author of the Anderson substitute and 30 minutes for the distinguished Senator from Alabama just prior to the vote. We were both about to be buried in the same grave—yes, we were both about to be buried in the same casket. I though that decent treatment ought to be given us, say 30 minutes on each amendment.

The distinguished Senator from Minnesota [Mr. HUMPHREY] was going to have the floor, so he was called over beside the majority leader, in an effort to ascertain whether he would agree to yield the floor at 6:30, so that this decent burial could really take place. Everyone knows there was no attempt made by us to stop the proposed vote. We were not engaging in dilatory tactics. It was not because of us that the decision was reached to vote, first, on Friday. The time was then switched back to Thursday. Then it was switched to Monday of next week.

I do not know how reliable the news stories may be, but they certainly indicate that 4 or 5 Senators out of town got the majority leader on the phone. It was not Senators in town, or on our side.

In any event, the majority leader has now said that we will proceed to vote on Monday on the motion to lay on the table the Anderson substitute. Therefore, what time would be lost? What time would be consumed, by giving the American people a chance to have a vote on economic controls? What great wrong would be done to say to the people of the country, "You shall have rent controls, if your Congress has the courage to vote for rent controls?"

I shall vote for the economic-controls bill which the distinguished Senator from Indiana has worked out in most satisfactory fashion. They are not extreme, and certainly they deserve to be brought before Congress before the present act expires. Should we not be given a chance to show our good faith?

My motion says we would be willing to proceed to a vote on the Hill amendment on Monday with only an hour's debate. However, if the opposition does not wish to use its half hour, we can vote after our half hour. But, at least, the distinguished Senator from Alabama, who has worked long and hard on the subject of oil for education, should have some time in which to speak on his amendment. When he has finished, there will be an opportunity to vote on the next amendment which I have submitted. If that is voted down, we shall proceed to the consideration of Senate Joint Resolution 13, which is the main measure before the Senate. No one will have taken one other minute of time in the intervening hours to talk about our bill. The debate will be only upon the economic controls bill, and we would have a chance to vote for economic controls, if they are desired. By the votes of Senators now, we shall discover who really wants to vote on this question and who would like to have the controls expire on April 30 without the necessity of casting a vote to kill them. But Senators who believe in representative democracy, who wish to have an opportunity to vote for economic controls, will give this country that last clear chance. We can give 3, 4, or 5 days to debate, and the majority could keep us in session all night Monday, Tuesday, and Wednesday, in order that economic controls may not expire next Thursday. I predict that enthusiasm for night sessions will die down if this motion is adopted. We may not even meet on Saturday if this motion is agreed to. But I hope it will be agreed to, and that the American people will have a chance to learn whether the United States Senate wants the country to have economic controls. The people will have their chance to learn that without the use of a single hour of a single day for the debate on the submerged lands measure.

It should be crystal clear that no attempt is being made to prolong anything. If the control bill is filibustered, let the RECORD show who does the filibustering on it. I predict it will not be that group of conscientious Senators who do not favor the giving away of billions of dollars of economic resources of this country. But come what may, we are willing to have the RECORD show it will when the time comes to vote. I am anxious that Senators who hope that economic controls may die without the necessity for their having to be recorded on paper, one way or the other, lose their fond hope by having the motion agreed to.

Mr. TAFT. Mr. President, the Senator from New Mexico is eloquent, but his argument is so full of fallacies that it seems hardly worthwhile answering him.

There is only one question before the Senate: Shall we vote on the submerged lands joint resolution? We have been listening to this debate for 3 weeks. Undoubtedly it has been a filibuster. The Senator from New Mexico is the leader of the filibusterers. Now he wishes to lay aside the submerged lands measure and have some other measure considered. Of course, that would serve a purpose. It would protect the filibusterers. They could begin all over again when we returned to the submerged lands measure and make all over again the same speeches that have already been made. No doubt that is what they propose to do, and this motion is merely designed to serve their purpose.

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

Mr. TAFT. If the Senator does not mind, I prefer not to yield. The time is short.

The whole effort is to try to place on us the burden if, in fact, controls should expire.

What is the controls bill? In the first place, price and wage controls have already been eliminated. There is no question about that. There is a question as to whether or not we should have standby controls. We can determine that question in July, so far as that is concerned. It is not a pressing issue.

The only thing that expires is a limited amount of rent control. Extension of rent control can be handled by a resolution extending it for a month or two. I understand that the House, by its action this afternoon, has voted to extend it for 3 months. I do not think it makes much difference whether the controls expire now or 3 months from now.

That is all that is involved in the defense bill—unless we take it up. But if it is taken up, there will be real debate on the question. Senators can talk legitimately for a week without filibustering, while the distinguished filibusterers retire to rest themselves and return prepared to filibuster again. It seems to me perfectly ridiculous even to consider the motion or to consider that it has any reason supporting it.

Those who undertake the responsibility of filibustering a major measure before the Senate assume the responsibility for blocking all the legislation behind that measure. They assume the responsibility for keeping the Senate in session all next summer. The result of their action in this matter is not limited merely to its effect on the particular submerged lands measure. They are also at the same time filibustering every other program of the administration. They cannot escape that responsibility.

If rent controls do expire and we are criticized for that act, I certainly shall not hesitate to say that the filibuster in this case is responsible for the expiration of rent controls, because we cannot maintain a legitimate program in the Senate unless, when we take up a measure, we complete its consideration, and undertake to keep it before the Senate until even the filibusterers are ashamed to continue talking indefinitely on a measure which has been fully discussed.

The PRESIDING OFFICER. If there be no further debate, the Chair will put the question.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Green	McClellan
Anderson	Griswold	Millikin
Barrett	Hayden	Monroney
Beall	Hendrickson	Morse
Bennett	Hickenlooper	Mundt
Bricker	Hill	Murray
Bridges	Hoey	Neely
Bush	Holland	Pastore
Butler, Md.	Humphrey	Payne
Butler, Nebr.	Hunt	Potter
Carlson	Ives	Purtell
Case	Jenner	Robertson
Clements	Johnson, Colo.	Russell
Cooper	Johnson, Tex.	Saltonstall
Cordon	Johnston, S. C.	Schoeppel
Daniel	Kefauver	Smathers
Dirksen	Kennedy	Smith, Maine
Douglas	Kilgore	Smith, N. C.
Duff	Knowland	Stennis
Dworshak	Kuchel	Taft
Eastland	Langer	Thye
Ellender	Magnuson	Tobey
Ferguson	Malone	Watkins
Frear	Mansfield	Welker
George	Martin	Wiley
Gillette	Maybank	Williams
Goldwater	McCarran	Young
Gore	McCarthy	

The PRESIDING OFFICER. A quorum is present.

Mr. TAFT. Mr. President, I merely wish to point out that a nay vote is a vote opposed to laying aside the pending joint resolution. I hope Senators will vote "nay." A yea vote is in favor of laying aside the joint resolution under the conditions set forth in the motion of the Senator from New Mexico [Mr. ANDERSON].

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico [Mr. ANDERSON]. On this question the yeas and nays have been ordered. The Secretary will call the roll.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. May the question be stated by the Parliamentarian or the Presiding Officer, rather than by the majority leader? Will the Presiding Officer state the issue before the Senate?

The PRESIDING OFFICER. The question has been stated. The motion has been read by the Secretary.

Mr. DOUGLAS. May the Secretary read it again, please?

The PRESIDING OFFICER. Without objection, the Clerk will again read the motion.

The Chief Clerk read as follows:

That the Senate temporarily lay aside the unfinished business, and proceed to the consideration of Senate bill 1081, the Capehart bill, to provide authority for temporary economic controls; and that it be agreed that at the conclusion of action on said bill, there shall be not to exceed 1 hour's debate on the Hill amendment, to be followed at once by a vote on said amendment; and thereafter not to exceed 1 hour's debate on the Anderson substitute, to be followed at once by a vote on that amendment: *Provided*, That the time on said amendments shall be equally divided between the proponents and opponents thereof: *And provided further*, That no vote shall be taken on either amendment before Monday, April 27, 1953.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the junior Senator from Louisiana [Mr. LONG]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. FLANDERS] and the Senator from New Jersey [Mr. SMITH] are necessarily absent.

On this vote the Senator from Vermont [Mr. FLANDERS] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting the Senator from Alabama would vote "yea," and the Senator from Vermont would vote "nay."

The Senator from New Jersey [Mr. SMITH] is paired with the Senator from New York [Mr. LEHMAN]. If present and voting, the Senator from New Jersey would vote "nay," and the Senator from New York would vote "yea."

Mr. CLEMENTS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senators from Missouri [Mr. HENNINGS and Mr. SYMINGTON], the Senator from Washington [Mr. JACKSON], the Senator from Oklahoma [Mr. KERR], the Senator from New York [Mr. LEHMAN], and the Senator from Louisiana [Mr. LONG] are absent on official business.

The Senator from New Mexico [Mr. CHAVEZ], and the Senator from Alabama [Mr. SPARKMAN] are absent by leave of the Senate.

I announce that the Senator from Virginia [Mr. BYRD], is paired with the Senator from Washington [Mr. JACKSON]. If present and voting, the Senator from Virginia would vote "nay," and the Senator from Washington would vote "yea."

I announce further that on this vote the Senator from New York [Mr. LEHMAN] is paired with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from New York would vote "yea," and the Senator from New Jersey would vote "nay."

I announce also that on this vote the Senator from Alabama [Mr. SPARKMAN] is paired with the Senator from Vermont [Mr. FLANDERS]. If present and voting, the Senator from Alabama would vote "yea," and the Senator from Vermont would vote "nay."

I announce further that if present and voting, the Senator from Arkansas [Mr. FULBRIGHT], and the Senators from Missouri [Mr. HENNINGS and Mr. SYMINGTON] would each vote "yea."

The result was announced—yeas 21, nays 61, as follows:

YEAS—21

Anderson	Humphrey	Malone
Douglas	Johnson, Colo.	Monroney
Gillette	Kefauver	Morse
Gore	Kennedy	Murray
Green	Kilgore	Neely
Hayden	Langer	Pastore
Hill	Magnuson	Tobey

NAYS—61

Aiken	Frear	Mundt
Barrett	George	Payne
Beall	Goldwater	Potter
Bennett	Griswold	Purtell
Bricker	Hendrickson	Robertson
Bridges	Hickenlooper	Russell
Bush	Hoey	Saltonstall
Butler, Md.	Holland	Schoeppel
Butler, Nebr.	Hunt	Smathers
Carlson	Ives	Smith, Maine
Case	Jenner	Smith, N. C.
Clements	Johnson, Tex.	Stennis
Cooper	Johnston, S. C.	Taft
Cordon	Knowland	Thye
Daniel	Kuchel	Watkins
Dirksen	Martin	Welker
Duff	Maybank	Wiley
Dworshak	McCarran	Williams
Eastland	McCarthy	Young
Ellender	McClellan	
Ferguson	Millikin	

NOT VOTING—14

Byrd	Hennings	Mansfield
Capehart	Jackson	Smith, N. J.
Chavez	Kerr	Sparkman
Flanders	Lehman	Symington
Fulbright	Long	

So Mr. ANDERSON's motion was rejected.

The PRESIDING OFFICER (Mr. BARRETT in the chair). In accordance with the unanimous-consent agreement, the Senator from West Virginia [Mr. KILGORE] has the floor.

PROPOSED UNANIMOUS-CONSENT AGREEMENT TO LIMIT DEBATE ON THE UNFINISHED BUSINESS

Mr. TAFT. Mr. President, will the Senator from West Virginia yield for a unanimous-consent request, on condition that he does not lose the floor?

Mr. KILGORE. Provided I do not lose the floor, I yield for a unanimous-consent request.

Mr. TAFT. Mr. President, I ask unanimous consent that, beginning on Monday morning next, debate on the pending joint resolution be limited to 1 hour to each Senator on the joint resolution or on any amendment thereto; that on Wednesday next, if no vote has been had by then, the time for debate be equally divided and that a vote on the joint resolution be had at 8 o'clock Wednesday evening.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that beginning on Monday morning next debate on the pending joint resolution be limited to 1 hour to each Member of the Senate, and that on Wednesday morning next the time for debate be divided equally and that a vote be taken at 8 o'clock in the evening.

Mr. TAFT. So that there will be approximately 8 or 9 hours available for final debate. The time for debate is to be divided equally and controlled by the leader on each side.

Mr. MORSE. Mr. President——

Mr. HOLLAND. Does the Senator from Ohio intend to include the provision that amendments be germane?

Mr. TAFT. Yes; I think that is a usual provision. Provided also that amendments hereafter to be offered be germane to the joint resolution.

The PRESIDING OFFICER. Is there objection?

Mr. MORSE. I object.

The PRESIDING OFFICER. Objection is heard.

ORDER FOR RECESS TO 11 A. M. TOMORROW

Mr. TAFT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it take a recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KILGORE. Mr. President——

VISIT TO THE SENATE OF A GROUP OF LADIES FROM THE DAUGHTERS OF THE AMERICAN REVOLUTION

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

Mr. KILGORE. As I have repeatedly said, I do not mind yielding the floor, provided I have unanimous consent that I do not thereby lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Florida is recognized.

Mr. HOLLAND. I thank the distinguished Senator from West Virginia. At the suggestion of the distinguished Senator from Connecticut [Mr. PURTELL], now presiding over the Senate, I make bold to present about 100 good ladies from Florida who are members of the Daughters of the American Revolution, and who are doing their patriotic duty by attending the annual convention of their great organization, and are

now occupying seats in the Senate Gallery. I ask them to stand, so that the Senate may give them a proper greeting.

[The ladies stood in their places in the gallery, and were greeted with applause, Senators rising.]

Mr. NEELY. Mr. President, will my colleague, the senior Senator from West Virginia, yield to me for a moment in order that I may make a very brief statement with regard to the happy circumstance to which the Senator from Florida has just referred?

Mr. KILGORE. I am glad to yield, provided I do not thereby lose the floor.

The PRESIDING OFFICER. Without objection, the Senator may yield with that understanding.

Mr. NEELY. Mr. President, it is obvious that the beautiful ladies from Florida who have just been introduced have all found the fountain of youth, for which Ponce de Leon sought in vain.

Ladies, please be as generous as you are beautiful, and tell certain elder Members of the Senate how to obtain enough of the magic fountain's potent water to wash away the heavy burden of their years.

ORDER OF BUSINESS

Mr. MAYBANK. Mr. President, will the Senator from West Virginia yield to me, with the understanding that in doing so he will not lose the floor? I wish to submit a matter to be inserted in the RECORD.

Mr. KILGORE. Mr. President, I decline to yield, unless the majority leader will ask unanimous consent that in yielding for such purposes, I shall not lose the floor. If the majority leader wishes to have a little time allowed for the purpose of permitting Senators to make insertions in the RECORD, that will be satisfactory to me; but I will not engage in yielding to individual Senators.

Mr. TAFT. Mr. President, again I ask unanimous consent that matters that would be in order in the morning hour be permitted to be offered, provided the time required for that purpose by any Senator shall not exceed 2 minutes, as is usually the limitation; and provided further, that in yielding for this purpose, the Senator from West Virginia will not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Thereupon Mr. MAYBANK, Mr. KEFAUVER, Mr. MCCARRAN, and other Senators submitted matters for the Appendix or statements for the body of the RECORD, which appear elsewhere in today's Senate proceedings under appropriate headings.)

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. TAFT. Mr. President, there are a few nominations on the Executive Calendar. I do not think they are numerous enough to call for a regular executive session, but I ask unanimous consent that, as in executive session, they may be considered one by one.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the nominations on the Executive Calendar, beginning with the new reports.

UNITED STATES JUDGE

The legislative clerk read the nomination of Lester L. Cecil to be United States district judge for the southern district of Ohio.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POST OFFICE DEPARTMENT

The legislative clerk read the nomination of Norman R. Abrams to be an Assistant Postmaster General.

Mr. HENDRICKSON. Mr. President, I rise in support of the nomination of Norman R. Abrams as Assistant Postmaster General in charge of post office operations. Mr. Abrams is a distinguished resident of New Jersey—a businessman of long and wide experience who will bring with him to this important post a background rich in practical management know-how.

At present, Mr. Abrams is a director and vice president in charge of operations of Congoleum-Nairn, Inc., manufacturers of gold-seal floor and wall coverings, Kearny, N. J.

Norman Abrams was born June 25, 1896, at Prospect Park, Pa. His father, the late Ellis Abrams, was for 45 years a member of the editorial staff of the Philadelphia Inquirer and the Associated Press. Norman Abrams' roots are still in Pennsylvania, his 86-year-old mother now residing in that great Keystone State.

He left Dubuque University, at Dubuque, Iowa, to volunteer in the United States Army in World War I, serving with distinction from private to first lieutenant and battery commander in the famous "First Over—Last Home" 7th Field Artillery.

He brings an athletic frame to his new and arduous duties as Assistant Postmaster General. In his younger days he was an all-around athlete skilled in baseball, football, track, golf, tennis, and other sports. He is a former semi-pro baseball pitcher, having pitched on teams in the Philadelphia area.

After a few months as a salesman at the end of the war, Mr. Abrams joined the Congoleum Co. at Marcus Hook, Pa., as a clerk. He soon became assistant foreman in the factory and rose rapidly in a succession of management jobs. In 1937 Mr. Abrams moved to Kearny, N. J., as a plant manager of the Kearny plant of the newly combined company, Congoleum-Nairn, Inc. Shortly thereafter his responsibilities broadened to take in all the company's plants. He became manufacturing manager in 1945 and vice president in charge of manufacturing in 1946.

Mr. Abrams is a member of the advisory committee of a national industrial conference, the board of governors of the West Hudson Manufacturers Association, and the board of advisers of Fairleigh-Dickinson College, Rutherford, N. J. He is also a member of the New York Economics League and the United States Ordnance Association.

Mr. Abrams and his wife, Mrs. Ada D. Hackman Abrams, live in Maplewood, N. J., at 612 Prospect Street. They have a son, Norman, Jr., at home, and two daughters, Mrs. Howard W. Cosell, of New York, and Mrs. Peter J. Cahill, of Cedar Grove, N. J.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

CIVIL AERONAUTICS ADMINISTRATION

The legislative clerk read the nomination of Frederick Billings Lee to be Administrator of Civil Aeronautics.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

FEDERAL POWER COMMISSION

The legislative clerk read the nomination of Jerome K. Kuykendall to be a member of the Federal Power Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

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

The PRESIDING OFFICER. The President will be so notified immediately.

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SALTONSTALL, from the Committee on Armed Services:

Maj. Gen. John Ernest Dahlquist, United States Army, for appointment as commanding general, Fourth Army, with the rank of lieutenant general, and as lieutenant general in the Army of the United States, and sundry other officers for temporary appointment in the Army of the United States; and

Maj. Gen. Samuel Egbert Anderson, of the Regular Air Force, to be commanding general, Fifth Air Force, with the rank of lieutenant general;

Maj. Gen. Emmett O'Donnell, Jr., Regular Air Force, to be Deputy Chief of Staff, Personnel, United States Air Force, with the rank of lieutenant general; and

Maj. Gen. Frank Fort Everest, Regular Air Force, to be Director, the Joint Staff, Joint Chiefs of Staff, with the rank of lieutenant general.

EDWARD WOOZLEY, DIRECTOR, BUREAU OF LAND MANAGEMENT—COMMENT OF MARION CLAWSON

Mr. DWORSHAK. Mr. President, I note in the local press that Mr. Marion Clawson, outgoing Director of the Bureau of Land Management, has charged that the appointment of his successor, Edward Woozley, of Idaho, was purely political. I am sorry to see that Mr. Clawson has sought to inject a sour note

in his swan song. Mr. Clawson's statement itself had a political coloring.

I would like to say for the record that Mr. Woozley has made such an enviable record as Land Commissioner of the State of Idaho that he has gained national recognition. He has administered the State lands in such a manner that their returns to the State in many instances have far exceeded returns to the Federal Government on similar public lands. Mr. Woozley has a reputation for operating the most efficient department in the State Government of Idaho and certainly we need the fullest degree of efficiency in the administration of the Bureau of Land Management.

I want to say that Mr. Woozley's appointment was a wise choice. He will, I am confident, prove to be an able administrator and an outstanding public servant. That has been his record in the past.

I make these observations at this time because I ask unanimous consent to place in the RECORD at this point an editorial which appeared in the Intermountain and Alameda Enterprise, a weekly newspaper in Idaho, concerning the appointment of Mr. Woozley. The editorial was written by Mr. Perry Swisher, a veteran newspaperman and strongly independent journalist.

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

[From the Intermountain and Alameda Enterprise of April 17, 1953]

WOOZLEY WILL BE WONDERFUL

It was a lucky choice and a wise one for the Eisenhower administration this week when Edward Woozley, of Malad, was appointed to be Director of the United States Bureau of Land Management.

Few people knew Woozley and even fewer were aware of his abilities when he became Idaho land commissioner in 1947.

Until then, Idaho's land office had been run mostly for politics, in the worst sense of the word. It was an agency through which the faithful could be rewarded in leases, easy rentals, and land deals, where timber and mineral rights were usually disbursed by maneuver and not on merit.

Under Woozley, a policy of conservation, maximum use, and constant development was evolved. Patronage and exploration gave way to a sound system which multiplied State income from State land. Woozley took advantage of rising demand for new land and when State tracts were sold they brought the highest possible returns.

The State land board deserves credit for its support and its contributions to Woozley's administration. The lawmakers deserve credit for the State land reforms written into the law during his service. Stockman, timber, and lessee interests deserve credit for acknowledging Woozley's skill instead of going after his scalp.

If the national administration gives the genial Ed Woozley half a chance, he will be outstanding in his new office. If he repeats his Idaho record, Woozley will boost the income from the public domain, see that it is more widely utilized and make sure that it will be in better shape when he finally leaves Washington than when he arrived.

And for those in Government circles who want relief from stuffed shirts and big hat sizes, Ed Woozley will be as refreshing as a whiff of pure oxygen.

If we were Secretary of Interior McKay, under whom Woozley now serves, we would give this man a free hand—he would help to make us look very good to the people in the West, to the President and to Congress.

It should be noted that in this case Washington's gain is not Idaho's loss. Uncle Sam owns 64 percent of Idaho's land area. While we have no breakdown handy, we are quite sure that through the BLM Woozley will manage more of the public domain in this State than he did as land commissioner.

Everybody gains. Ed Woozley has been wonderful for Idaho. He's apt to do it all over again. That would be wonderful for the whole country.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

Mr. KILGORE. Now that the lamentations of Jeremiah have been concluded, I will proceed. The United States today is a Nation of 157,848,000 people. I like to compare it to a corporation with that number of stockholders, each of whom owns but one share of stock. It is true that a great part of those stockholders cannot attend the stockholders' meetings for the purpose of voting, but the action we take today certainly affects those stockholders.

Each of the stockholders owns one share of the vast, but not unlimited, public wealth of the Nation. The capital assets of the Nation stand back of the bonded indebtedness of this corporation of ours, as the capital assets of any great corporation stand back of its bonded indebtedness. The Government owes an obligation to its people, who are its stockholders, to preserve the capital assets. The public wealth includes the great public domain, with a total area of approximately 409 million acres. Those of us in the Congress of the United States—the 96 Members of this body and the 435 Members of the other House—have been chosen by these shareholders as directors of this enterprise. We constitute the board of directors, so to speak. We are not selected, as are the directors of private corporations, by reason of the ownership of quantities of stock. We simply have the same stockholdings as all other citizens of the country. We are selected because the so-called stockholders of certain States and districts have reposed in us special confidence, a confidence which we must in no wise ever betray.

We have been chosen to administer this great enterprise in the interest of all the shareholders, in the public interest, not in the interests of a favored few of the shareholders, not for the benefit of a small minority, not for special interests.

We have been elected as directors of this great enterprise not because we own any more stock in it than any other shareholder. Each of us share equally with every other citizen in this enterprise. Our selection as Members of the Congress—as directors of this enterprise—has been on the basis of our devotion to the general welfare. We have been chosen as representatives of the stockholders, to serve, so far as we are able, the best interests of the greatest number of all the shareholders.

What we are being asked to do in the bill before us is to take an enormous part of the assets of all the stockholders—assets of all the people of the United States—and turn them over to a favored group of the stockholders, in this case to the people of three States.

Mr. President, I wonder what would happen if the directors of one of our great corporations should decide to do a similar act with respect to that corporation. I wonder what the stockholders and the bondholders would think.

The argument which is advanced as a reason for doing this, when it is stripped of all the fancy phrases, is simply that these assets which belong to all the people of the United States happen to be located off the shores of these three States.

Mr. President, I desire to discuss that phrase "off the shores." I well remember when the question first came up.

Let me say, first, that I grew up in the oil industry and I know a little about it. I remember reading of the exploration for oil under the Gulf of Mexico. I read about it with a great deal of interest, because it looked to me like a potential defense asset.

The next time it was called to my attention, I think, was about 1947, when the head of one of the big oil companies in California came to me on behalf of what he called tidelands oil. That man used the correct phrase, because in California at that time leases were granted in the area between high tide and low tide, and the companies had been doing what we call offset drilling, which means drilling at an angle. Possibly a quarter of a mile offshore the ground would be tapped.

That phrase has continued to be used. I hate to say it has been used deliberately to mislead the people of the United States, and I was glad when the majority leader used the phrase "the so-called tidelands oil." It is offshore oil.

There is no more reason for taking the offshore lands than there would be to take that part of the public domain which happens to be located within a given inland State and turning it over to that State for private exploitation.

Indeed, Mr. President, that is exactly what could be expected to follow if this giveaway program with reference to our offshore resources is not stopped dead in its tracks.

As a boy, Mr. President, I used to like to have firecrackers on the Fourth of July, and my favorite purchase was little tiny squibs. The fuses were plaited together. I bought them for a nickel a pack. I worked in the garden, weeding the onion beds and the lettuce beds, and hoeing, in order to amass some nickels for the purchase of firecrackers for the Fourth of July. If I had been able to secure enough money I would occasionally take the wrapping off a whole bundle and light the plaited fuse. Then I would stand off and hear the consecutive shooting of the firecrackers as the fuses successively reached the different squibs.

I am afraid, Mr. President, that we are lighting a plaited fuse in this instance.

Mr. President, proposed legislation has already been introduced to grant all the minerals and all the mineral rights in the public lands of the United States to the States in which they are located. That proposed legislation is in the hopper. That is the second squib, but this, unfortunately, happens to be a bundle of cannon crackers or sticks of dynamite.

Proposals have already been advanced to turn over the grazing lands of the public domain of the United States to private exploitation. Those of us who have been in the West will recall the troubles we have had to repair the enormous amount of damage which has been done to private grazing lands by reason of the uncontrolled grazing by sheep and cattle, damage which has almost ruined the land. We know what is going to happen if the lands of the public domain are turned over to private exploitation.

My home State is West Virginia, and I am very proud of it. But the exploitation which has occurred in that State is something of which I am not proud. We once had some of the best white oak in the world, but now it has been practically destroyed. For each white oak tree that was taken, some 20 to 25 other trees in the process of development were killed. We have purchased a quantity of land that was being eroded away, and we have the help of the National Forest Service of the Department of Agriculture. That Service last year returned to the Treasury $260 million with an expenditure of $100 million.

Mr. President, let us consider for a moment what is involved in the pending joint resolution which has been discussed for some days on the floor of the Senate. One would think that all the people would have a very good idea of the subject, but, unfortunately, I do not believe that is the case.

I have in my hand an article which appeared in the Washington Post of April 12, 1953, and I ask unanimous consent to have it printed at this point in my remarks, as I expect to invite attention to portions of it during the course of my speech.

The PRESIDING OFFICER (Mr. COOPER in the chair). Without objection, it is so ordered.

The article is as follows:

TIDELANDS ISSUE LINKED TO ALL NATURAL RESOURCES

(By Oscar Chapman, former Secretary of the Interior)

A short time ago I had occasion to participate in a radio debate concerning the submerged lands legislation currently being debated in Congress. This legislation would give to a few States tremendously valuable assets now held by the Federal Government.

I don't know the Hooper rating of the particular program, but I think it is reasonable to assume that when the program was announced, somewhere, let us say in Burlington, Vt., a housewife promptly switched to her favorite comedy program, a cabinetmaker in Topeka turned on the fights, and the publisher of a small weekly newspaper in Utah sought a livelier source of possible news for his columns. It is reasonable to assume that they, and thousands like them, were not interested in the subject matter under discussion, in the complacent belief that they were not materially concerned or affected.

Yet the chances are that that very day the housewife had had occasion to be outraged at the high cost of beef, that the cabinetmaker was concerned about the shortage of top-quality lumber, and that the publisher could deliver quite a discourse on the perilous position of small independent newspapers because of the newsprint crisis. All might be somewhat incredulous to hear that their immediate problems are not only closely interrelated, but also part of the same basic problem involved in the submerged lands debate—the problem of achieving the most productive and efficient utilization of our natural resources.

WASTE AFFECTS COST

It is all part of one package. Wasteful exploitation of grazing lands in Wyoming affects the housewife's food budget in Vermont. Wasteful cutting practices in the forests of California set up a chain reaction which affects not only our cabinetmaker and our publisher but thousands of others engaged in hundreds of occupations on farm and in factory. Moreover, unwise utilization of our mineral resources has a direct and heavy impact on every phase of our great industrial machine, and upon our national security as well.

All of us are concerned intimately in this interplay of forces; we are all in the same boat. Our ultimate physical well-being, our standard of living, depends on the sum total of our physical assets and the ingenuity with which they are put to use. Certainly we would not allow our neighbor to set fire to his own house, because he would thus endanger the entire community. Yet often we are unconcerned when he wastes our water and wears out our soil and our mineral resources.

So far as the role of Government is concerned, it should be clear that the Government should bring its influence to bear on resource utilization problems to protect the interest of all of the people and not just some of the people. When the Government engages in giveaway programs of its own Federal assets, you may not realize it, but it is your pocket that is being picked.

It is difficult for Americans to take these problems seriously. Our Nation grew up in a tradition of unparalleled abundance. It is hard for us to realize there is a bottom to the barrel. I do not suggest we are on the brink of disaster. It must be recognized, however, that to a considerable extent our tremendous growth and economic development were achieved by expenditure of resource capital, which is irreplaceable.

SELF-SUFFICIENCY GONE

In the period encompassing the two world wars, our economy consumed more mineral resources than in all our previous history. We have shifted from a position of the world's largest exporter of raw materials to a position of almost complete dependence on import for such vital materials as chromium and manganese, and to significant dependence on import for lead, zinc, and copper. We have become an oil-importing nation to the tune of 1 million barrels a day.

We are cutting 3 saw-timber trees for every 2 we grow to replace them. According to the United States Forest Service, about 60 percent of the Nation's private forest lands are subjected to poor cutting practices, with consequent cost, not only in lumber, but in soil erosion and flood damage. Most of our range lands have been overgrazed. Moreover, precious water is running short and the water table is sinking in many areas.

These examples could be multiplied page upon page. I do not cite them, however, as evidence of impending doom. I cite them only to try to emphasize the importance of an enlightened natural resources policy for the United States. The report of President Truman's Materials Policy Commission summarizes the situation as follows:

"In area after area we encounter soaring demands, shrinking resources, the consequent pressure toward rising real costs, the risk of wartime shortages, the strong possibility of an arrest or decline in the standard of living we cherish and hope to share. As a Nation, we are threatened but not alert. The materials problem now demands that we give new and deep consideration to the fundamental upon which all employment, all daily activity, eventually rests: The contents of the earth and its physical environment."

RULE OF NATURE

I am not one of those who sees the shadow of poverty and ruin in every shovelful of material extracted from the earth. On the contrary, I can foresee continued growth and development of this Nation on an unprecedented scale, if our assets are wisely employed. Such productive utilization, however, does not come about by itself. It must be carefully planned and executed.

"Nature," wrote Francis Bacon in the 17th century, "to be commanded, must be obeyed."

Perhaps President Theodore Roosevelt had this bit of Baconian philosophy in mind when he sounded the alarm against ruthless and destructive exploitation of our natural resources and set us on the road toward a productive national policy in this field. A great deal of progress has been made.

In 1902 Congress passed the Reclamation Act, designed to promote the development of the small family-sized farm and the conservation and proper use of water in the West. In 1905 the Forest Service was set up, and additional parts of the public domain were withdrawn so that forests might be preserved. In 1906 the General Dam Act was enacted to guide and govern water-power development.

In 1933, with the birth of the Tennessee Valley Authority, the interrelationship among resources was given specific recognition. Flood control, navigation developments, soil conservation, power development, restoration of forest and wildlife resources, all became part of a single plan. The Southeast has become a fertile source of strength for the entire Nation during the past 20 years.

Similar progress has been achieved in the Pacific Northwest, through the Bonneville and Grand Coulee Dams and related projects. Shasta and Friant did the same for the now rich, once poor, central valley of California. Moreover, a start has been made on the biggest and most needed job of all—that of controlling the waters of the great Missouri for the benefit of the region and the Nation.

CONSERVATION GAINS

Since 1934 the wasting public domain has been greatly rehabilitated. Over 9 million head of livestock and some 740,000 big-game animals now depend on these lands for about one-third of their annual forage requirements. Vast deposits of oil, oil shale, gas, coal, and other minerals on these lands have been administered in the public interest.

More and more the full force of modern science and technology has been brought to bear on the problems of conserving our mineral resources and finding new ones.

Thus our raw-materials picture is neither as black as the prophets of despair would paint it, nor as bright as painted by those rugged individualists who debunk all the warning signs. We have not yet become a "have not" nation, nor need we become one in the foreseeable future. That is not to say, however, that we may not become one nevertheless.

The determining factor will be the natural-resources policy we adhere to as a Nation. As always, there will be a clash between the immediate commercial and industrial pressures upon our resources, and our long-run economic and security objectives. It is often difficult for a farmer to understand that a bumper crop does him little good if it undermines his soil and thus destroys his capital. Similarly cattlemen who cannot get unrestricted access to grazing lands or lum-

bermen to forests may rant against an unfeeling Government.

In the same way, our hungry industry would like to rush in and swallow up our richest materials sources in tremendous, rapid bites, to get more production and more income now. But we must hold the line, or eat ourselves up. The plain fact is that what is good for a given industry at a given time may not always be good for the country.

Can we hold the line? I don't know. In my testimony before the Senate Interior Committee considering the submerged-lands legislation, I stated that I feared this legislation not solely because it was unwise and unfair to give these assets away, but also because of the pattern that it establishes. That pattern has not been long in taking shape.

Legislation has been introduced granting all minerals and mineral rights in the public lands of the United States to the States within which they are situated. A move has been begun to put control of public grazing lands into private hands. At least one Senator has even suggested that we sell the TVA to private interests.

These are signs of our times. There are many and diverse views as to the best way to get the most out of our natural resources. There are many legitimate differences of opinion even on fundamentals. Some things, however, should in my opinion be very clear.

One is that this is everybody's fight—no one is unaffected. A second is that the Congress, before it engages in giveaway programs, owes the people of the United States an accounting of the stake they have in our nationally owned resources.

No businessman in his right mind would enter into a deal to dispose of properties without knowing exactly what those properties contain and how much they are worth. Yet, that is precisely what Congress is threatening to do today. No one really knows how many billion barrels of oil, how many trillion cubic feet of gas, how many billion tons of coal, to mention only a few examples, are contained in our nationally held lands. No one knows how much they are worth, although it is certain that the sum would stagger the imagination.

That is why I urged the Senate to establish a commission to inventory and appraise our nationally held natural resources before proceeding with a program to dispose of them. I renew that recommendation now. It is just plain business sense.

Finally, another fact should be clear and undisputed. That is that the Federal Government should use its powers to protect the interests of all the people in their great national heritage, and not just some of the people. If we ever lose sight of that we will have lost our greatest resource of all.

Mr. KILGORE. Mr. President, in the first part of the article by Oscar Chapman, a great Secretary of the Interior, he suggests why the people are not aware of the facts. He speaks of a radio discussion he had and says:

> I don't know the Hooper rating of the particular program, but I think it is reasonable to assume that when the program was announced, somewhere, let us say in Burlington, Vt., a housewife promptly switched to her favorite comedy program, a cabinetmaker in Topeka turned on the fights, and the publisher of a small weekly newspaper in Utah sought a livelier source of possible news for his columns. It is reasonable to assume that they, and thousands like them, were not interested in the subject matter under discussion, in the complacent belief that they were not materially concerned or affected.

The lack of understanding is well illustrated by a statement made in my presence by a taxi driver yesterday. He said, "Well, the oil companies are still fighting it out over who is going to get the tidelands oil."

It is not merely a question of fighting over who is going to get it. It is a question of from whom it is going to be taken away.

As I have said, the very phrase "tidelands oil" is a misleading one. The tidelands are not involved as an issue in any sense of the word. What is involved in the so-called tidelands question is the land under the ocean off the coasts of the United States and Alaska, the underwater lands, which extend for miles seaward from the low-water mark, or from the mouths of harbors, sounds, and other inland waters.

The question of the ownership of these lands did not become an important public issue until the 1930's, and then for a very simple reason. It was then that oil was discovered in the offshore lands.

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

Mr. KILGORE. I yield for a question.

Mr. KEFAUVER. I wonder if the Senator from West Virginia is of the opinion, as I am, that perhaps one reason why the term "tidelands" is used by the proponents of the proposed legislation in the discussion about it may be for the purpose of leaving the impression among the people of the country that it is the tidelands which are involved, whereas actually, as the Senator has said, that is not the case, but it is the lands under the sea which are involved, not simply tidelands.

Mr. KILGORE. The public-relations gang—and I use the word "gang" advisedly—have promoted the use of the word "tidelands," and they did so intentionally to mislead the public, and they have been most successful in their effort.

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

Mr. KILGORE. I yield.

Mr. KEFAUVER. Does not the Senator feel that the switch a number of years ago from the use of the term "submerged lands" to the word "tidelands" was a public-relations stunt, designed to try to mislead the American people?

Mr. KILGORE. I think the Senator from Tennessee is unquestionably correct. I thank him for his question.

It was not until the 1930's that oil was discovered offshore, and some of the coastal States, particularly Florida, proceeded to lease oil rights in the offshore lands to private companies.

The Secretary of the Interior, Harold Ickes, a notable champion of the conservation of our natural resources, challenged the ownership of the States in these offshore lands, and urged that the matter be determined by the courts.

In 1945 President Truman issued a proclamation asserting Federal jurisdiction, and ordered a suit to be brought against California.

In 1946 Congress passed a quitclaim bill to concede title to the States. The President vetoed the bill, and it did not become law.

Mr. President, I used to do title work in Kentucky and West Virginia. Whenever I ran into the word "quitclaim," I knew that somewhere skulduggery was involved in the title. I think any lawyer who has practiced law in many of our States would recognize that to be so.

In 1947 the Supreme Court handed down a decision in the case of the United States of America, plaintiff, against the State of California, defendant, setting forth the paramount rights of the Federal Government, and rejecting the claims of California.

In 1948 the House of Representatives passed a bill to restore the leasing power to the States, but the Senate failed to act on the bill, and it died.

In 1948 a second suit was instituted by the United States against the States of Texas and Louisiana, and in 1950 the Supreme Court again ruled against the States, and in favor of the United States—shall I say in favor of all the stockholders of this great corporation we call the United States?

My good friend and colleague, the senior Senator from Alabama [Mr. HILL], has ably summed up the situation. He has said:

> With the best legal talent that ample funds could employ, the three States put forward their claims for these underseas resources in the Supreme Court and lost. Now this dissatisfied minority of States, with the help of certain private oil interests, are carrying on a relentless campaign to get this national wealth for themselves by means of a bill in Congress.

Less than 30 years ago a member of the President's Cabinet was prosecuted and imprisoned for turning loose the public domain for private operation by oil companies. Of course, Congress could, by the enactment of legislation, attempt to legitimatize such an illegitimate act. But if it should do so, I would question the constitutionality of such an attempt at legitimization.

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

Mr. KILGORE. I yield for a question.

Mr. DOUGLAS. Is the Senator from West Virginia aware of the 16th century English verse which is as follows:

> The law locks up both man and woman
> Who steal the goose from off the common,
> But lets the greater felon loose
> Who steals the common from the goose.

Mr. KILGORE. Yes. I thank the Senator for reminding me of that 16th century rhyme. I think it certainly applies in this instance.

The campaign to which I have referred has been, indeed, relentless. In 1951 the House of Representatives approved a bill to give to the States the ownership of submerged lands to the 3-mile limit.

Mr. President, I have heard much discussion about historical boundaries, and such talk gets under my skin. As a nation, we have set up a historical claim to jurisdiction over the seas to a line 3 miles off our shores. That claim was first disputed by England, but since then there has not been any controversy. On the other hand, we fought the War of 1812 over the question of freedom of the seas. Now an attempt is being made to quitclaim to certain States land under the seas.

When we quitclaim land, we say to the grantee, "In the deed that is being turned over to you, we do not guarantee that we have any interest in the land. It is

up to you to protect and defend it. If you can make anything from it, do so." That was the basis for the old squatter titles.

How can we quitclaim to a State a piece of land belonging to the United States? I ask that question of the distinguished Senators who propose to do so.

The Constitution forbids States to enter into treaties with foreign powers. The only ground on which the Government holds any property is by reason of international agreements or by might and power.

So I do not see how, on the one hand, we can quitclaim, and on the other hand, defend the Constitution. Or are we, as I sometimes think is proposed by the Bricker resolution to change the Constitution, proposing to delegate, for instance, to the States of Texas, Louisiana, and Florida, the right to negotiate a treaty with the Republic of Mexico, with respect to the drilling of wells under the Gulf of Mexico? Is it proposed that that be done? It seems to me that that must be the next step. Otherwise the United States must negotiate a treaty, because I do not believe the Republic of Mexico would look with favor on our moving into the Gulf of Mexico without an international agreement of some kind to protect Mexico's rights.

They have plainly evidenced that by their actions in expropriating oil leases granted to American corporations in Mexico when they felt they had been unfairly treated.

Let me get back to the 1951 bill.

The bill proposed to reserve to the Federal Government control of the Continental Shelf beyond the 3-mile limit; but under the terms of the bill, the Federal Government was to pay to the States 37½ percent of all revenues derived from such lands within the 3-mile limit.

To show how far we are going, there is one bill in the House which would allow the States to charge a severance tax on oil clear out to the edge of the Continental Shelf, far beyond even any so-called historical claim.

In the Senate, the Committee on Interior and Insular Affairs conducted hearings on a so-called interim measure. This proposed to validate the leases which had already been executed by the States, and permit the production of oil under Federal control pending the determination of the exact boundaries and responsibilities for the submerged lands.

The Senate committee discussed the House-approved bill and the interim measure and voted to postpone action until January 1952.

Early in 1952, this again became a live issue in the Senate.

But to the House-approved bill and the Senate interim proposal a third choice was added. Senator HILL made an appeal to the committee for support for his bold proposal to use the oil revenues for Federal aid to education.

Today I attended a committee hearing on vocational education. Under the recent reduction made by the Budget Director the people of the various States contend that it would be impossible to carry on the vocational and agricultural educational program we have carried on in the past.

What effect would revenues from oil have on such programs? The figures with regard to oil show that for my State alone the royalties would amount to $1,850,000,000 if that resource were properly developed over a period of 30 years.

On January 14, former Senator Connally, of Texas, a stanch advocate of nullifying the Supreme Court decisions by congressional action, introduced a resolution to take the House-approved bill out of the hands of the committee and bring it to the floor of the Senate for action.

Shortly afterward, in order to bring the whole question to the floor of the Senate, the committee favorably reported the interim proposal.

As reported by the committee, the interim proposal would validate the leases which had been made by the States, and permit continued oil production under Federal control. Senator O'Mahoney championed the bill as one "to postpone controversy and produce oil."

The bill which was in fact approved by the Senate, after a series of amendments, was however quite a different one.

Debate began on the Senate floor early in March of last year.

Arguments were advanced which, it seems to me, can be described only as irrelevant.

It was suggested, for example, that if the Supreme Court decision were not nullified by congressional action, then the title to ocean-front filled lands, piers, and other construction would fall to the Federal Government.

Finally, early in April, the Senate passed a bill which was substantially like the House bill, to give title to the offshore lands to the seaboard States.

I say "seaboard States." Let me say to the representatives of seaboard States along the Atlantic coast that, in my humble opinion, based upon geological formations in the East, they will not receive any windfall in oil. There are tremendous under-water supplies of oil in the Gulf of Mexico area, possibly some around the tip of the coast of Florida, and offshore in southern California.

The only thing I can see for New Jersey to do would be to require a fishing license for anyone who wanted to fish offshore and a swimming license for anyone who wanted to swim offshore, if New Jersey expects to get anything from offshore land.

The bill passed by the Senate was the bill which, after further refinements in conference, was sent to the President on May 16 of last year.

President Truman denounced the bill the next day as "robbery in broad daylight."

Shortly afterward the President sent his veto message to the Senate.

After some maneuvering in the Senate, plans to get a vote on overriding the President's veto were abandoned.

President Truman's veto message of May 29, 1952, has been violently denounced, but it has received little public analysis.

It deserves, I think, a careful consideration, as one of the best summaries of the public interest in the whole tidelands question.

In what is almost the opening sentence of the message, the President said:

> I have concluded that I cannot approve this joint resolution, because it would turn over to certain States, as a free gift, very valuable lands and mineral resources of the United States as a whole—that is, of all the people of the country. I do not believe such an action would be in the national interest, and I do not see how any President could fail to oppose it.

We now have the same issue before us once again, a year later.

It was a political issue, to a certain extent, in the last campaign, but very much submerged—almost as much submerged as the lands are.

Since the veto message of last year has had so little attention, I should like to summarize it briefly here. The issues which it raises are the most basic ones.

The burden of the message is this:

Whatever the merits of the legal controversy, that controversy has been resolved in the only way that such a question can properly be resolved under our Constitution—in the courts.

The tidelands question has been considered by the Supreme Court of the United States, not once but three times. First in 1947, in the case of California, and twice more in the cases of Louisiana and Texas in 1950.

Three times the Supreme Court has held that the submerged lands and mineral resources under the open waters of the ocean off the coast of the United States are lands and resources of the United States, and that the various coastal States, as such, do not have and have never had any title to, or any property interest in, such lands or resources.

I wish to illustrate that point a little. Does anyone ever obtain a fishing license to fish within the 3-mile limit off the coast of the State of Florida? No. If he fishes in Lake Okeechobee or in the inland waters or rivers, he obtains a fishing license, but he does not obtain a fishing license to fish offshore.

Texas, before it became a State, and while it was an independent republic, had whatever rights existed in the submerged lands off its coast, as a nation, not as a State, because it is a national issue. But the Supreme Court ruled that any such rights were transferred to the United States under the annexation agreement when Texas entered the Union, and by virtue of the fact that Texas, in entering the Union, agreed to live under the Constitution of the United States, which makes these international matters ones for the Nation and not for the States.

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

Mr. KILGORE. I yield for a question.

Mr. DOUGLAS. Is it not a fact that the joint resolution of Congress whereby Texas was admitted to the United States provided that Texas should be admitted "on an equal footing in all respects whatever with the original States"?

Mr. KILGORE. That is a correct quotation. The only variance from that was a specific grant to Texas of the lands within the State in return for which the State itself assumed the obligation to pay the debts it had incurred as a nation.

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

Mr. KILGORE. Yes. Incidentally, let me say to the Senator that those lands were granted to the Lone Star State in order to enable the State to pay its bonded and other indebtedness. Naturally they said, "We will hold them to pay debts." I now yield to the Senator from Illinois for a question.

Mr. DOUGLAS. Is it not true that the specific lands which were allowed to remain in the hands of Texas were lands on the continental land mass, so to speak, and were in no sense submerged lands beyond the low-water mark?

Mr. KILGORE. That is absolutely correct. There was never any claim, historical or otherwise, for anything offshore until oil was discovered. There was no mention of any offshore lands. It referred only to the land mass of the Republic of Texas.

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

Mr. KILGORE. I am glad to yield.

Mr. DOUGLAS. Do I correctly understand the Senator from West Virginia, therefore, to be arguing that whatever rights Texas may have had to boundaries 9 miles off its coast as an independent republic, that those rights ceased to exist when Texas no longer was an independent republic but voluntarily and of her own free will joined the United States of America under the resolution which contained the equal footing clause?

Mr. KILGORE. That is a correct interpretation. It is the interpretation which was placed on the case by the Supreme Court. It is the only interpretation I can place on it. When we get to the question of international seas, it becomes an international question, not a State question.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. Is it not a fact that Florida and Iowa were admitted in 1845 under the same provision, namely, they were admitted on an equal footing in all respects with the original States?

Mr. KILGORE. That is correct.

Mr. DOUGLAS. Therefore, is it not true that Florida had no greater rights than the original States when she was admitted to the Union?

Mr. KILGORE. No more than any other State. No more than Iowa or any other State.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. I ask the Senator from West Virginia whether it is possible for Florida, after seceding from the Union 23 years later, to claim 3 leagues instead of 3 miles on her west coast, and to have that claim properly recognized by the Federal Government? Is that possible or legal?

Mr. KILGORE. It is not legal, of course. It may be possible for them to make the claim. It is not legal. This is becoming a claiming race, Mr. President, as it is called around racetracks, and as some of my good friends from Kentucky understand the term. It is a claiming race. It is a question of who claims the most, and whoever can find some words to use to back it up.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. While it is undoubtedly true that the Senator from West Virginia, like the Senator from Illinois, believes that the punitive policy of reconstruction, which was followed by Thaddeus Stevens and others after the Civil War, was wrong, nevertheless should States which seceded be allowed to come back into the Union with greater rights than States which did not secede, and with greater rights than they possessed when they seceded?

Mr. KILGORE. No; and they were not permitted to do so. The States had to come back into the Union before they could have representation in Washington.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. Does not the Senator from West Virginia, therefore, regard the claims of Texas and Florida, for a 9-mile boundary, as ill-founded, illegal, and improper?

Mr. KILGORE. I most certainly do.

Mr. President, I got to thinking the other day that if we go ahead with this sort of giveaway program, what is to prohibit the Legislature of Mexico, for instance, from claiming the historical boundaries of the Spanish Empire, which run clear across the Gulf of Mexico and include Florida and Cuba? What is to prohibit the Parliament of the Dominion of Canada from claiming that the traditional boundaries of Newfoundland include the Grand Banks, and thereby eliminate our fishing industry up there?

I could go on and cite other instances. In fact, Mr. President, getting back into ancient history, Italy, which is the inheritor of the Roman Empire, could say that "Mare Nostrum" means exactly what it says, and therefore the whole of the Mediterranean Sea belongs to them.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. Am I to understand the Senator from West Virginia to say that "Mare Nostrum" might become "Mare Clausum," or a closed sea?

Mr. KILGORE. Yes; and it might become "Mare Noisome" in the international picture, I might say.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. I understand that the Senator from West Virginia is arguing, first, that Florida and Texas do not have legitimate claims to boundaries 3 leagues from their coasts. Is that correct?

Mr. KILGORE. That is correct.

Mr. DOUGLAS. Does the Senator from West Virginia say that they actually have any ownership out to 3 miles at sea?

Mr. KILGORE. I do not think they or any other States have ownership out to 3 miles. I think ownership of a State goes to the low-tide mark on the ocean front, or, in the case of a major body of water like the Gulf of Mexico, to the gulf front. After all, a 3-mile limit can be held only by 2 methods. One is by force of arms, the power to hold. The other is by international agreements, such as we have in the Bering Sea, with Canada, Russia, and England.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. Is it not true that the United States has on the whole been able to maintain the 3-mile limit through international agreements with most of the major powers of the world?

Mr. KILGORE. That is the only way it has been able to maintain such limit. In fact, the 3-mile limit was disputed at one time by England, and it was only after negotiations that England finally agreed to withdraw its objections.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. May I ask the Senator from West Virginia whether it has been the separate States which have asserted their rights to the territorial sea to the extent of 3 miles, or whether it has been the United States.

Mr. KILGORE. It was the United States. In fact, the States have disclaimed responsibility, and they have demanded that the law be enforced within this area by United States officials. The question of navigation comes into the question. The lighthouse service and other services must be maintained by the United States Government.

Mr. DOUGLAS. Do the States provide the shore batteries and coastal defenses to protect the 3-mile area, or is that the responsibility of the Federal Government?

Mr. KILGORE. The States provide nothing. The only thing they do is ask the Federal Government to dredge channels into their harbors.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. Do the States provide the lighthouse service?

Mr. KILGORE. No.

Mr. DOUGLAS. Do the States provide the Coast Guard?

Mr. KILGORE. No. The Federal Government must even buy the land for the Coast Guard station or lighthouse from the private owners within the States.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. If the States, particularly the States of California, Texas, and Louisiana, are successful in getting this giveway program through Congress, does the Senator from West Virginia believe that it would be poetic justice if we were to ask them to bear the expense of maintaining the Coast Guard and the lighthouse service and the coastal defenses, and to pay for all the river and harbor improvements?

Mr. KILGORE. I think it would be poetic justice to do so. However, it

would be very unfair to the rest of the Nation in case of war, because the States would not have the ability to perform that service. Incidentally, the Constitution would prohibit it, because the Federal Government is the only government that can provide for the common defense under the Constitution.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. Might it not be proper to lodge the costs of the lighthouse service and Coast Guard service, whose primary functions are not to defend or protect commerce, against the States if they take away the submerged lands from the Federal Goverment?

Mr. KILGORE. Unquestionably it would be fair to do so.

Incidentally, I may say to the distinguished Senator from Illinois that I wonder particularly about the claim of Louisiana. The United States of America as a corporation bought Louisiana from France. The purchase price was not paid by the citizens of Louisiana. It was paid by the original group of States. It was paid in cash, not in bonds. When Louisiana was set up as a State it got only what we gave to it. We made other purchases like that at various times in our history.

When we get back to historical boundaries, I wonder what would be said if the State of Virginia were to claim its historical boundary, which was the Western Sea, taking in all of West Virginia, Ohio, Illinois, Indiana, Iowa, and all the way to the west coast.

The State of Massachusetts, for example, would encroach slightly upon southern Canada. So would the State of Connecticut. The reason I mention it is that a distinguished Member of this body seems to have the idea that the royal patent of his State granted a 3-mile limit to his State.

I think the most liberal royal patent ever granted was the one granted to the crown colony of Virginia, and I know that that patent did not include a grant of the land extending 3 miles into the sea off that colony, although the grant did include the land extending westward across this country to the western sea.

So I say that these lands under the open sea are, as is also true of the public domain of this country, the property of all the people of the Nation.

However, if we were to allow persons high-handedly to exploit the lands extending into the Gulf of Mexico, and if Mexico disputed that action, we would again hear the South American Republics and the Central American Republics and the Republic of Mexico refer to us as "the colossus of the north which seeks to take our property from us." Those countries might be justified in saying that, in that event, because unless this matter can be amicably settled with Mexico and with the other countries to the south of us, oil exploitation in the Gulf of Mexico might, and no doubt would, become a very serious international problem which would destroy the effect of all the good-neighbor work that has been done in the last 20 years during which we have sought to build up among the neighboring Republics to the south of us a realization that we are not trying to take from any of them property which belongs to them.

However, if oil exploitation in the Gulf of Mexico were permitted by our country, as a result of the ensuing international difficulties we might find ourselves an isolated nation.

In fact, if the proposal now made were to go into effect, the ultimate result might be that we would find that control of the lands up to the high-water mark, rather than just up to the low-water mark, would be in question.

The issue is whether an asset which belongs to all the people of the United States shall be given to the States which happen to border on the ocean.

Despite the various arguments which have been advanced, the real purpose and the sole effect of the present proposal is to give to a few States the undersea lands and mineral resources which belong to the entire Nation.

The President said:

> I cannot agree that this would be a wise or proper way to dispose of these lands and mineral resources of the United States. Instead, I think the resources in these lands under the sea should be developed and used for the benefit of all the people of the country, including those who live in the coastal States.
>
> I would not agree to any proposal that would deprive the people of the coastal States of anything that rightfully belongs to them. By the same token, I cannot be faithless to the duty I have to protect the rights of the people of the other States of the Union.

Mr. President, it seems to me that that statement makes sense. It seems to me that it reflects the only possible stand for a President of all of the people of the United States to take.

The President could find no sound reason for the Federal Government to make a gift, for the benefit of several States, of property which belongs to all of the people.

This property is a part of the priceless national heritage of all of the people. This national wealth, like the other lands owned by the United States, is held in trust for the welfare and security of the Nation as a whole. The future revenue from this wealth should be revenue for the benefit of all the people.

Mr. President, let me say to you that the people of the coastal States who would receive this gratuity—unconstitutional as I consider that it would be—would feel in honor bound to agree to have the States in which public lands are located given those public lands; and the States which would receive this gratuity no doubt would agree to have that done. Thus the Federal Government would lose control of the national forests and other resources of the public lands. It should be pointed out that at present the public domain is so valuable that it constitutes ample security for our present public debt; in fact, it would be ample security for an even larger debt. However, that security would then be thrown open to exploitation, waste, and profiteering.

Mr. President, the revenues from these lands should belong to the entire country. In the last session of Congress I submitted an amendment providing that the revenues derived from these lands be devoted to the payment of the public debt. That amendment, like other worthy amendments, lost out in the shuffle.

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

The PRESIDING OFFICER (Mr. PURTELL in the chair). Does the Senator from West Virginia yield to the Senator from Illinois for a question?

Mr. KILGORE. I yield.

Mr. DOUGLAS. Is it not true that the estimates of the capital value of the oil, gas, and mineral resources in the submerged lands range from $50 billion to $300 billion?

Mr. KILGORE. That is correct. Based upon the lowest figure, as I stated a short time ago, the share of my State, whose population comprises only one-seventy-fifth of the total population of the United States, would be $1,800,000,000, even at the minimum estimate of the revenues; and on the basis of the maximum estimate, the share of my State would be so great that it would be difficult to estimate.

President Truman's veto, and the failure of the Congress to pass the measure over his veto, left the Supreme Court decisions undisturbed and left the title to the offshore lands in the Federal Government.

On January 16, 1953, President Truman issued Executive Order No. 10,426, which set aside the submerged lands of the Continental Shelf as a naval petroleum reserve.

Mr. President, let me say that if this joint resolution is enacted into law, Teapot Dome will look like a tempest in a teakettle.

The Executive order issued by President Truman in January of this year provides that the lands of the Continental Shelf of the United States and Alaska, lying seaward of the line of mean low tide and outside the inland waters, and extending to the furthermost limits of the rights and dominion of the United States, be set aside as a naval petroleum reserve to be administered by the Secretary of the Navy.

Of course, Mr. President, the Cabinet disgrace back in the 1920's was brought about when control of the naval petroleum reserve was taken out of the hands of the Secretary of the Navy and was placed in the wrong hands.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield to me for a further question.

Mr. KILGORE. I yield.

Mr. DOUGLAS. Is the Senator from West Virginia aware of a little verse which was composed by the former Governor of Illinois, Mr. Stevenson, who was the Democratic Party's candidate in the last election—as follows:

> Hush, little mink coat; don't you cry.
> You'll be Teapot Dome bye and bye!

Mr. KILGORE. I remember that very well, and let me say that Mr. Stevenson was certainly correct in making that prophecy.

The Executive order to which I have referred provides that the naval petroleum reserve thus established in the lands of the Continental Shelf shall ex-

tend only to oil and gas, and shall not interfere with the use of the lands or waters within the reserved area for any lawful purpose not inconsistent with the reservation.

The Executive order provides that remittances shall be deposited in a suspense account within the Treasury of the United States, subject to the control of the Secretary of the Navy, the proceeds to be expended in such manner as may hereafter be directed by an act of Congress.

As I have said, in 1952, I submitted two alternative amendments for the use of the royalties from these Federal oil deposits. One amendment would have applied all revenues to the national debt; the other would have granted 30 percent of the revenues to aid the schools, with the rest of the revenue to be applied to reducing the national debt.

Mr. President, at this time I wish to speak for a few minutes about the national defense. I fear that most of the Members of this body are not sufficiently conversant with two things in that connection. I wonder if any of my colleagues has ever had to fight an oil fire on the water. Let me say that I have had to do that, and I have seen the results of such a fire. I know how fast such a fire can spread and I am aware of the enormous damage that such a fire can do.

We are constantly reminded that our known oil reserves are diminishing. If we had a workable treaty with Mexico, we could proceed with a proper leasing progam and we could arrange to have these lands properly tested for oil. Then we would know what oil was available. Much time and expense would thus be saved in connection with the operations leading to the production of oil.

However, without such a satisfactory treaty, and in the absence of a workable arrangement in that connection, uncontrolled auctioning of leases to these oil lands would undoubtedly begin. I am told that in the fair State of Texas alone, $2 million worth of leases were sold in 1 day, at 1 auction, only 5 or 6 years ago; and those leases were not for lands inside the 9-mile limit, either.

In the oil fields an old expression was, not that there was an oil development, but that there was "an oil excitement."

I have seen oil wells drilled in back lots and through back porches, because someone had located a deposit of oil and everyone wanted to get in on that known deposit.

Thus it is that in the case of these submerged lands, if general exploitation is permitted, someone will spend money in drilling a well for oil; and if he discovers a deposit of oil, everyone else in that area will buy leases around that spot, although the value of those leases will not then be known, for, as the old oilmen used to say, "oil is where you find it."

Of course, it is possible to test electronically for oil, and it is possible to ascertain whether an oil formation exists in a certain location; but whether deposits of oil actually lie there can be determined only after actual drilling operations have been conducted.

Mr. President, let us suppose that a number of oil wells producing oil were developed in the Gulf of Mexico, and let us suppose that a war broke out.

I wish to refresh the recollection of my colleagues about the situation which existed at the beginning of World War II.

We remember the submarine warfare which broke out in the Caribbean off the southern tip of Florida. That warfare was directed against our oil supplies. Some of our shipping was sunk by enemy submarines operating almost in the mouth of the Mississippi River. In such an area, one submarine could blow up every bit of shipping in the Gulf of Mexico by one direct hit on, shall we say, a $10,000 well. The submarines were kept in that area, and that indicates the possible danger. Careful supervision of the entire area is indicated.

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

Mr. KILGORE. I am glad to yield to the Senator from Illinois for a question.

Mr. DOUGLAS. I should like to ask the distinguished Senator from West Virginia whether there is not also a danger that escaping oil may poison the waters, killing off enormous quantities of fish?

Mr. KILGORE. That is unquestionably true.

It would not exactly poison the water, I may say to the Senator from Illinois, but oil creates a film over the water which cuts off the supply of oxygen. That is how we get rid of mosquitoes. A film of oil on the water would not only kill the fish; it would have a tendency to kill all marine line. A runaway well, so-called—a well out of control—might have such results. To guard against that, dikes are built around such wells when they first come in, in order to catch the oil. To cap a well is a difficult task. It can be done, though it is expensive. It would require a full-sized tanker to contain the oil from a well for the first 2 or 3 days and that involves great expense. The tanker must stand by until the drilling is completed, though the drillers are never certain as to whether they will strike oil.

Mr. DOUGLAS. Does that not indicate the need for extreme care and close supervision of the drilling of the wells? In other words, the coming in of the wells may kill off the fishing industry. Is that not true?

Mr. KILGORE. The danger of runaway wells is one reason why the oil companies do not want to drill under Federal supervision. They do not want to be put to the expense of providing against such contingencies as a runaway well. They would rather lose 45,000 barrels of oil than gamble on the cost of keeping a tanker standing by.

Mr. DOUGLAS. Will the Senator from West Virginia say that is the reason for their preferring State control, or one of the reasons?

Mr. KILGORE. I think it is one of the reasons. It has always been an influence. I have been told that oilmen prefer the leasing of privately owned land to the leasing of Government land, under the control of the Navy or the Department of the Interior, whichever one may have jurisdiction over the land.

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

Mr. KILGORE. I yield gladly for another question.

Mr. DOUGLAS. Do I correctly understand the Senator from West Virginia to be saying that the oil companies prefer looser requirements in connection with drilling, even though it might result in killing off the fish industry, because they would not have to bear any of the costs of the destroyed industry?

Mr. KILGORE. I have seen a great deal of good land ruined as a result of oil flowing over it. The concern of the driller is to get the oil into the pipelines. That is the whole concern of the oilmen.

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

Mr. KILGORE. I yield.

Mr. DOUGLAS. Is not that a strong argument for Federal control and Federal supervision rather than State control and State supervision?

Mr. KILGORE. Unquestionably it is. The oilmen also prefer concentration in the hands of one leasing agency, in order that the land may be properly explored and developed.

The Senator from Alabama [Mr. HILL], I may say, looks upon the problem as I do. It is a question of how the oil reserves can best be developed and used in the national interest. Senators and Representatives from the coastal States in some instances apparently disregard the decisions of the highest court and seek an outright gift of the bulk of the oil and gas to the three States, California, Texas, and Louisiana.

I am happy to be a cosponsor of the challenging proposal of the Senator from Alabama to use the revenues from the submerged lands for American education. The Senator from Alabama desires, as I do, to provide the best way in which to use the offshore oil in the national interest. He has pointed out that of the various proposals, the most fantastic of them all is for some strange reason the one most in danger of acceptance. This is the suggestion that the Senators and Representatives from the 48 States disregard the decisions of our highest court and make an outright gift of the bulk of this oil and gas to 3 States, California, Texas, and Louisiana.

The provisions of the education amendment are simple:

First, the money from this oil, this great natural resource of the Nation, is to be dedicated now for the long-range needs of the education of the Nation's children—all its children—and placed in a special account in the Treasury of the United States.

During the present critical period, the funds may be used for national defense purposes. They shall be employed only for urgent developments to be specifically determined by the Congress. Thereafter, this special account shall be devoted to our children's education as grants-in-aid of primary, secondary, and higher education.

Second. Every State or political subdivision which has issued any mineral leases or grants covering submerged lands of the Continental Shelf, and every

grantee of such State or political subdivision, shall file with the Attorney General of the United States by December 31, 1953, a statement of the money or other things of value received by the State, or by the political subdivision or by a grantee, from such leases or grants. The Attorney General shall submit these statements to the Congress not later than February 1, 1954. The object of this provision is to find out what benefit particular States have already had from this property which belongs to all the people.

Mr. President, the two points which I have been discussing are the essence of the education amendment.

The oil-for-education amendment proposes no new departure into uncharted areas. It is simply a continuation of one of our oldest and wisest national policies—the use of revenues from public lands for educational purposes.

Millions upon millions of acres of our public lands were in the early days granted to the States to establish and to support grammar schools and high schools, State universities, and our land-grant colleges in every State.

There is, to my mind, not the slightest doubt that legally and morally these great offshore resources of the United States are the property and should remain the property of all the people of the United States.

There is equally, to my mind, not the slightest doubt that the most desirable use to which the revenues from them could be put is to use them to expand the educational opportunities for all the people of the United States.

I say that, Mr. President, in all sincerity. Only the United States can maintain them; only the United States can negotiate various treaties to make the resources operative. Suppose the treaties regarding the Bering Sea should be denounced by Russia or Canada or England? We would then face a serious difficulty. We are establishing, in my humble opinion, if we enact the proposed legislation, one of the most dangerous precedents ever established.

When the Supreme Court decides that a certain bill is unconstitutional, the Congress can reconsider it and amend it to make it fit the Constitution. But here we undertake by legislation to overrule the Supreme Court of the United States on a question involving the constitutional rights of the United States. I say that is one of the most dangerous precedents ever sought to be established since the inception of the Republic. It will affect generations of American stockholders yet unborn who will have to shoulder the burden of the national debt because, as sure as I am standing on this floor, Mr. President, we shall be giving away the rights in the public domain if we pass this proposed legislation.

The chain of firecrackers has been lighted and the squibs will be exploding all around us.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. HILL] to the amendment in the nature of a substitute offered by the Senator from New Mexico [Mr. ANDERSON] for the committee amendment.

Mr. NEELY obtained the floor.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield to me for the purpose of making a unanimous-consent request, with the understanding that he will not lose his rights to the floor, and that my remarks will not be counted as a speech?

Mr. NEELY. I yield with that understanding.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point as a part of my remarks a copy of my reply to Mr. Patrick Murphy Malin in response to a letter which Mr. Malin wrote to me, and which the Senator from Ohio [Mr. TAFT] did me the honor of including in the RECORD yesterday. It fully answers the points raised by the Senator from Ohio.

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

WASHINGTON, D. C., *April 23, 1953.*

Mr. PATRICK MURPHY MALIN,
Executive Director,
American Civil Liberties Union,
New York, N. Y.

DEAR MR. MALIN: I appreciated your letter of April 21 emphasizing the principle that Senate debate should not be carried to the point of preventing a vote.

With this principle I am in full agreement, as I have frequently stated in the Senate.

Furthermore, the current debate on the offshore oil giveaway bill has been conducted in a manner fully consistent with that principle, as the record of the debate will show. We, who are opposing the bill, have not presented irrelevant, time-consuming material. Our debate has been germane. We have not resisted the motion to bring up the bill, or sought to prevent a vote on Senator TAFT's proposed motion to table the Anderson bill, or on any other matters. Our objective has simply been to make the vote more intelligent and better informed when it comes.

It is important to recall that the press coverage and the attendance in the Senate have fallen far short of what we had hoped this historic and far-reaching issue would attract. In addition, we have had a 7-year campaign of misinterpretation to counteract. Under these circumstances, it has been necessary for us to debate this issue fully, involving as it does values estimated at from 50 to 300 billion dollars, and setting a precedent for the loss of other gigantic public resources. I believe you would agree that democracy cannot function successfully if the people, or their representatives, are poorly informed or misinformed on crucial issues.

It is ironical that Senators who consistently fought our efforts in 1949, in January of this year and at other times, to adopt an effective antifilibuster rule, should now label our debate a filibuster and insist that we should terminate it. It might be poetic justice if we did employ the filibuster against the oil giveaway and anti-civil-rights advocates, who do not hesitate to use it themselves. After all, we should remember that the Savior of mankind correctly stated that they who take the sword shall perish by the sword. But by any fair test our debate is not in fact a filibuster, despite the repetition of the charge.

It is also ironical to note that only since this mistaken charge of filibustering has been made have most of the press begun to give prominent news treatment to this debate. From all parts of the country I have had complaints of the comparative news blackout. In this situation I am confident you will understand the justification, nay necessity, for extending the discussion sufficiently to get the issues to the people, even though some persons who oppose us may try to give it the appearance of a filibuster.

It is regrettable that despite your explicit refusal to characterize the debate in this manner, Senator TAFT should have referred to your letter on the Senate floor yesterday as commenting on and regretting the fact that the Senator from Illinois should be engaged in a filibuster. I immediately denied the charge and pointed out that we have not sought to prevent a vote. After you have reviewed the debate and my participation in it, I trust you will agree he was mistaken in citing your letter in support of his charge.

I have written you at some length both to set the record straight, and because I believe the American Civil Liberties Union will not wish to be alined, even by inference, with those who would shut off, or condemn, or ignore honest, germane debate on an issue of far-reaching importance to the country. The democracy, in whose name you wrote in addressing me, will best be served by apprising the Senate and the people of the great interests now at stake. We are fortified in this conviction by the rising tide of public sentiment against the quitclaim bill now that news of the proposed giveaway is circulating more widely.

Faithfully yours,

PAUL H. DOUGLAS.

Mr. NEELY. Mr. President, the old Romans kept a burning lamp in the tomb of Tullia, the daughter of Cicero, for 1,500 years. Cowper wrote with reference to this unusual method of commemorating the memory of the dead the following lines:

Our wasted oil unprofitably burns
Like funeral lamps in old sepulchral urns.

If the effort which is now being made in the Senate to give to certain States the oil underlying their offshore areas succeeds, all the people of the Nation except those of California, Louisiana, Florida and Texas can justifiably chant these poetic lines as applicable to their loss of a heritage of oil and gas worth at least fifty billion dollars.

Mr. President, what would the people of any city in the United States—except those of the voiceless, voteless city of Washington—think and say and do if their real estate dealers were to prevail upon the city council or other governing body to give their parks and everything pertaining to them to California, Louisiana, Florida and Texas?

What would we do if a foreign government should attempt to seize the submerged lands off the shores of the United States and the priceless resources underlying them? Does anyone doubt that the Congress would, if necessary, declare war against any country that might attempt such aggression against the American people?

Mr. President, let me make it plain that I charge no Member of this body with either improper motive or improper conduct. Yet, the preceding inquiries indicate what, in effect, is happening or will happen if the pending legislation becomes the law of the land. The public and private lobbies of the States of California, Louisiana, Florida and Texas are apparently succeeding in their efforts to take for their own use, without a penny's compensation, fabulously valuable oil, gas and mineral resources which belong to all the people.

Mr. DOUGLAS. Mr. President, I respectfully request that the Senate be in order.

The PRESIDING OFFICER (Mr. BUSH in the chair). The Senate will be in order.

Mr. NEELY. Mr. President, if this legislative effort succeeds, the people of West Virginia will lose a billion eight hundred million dollars. This vast sum of money should be expended for the healing of West Virginia's sick, for the education of her children, the relief of her aged and needy, the improvement of her highways and the promotion of the welfare of all her people.

Not since the days of the Teapot Dome scandal of the Harding administration has Washington witnessed such an outrageous attempt as the one now on foot to impoverish a hundred fifty million praiseworthy people for the purpose of greatly enriching a favored, wealthy few.

Three times in the past 6 years the Supreme Court of the United States has held that "the Federal Government has paramount rights in and full dominion over" the submerged lands and everything underlying them in the area off the United States in the Pacific Ocean and the Gulf of Mexico.

The coastal States do not own and never did own the submerged lands adjacent to their boundaries. These belong to the United States—to all the people of the Nation—not because any Member of this body has said so, but because the Supreme Court has, with absolute finality, settled this question beyond the shadow of a doubt.

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

Mr. NEELY. I yield to the Senator from Illinois.

Mr. DOUGLAS. Does the Senator from West Virginia refer to the so-called Nye resolution?

Mr. NEELY. Yes; that is the resolution to which I refer.

Mr. DOUGLAS. That was in 1937, was it not?

Mr. NEELY. Yes; it was unanimously adopted by the Senate on the nineteenth of August, 1937. It was my privilege and pleasure to support it.

No voice from California was heard against it. The Senators from that State, at the time in question, were the great Hiram Johnson and the distinguished William G. McAdoo. They were always not only alert, but ready to fight at "the drop of a hat" for the defense and preservation of everything that pertained to California.

Never shall I forget that during the filibuster against Senator Johnson's battle for Boulder Dam, proceedings were halted at three o'clock on a certain morning by the suggestion of the absence of a quorum. The request of the Sergeant at Arms for the attendance of absent Members failed to produce the desired result. On my motion, a warrant of arrest was issued by virtue of which the absentees were compelled to leave their beds and come to the Senate. To my regret, the famous "Jim" Reed, one of the greatest debaters of all time, was so angered by what I had done that for two months he refused to speak to me.

Neither Senator Johnson nor his colleague, Senator McAdoo, by voice or vote, objected to the adoption of the Nye resolution, which asserted that the coastal submerged oil lands between the low-water mark and the three-mile limit, including those of California, belonged to the Federal Government or, in other words, to all the people of the United States.

At that time, Florida's distinguished Senators were Claude Pepper and Charles Andrews. They were loyal and diligent in representing their State. Neither of them opposed the Nye resolution.

At the time in question, Louisiana's Senators were the distinguished John H. Overton and the distinguished Allen J. Ellender. They never failed to discharge their duty to the State they so ably represented. Neither of them opposed the resolution, which asserted that our coastal lands belonged to all the people instead of to those of three or four States of the Union.

At that time, the distinguished Morris Sheppard and Tom Connally represented the great State of Texas. In the ability, diligence and efficiency with which they represented their people they were unsurpassable. Neither of these outstanding statesmen, by voice or vote, opposed the Senate's assertion that all the people owned the coastal lands and everything underlying them.

But notwithstanding the repeated official determinations that the submerged coastal lands between the low-water mark and the three-mile limit belong to all the people of the Nation, there is grave danger that the Congress, with the approval of the President, will give both this treasure house and its treasure to three or four States, to the irreparable injury of a hundred fifty million people.

The total value of the vast resources underlying the sixteen million acres or more of underseas land which are under consideration has never been accurately ascertained. But the estimates of competent authority range from fifty billion to three hundred billion dollars. If Senate Joint Resolution 13 should unfortunately become a law, every man, woman and child in the States of California, Louisiana and Texas would, directly or indirectly, receive a donation of from $2,500 to $10,000, at the expense of the men, women and children of all the other States.

Secretary of the Treasury Humphrey recently had made an inventory of the gold buried at Fort Knox, Kentucky. On this side of the aisle, we are glad that Republican fears that Democrats might have lost or stolen some of this gold proved to be unfounded. We appreciate the Republican administration's certification that after twenty years of Democratic custody of the Nation's hoarded gold, it has been found that not a single penny's worth is missing.

Mr. President, let us hope that at the end of the great General's term in the White House it can be shown by an inventory that he has guarded the Nation's treasures, including its offshore oil and gas, as faithfully as these treasures were guarded by the immortal Franklin D. Roosevelt and the distinguished Harry Truman.

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

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator from West Virginia yield to the Senator from Illinois?

Mr. NEELY. I gladly yield to the distinguished Senator from Illinois.

Mr. DOUGLAS. Is it not true that the gold at Fort Knox is commonly believed to be worth a little less than $25 billion?

Mr. NEELY. Yes; that is true.

Mr. DOUGLAS. Is it not true that the estimated value of the oil and gas in the lands of the Continental Shelf ranges from 2 times to 12 times as much as the value of the gold at Fort Knox, which now has been counted, inventoried, and found to be all there?

Mr. NEELY. Mr. President, in my opinion, the Senator from Illinois has, as usual, spoken correctly. Indeed, I think he has spoken conservatively, because within the past 10 days I read an article in which a scientist asserted that instead of the value of all the minerals and other substances under the offshore lands being estimated in billions of dollars, it probably should be stated in trillions.

Mr. LANGER. Mr. President, will the Senator from West Virginia yield to me for a question?

Mr. NEELY. I gladly yield to my distinguished friend, the Senator from North Dakota.

Mr. LANGER. Is there a possibility that the value of the oil and gas deposits in these submerged lands amounts to even enough to pay the entire national debt?

Mr. NEELY. There is no doubt of the existence of that possibility.

Mr. President, I am not a prophet except upon the poetic ground:

'Tis the sunset of life gives me mystical lore,
And coming events cast their shadows before.

But I nevertheless predict that if the oil in the submerged lands is taken from the people of the Nation and given to California, Louisiana and Texas, when the inventory is thereafter taken and the magnitude of the Nation's loss is fully realized, the Eisenhower administration will be condemned as bitterly as the Harding administration was condemned for its participation in the rascality commonly called Teapot Dome.

This preposterous proposed oil "giveaway," if it becomes a reality, will prove to be the death and funeral of the Republican Party, and the funeral will be without flowers, without music, without mourners, and without resurrection of the body. And may a merciful Providence have mercy on the Republican Party's wicked soul.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield for another question?

Mr. NEELY. I gladly yield.

Mr. DOUGLAS. Does the Senator from West Virginia remember the lines on the burial of Sir John Moore after the battle of Corunna?—

Not a drum was heard, not a funeral note.

Mr. NEELY. Mr. President, I remember not only the quoted line, which expresses the author's lament concerning the unbeaten drum and the unsounded funeral note, but also the additional lines from which we learn that at Sir John Moore's obsequies there was no coffin to enclose his breast or sheet or shroud to wind about him. But at this point, in relating these funerals to each other, the similitudes end. Sir John was laid down in the field of his fame with his glory. For the subject of the funeral to which I have referred, there will be no fame and there will be no glory.

Mr. President, we have been taught that the "big lie" often succeeds because of its very magnitude and repetition. We tend to accept as true even a preposterous falsehood after it has been long and frequently repeated. Thus we have been led to regard as unimportant technicalities the issues of which Senate Joint Resolution 13 is the progenitor.

Mr. President, these issues are not technical; they are not unimportant; they are tragically real; they involve sums of money so vast that they stun the mind and stagger the imagination.

The value of the mineral resources which lie off the shores of California, Louisiana, and Texas may, as suggested by the Senator from North Dakota, be sufficient to pay the national debt in full. The fact that the Congress would even consider giving away public property that has been estimated to be worth a quarter of a trillion dollars defies the credulity of common sense. Yet legislation designed to accomplish this very result has twice been passed by the Congress. Fortunately for the American people, a patriotic, Democratic President twice vetoed the "giveaway" bills the Congress had approved. Unhappily there is now no Democratic President to protect the people against such outrageous legislation.

Since Thomas Jefferson, as Secretary of State, almost a hundred and twenty-five years ago, first enunciated the 3-mile limit doctrine in behalf of the Federal Government, no coastal State has ever laid claim to the Federal offshore oil or other resources. Jefferson's action established the Federal Government's dominion over the coastal areas adjacent to our shores more than a hundred years before any State in the Union ever thought of asserting ownership of any part of the coastal lands beyond the low-water mark.

Only after oil was discovered in the offshore area—about 20 years ago—did it occur to any of the States to challenge the Federal Government's ownership of the submerged lands now in controversy. When the question was raised, the issue was presented to the Supreme Court of the United States, which rejected the claim of the States and decided in favor of the Federal Government.

Now California, Louisiana, Texas and Florida are urging the Congress to overrule the Supreme Court. They are seeking to seize for themselves the multi-billion dollar resources owned by all the people—resources which are greatly needed to relieve our enormous tax burdens, heal our sick, educate our children, provide for the national defense and promote the welfare of all instead of that of a favored few.

Senate Joint Resolution 13 will, if adopted, strip the people of forty-five States of every scintilla of their share of the vast oil and gas resources under the submerged offshore lands.

Mr. HUMPHREY. Mr. President, will the Senator from West Virginia yield to me for a question?

Mr. NEELY. I gladly yield to the able Senator from Minnesota.

Mr. HUMPHREY. Is it the contention of the Senator from West Virginia—as I understand his argument to be—that the resources which are to be found buried in the earth beneath the ocean and the marginal seas are the property of the people of the United States in all the 48 States, with the Federal Government acting more or less as trustee?

Mr. NEELY. That is correct.

Mr. HUMPHREY. A while ago the Senator from West Virginia referred to the gold at Fort Knox. Of course, the Senator from West Virginia is aware of the fact that the gold at Fort Knox is buried there.

Mr. NEELY. That is true.

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

Mr. NEELY. I gladly yield.

Mr. HUMPHREY. Would it not be just as logical—if we can properly use the word "logical" in this instance—or just as reasonable or just as unreasonable, as the case may be, for the Congress of the United States to propose the enactment of a measure which would give to the State of Kentucky the gold which is buried in the bowels of the earth at Fort Knox, Ky.—because the gold is, is it not, a resource belonging to all the people of the United States, and it was taken to Kentucky by means of an act of sovereignty on the part of the Government of the United States—as it would be for the Congress to pass a measure giving to the States of California, Louisiana, and Texas the oil lying in the submerged lands off their shores, which likewise came to be the property of the people of the entire Nation by an act of sovereignty on the part of the Federal Government? Is not there some analogy between the two?

Mr. NEELY. Mr. President, I weigh my words, refrain from exaggeration, and speak the language of extreme moderation, when I say that, in my opinion, in law and justice, there would not be any difference between action by the Congress in giving to the State of Kentucky the gold buried at Fort Knox, and its action in giving to three States or to any other number of States the oil, gas, and other substances underlying the submerged, valuable coastal lands, which, according to the Supreme Court, the Government of the United States owns just as much as it own the Fort Knox gold. In principle, one would be as indefensible as the other. But on the basis of the value of the gold and oil in question, it would be ten times as reprehensible to give away the latter to three or four States as it would be to give the former to the State of Kentucky.

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

Mr. NEELY. Certainly.

Mr. HUMPHREY. Can the Senator imagine what would happen if some Member of the Senate, or someone outside the Senate, if perhaps some lobbyist group, should propose that the Congress of the United States by joint resolution give title to and ownership of the gold bullion, which represents at least symbolically the credit and the wealth of the United States of America? Can the Senator imagine what an uproar there would be in this country?

Mr. NEELY. Mr. President, if any Senator were to offer a resolution of that kind, one or more of the three or four following things would happen: He would be sent to an insane asylum; expelled from the Senate; or tarred and feathered and "drummed out" of Washington. If, in the days of Andrew Jackson, a Senator had committed such an offense, he would have probably been hanged on the nearest tree.

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

Mr. NEELY. I gladly yield.

Mr. HUMPHREY. It is my understanding, and it is my belief, that the Senator is a very able lawyer. Has the Senator, in the study of the law, ever found any evidence in the law, any instances in the court decisions, any information supported by law, that the bottom of the ocean, the bed of the sea, along the shores of the United States, belongs to any sovereignty except the Federal Republic?

Mr. NEELY. No. Mr. President, there is nothing of that kind in the law, and if I had ever found such a provision during my fifty years of study and practice of the law, I would have declared, as did Mr. Bumble in Oliver Twist, "The law is a ass."

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

Mr. NEELY. I gladly yield to the Senator for a question.

Mr. HUMPHREY. When a case involving a State versus the United States of America comes to the Supreme Court under the provisions of article III, section 1, of the Constitution, and a decision of the Court is handed down, would the Senator regard the decision as the law of the land? Is that the Senator's opinion?

Mr. NEELY. Mr. President, there is no more doubt about the soundness of the distinguished Senator's observation than there is about the night following the day.

Mr. HUMPHREY. Mr. President will the Senator yield further for a question?

Mr. NEELY. Gladly.

Mr. HUMPHREY. Does the Senator believe, or does he agree with me, that when cases involving property rights, disputes over the ownership of properties, particularly controversies between States, or between a State and the Federal Government, are to be adjudicated or are to be settled, the proper place to make the adjudication or settlement is in a court, not in a political body?

Mr. NEELY. That is true; but those who are in favor of the pending legislation have exhausted all court remedies. Consequently, they are now appealing to the Congress to override the judicial branch of the Government. Happily the most powerful lobbyists can not influence courts. Unhappily they can and do influence legislative bodies.

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

Mr. NEELY. I yield.

Mr. HUMPHREY. The Senator is very familiar with the Constitution. Does the Senator feel, or does the Senator concur with the views, that one of the express purposes of the establishment of the judiciary as one of the three equal parts of our Government was to preserve stability in the Union, and to protect the rights of individuals and States as against the power and rights of the Federal Government? Does the Senator agree with that?

Mr. NEELY. Certainly, a hundred per cent.

Mr. HUMPHREY. Does the Senator agree that one of the purposes in giving the Supreme Court original jurisdiction in cases involving States versus the Federal Government was to take such cases out of the area of political discussion, and put them into the responsible and respectable area of judicial decision?

Mr. NEELY. Absolutely.

Mr. HUMPHREY. Does the Senator agree with me, then, that when one tampers with the judicial process, when his action involves State relationships with the Federal Government, he may very well be tampering with the entire structure of the Federal Government?

Mr. NEELY. Yes, Mr. President; if the present attempt to set aside the decisions of the Supreme Court by congressional action succeeds, it will, in my opinion, establish a precedent that will plague the people of the United States till the end of time.

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

Mr. NEELY. I yield to the able chairman of the Judiciary Committee.

Mr. LANGER. Is it not true that some of the very Senators who are now arguing for the overruling of the Supreme Court by enactment of the pending measure, only a few short months ago were saying, in the Steel seizure case, what a wonderful Supreme Court we had? Is it not true that the very same interests which were praising the court at that time are now trying to overrule a decision given upon three separate occasions?

Mr. NEELY. That is a very profound contribution for which I thank the Senator from North Dakota.

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

Mr. NEELY. I gladly yield to the distinguished Senator from New Mexico for a question.

Mr. ANDERSON. In the Senator's 50 years of law practice, did he ever file a lawsuit, win his case, and obtain judgment, and then, after having won, offer to give back to the loser everything for which he sued?

Mr. NEELY. Never.

Mr. ANDERSON. Well, is that not the case here? Did not the Government bring suit with reference to the lands in question? Did it not win that suit? And does not the pending measure propose to give back to the people who lost the suit everything for which the suit was filed?

Mr. NEELY. Of course. And if we of the Congress improvidently give away untold billions of dollars worth of oil and gas which belong to all the people, even the accomplished lobbyists, who are feverishly demanding the adoption of the pending resolution will, after the manner of Puck, justifiably say of us, "What fools these mortals be."

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

Mr. NEELY. With pleasure, I gladly yield to the distinguished Senator from Texas.

Mr. DANIEL. I would ask the Senator whether, even assuming for the purpose of argument that the lands in question are federally owned lands, if we assume that that is what the Court said, does the Senator contend that it is morally wrong for the Federal Government to convey lands to the States for public purposes?

Mr. NEELY. Oh, no, not at all. If the pending resolution were designed to serve a public purpose and provide benefits for the people generally, I should enthusiastically support it. If it provided a conveyance of the submerged oil lands to the States of California, Texas, Louisiana and Florida, to be held by them as trustees for the use of all the people of the United States, I should unhesitatingly vote for it. But the proposal before us is to take from the Government and its people untold billions of dollars worth of property and give it to three or four States for their exclusive benefit and to the resulting irreparable injury of all the other States.

Mr. DANIEL. Because the grants are made to the States?

Mr. NEELY. No, but because they are to be made for an improper purpose. I refuse to argue the question of the ownership of the submerged oil lands. The Supreme Court of the United States has rightly settled that question to my entire satisfaction.

The Senator from Texas is an eminent lawyer as well as a distinguished Member of this body. I am sincerely sorry that he is not supporting, instead of attempting to nullify, the decision of the highest judicial tribunal in the land concerning the ownership of the Government's submerged coastal oil and gas.

Mr. DANIEL. I prefaced my question along that line with the assumption that the Federal Government owns the land, and asked if it was the Senator's argument that it was morally wrong for the Federal Government to convey title to 16 million acres of federally owned land to the State of Minnesota, and 12 million acres to the State of New Mexico? A total of 245 million acres of land have been conveyed by the Federal Government to individual States. My question is: Is it the contention of the distinguished Senator that that was morally wrong?

Mr. NEELY. No. It certainly is not. The grants to the States mentioned were made for public purposes—for the benefit of all the people. Among these purposes were the reclamation of sterile land; the encouragement of migration from the populous East to the sparsely settled West; the encouragement of the construction of railroads and public highways for the use of all the people. There is no more similarity or relationship between the irrational "giveaway" oil legislation and the grants to which my able Texas friend refers than there is between his serene highness, the Man in the Moon, and Puccini's Girl from the Golden West.

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

Mr. NEELY. I yield.

Mr. LANGER. It is true, is it not, that the land was not conveyed to Minnesota and New Mexico after the United States Supreme Court had three times held that the land should not be conveyed?

Mr. NEELY. That is true.

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

Mr. NEELY. I yield.

Mr. HUMPHREY. The Senator is aware, is he not, that there is a great deal of difference in the terms of the law pertaining to the external boundaries of the United States and the law pertaining to the internal area of the United States?

Mr. NEELY. That is certainly true.

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

Mr. NEELY. I gladly yield.

Mr. HUMPHREY. The Senator is, of course, aware of the fact that those who

have tried to confuse the issue have consistently attempted to cite cases with reference to inland waters and lands under navigable rivers which are under internal jurisdiction, and have tried to make them identical with the external jurisdiction in the open sea and in the marginal sea? The Senator is aware of that, is he not?

Mr. NEELY. Yes, beyond the shadow of a doubt.

Mr. HUMPHREY. Is the Senator also aware of the fact that the courts have ruled entirely differently on those two kinds of areas? The Senator is aware, is he not, that there is one doctrine with reference to the internal areas of the United States and an entirely different rule pertaining to external areas of the United States because they are governed solely by the Federal Government and by the rules of international law?

Mr. NEELY. Of course, that is true. The property under consideration has belonged to the Federal Government ever since the days of Thomas Jefferson.

Mr. HUMPHREY. Is the Senator aware that a part of the general propaganda surrounding this attempt to give away the submerged lands to certain coastal States has been to try to confuse the legal doctrine and the legal decisions in certain court cases so that there would apparently be an identity in the minds of people as between rulings pertaining to domestic law in connection with the internal jurisdiction of the United States and to international law and the matter of national sovereignty in the external aspects of the matter?

Mr. NEELY. It is obvious to all concerned that distinguished attorneys such as the Senator from Louisiana (Mr. LONG), the Senator from Florida (Mr. HOLLAND), and the Senator from Texas (Mr. DANIEL) have not failed to utilize everything known to legal and legislative strategy in behalf of the adoption of the oil and gas "giveaway" resolution before the Senate. The argumentation of these learned advocates has been such as to entitle each of them to the compliment Timon of Athens paid an ancient natural philosopher when he said,

"The two-edged tongue of mighty Zeno, who,
Say what one would, could argue it untrue."

Mr. HUMPHREY. Does the Senator recall that in the case of United States against California the Court made a distinction between the ruling and decisions which pertained to the so-called submerged lands under inland lakes, navigable rivers, and bays, as compared with the submerged land under the territorial seas?

Mr. NEELY. I know that the distinction was made. It is my purpose to read the decision containing it into the RECORD tonight in the hope that the people may learn, before the final vote on the oil "giveaway" resolution is cast, what is at stake in the United States Senate. So far as the general public is concerned, the decision in the offshore oil case might as well have been written in the hieroglyphics of ancient Babylon.

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

Mr. NEELY. I yield.

Mr. HUMPHREY. In view of the fact that the Senator desires to read those decisions, is he familiar with this language in the California case which applies directly to the colloquy:

None of the foregoing cases, nor others which we have decided, are sufficient to require us to extend the Pollard inland-water rule so as to declare that California owns or has paramount rights in or power over the 3-mile belt under the ocean.

The Senator is aware, is he not, that in the California case a very definite distinction was made between the rule of the Court as it pertains to inland areas of the United States and the rule of the Court as it applies to the national sovereignty and the paramount rights of the Federal Government?

Mr. NEELY. I am fully aware of that important fact.

Mr. HUMPHREY. Is the Senator also aware of the fact that when it comes to the public lands, there has never been any official determination that the lands under the territorial waters are public lands?

Mr. NEELY. There can be no question about that.

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

Mr. NEELY. I yield.

Mr. HUMPHREY. Is the Senator aware that in the Texas case the Court said that political rights of sovereignty and proprietary rights seem to coalesce?

Mr. NEELY. I am.

Mr. HUMPHREY. And that in the California case the Court discussed paramount rights of the Federal Government and dominium and imperium, and held that the Government's sovereignty carries with it control over the entire area as well as the ownership of it?

Mr. NEELY. That is correct.

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

Mr. NEELY. Certainly.

Mr. HUMPHREY. Will the Senator agree with me that any effort made to identify public lands within the United States of America with submerged lands under the territorial seas or marginal seas is but an effort to becloud, confuse, and compound confusion on this issue?

Mr. NEELY. Mr. President, in my opinion, what the Senator from Minnesota has just said is as true as the Gospel itself.

Mr. HUMPHREY. I wish to thank the Senator from West Virginia.

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

Mr. NEELY. I yield.

Mr. LANGER. Is the Senator aware of the fact that a former Attorney General of the United States, who came from Texas, Tom Clark, gave it as his opinion that the Government of the United States had a paramount interest in this property?

Mr. NEELY. I am aware of that fact, and I am delighted that he so held. Likewise, I am delighted that the great lawyer from North Dakota, who is now the distinguished chairman of the Senate Committee on the Judiciary, the greatest committee of its kind in the world, concurs in the opinion of Mr. Justice Clark on that point.

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

Mr. NEELY. I yield.

Mr. DANIEL. Is the Senator from West Virginia aware of the fact that before the President of the United States asked him to file a lawsuit, Mr. Justice Tom Clark, while Attorney General, said that these lands were owned by Texas and were retained by Texas when Texas entered the Union?

Mr. NEELY. No; I am not familiar with that fact.

Mr. DANIEL. That statement appears in the hearings. I merely wished to make this statement for the RECORD.

Mr. NEELY. It is not in the decision. I have not had time to read all the hearings.

Mr. DANIEL. It is not in the decision, but his statement is in the hearings at page 220. Mr. Justice Clark took no part in the decision.

Mr. NEELY. Mr. President, from what has just been said by the Senators from North Dakota and Texas, I assume that before Mr. Justice Clark studied the question he, like some other illustrious persons from his State whom I have known, believed that Texas owned the submerged coastal lands and everything above them and everything beneath them, but that after he had thoroughly investigated the matter he learned, as some have not yet learned, the everlasting, golden truth that the coastal oil and gas belong to the Nation and not to Texas or any other State.

In my opinion, Senate Joint Resolution 13 is in violation of existing international law. If passed, it might involve us in serious foreign complications. It repudiates the joint resolution unanimously adopted by the Senate in 1937, to which reference has already been made. That resolution authorized the Attorney General of the United States to establish the title and possession of the United States to the submerged lands.

The resolution before us contravenes three decisions of Supreme Court. It contravenes the advice of the Department of Justice to the effect that Congress lacks constitutional power to give the title to the marginal seabed to certain States. If the Congress can lawfully give away the Nation's submerged oil and gas, it can lawfully give Yellowstone National Park to the State of Wyoming; it can lawfully give the Tennessee Valley Authority to the State of Tennessee.

It is argued that Senate Joint Resolution 13 is needed to clear the title of the States to tidelands and to the land beds beneath the inland waters. But the real issue relates to offshore areas, not to tidelands at all. The States already possess unqualified rights to the lands beneath inland waters. In any event, why is it necessary to transfer title to offshore areas in order to clear title

to lands beneath inland waters in North Dakota, South Dakota, West Virginia, or any other State in the Union?

It is also argued that these coastal States have "always owned" the offshore oil lands in the Continental Shelf. By the term "Continental Shelf" is meant submerged lands, beyond the low-water mark, which represent a gradual sloping off of the North American continent at the point of the sharp drop to the ocean floor. The answer is that the Supreme Court has unequivocally held that the coastal States do not own and have never owned any lands or had any rights in the Continental Shelf. It is not a question of restoration of ownership. The Congress cannot restore to California, Louisiana, and Texas what they have never owned or possessed.

The only defense of the "giveaway" monstrosity consists of diversion and confusion. We are witnessing a master propaganda effort to becloud the true issue, skillfully organized and fabulously financed by unlimited public and private wealth. As a simple illustration of the effectiveness of this unparalleled effort, many identify this controversy as the tidelands problem. Yet not a square inch of tidelands oil or tidelands surface is involved. Tidelands are the areas alternately covered and uncovered by the ebb and flow of the tide of oceans, seas, bays or gulfs. The Supreme Court ruled more than a hundred years ago that tidelands are owned by the States and no one has successfully challenged that ruling. No one challenges it now. What is involved is not the tidelands, but the minerals in areas beyond the tidelands under the marginal seas.

In my opinion, the royalties from the oil-rich submerged lands lying off our coasts should never be given to three or four States, or any other number of States less than the whole, but should be used for aid to education, public improvements, and public service, in every State of the Union.

For this reason I have joined with the Senator from Alabama [Mr. HILL] and 20 other Senators in sponsoring what has been called the oil for education amendment to Senate Joint Resolution 13. It would dedicate the oil royalties from our federally owned submerged lands to urgent defense needs during the national emergency and then to the perpetual endowment of grammar schools, high schools, and colleges throughout the Nation.

Our educational system today faces the severest crisis in its history. Our schools are inadequate in number; they are suffering from progressive dilapidation. Our school population is increasing at an overwhelming rate and our underpaid teachers are leaving their profession in search of other employment that will enable them to maintain themselves and their families in accordance with reasonable living standards.

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

Mr. NEELY. I gladly yield.

Mr. LANGER. Has the Senator read in the press today that the United States Commissioner of Education has resigned?

Mr. NEELY. No. I have not seen today's newspapers.

Mr. LANGER. He has resigned because there is not adequate financing of his agency because of cuts in its budget. He could not run the educational activity of which he was the head unless he had more money.

Mr. NEELY. I am certain that the Senator from North Dakota, has, as usual, accurately stated the facts.

Mr. LANGER. Mr. McGrath tendered his resignation this morning. Is the Senator aware of that fact?

Mr. NEELY. That simply emphasizes the importance of utilizing the resources under the submerged lands, for the benefit of all the people to whom they belong, and not for that of a few who selfishly seek to acquire them.

Our children are crowded into obsolete classrooms in dangerous and unsanitary buildings. State and local governments cannot sufficiently finance presently needed improvements. Many States do not have the taxable wealth to produce the essential revenues required to educate their children. New sources of revenue must be found. On the most conservative basis, the mineral resources of the disputed submerged lands are, as pointed out and emphasized again and again, worth many billions of dollars. For example, Ohio's share of this capital value would be more than $2½ billion. The share of the nearby State of Maryland in this vast wealth would be more than $750,000,000. West Virginia's share would be more than $1,800,000,000, and it might be many times that amount.

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

Mr. NEELY. Certainly.

Mr. LANGER. Does the Senator remember that during the drought, from one end of the Nation to the other, school districts became insolvent? They could not pay the teachers. They could not pay for the buses to transport the children.

Mr. NEELY. That is correct.

Mr. LANGER. Does the Senator remember also that at that time the Government granted gifts to practically every State in the Union, in order that the schools might be kept open?

Mr. NEELY. I certainly do. I particularly remember a delegation that came here from Chicago to obtain money with which to operate the city's schools.

Mr. LANGER. Does the Senator remember that in the State of North Dakota, 1,178 school districts were insolvent? The heads of the Departments of Education came before the proper committee, the then Committee on Labor and Education, the committee which made grants to the States for educational purposes. While they were here, it was shown that in one school district, after the State of North Dakota had bought the coal, the school district did not even have a shovel with which to shovel the coal. It did not even have the money to buy a shovel. Does the Senator remember that testimony?

Mr. NEELY. I also remember that.

Mr. LANGER. I was Governor of my State at that time. I came to Washington and interceded on behalf of the schools.

Mr. WELKER. Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). The Senator from Idaho calls for the regular order. The regular order is that the Senator from West Virginia has the floor.

Mr. NEELY. Mr. President, the Senator from North Dakota asked me a question.

Mr. LANGER. I am asking questions. I asked the Senator if he remembered my coming to Washington, as Governor of my State, and begging for money to keep the schools of North Dakota open.

Does the Senator remember that at that time I appeared before the appropriate committee and stated that 1,178 school districts in North Dakota were insolvent? Does the Senator remember that I stated at that time that, although the State had given the Stark County School District all the coal it needed, the officials of the school district stated that they did not have a shovel with which to shovel the coal, and asked for aid to obtain a shovel?

Mr. NEELY. Mr. President, I did not hear the Senator's testimony, but I am sure that it was just what he has indicated it was. That again emphasizes the necessity for Federal aid to the public school system. It also emphasizes the necessity for defeating Senate Joint Resolution 13.

Mr. President, the oil-for-education amendment would serve in our generation the same lofty purposes served by public lands many years ago. With the aid of land grants, colleges were erected throughout the Colonies, beginning in Virginia in 1618. After the American Revolution Congress enacted legislation which specifically set aside a part of the public lands west of the mountains for the establishment and maintenance of schools.

Speaking of the ordinance of 1787, Daniel Webster declared:

> I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked and lasting character than the ordinance of 1787. * * * It set forth and declared it to be a high and binding duty of the Government to support schools and advance the means of education.

With the admission of Ohio to the Union in 1802 the Congress set aside lands in townships for school support. As other States formed from the public domain were admitted, land grants for schools were continued.

In 1862 Congress passed the Morrill Act, signed by President Abraham Lincoln, which granted additional public lands to each State in order to spur the establishment and maintenance of colleges for the benefit of agricultural and mechanical arts.

Mr. President, it is regrettable that in this important case which is now before the Senate a large number of Republican Senators are not, like the able Senator

from North Dakota, following the example of one of the greatest of all Presidents, and by far the greatest Republican President, Abraham Lincoln. Apparently they have no intention of opposing the pending joint resolution. If they were following Abraham Lincoln's footsteps, they would be unanimously opposed to the resolution.

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

Mr. NEELY. I yield for a question.

Mr. LANGER. Does the distinguished Senator remember that it was a man from South Dakota, General Beadle, who came to Congress and had the odd numbered sections set aside for educational purposes all over the West?

Mr. NEELY. I did not know that, but I commend him for it. I consider that an additional honor for North Dakota.

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

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

Mr. NEELY. I gladly yield.

Mr. LANGER. Does the distinguished Senator know that right now in Statuary Hall there is a life-sized statue, erected by the citizens of the State of North Dakota to the memory of General Beadle?

Mr. NEELY. I did not know that, but I shall go to see it tomorrow. I wish that we could move it into the Senate Chamber to remain here until this debate is concluded. It might inspire some additional Members on the Republican side of the aisle to vote right on one of the most important issues ever debated in Washington or the world.

I now yield to my distinguished colleague and friend from South Dakota.

Mr. CASE. Mr. President, permit me to keep the RECORD straight. The statue in Statuary Hall, erected in memory of Colonel Beadel, was placed there not by North Dakota, but by South Dakota.

Mr. LANGER. I intended to say South Dakota.

Mr. CASE. Then I misunderstood.

Will the Senator from West Virginia permit me to say that the reason the statue was placed there——

The PRESIDING OFFICER. The Senator from West Virginia can yield only for a question, the Chair will advise the Senator from South Dakota.

Mr. CASE. The Senator from South Dakota is asking a question.

Mr. NEELY. Mr. President, I ask unanimous consent that I may yield to the Senator from South Dakota as long as he wishes, to make observations on this subject without prejudice to my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. CASE. While that may simplify the form of my phraseology a little, nevertheless, the whole matter could be stated in a question. Inasmuch as I now have the consent of the Senate to make a statement on that subject, which is a very pertinent point in this discussion, I point out that there is a college in South Dakota, Beadle Teachers College, named for General Beadle. It is located at Madison. General Beadle was responsible for the provision in the enabling act, not merely for South Dakota, but for 5 States of the Northwest, namely, Washington, Idaho, Montana, South Dakota, and North Dakota, under which sections 16 and 36, and the lieu lands or indemnity lands, could not be sold for less than $10 an acre. That is responsible for the fact that those States have an educational endowment for their common schools which has resulted in the creation of a great trust fund.

I may say to the distinguished Senator from West Virginia that it was because of the inspiration of General Beadle and what he meant to the school children of my State that in 1949, some years before this question ever reached the floor of the Senate, I introduced in the House of Representatives a bill proposing essentially what the Hill amendment here proposes.

It was that we should create a Federal water lands reserve, in which the land would be reserved for the benefit of education. It was the forerunner of the so-called Hill amendment of today. It grew out of the fact that General Beadle did for the five States of the Northwest what we are proposing be done in the case of the revenues from the submerged lands. We are trying to preserve some of the land for the benefit of the school children of the country. I thank the Senator from West Virginia and the Senate for their indulgence.

Mr. NEELY. I commend the Senator from South Dakota for his outstanding service. I only regret that he is not on our side of the case.

Mr. CASE. Would the Senator from West Virginia permit me to ask him a question on that score? Did the Senator consult the record of my vote on this matter when the question was before the Senate previously?

Mr. NEELY. No; I did not.

Mr. CASE. I suggest that he do so.

Mr. NEELY. If I have misunderstood the Senator's position, I retract what I said.

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

Mr. NEELY. I gladly yield.

Mr. CASE. Will the Senator consult my voting record on it?

Mr. NEELY. I would never seek corroboration of anything the Senator from South Dakota might say, because his word is always 100 percent good so far as I am concerned.

Mr. President, the oil-for-education amendment would be another milestone in our historic policy of using our national resources heritage for educational purposes.

Let us emulate the example bequeathed us by our forefathers, who seized similar opportunities to dedicate millions of acres of public lands to the exalted cause of all our country and of all its generations, including our own.

Let us now have the wisdom to use the revenues from public lands under the seas to give our educational system the high standards envisioned by Jefferson, Madison, and Lincoln, and thus assure, as we could in no other possible way, the continuing prosperity, happiness, and peace of the American people.

Mr. President, the decisions of the Supreme Court with regard to the issue now before the Senate have been quoted times without number during the course of this debate. Arguments have been made on this floor by able lawyers as to the meaning of certain phraseology in some of the opinions.

In order that all may have the benefit of knowing exactly what the Supreme Court decided, and in the hope that the people of the United States may learn from the CONGRESSIONAL RECORD what they will never endeavor to find in a law library, I now read from the first of the Court's decisions in this important matter. The case was decided on the 23d day of June 1947. Its title is United States against California. The decision is self-explanatory.

The syllabus is as follows:

1. That complaint filed in this case by the United States against the State of California to determine which Government owns, or has paramount rights in and power over, the submerged land off the coast of California between the low-water mark and the 3-mile limit and has a superior right to take or authorize the taking of the vast quantities of oil and gas underneath that land (much of which has already been, and more which is about to be, taken by or under authority of the State) presents a case or controversy over which this Court has original jurisdiction under article III, section 2, of the Constitution.

2. The fact that the coastal line is indefinite and that its exact location will involve many complexities and difficulties presents no insuperable obstacle to the exercise of the highly important jurisdiction conferred on this Court by article III, section 2, of the Constitution.

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

Mr. NEELY. I yield.

Mr. LANGER. I wonder whether the Senator would be so kind as to give the citation of the case.

Mr. NEELY. The case is reported in the 332d United States Reports, at page 19.

Mr. KEFAUVER. Mr. President, while the Senator from West Virginia is being interrupted, I wonder whether he would yield to me.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Tennessee?

Mr. NEELY. I gladly yield if I may do so without prejudice to my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. KEFAUVER. Mr. President, I should like to ask unanimous consent that I may make an insertion in the Appendix of the RECORD, without prejudicing the rights of the Senator from West Virginia to the floor.

Mr. FERGUSON. Mr. President, unless it is done with the understanding that it will not be considered transaction of business, I shall have to object.

The PRESIDING OFFICER. The Chair is informed that business has been transacted since the last quorum call.

Mr. FERGUSON. With that understanding, I shall not object.

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

(The article submitted by Mr. KEFAUVER appears in the Appendix under

the heading "The Failure of Leadership.")

Mr. NEELY. Mr. President, I now continue to read the syllabus as follows:

3. Congress has neither explicitly nor by implication stripped the Attorney General of the power to invoke the jurisdiction of this Court in this Federal-State controversy, pursuant to his broad authority under 5 United States Code, sections 291, 309, to protect the Government's interests through the courts.

4. California is not the owner of the 3-mile marginal belt along its coast; and the Federal Government rather than the State has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

(a) There is no substantial support in history for the view that the Thirteen Original Colonies separately acquired ownership to the 3-mile belt beyond the low-water mark or the soil under it, even if they did acquire elements of the sovereignty of the English Crown by their revolution against it. *Pollard's Lessee* v. *Hagen* (3 How. 212) distinguished.

(b) Acquisition of the 3-mile belt has been accomplished by the National Government, and protection and control of it has been and is a function of national external sovereignty.

(c) The assertion by the political agencies of this Nation of broad dominion and control over the 3-mile marginal belt is binding upon this Court.

(d) The fact that the State has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries does not detract from the Federal Government's paramount rights in and power over this area.

(e) *Manchester* v. *Massachusetts* (139 U. S. 240); *Louisiana* v. *Mississippi* (202 U. S. 1); *The Abby Dodge* (223 U. S. 166) distinguished.

5. The Federal Government's paramount rights in the 3-mile belt have not been lost by reason of the conduct of its agents, nor by this conduct is the Government barred from enforcing its rights by reason of principles similar to laches, estoppel or adverse possession.

(a) The Government, which holds its interests here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property.

(b) Officers of the Government who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by their acquiescence, laches, or failure to act.

6. The great national question whether the State or the Nation has paramount rights in and power over the 3-mile belt is not dependent upon what expenses may have been incurred by public or private agencies upon mistaken assumptions.

7. It is not to be assumed that Congress, which has constitutional control over Government property, will so execute its powers as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission.

8. The United States is entitled to a decree declaring its rights in the area in question as against California and enjoining California and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States.

The case is stated in the first paragraph of the opinion, and the conclusion that the United States is entitled to the relief prayed for is reported at page 41.

Attorney General Clark and J. Howard McGrath, then Solicitor General, were for the United States on the motion for leave to file the complaint, and on the complaint and other pleadings, including a motion for judgment on the pleadings.

Robert W. Kenny, then attorney general of California, was for the defendant on its answer and other pleadings.

Attorney General Clark and Arnold Raum argued the cause for the United States. With them on the brief were Acting Solicitor General Washington, Assistant Attorney General Babelon, Stanley M. Silverberg, J. Edward Williams, Robert E. Mulroney, Robert M. Vaughan, Abraham J. Harris, and Thomas L. McKevitt.

Fred N. Howser, attorney general of California, and William W. Clary, assistant attorney general, argued the cause for the defendant. With them on the brief were C. Roy Smith, assistant attorney general, Homer Cummings, Max O'Rell Truitt, Louis W. Myers, and Jackson W. Chance.

Mr. CASE. Mr. President, will the Senator from West Virginia yield to me for a question?

The PRESIDING OFFICER (Mr. WILLIAMS in the chair). Does the Senator from West Virginia yield to the Senator from South Dakota for a question?

Mr. NEELY. I yield.

Mr. CASE. A short time ago I was interrogating the Senator from West Virginia. Did he understand me to say that there were 5 States whose school lands were saved by the action of General Beadle? If so, I wish to point out that I should have said there were 6 States whose school lands were saved by the action of General Beadle.

Mr. NEELY. I do not remember the number stated by the Senator from South Dakota.

Mr. CASE. Mr. President, will the Senator from West Virginia yield, to permit me to propound a unanimous-consent request, if it is understood that in yielding for that purpose, the Senator from West Virginia will not prejudice his right to the floor?

Mr. NEELY. I gladly yield, if I may do so without prejudice to my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota? Without objection, it is so ordered.

Mr. CASE. Mr. President, I understand that permission has been given to me to submit a unanimous-consent request. That request is that I may correct my previous remarks, in connection with my earlier interruption of the remarks of the Senator from West Virginia, by now reading into the RECORD the inscription under the statue of General Beadle. It will take me only half a minute to do so.

The PRESIDING OFFICER. Without objection, the Senator from South Dakota may proceed.

Mr. CASE. Mr. President, the inscription under the statue of General Beadle, in Statuary Hall, reads as follows:

WM. H. H. BEADLE

He saved the school lands.

Then, on the pedestal on the side, is the following inscription:

BRIG. GEN. WILLIAM H. H. BEADLE, 1838–1915

Educator, conservationist, statesman, soldier.

Through his leadership, 20 million acres of school lands were saved for posterity in South Dakota, Montana, Idaho, North Dakota, Washington, Wyoming.

Presented to South Dakota and the United States by the children and teachers of South Dakota, 1938.

Mr. NEELY. Mr. President, I resume where I left off:

By special leave of court, Price Daniel, attorney general of Texas, argued the cause for National Association of Attorneys General, as amicus curiae, urging dismissal of the complaint.

Mr. President, let me digress to say that if our colleague, the junior Senator from Texas [Mr. DANIEL], argued the case as effectually before the Supreme Court as he did before the Senate, he must have had an attentive and a highly entertained audience on the bench.

I read further.

With him on the brief were Walter R. Johnson, attorney general of Nebraska; Clarence A. Barnes, attorney general of Massachusetts; Nathan B. Bidwell and George P. Drury, assistant attorneys general; Hugh S. Jenkins, attorney general of Ohio; Fred S. LeBlanc, attorney general of Louisiana; John L. Madden, special assistant attorney general; Edward F. Arn, attorney general of Kansas; A. B. Mitchell; Elton M. Hyder, Jr., assistant attorney general of Texas; Grover Sellers and Orrin G. Judd.

Mr. President, if all that legal array of unsurpassable talent could not win the case for California in the Supreme Court of the United States, it could hardly be expected that it could be won in the United States Senate. If all that array of brilliant lawyers could not prevail upon that great branch of the Government, so as to make it see the case through their eyes, why should Senators assume the responsibility of attempting to nullify what that great independent branch of the Government has done; and why should they now say, in effect, "The Supreme Court was wrong; only we in the Senate and we in the Congress can be in the right?"

Mr. President, I read further:

By special leave of Court, Leander I. Shelley argued the cause for the American Association of Port Authorities, as amicus curiae, urging dismissal of the complaint. With him on the brief was Eldon S. Lararus and Reuben Satterthwaite.

James E. Watson and Orin deM. Walker filed a brief for Robert E. Lee Jordan, as amicus curiae, in support of the United States.

Briefs of amici curiae in support of the defendant were filed by Nathaniel L. Goldstein, attorney general, and Wendell P. Brown, solicitor general, for the State of New York; T. McKeen Chidsey, attorney general, M. Vashti Burr, deputy attorney general, and Harry F. Stanbaugh for the Commonwealth of Pennsylvania; Herman C. Wilson, Horace H. Edward, Walter J. Mattison, Ray L. Chesebro, and Charles S. Rhyne for the National Institute of Municipal Law Officers; Ray L. Chesebro, W. Reginald Jones, Irving M. Smith, and Hugh M. MacDonald, for the California Association of Port Authorities; Archibald N. Jordan for the Lawrence Wards Island Realty Co.; and A. L. Weil and Thomas A. J. Dockweiler.

Mr. Justice Black—

a former illustrious Member of this body—

delivered the opinion of the Court.

The United States by its Attorney General and Solicitor General brought this suit against the State of California invoking our original jurisdiction under article III, section 2 of the Constitution which provides that "in all cases * * * in which a State

shall be a party, the Supreme Court shall have original jurisdiction." The complaint alleges that the United States "is the owner in fee simple of, or possessed of paramount rights in and powers over, the lands, minerals, and other things of value underlying the Pacific Ocean, lying seaward of the ordinary low-water mark on the coast of California and outside of the inland waters of the State, extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California."

Mr. WELKER. Mr. President, if the Senator from West Virginia will yield to me, let me say that it is difficult for me to hear my distinguished friend as he is speaking. Could he speak louder? I cannot hear him.

Mr. NEELY. Mr. President, I now accommodate the Senator from Idaho by raising my voice, and continue to read the words of wisdom uttered by the court.

It is further alleged that California, acting pursuant to State statutes, but without authority from the United States, has negotiated and executed numerous leases with persons and corporations purporting to authorize them to enter upon the described ocean area to take petroleum, gas, and other mineral deposits, and that the lessees have done so, paying to California large sums of money in rents and royalties for the petroleum products taken. The prayer is for a decree declaring the rights of the United States in the area as against California and enjoining California and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States.

California has filed an answer to the complaint. It admits that persons holding leases from California, or those claiming under it, have been extracting petroleum products from the land under the 3-mile ocean belt immediately adjacent to California. The basis of California's asserted ownership is that a belt extending three English miles from low-water mark lies within the original boundaries of the State, California Constitution article XII (1849), that the Original Thirteen States acquired from the Crown of England title to all lands within their boundaries under navigable waters, including a 3-mile belt in adjacent seas; and that since California was admitted as a State on an "equal footing" with the original States, California at that time became vested with title to all such lands. The answer further sets up several affirmative defenses. Among these are that California should be adjudged to have title under a doctrine of prescription; because of an alleged long-existing congressional policy of acquiescence in California's asserted ownership; because of estoppel or laches; and finally, by application of the rule of res judicata.

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

Mr. NEELY. I yield to the Senator from Illinois.

Mr. DOUGLAS. Did I correctly understand the Senator, in his reading from the decision, to say that California claimed a 3-mile zone on the principle that she came into the Union on an equal footing with the original States?

Mr. NEELY. That is correct.

Mr. DOUGLAS. So does it now follow that the equal-footing clause, which is now discarded by Texas and Florida, was used by California in order to get a 3-mile limit?

Mr. NEELY. In my opinion, that is correct.

Mr. DOUGLAS. Even though it is rejected by Texas and Florida in their attempt to get, not a 3-mile limit, but a 9-mile limit. Is that correct?

Mr. NEELY. Undoubtedly that is correct.

Mr. President, I continue to read:

After California's answer was filed, the United States moved for judgment as prayed for in the complaint on the ground that the purported defenses were not sufficient in law. The legal issues thus raised have been exhaustively presented by counsel for the parties, both by brief and oral argument. Neither has suggested any necessity for the introduction of evidence, and we perceive no such necessity at this stage of the case. It is now ripe for determination of the basic legal issues presented by the motion. But before reaching the merits of these issues, we must first consider questions raised in California's brief and oral argument concerning the Government's right to an adjudication of its claim in this proceeding.

First. It is contended that the pleadings present no case or controversy under article III, section 2, of the Constitution. The contention rests in the first place on an argument that there is no case or controversy in a legal sense, but only a difference of opinion between Federal and State officials. It is true that there is a difference of opinion between Federal and State officers. But there is far more than that. The point of difference is as to who owns, or has paramount rights in and power over several thousand square miles of land under the ocean off the coast of California. The difference involves the conflicting claims of Federal and State officials as to which government, State or Federal, has a superior right to take or authorize the taking of the vast quantities of oil and gas underneath that land, much of which has already been, and more of which is about to be, taken by or under authority of the State. Such concrete conflicts as these constitute a controversy in the classic legal sense, and are the very kind of differences which can only be settled by agreement, arbitration, force, or judicial action.

Please note that the Court held that the only way the controversy could be settled was by one of these methods: By agreement, arbitration, force, or judicial action. It apparently studiously avoided suggesting that it should be settled by legislation.

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

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true that under article III, section 2 of the Constitution, this is the very type of case which is given to the judicial branch to settle, namely, disputes to which the Federal Government shall be a party, disputes between States, or disputes between a State and citizens of another State?

Mr. NEELY. Mr. President, although the Senator from Illinois denies the charge that he is a lawyer, he nevertheless speaks like a second Daniel come to judgment.

I further read:

The case principally relied upon by California, *United States* v. *West Virginia* (295 U. S. 463), does not support its contention. For here there is a claim by the United States, admitted by California, that California has invaded the title or paramount right asserted by the United States to a large area of land and that California has converted to its own use oil which was extracted from that land. *Cf. United States* v. *West Virginia, supra,* 471. This alone would sufficiently establish the kind of concrete, actual conflict of which we have jurisdiction under article III. The justiciability of this controversy rests therefore on conflicting claims of alleged invasions of interests in property and on conflicting claims of governmental powers to authorize its use. *United States* v. *Texas* (143 U. S. 621, 646, 648), *United States* v. *Minnesota* (270 U. S. 181, 194); *Nebraska* v. *Wyoming* (325 U. S. 589, 608).

Nor can we sustain that phase of the State's contention as to the absence of a case or controversy resting on the argument that it is impossible to identify the subject matter of the suit so as to render a proper decree. The land claimed by the Government, it is said, has not been sufficiently described in the complaint since the only shoreward boundary of some segments of the marginal belt is the line between that belt and the State's inland waters. And the Government includes in the term "inland waters" ports, harbors, bays, rivers, and lakes. Pointing out the numerous difficulties in fixing the point where these inland waters end and the marginal sea begins, the State argues that the pleadings are therefore wholly devoid of a basis for a definite decree, the kind of decree essential to disposition of a case like this. Therefore, California concludes, all that is prayed for is an abstract declaration of rights concerning an unidentified 3-mile belt, which could only be used as a basis for subsequent actions in which specific relief could be granted as to particular localities.

We may assume that location of the exact coastal line will involve many complexities and difficulties. But that does not make this any the less a justiciable controversy. Certainly demarcation of the boundary is not an impossibility. Despite difficulties this Court has previously adjudicated controversies concerning submerged land boundaries. See *New Jersey* v. *Delaware* (291 U. S. 361, 295 U. S. 694); *Borax Ltd.* v. *Los Angeles* (296 U. S. 10, 21–27); *Oklahoma* v. *Texas* (256 U. S. 70, 602).

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

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true that the court based its decision on general principles, and then submitted to a master in chancery the question as to where the precise low-water mark lay along the coast of California?

Mr. NEELY. That is correct.

Mr. DOUGLAS. Is it not true that the Court made its ruling on general principles, and then allowed the concrete application of those general principles to be made by a master?

Mr. NEELY. That is a fact.

Mr. President, I further read:

And there is no reason why, after determining in general who owns the 3-mile belt here involved, the Court might not later, if necessary, have more detailed hearings in order to determine with greater definiteness particular segments of the boundary. *Oklahoma* v. *Texas* (258 U. S. 574, 582). Such practice is commonplace in actions similar to this which are in the nature of equitable proceedings. See e. g. *Oklahoma* v. *Texas* (256 U. S. 602, 608–609; 260 U. S. 625; 261 U. S. 340). California's contention concerning the indefiniteness of the claim presents no insuperable obstacle to the exercise of the highly important jurisdiction conferred on us by article III of the Constitution.

Second. It is contended that we should dismiss this action on the ground that the Attorney General has not been granted power either to file or to maintain it. It is not denied that Congress has given a very broad authority to the Attorney General to institute and conduct litigation in order to establish and safeguard Government rights and properties. The argument is that Congress has for a long period of years acted in such

a way as to manifest a clear policy to the effect that the States, not the Federal Government, have legal title to the land under the 3-mile belt. Although Congress has not expressly declared such a policy, we are asked to imply it from certain conduct of Congress and other governmental agencies charged with responsibilities concerning the national domain. And, in effect, we are urged to infer that Congress has by implication amended its long-existing statutes which grant the Attorney General broad powers to institute and maintain court proceedings in order to safeguard national interests.

An act passed by Congress and signed by the President could, of course, limit the power previously granted the Attorney General to prosecute claims for the Government. For article IV, section 3, clause 2 of the Constitution vests in Congress "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." We have said that the constitutional power of Congress in this respect is without limitation. *United States* v. *San Francisco* (310 U. S. 16, 29–30. Thus neither the courts nor the executive agencies could proceed contrary to an Act of Congress in this congressional area of national power.

But no act of Congress has amended the statutes which impose on the Attorney General the authority and the duty to protect the Government's interests through the courts. See *In re Cooper* (143 U. S. 472, 502–503). That Congress twice failed to grant the Attorney General specific authority to file suit against California is not a sufficient basis upon which to rest a restriction of the Attorney General's statutory authority. And no more can we reach such a conclusion because both Houses of Congress passed a joint resolution quitclaiming to the adjacent States a 3-mile belt of all land situated under the ocean beyond the low water mark, except those which the Government had previously acquired by purchase, condemnation, or donation. This joint resolution was vetoed by the President. His veto was sustained. Plainly, the resolution does not represent an exercise of the constitutional power of Congress to dispose of public property under article IV, section 3, clause 2.

Neither the matters to which we have specifically referred, nor any others relied on by California, afford support for a holding that Congress has either explicitly or by implication stripped the Attorney General of his statutorily granted power to invoke our jurisdiction in this Federal-State controversy. This brings us to the merits of the case.

Third. The crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal sea. The United States here asserts rights in two capacities transcending those of a mere property owner. In one capacity it asserts the right and responsibility to exercise whatever power and dominion are necessary to protect this country against dangers to the security and tranquillity of its people incident to the fact that the United States is located immediately adjacent to the ocean. The Government also appears in its capacity as a member of the family of nations. In that capacity it is responsible for conducting United States relations with other nations. It asserts that proper exercise of these constitutional responsibilities requires that it have power, unencumbered by State commitments, always to determine what agreement will be made concerning the control and use of the marginal sea and the land under it. See *McCulloch* v. *Maryland* (4 Wheat. 316, 403–408); *United States* v. *Minnesota* (270 U. S. 181, 194). In the light of the foregoing, our question is whether the State or the Federal Government has the paramount right and power to determine in the first instance when, how, and by what agencies, foreign or domestic, the oil and other resources of the soil of the marginal sea, known or hereafter discovered, may be exploited.

California claims that it owns the resources of the soil under the 3-mile marginal belt as an incident to those elements of sovereignty which it exercises in that water area. The State points out that its original constitution, adopted in 1849 before that State was admitted to the Union, included within the State's boundary the water area extending three English miles from the shore. California Constitution (1849) article XII. That the enabling act which admitted California to the Union ratified the territorial boundary thus defined; and that California was admitted "on an equal footing with the original States in all respects whatever" (9 Stat. 452).

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

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true that what California claimed was three land miles?

Mr. NEELY. That is true.

Mr. WELKER. Mr. President, a point of order.

The PRESIDING OFFICER (Mr. WILLIAMS in the chair). The Senator will state it.

Mr. WELKER. Does not the Senator from West Virginia lose the floor by sitting down?

Mr. NEELY. I have not yielded the floor. I yielded for a question.

The PRESIDING OFFICER. The Chair is advised that the Senator from West Virginia must stand.

Mr. NEELY. Mr. President, I was under the impression that when a Senator yields to another Senator for a question, the rule does not apply.

The PRESIDING OFFICER. The Chair is advised that it is the practice that a Senator can be required to stand at all times.

Does the Senator from West Virginia yield at this point to the Senator from Illinois?

Mr. NEELY. I yield.

Mr. DOUGLAS. May I ask the Senator from West Virginia whether it is not true that what California claimed in its constitution was 3 land miles, whereas what Jefferson asserted was 3 nautical miles?

Mr. NEELY. The Senator is correct.

Mr. DOUGLAS. Is it not true also that since a nautical mile is equivalent to approximately 1.154 land miles, therefore California's claim is something less than a half mile below the claim of the United States?

Mr. NEELY. That is correct.

The opinion of the Supreme Court continues:

With these premises admitted California contends that its ownership follows from the rule originally announced in *Pollard's Lessee* v. *Hagen* (3 How. 212); see also *Martin* v. *Waddell* (16 Pet. 367, 410). In the Pollard case it was held, in effect, that the original States owned in trust for their people the navigable tidewaters between high and low water mark within each State's boundaries, and the soil under them, as an inseparable attribute of State sovereignty. Consequently it was decided that Alabama, because admitted into the Union on "an equal footing" with the other States, had thereby become the owner of the tidelands within its boundaries. Thus the title of Alabama's tidelands grantee was sustained as valid against that of a claimant holding under a United States grant made subsequent to Alabama's admission as a State.

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

Mr. NEELY. I yield for a question.

Mr. DOUGLAS. Therefore, is it not true that Alabama used the equal-footing clause as an argument why she should have the same rights over tidelands proper, or filled land, as the original States had, namely, that those lands should belong to the States rather than to the Federal Government?

Mr. NEELY. That is true.

Mr. DOUGLAS. Is it not true that the Court granted that right in the Pollard case?

Mr. NEELY. It is.

Mr. DOUGLAS. But also is it not true that the Pollard case in no sense involved ownership of submerged lands seaward from the low-water mark?

Mr. NEELY. That is correct.

Mr. DOUGLAS. I thank the Senator from West Virginia.

Mr. NEELY. I continue with the opinion of the Supreme Court in the California case:

The Government does not deny that under the Pollard rule, as explained in later cases, California has a qualified ownership of lands under inland navigable water such as rivers, harbors, and even tidelands down to the low water mark. It does question the validity of the rationale in the Pollard case that ownership of such water areas, any more than ownership of uplands, is a necessary incident of the State sovereignty contemplated by the "equal footing" clause. Cf. *United States* v. *Oregon* (295 U. S. 1, 14). For this reason, among others, it argues that the Pollard rule should not be extended so as to apply to lands under the ocean. It stresses that the 13 Original Colonies did not own the marginal belt; that the Federal Government did not seriously assert its increasingly greater rights in this area until after the formation of the Union; that it has not bestowed any of these rights upon the States, but has retained them as appurtenances of national sovereignty. And the Government insists that no previous case in this Court has involved or decided conflicting claims of a State and the Federal Government to the 3-mile belt in a way which requires our extension of the Pollard inland water rule to the ocean area.

It would unduly prolong our opinion to discuss in detail the multitude of references to which the able briefs of the parties have cited us with reference to the evolution of powers over marginal seas exercised by adjacent countries. From all the wealth of material supplied, however, we cannot say that the 13 Original Colonies separately acquired ownership to the 3-mile belt or the soil under it, even if they did acquire elements of the sovereignty of the English Crown by their resolution against it. *Cf. United States* v. *Curtiss-Wright Export Corp.* (299 U. S. 304, 316).

At the time this country won its independence from England there was no settled international custom or understanding among nations that each nation owned a 3-mile water belt along its borders. Some countries, notably England, Spain, and Portugal, had, from time to time, made sweeping claims to a right of dominion over wide expanses of ocean. And controversies had arisen among nations about rights to fish in prescribed areas. But when this Nation was formed, the idea of a 3-mile belt over which a littoral nation could exercise rights of ownership was but a nebulous suggestion. Neither the English charters granted to this Nation's settlers nor the treaty of peace with England, nor any other document to

which we have been referred, showed a purpose to set apart a 3-mile ocean belt for colonial or State ownership. Those who settled this country were interested in lands upon which to live, and waters upon which to fish and sail. There is no substantial support in history for the idea that they wanted or claimed a right to block off the ocean's bottom for private ownership and use in the extraction of its wealth.

It did happen that shortly after we became a Nation our statesmen became interested in establishing national dominion over a definite marginal zone to protect our neutrality. Largely as a result of their efforts, the idea of a definite 3-mile belt in which an adjacent nation can, if it chooses, exercise broad, if not complete dominion, has apparently at last been generally accepted throughout the world, although as late as 1876 there was still considerable doubt in England about its scope and even its existence. (See *The Queen* v. *Keyn* (2 Ex. D. 63). That the political agencies of this Nation both claim and exercise broad dominion and control over our 3-mile marginal belt is now a settled fact. *Cunard Steamship Co.* v. *Mellon* (262 U. S. 100, 122-124). And this assertion of national dominion over the 3-mile belt is binding upon this Court. See *James* v. *United States* (137 U. S. 202, 212–214); *In re Cooper* (143 U. S. 472, 502–503).

Not only has acquisition, as it were, of the 3-mile belt been accomplished by the National Government but protection and control of it has been and is a function of national external sovereignty. See *Jones* v. *United States* (137 U. S. 202); *In re Cooper* (143 U. S. 472, 502). The belief that local interests are so predominant as constitutionally to require State dominion over lands under its land-locked navigable waters finds some argument for its support. But such can hardly be said in favor of State control over any part of the ocean or the ocean's bottom. This country, throughout its existence has stood for freedom of the seas, a principle whose breach has precipitated wars among nations. The country's adoption of the 3-mile belt is by no means incompatible with its traditional insistence upon freedom of the sea, at least so long as the National Government's power to exercise control consistently with whatever international undertakings or commitments it may see fit to assume in the national interest is unencumbered. See *Hines* v. *Davidowitz* (312 U. S. 52, 62–64); *McCulloch* v. *Maryland*, supra. The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars raged on or too near its coasts. And insofar as the nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use. But whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean, is a subject upon which the nation may enter into and assume treaty or similar international obligations. See *United States* v. *Belmont* (301 U. S. 324, 331–332). The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

The ocean, even its 3-mile belt, is thus of vital consequence to the Nation in its desire to engage in commerce and to live in peace with the world; it also becomes of crucial importance should it ever again become impossible to preserve that peace. And as peace and world commerce are the paramount responsibilities of the Nation, rather than an individual, state, so, if wars come, they must be fought by the Nation. See *Chy Lung* v. *Freeman* (92 U. S. 275, 279). The State is not equipped in our constitutional system with the powers or the facilities for exercising the responsibilities which would be concomitant with the dominion which it seeks. Conceding that the State has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries, these do not detract from the Federal Government's paramount rights in and power over this area. Consequently, we are not persuaded to transplant the Pollard rule of ownership as an incident of State sovereignty in relation to inland waters out into the soil beneath the ocean, so much more a matter of national concern. If this rationale of the Pollard case is a valid basis for a conclusion that paramount rights run to the States in inland waters to the shoreward of the low-water mark, the same rationale leads to the conclusion that national interests, responsibilities, and therefore national rights are paramount in waters lying to the seaward in the 3-mile belt. Cf. *United States* v. *Curtiss-Wright Corp.* (299 U. S. 304, 316); *United States* v. *Causby* (328 U. S. 256).

As previously stated, this Court has followed and reasserted the basic doctrine of the Pollard case many times. And in doing so it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not. All of these statements were, however, merely paraphrases or offshoots of the Pollard inland-water rule, and were used, not as enunciation of a new ocean rule, but in explanation of the old inland-water principle. Notwithstanding the fact that none of these cases either involved or decided the State-Federal conflict presented here, we are urged to say that the language used and repeated in those cases forecloses the Government from the right to have this Court decide that question now that it is squarely presented for the first time.

There are three such cases whose language probably lends more weight to California's argument than any others. The first is *Manchester* v. *Massachusetts* (139 U. S. 240). That case involved only the power of Massachusetts to regulate fishing. Moreover, the illegal fishing charged was in Buzzards Bay, found to be within Massachusetts territory, and no question whatever was raised or decided as to title or paramount rights in the open sea.

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

The PRESIDING OFFICER (Mr. PAYNE in the chair). Does the Senator from West Virginia yield to the Senator from Illinois?

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true that the very able Senator from Texas [Mr. DANIEL] quoted the Manchester case as an indication that the States had control and paramount rights in the waters seaward from the low-water mark in the open sea; but is it not a fact, as the court recognized, that Buzzards Bay, which was under dispute, was an inland water?

Mr. NEELY. That is true. The language of the court is:

> Moreover, the illegal fishing charged was in Buzzards Bay, found to be within Massachusetts territory, and no question whatever was raised or decided as to title or paramount rights in the open sea.

Continuing, the Court said:

> And the Court specifically laid to one side any question as to the rights of the Federal Government to regulate fishing there. The second case, *Louisiana* v. *Mississippi* (202 U. S. 1, 52), uses language about "the sway of riparian States" over "maritime belts." That was a case involving the boundary between Louisiana and Mississippi. It did not involve any dispute between the Federal and State Governments. And the Court there specifically laid aside questions concerning "the breadth of the maritime belt or the extent of the sway of the riparian States. * * *" (id. at 52). The third case is *The Abby Dodge* (223 U. S. 166). That was an action against a ship landing sponges at a Florida port in violation of an act of Congress (34 Stat. 313) which made it unlawful to land sponges taken under certain conditions from the waters of the Gulf of Mexico. This Court construed the statute's prohibition as applying only to sponges outside the State's territorial limits in the gulf. It thus narrowed the scope of the statute because of a belief that the United States was without power to regulate the Florida traffic in sponges obtained from within Florida's territorial limits, presumably the 3-mile belt. But the opinion in that case was concerned with the State's power to regulate and conserve within its territorial waters, not with its exercise of the right to use and deplete resources which might be of national and international importance. And there was no argument there, nor did this Court decide, whether the Federal Government owned or had paramount rights in the soil under the gulf waters. That this question remained undecided is evidenced by *Skiriotes* v. *Florida* (313 U. S. 69, 75), where we have occasion to speak of Florida's power over sponge fishing in its territorial waters. Through Mr. Chief Justice Hughes we said: "It is also clear that Florida has an interest in the proper maintenance of the sponge fishery and that the [State] statute so far as applied to conduct within the territorial waters of Florida, in the absence of conflicting Federal legislation, is within the police power of the State."
>
> None of the foregoing cases, nor others which we have decided, are sufficient to require us to extend the Pollard inland-water rule so as to declare that California owns or has paramount rights in or power over the 3-mile belt under the ocean. The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there. As a consequence of this discovery, California passed an act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean (Cal. Stats. 1921, ch. 303). This State statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this State-Federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the 3-mile marginal belt along its coast, and that the Federal Government rather than the State has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.
>
> Fourth. Nor can we agree with California that the Federal Government's paramount rights have been lost by reason of the conduct of its agents. The State sets up such a defense, arguing that by this conduct the Government is barred from enforcing its rights by reason of principles similar to laches, estoppel, adverse possession. It would serve no useful purpose to recite the incidents in detail upon which the State relies for these defenses. Some of them are undoubtedly consistent with a belief on the part of some Government agents at the time

that California owned all, or at least a part of the 3-mile belt. This belief was indicated in the substantial number of instances in which the Government acquired title from the States to lands located in the belt; some decisions of the Department of Interior have denied applications for Federal oil and gas leases in the California coastal belt on the ground that California owned the lands. Outside of court decisions following the Pollard rule, the foregoing are the types of conduct most nearly indicative of waiver upon which the State relies to show that the Government has lost its paramount rights in the belt. Assuming that Government agents could by conduct, short of a congressional surrender of title or interest, preclude the Government from asserting its legal rights, we cannot say it has done so here. As a matter of fact, the record plainly demonstrates that until the California oil issue began to be pressed in the thirties, neither the States nor the Government had reason to focus attention on the question of which of them owned or had paramount rights in or power over the 3-mile belt. And even assuming that Government agencies have been negligent in failing to recognize or assert the claims of the Government at an earlier date, the great interests of the Government in this ocean area are not to be forfeited as a result. The Government, which holds its interests here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property; and officers who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by their acquiescence, laches, or failure to act.

We have not overlooked California's argument, buttressed by earnest briefs on behalf of other States, that improvements have been made along and near the shores at great expense to public and private agencies. And we note the Government's suggestion that the aggregate value of all these improvements are small in comparison with the tremendous value of the entire 3-mile belt here in controversy. But, however this may be, we are faced with the issue as to whether State or Nation has paramount rights in and power over this ocean belt, and that great national question is not dependent upon what expenses may have been incurred upon mistaken assumptions. Furthermore, we cannot know how many of these improvements are within and how many without the boundary of the marginal sea which can later be accurately defined. But beyond all this we cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission. See *United States* v. *Texas* (162 U. S. 1, 89, 90); *Lee Wilson & Co.* v. *United States* (245 U. S. 24, 32).

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

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not apparent that in the sentences which have been frequently quoted by the proponents of the Holland joint resolution the Supreme Court is merely saying that Congress should do justice (a) to lessees drilling for oil under State laws, and (b) to public bodies and private persons who have filled land along the low-water mark adjoining the open sea?

Mr. NEELY. That is correct.

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

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true that the Anderson bill meets both of these tests, and is it not true also that it provides that all existing leases taken out under State power shall be continued under the Federal control envisioned by the Anderson bill?

Mr. NEELY. That is true.

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

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not further true that the Anderson bill provides that all land which has been filled in the past by public bodies or private persons, whether on inland waterways or on the open sea, shall have title vest in those public bodies or private persons?

Mr. NEELY. That is true.

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

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not further true that the Anderson bill provides that all lands which are filled in the future on inland waters, whether by public bodies or private persons, shall have their title secure?

Mr. NEELY. There can be no doubt. about that.

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

Mr. NEELY. I yield.

Mr. DOUGLAS. Is it not true also that under the Anderson bill all lands filled on the open sea on tidewaters, by public bodies, will have their title secure?

Mr. NEELY. That is true.

Mr. DOUGLAS. Is it not true that all considerations of equity which the Court enjoined the Congress to consider have been met in the drafting of the Anderson bill?

Mr. NEELY. Without question, that is true.

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

Mr. NEELY. I yield.

Mr. DOUGLAS. Therefore it is not necessary, is it, for Congress to pass the Holland joint resolution in order to meet the advice and injunctions and trusts imposed by the Court upon Congress?

Mr. NEELY. In my opinion, there is no cause or justification for the adoption of the Holland joint resolution.

The concluding paragraph in the majority opinion is as follows:

> We hold that the United States is entitled to the relief prayed for. The parties, or either of them, may, before September 15, 1947, submit the form of decree to carry this opinion into effect, failing which the Court will prepare and enter an appropriate decree at the next term of Court.
>
> It is so ordered.

There is a note to the effect that Mr. Justice Jackson took no part in the consideration or the decision of the case.

Mr. President, I purpose at a later date, to read to the Senate two other decisions of the Supreme Court on this important question. For the present, I postpone that task, and now suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PAYNE in the chair). The clerk will call the roll.

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

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

The PRESIDING OFFICER. A quorum is present.

Mr. MAGNUSON. Mr. President, at the outset I wish to refer to the fact that some suggestions have been made in the debate on the pending joint resolution, and the amendments offered to it, that some who are speaking might be engaged in some kind of an effort to delay the final vote. I do not know whether that is true or not, but I do know that many of us are vitally and deeply interested in the subject, and I want the RECORD to show that, insofar as I am concerned, feeling as I do about the pertinent matters involved in the joint resolution, I would have made the remarks for the RECORD I am about to utter tonight whether the debate had taken 2 days or 2 months, or as long as it might last.

Mr. President, many times during my service as a Member of Congress, both in the House of Representatives and in the Senate, I have had occasion many times not only to pass on bills similar to the measure now before the Senate but to engage in debates and discussions regarding the whole tidelands matter, and on all occasions I have consistently opposed proposals which have been submitted to Congress, during the many years, similar to that now before the Senate. So, at least, I can plead guilty to being very consistent.

The Hill amendment to the Anderson substitute proposes that revenues from the offshore oil, or any other natural resources which may be found in the bed of the ocean, shall be dedicated to the schools and the schoolchildren of this Nation.

In my State alone, Mr. President, the funds needed in the next 8 years total more than $250,000,000, as estimated by our superintendent of public instruction, and I assume that particularly in those States which have a growing population the ratio would be of a somewhat similar pattern.

Mr. President, to justify my figures I should like to read at this point a portion of a letter from a very able superintendent of public instruction in my own

State, Pearl A. Wanamaker, dated Februay 26, 1953. She writes:

I am pleased to inform you that the State of Washington will require $263,000,000 for public school construction during the next 8 years. Cash and investment assets in the permanent school fund as of March 31, amounted to $56,161,456.51. The interest accruing from the investments in this fund amounted to $1,497,771.08 for the period April 1, 1951, to March 31, 1952.

That is a recent statement of a conservative estimate by the Superintendent of Public Instruction of the State of Washington. I suspect that the figure as applied to the State of Washington would be somewhat comparable in other States, based upon population and school enrollments.

Historically, we have used public lands of this Nation to support the schools. The Hill amendment conforms to this basic principle. In a real sense, though perhaps not legally, the submerged lands within our territorial waters are public lands.

Mr. President, I am opposed to Senate Joint Resolution 13—the quitclaim measure. I intend to vote against it, as I have voted against similar measures. I support the substitute offered by the junior Senator from New Mexico [Mr. ANDERSON]. I shall vote for the Hill amendment to make revenues of offshore oil available to the schools of the Nation.

Our school population is a growing population. Many of the States are finding great difficulty in meeting the growing financial needs of the schools. As a matter of fact, I think we shall find that a study of the legislation passed by State legislatures which are now in session will disclose that most of their problems have revolved around the growing need for school funds.

In my opinion, Mr. President, the Anderson substitute would do a great deal to relieve the financial burdens of the various States of the Union which have this very serious problem. It will do a great deal to equalize within the 48 States the school revenues and Federal aid to States for educational purposes on which this Congress and preceding Congresses have time and time again placed their stamp of approval.

It seems to me that the Hill amendment is not only consistent with our school policy of Federal aid to education, but it also parallels many of the other things we have done, even in the beginning, when our public lands were first devoted to school purposes.

In my State the school lands which were conveyed to the States by the Federal Government at the time of entering statehood have done much to add to the revenue of the schools and have given us one of the finest educational systems not only in this country, but in the world. I think the Hill amendment follows through on that same pattern. It will help not only some of the States which have been backward, because of financial problems, in establishing good school systems, good schoolhouses, good maintenance, and good pay to teachers, but it will help considerably in other ways.

Mr. President, Senate Joint Resolution 13 has been called many names. It has been called the tidelands oil bill, the submerged lands bill, the giveaway bill, the oily bill, the oil-grab bill, the Holland bill, and the Submerged Lands Act. By whatever name, the measure is detrimental to the best interests of the people of the United States. It should not be enacted, not even to salvage campaign promises, whether they were made by Republicans, Democrats, or the President of the United States.

It is commonly known, of course, as the Holland joint resolution. There is no reflection on our distinguished friend from Florida [Mr. HOLLAND] in that connection. It has been given many names in our discussion of it.

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

Mr. MAGNUSON. I yield.

Mr. LANGER. Does the distinguished Senator from Washington recollect that during the drought there was a terrible situation confronting the schools throughout the Northwest?

Mr. MAGNUSON. Yes. It was very pathetic. The more we can get for the schools the greater they can build the educational system we have started in America, so that such a situation cannot happen again.

Mr. LANGER. Does the Senator remember that delegations from all over the Northwest came to Washington begging for assistance?

Mr. MAGNUSON. That is correct.

Mr. LANGER. Does the Senator remember that in my State, at least, they received nearly $2 million?

Mr. MAGNUSON. We received a substantial amount comparable to our population. Without it we would have had a terrible time, as would the State of North Dakota if it had not received such assistance.

Mr. President, as I have said, the Holland joint resolution has been given a great many names, but whatever names it has been called, it seems to me it is detrimental to the interests of the people of the United States. I do not think it should be passed, in spite of the fact that it is in response to a campaign promise.

In the past session of the Congress, with reference to the quitclaim bill, pressure came from some friends in my own State. Pressure has come from California, Texas, and from many representatives armed with maps, seeking to demonstrate that Congress could give to Texas, California, or any other State a 10-mile strip and still have plenty of natural resources left over on the edge of the Continental Shelf.

Mr. President, on several occasions, when similar bills have been before the Congress, many of the people in my own State came to me, I think, under a misapprehension. I suppose the same is true in the case of North Dakota. A great deal of pressure was brought. I think many persons had a complete misunderstanding as to the meaning of the proposed legislation. Some of its proponents, on the outside, spread a great deal of propaganda in many States, particularly coastal States, intimating that if the measure were not passed—that was even prior to the Supreme Court's decisions—the title to lands of the inland waterways, of which there are hundreds of square miles in my State, namely, in Puget Sound, would be in doubt. Many persons thought the titles to the oyster beds and clam beds would be in doubt. Of course, they now know that nothing is further from the truth. Those who oppose the tidelands bill and those who are in favor of it never claimed that it should apply to any of the inland waterways of the United States. But they stirred up propaganda in the States. The issue before the Senate now has completely settled that matter, and I think it is clearly understood by the people that the title of the proposed legislation is a misnomer.

The tidelands are generally spoken of, legally and otherwise, as the lands between high and low tide. We are not even speaking of that land. The question of title to it has been agreed upon by the proponents and opponents of the pending issue. It has been agreed that such lands are not included in the joint resolution. So we are speaking only about lands below low tide and the lands out in the ocean, around the actual ocean area of the United States. We are not referring to inland waterways.

Mr. President, it is as though the advocates of the pending proposal were saying, "You can give away, to 3 or 4 States, submerged lands containing millions of barrels of oil, and still have plenty left over for the other 44 or 45 States." That statement has been made propagandawise, and it may be true. But I know it has been used often, not only as a means of pressure, but as an argument for the pending joint resolution.

The question thus stated becomes one which no Senator could conscientiously support. Such an argument has no solid foundation either in law or in equity.

The real issue, if there is any issue at all, is whether it is sound public policy for Congress to reverse the Supreme Court of the United States by dividing, splitting, and sharing national sovereignty and related wealth with the coastal States to the detriment of all 48 States. I think that is the simple question here involved.

Among other things, the proponents of Senate Joint Resolution 13 and its predecessors have sought to make this a States' rights issue. Letters in my file from my own governor, the Governor of the State of Washington, and the attorney general of my own State, both of them personal friends of mine, indicate that they have misunderstood the issue. We have discussed the situation on many occasions. However, I have found that the understanding at home now is a great deal better than it was 2, 3, 4, or 5 years ago, when similar proposals were before Congress, because the people are now beginning to understand all the facts involved. Some persons still disagree. I have no quarrel with them, as long as all the facts are laid on the table, and they can reach their own conscientious conclusions. However, there are letters in my file from the Governor and the attorney general of the State of Washington which allege that the issue before Congress is whether the States shall be absorbed by the Federal Government or whether the rights of the States will be observed. In effect, these letters state that the States own the submerged

lands seaward of the low-water mark, that the Federal Government is trying to take those lands away from the States, and that the States' rights must be protected. If that contention were correct, I should be the first to rise on the floor of the Senate to insist that the rights of the States should be protected. But it seems to me that the truth is that States' rights are not involved at all.

Under our Constitution, the Founding Fathers established a Supreme Court and clothed it with the responsibility of deciding controversies between States, and between States and the Federal Government. Pursuant to its high responsibility, the Supreme Court of the United States has spoken on the issue now under consideration, not once, but three times.

Speaking on the contention that the States own the submerged offshore oil lands—perhaps I should say not only oil lands, but should include any other resources off shore—the Supreme Court, in the California case, said:

> The State of California has no title thereto or property interest therein.

Likewise, I quote from the Supreme Court decision in the Texas case:

> The State of Texas has no title thereto or property interest therein.

In another case, that of the State of Louisiana, the Supreme Court said:

> The State of Louisiana has no title thereto or property interest therein.

I must say that that is not only a flat, clear, and unequivocal statement, but surely it is consistent, so far as legal wording is concerned. The Supreme Court said, without hedging and without qualification, that those States did not own submerged lands. It said they had no property rights in such lands. Therefore the highest tribunal in the United States has decided the issue of States' rights.

The rights of States are not in jeopardy, and they never have been, so far as past, present, or future ownership of submerged lands is concerned. The Federal Government is not taking anything away from the States. We cannot take away that which the States never owned in the first place; nor, may I add, can we "restore" lands concerning which the Supreme Court has said the States of Texas, Louisiana, and California have "no title thereto or property interest therein."

We would not be giving this land to the Federal Government. The joint resolution would take land away from the Federal Government and would give it to other people. So it seems to me that the States rights question is not an issue in this case.

Of course, I know that the loser of a lawsuit never likes the verdict. Nevertheless, in this matter, the Supreme Court rendered its verdict not once, but three times. I know that sometimes after a court has rendered a verdict it is said, "Well, I was not adequately represented. There were some things to be said that were not said."

As a matter of fact, in our judicial procedure there is provision for a retrial upon new evidence. Judges sometimes grant new trials when new evidence can be presented. Sometimes, if a person is poorly or inadequately represented, courts have the right to grant new trials. But if Senators consider the type of representation that was had by the States, and also by the intervenors, they will find that there was not only the best representation in the United States, but also the highest priced. I am certain all the facts were presented to the Court. These cases took a long time to present. There was not a single matter involved in the whole issue that was not brought up and discussed before the Court, not only for weeks, but for months.

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

Mr. MAGNUSON. I yield.

Mr. DANIEL. I feel certain the Senator would not want his statement to stand without having it called to his attention that in the Texas case the court denied Texas the right to introduce evidence. So the facts which Texas placed before the Senate committee in the hearings were not heard or considered by the court before its decision was rendered against Texas.

Mr. MAGNUSON. But Texas had the right to produce evidence so far as it presented legal briefs. Briefs usually contain some evidence.

Mr. DANIEL. Only the law.

Mr. MAGNUSON. The Senator is a lawyer, and a good one. He knows that evidence may be introduced.

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

Mr. MAGNUSON. I yield.

Mr. DANIEL. Does the Senator know of any way in which to get evidence before a court, when the court votes to deny the litigant the right to introduce evidence?

Mr. MAGNUSON. I should say to my distinguished friend, the Senator from Texas that when I speak of evidence, I am speaking of all the legal facts involved. Of course, it is not evidence as we know it in a civil or a criminal case as to what happened or did not happen with respect to the actions of persons. But all the legal evidence that was available was included in all the briefs. I do not mean evidence in the sense of what persons did. Undoubtedly the Senator presented all the legal facts involved, together with all the legal documents, constitutions, and enabling acts, pertinent to the issue.

Mr. DANIEL. So that the Senator may clearly understand me, I went before the Supreme Court with two large cardboard boxes full of documents, including diplomatic correspondence between the Republic of Texas and the United States, and other evidence in writing, which showed that those who made the agreement with Texas intended that Texas should retain the lands under the waters as well as the dry land.

The Court refused to hear that evidence, and by a vote of 4 to 3 decided the case on the pleadings alone, saying that "equal footing" was all that it was necessary to consider. The court did not hear the evidence which is now before the Congress. I merely wished to make myself clear.

Mr. MAGNUSON. There is a little greater latitude in what the Senator has just said, but I am sure the distinguished then attorney general of Texas argued at least the substance of the facts which he had in the boxes.

Mr. DANIEL. I asked the Court to hear the evidence, but the Court refused to do so.

Mr. MAGNUSON. The Court heard the Senator, I am sure. The Court said, "We will not take that into consideration." However, I think the Court heard the Senator.

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

Mr. MAGNUSON. I yield for a question.

Mr. MURRAY. It is common practice in the courts to give judgment on the pleadings. That is to say, the pleadings set forth the claims which are made, and the proof which it is claimed the parties have. The report will say, "Notwithstanding that, decision is rendered on the basis of what the pleadings show."

Mr. MAGNUSON. I am sure the distinguished then attorney general from Texas did everything he could. The point I make is that in all these cases the subject was well considered by those involved on both sides. It was not considered lightly. The decision was not made without a great deal of deliberation, a great deal of study, and a great deal of controversy.

As I have previously stated, it seems to me that the States' rights issue in this connection is covered to some extent by the three Supreme Court decisions. It seems to me that that question has been decided, and that the States' rights issue should not be a part of this argument.

There is another line of argument running through some of the letters which I have personally received on this subject. I presume other Senators have also received letters. I have received letters from officials and people of my State, and I presume other Senators have received similar letters from the people of their States, States in which no oil has been discovered and nothing of value is known to exist beyond low tide out to the 3-mile limit, or out to any Continental Shelf which may exist.

Some officials in my State have said that we might discover gas or oil in the submerged lands off the State of Washington or the State of Oregon or other States which have seacoasts. They say, "You Senators should vote for this measure, because if we strike oil the treasury of the State will benefit in proportion."

In effect they are saying, "Whether we have the right to these lands or not, you, Senator MAGNUSON, should vote for this measure because the State of Washington might possibly benefit therefrom." I think this line of argument is entirely specious. In effect, it places the dollar sign ahead of what is just, what is right, what is equitable, and what is best for the country at large. As a matter of fact, Mr. President, the dollar sign is written all over this joint resolution.

I do not think any Senator should vote for this or any other legislation merely because his State might get a few more dollars at the expense of the people of

other States. I do not believe that thinking people in my State who understand the problem would want any of their representatives in Congress so to vote, even if they did benefit financially. The truth of the matter is that, having had some legislative experience, it is my judgment that if the Hill amendment were passed and we did find some resources or oil off the State of Washington, we might fare better under the provisions of that amendment than if we were to take it on ourselves. At least we would be protected.

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

Mr. MAGNUSON. I yield for a question.

Mr. DOUGLAS. Is it not true that under the Anderson amendment 37½ percent of all Federal revenues derived inside the three-nautical-mile limit would go to the adjoining coastal States?

Mr. MAGNUSON. That is true. However, with all due respect to State legislatures—and I once served in the State legislature—if we should discover oil or gas I do not believe that the State legislature could make any better deal for the State of Washington with respect to something which I think belongs to the 48 States than we would make under the provisions of the Hill amendment. The people of the State of Washington would be protected. The Anderson substitute would do that. I think the people of the State of Washington would probably be glad to avoid the necessity of having to negotiate. The Anderson amendment represents a protection for them.

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

Mr. MAGNUSON. I yield for a question.

Mr. HOLLAND. The Senator is, of course, familiar with the provisions of the constitution of his own State. I am sure he knows that one of the very strongest, if not the strongest, constitutional claim to tidelands under navigable waters possessed by any State is possessed by his State.

Mr. MAGNUSON. Yes. I have the constitution before me.

Mr. HOLLAND. Would the Senator mind reading into the RECORD paragraph 17 of the constitution of his State, and commenting on the meaning of it?

Mr. MAGNUSON. If the Senator from Florida will bear with me, a portion of my address tonight is devoted to that subject, as related both to the enabling act and the constitution.

Mr. HOLLAND. Would the Senator be gracious enough to discuss not only section 17 of the constitution of his State, which specifically claims for his State actual ownership of everything under navigable waters in his State, but also section 24, which specifically states that the boundary of the State is 1 marine league off the coast of the State in the Pacific Ocean, and comment with reference to those two sections?

Mr. MAGNUSON. I have some comment regarding those two sections. Also I should like to discuss the enabling act and the section of the constitution relating to title.

As I have previously stated, I do not believe that any thinking people in my State who understand all the facts would want any representative from that State to vote for a measure merely because, leaving aside all other considerations, it would give the State some extra dollars. I should think the people of my State would be willing, as right-thinking people, which they are, to forego any such activity on the part of any of their representatives in the Congress, and allow them to do what they think is the just and right thing to do, as it relates to all their neighbors in the 47 other States. That is what this measure seems to be all about.

If I were thinking only of the dollars involved, I might well vote against Senate Joint Resolution 13 on that basis alone. It is possible that there may be some oil or gas off the coast of Washington State. To date, however, it has not been definitely proved. Whether or not there is oil or gas in the submerged lands, or how much there is, is, of course, still a matter of speculation. The quitclaim bill, however, proposes to give to the States of Texas, California, and Louisiana a definitely known asset in which the State of Washington, I believe, has a just share. On the basis of school population, the share is estimated at from almost $745 million to $1,862,000,000. Some estimates run as high as $4 billion. That figure represents the share of the asset itself, and not royalties.

On the basis of the dollar sign, therefore, the question should be, "Should I vote to retain for Washington State its share in the known oil reserves, or should I vote to give those away now in the hope that at some future date greater quantities of oil or gas may be discovered in our own submerged lands in the Pacific Ocean?"

I refuse to base my decision upon the dollar sign. As I have previously stated, the question here really is, "What seems to be equitable, and what is best for the 48 States of the United States?"

While we are on the subject of Washington State and its welfare, I wish to comment briefly on the legal claims which have been advanced asserting State ownership in the submerged lands off the coast of Washington.

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

Mr. MAGNUSON. I yield for a question.

Mr. GORE. Before the distinguished Senator from Washington embarks upon a discussion of the legal claims of the States, would he express his opinion, either in agreement or disagreement with the junior Senator from Tennessee that, even though we assume, for the sake of argument, that the Congress has the power to dispose of these properties, however great they may be now, and whatever their potential values may be, would we not still come back to the basic question which the Senator has just stated, that is, whether it is right or wrong, and what are the equities involved as between the 48 States and the peoples thereof?

Mr. MAGNUSON. I think the distinguished junior Senator from Tennessee is entirely correct. I think that should be the basis of our vote on the joint resolution. I said before that I did not think my people would want me to do other than that, despite the fact that we might—and I use the word "might" with capital letters—that we might someday find some oil out there. Just the same, I still think we should do what is right and just.

I will say to my friend from Tennessee that we have something else out there that we want to develop. We have some great assets in the State of Washington. We have a lot of Federal land, and we have a lot of minerals on that land. We may even have oil. We have never adopted the policy of retaining the right to the oil and the gas and minerals under those lands. I say, if we are going to start on this question, let us give every State the whole business. We have some other big and valuable assets, which are even more valuable to us in some respects than all the oil that could possibly be discovered off the coast of Texas or Louisiana. We have some great hydroelectric dams that will continue to exist. They will not run out like oil will someday. They exist for two or three or four hundred years. Why not give them away? The distinguished Senator from Idaho [Mr. WELKER], if the press quoted him correctly, said that we should sell some power dams to private interests. He has a perfect right to feel that way about it. However, the citizens of my State disagree with him.

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

Mr. MAGNUSON. I yield.

Mr. GORE. Are those hydroelectric dams to which the Senator has made reference within the historic boundaries of the State of Washington?

Mr. MAGNUSON. Oh, yes.

Mr. GORE. There is no question that they are not 3 leagues beyond the boundary of the State?

Mr. MAGNUSON. No; they are inside the State.

Mr. GORE. Can the distinguished Senator see them, or are they submerged under several fathoms of water?

Mr. MAGNUSON. No; one can look at them in all their glory. They rise up high.

Mr. GORE. Then the distinguished Senator from Washington thinks that in the event Congress, in its generosity, if the Court decides that Congress has the right to dispose of the people's rights to properties, and in its largess gives this property to the people of a few States, the senior Senator from Washington, along with his distinguished colleague, may come to Congress and suggest that the State of Washington would accept title to those dams?

Mr. WELKER. Mr. President, I ask for the regular order. The Senator may yield only for a question.

The PRESIDING OFFICER (Mr. CAPEHART in the chair). Does the Senator from Washington yield for a question? The Senator may yield only for a question.

Mr. MAGNUSON. I think the Senator from Tennessee asked a question.

Mr. GORE. I asked a question.

The PRESIDING OFFICER. It was a rather long question, the Chair thinks.

Mr. WELKER. Mr. President, does my distinguished colleague yield?

The PRESIDING OFFICER. Does the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. Did the Senator from Washington ever hear——

Mr. GORE. Mr. President, a point of order. The distinguished Senator from Idaho made a statement. He did not ask a question.

Mr. WELKER. I started to ask a question.

The PRESIDING OFFICER. The Chair will decide that it is a question. We do not want to become too technical tonight. It is getting a little late.

Mr. WELKER. Did the Senator from Washington ever hear the junior Senator from Idaho advocate the sale of any powerplant or multipurpose dam in the State of Washington, Idaho, or anywhere else, other than the TVA in Tennessee?

Mr. MAGNUSON. No. I said that the newspapers quoted the Senator from Idaho, as I read the report, to the effect that he had made the statement in Chattanooga, Tenn. Perhaps the Senator from Tennessee is familiar with it. I agree with the Senator from Idaho that he did not refer to the dams in the Pacific Northwest.

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

Mr. MAGNUSON. As I recall, the article referred to the Tennesese Valley Authority, I believe. However, I do not see much difference between a Federal dam on the Tennessee River and one on the Columbia River.

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

Mr. MAGNUSON. I yield.

Mr. WELKER. Is the Senator from Washington in favor of the Columbia Valley Authority?

Mr. MAGNUSON. I am in favor of it.

Mr. WELKER. Does the Senator from Washington know that the Senator from Idaho differs with him on that question?

Mr. MAGNUSON. Oh, yes; very much so. That is a broad problem, of course. I introduced a bill 2 or 3 years ago in that connection. I am in favor of some administration for the valley. It was a long bill. There are a great many provisions in it. I have stated on many occasions that we had no pride of authorship in the bill. We felt that perhaps the time had come when we should have some sort of management established, not necessarily word for word or blueprint for blueprint with the TVA, but that some kind of management should be established. Of course, we have different problems out there.

We were talking about the Columbia River Authority. I have made many statements on the subject in the CONGRESSIONAL RECORD and on public platforms and in newspapers, and everywhere else, that many of us felt that way about it. We introduced a bill with the idea that we would hold lengthy hearings in the field out there, but with no intention of going ahead with it until we could get all our heads together and consider amendments, and so forth. We felt that the time was coming, or perhaps had arrived, where we must have some kind of management established. We have had a great deal of duplication involving many Government agencies. We were going to provide for local control. That is what I am in favor of, and I have always been in favor of it.

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

Mr. MAGNUSON. I yield.

Mr. WELKER. I will ask the Senator from Washington if it is not a fact that the Senator from Idaho has always advocated the Government's not going into the power business, the law business, or any other business?

Mr. MAGNUSON. So far as I know, the Senator from Idaho has always advocated that. I think the senior Senator from Washington has always advocated that also, except where a great natural resource was going to waste, and private enterprise did not do anything about it, or did not want to do anything about it, or when it was too big for private enterprise to handle or it could not handle it.

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

Mr. MAGNUSON. That is my policy, and I have stuck to it all the time that I have been in the Senate, and I still stick to it now. I think, without the Federal Government going into the Columbia River, we would not have had dams, which have been the whole basis of our economic foundation and have been the basis of developing thousands of jobs and the hundreds of corporate free enterprises that dot our countryside out there.

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

Mr. MAGNUSON. I yield. Incidentally, it has given us the cheapest hydroelectric power rate in the whole world.

Mr. WELKER. Paid for by the American taxpayer.

Mr. MAGNUSON. Mr. President, I do not yield for that.

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

Mr. MAGNUSON. I will yield in a minute for a question.

Mr. JACKSON. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. It was not paid for by the American taxpayers. The Federal Government loaned us money with which to build it, and we are paying it back with interest, and we are about 7 years ahead of schedule.

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

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. MAGNUSON. Yes; I yield for a question.

Mr. WELKER. I will ask my distinguished colleague from the State of Washington, since he believes in Federal control through a Columbia Valley Authority power business, if he would not then agree to have all the timber resources or the mineral resources, and all other natural resources which have been given to us by God, controlled by the Government of the United States?

Mr. MAGNUSON. There is no more comparison there than why we do not have a public road. It is because public power is in the nature of a public utility. Of course, private industry has developed our timber resources and they have done a good job of it. Private industry has developed our mines, and they have done a good job. But the private power people, until 20 years ago, did not do a good job in developing that great natural resource in our area.

Mr. WELKER. Mr. President, will the Senator from Washington yield further for a question?

Mr. MAGNUSON. I yield.

Mr. WELKER. Does the Senator from Washington mean to indicate that private power corporations have not done a pretty good job in the Northwest?

Mr. MAGNUSON. I do not indicate any such thing. I did not say that. I said they did not do a good job in developing great dams. They did not do a good job in developing rural electrification.

Mr. WELKER. If they had the advantages of TVA or CVA—which the Senator from Washington advocates—let me ask the distinguished Senator why they could not do a good job.

Mr. MAGNUSON. In many cases the job was too big—for instance, as in the case of the financing of a very large multiple-purpose dam. I do not believe the financing of a large project, such as Grand Coulee, could have been undertaken 20 years ago by the private utilities. That was not their fault. Such projects, involving flood control and all the other features and programs which go with a multiple-purpose dam, such as those in the Columbia Basin project and in other multiple-purpose projects, were simply too large for the private groups to undertake. That was not their fault. They did a good job as far as they could. However, that section of the country was developing, and the whole area needed more development.

I never have said that the private groups did not do a good job within their limited means, but they were quite limited in what they could do.

But, by the same token, they opposed the other developments.

Mr. WELKER. With the taxpayers of the United States putting up the money and paying the interest, how could anybody fail to do a good job?

Mr. MAGNUSON. I do not think the taxpayers are paying the interest.

Mr. WELKER. Who built them then, if not the American taxpayers?

Mr. MAGNUSON. They were built with the use of Federal Government funds, provided by the American taxpayers; but I just got through telling the Senator from Idaho that those funds were not made available as appropriations to the people of our section of the country. Those funds were made available merely in the form of a loan, which we are paying back with interest.

Mr. WELKER. Could not private enterprise do the same thing, if the same conveniences and the same grants were made available to them, under the same principle, and with no requirement to pay interest?

Mr. MAGNUSON. There has been no failure to pay interest; we are paying interest.

Mr. JACKSON. Mr. President, will my colleague yield to me for a question?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not a fact that in the past there has never been a proposal by a private-power company to build a multiple-purpose project of any size on the Columbia River?

Mr. MAGNUSON. That is correct. Of course, my colleague and I know—as does the Senator from Idaho, I am sure—that private groups could not undertake the multiple-purpose projects, merely by virtue of the very nature of those projects.

Mr. JACKSON. Mr. President, will my colleague yield to me for another question?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not a fact that in the case of Grand Coulee Dam, with a total estimated cost, when completed, of $750 million, all the power features of the dam will be paid for with interest, and, of course, including the principal cost of the project? Is it not also a fact that the reclamation features will be paid back without interest?

Mr. MAGNUSON. That is correct.

Mr. JACKSON. Is it not also a fact that the only item charged off, so to speak—of a total cost of $750 million—is $1 million for flood control?

Mr. MAGNUSON. Yes; namely, the portion of the project which the engineers decide, after study, is properly allocable to flood control.

Mr. JACKSON. Is it not a fact that although the Columbia River has been threading its way through British Columbia, Montana, Washington, and Oregon for centuries, no private power company ever took the trouble to build a dam on that river, except for a very, very small project which was constructed by the Puget Sound Power & Light Co. at Rock Island?

Mr. MAGNUSON. That is correct. As I have said, I do not wish to be critical of the private groups.

In this connection, let me refer to the reclamation developments. The first reclamation law was passed in 1902; we have just celebrated the 50th anniversary of reclamation in the United States. That law was passed under the administration of President Theodore Roosevelt.

I say to my friend, the Senator from Idaho, that the explanation of the situation in these cases is that no private group would do the entire job that is done by a multi-purpose dam.

Mr. JACKSON. Mr. President, will my colleague yield to me for a further question?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Would it not be unfair to ask a private utility to build a multi-purpose project which would involve more than the production of power—in other words, which would involve navigation, flood control, and irrigation?

Mr. MAGNUSON. Of course it would.

Mr. JACKSON. Is it not a fact that a private utility that is interested in building a dam, builds the dam for the obvious purpose of producing power?

Mr. MAGNUSON. That is correct. Of course, in many cases there is question about the site of the dam.

Of course the private groups could not handle multiple-purpose projects. I merely point out that the Government has done this job, and has done it well; and the result has motivated to the great benefit of the interests and welfare of the people of that immediate area and the people of all parts of that area, including Washington, Idaho, California, and many other areas, and also including Arizona, of course. For instance, I understand there is a project known as the Central Arizona project. I have voted for it on many occasions, because I think all the other sections of the country should have the benefits that our section of the country has been able to obtain by means of this program.

Mr. JACKSON. Mr. President, will my colleague yield for another question?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not a fact that the first multiple-purpose project, namely, Roosevelt Dam, in the State of Arizona, which provides power and irrigation outside the city of Phoenix, Ariz., was initiated by a great Republican, Theodore Roosevelt?

Mr. MAGNUSON. That is what I have read. I know that project has done a great job for the people of Arizona; and I suspect that that project, too, could not have been initiated or completed by private groups.

Mr. JACKSON. Is it not a fact that in the case of that project and in the case of other fine undertakings in the West of a multiple-purpose nature provision was made, in connection with the sale of power, for preference for municipal purposes? Furthermore, is it not a fact that the preference provision was recommended, and later was enacted into law, during the administration of President Theodore Roosevelt.

Mr. MAGNUSON. Yes; and it is a part of the basic law; and I think it has been a good part. It has made it possible for cheap power to be produced, particularly at Government dams, or in connection with a power pool composed of power from both Government sources and private sources; and that arrangement has made it possible to allow municipalities and rural-electrification cooperatives to obtain power first. If there is sufficient power, the preference clause does not mean so very much; but in many cases it is most important.

Mr. JACKSON. Is it not a fact that the next multiple-purpose project—and, incidentally, one of the largest in the United States—was the Boulder Dam project on the Colorado River, now referred to as the Hoover Dam project, which project provides power, irrigation, and flood control; and is it not a further fact that that project was initiated by former President Herbert Hoover, with Federal funds?

Mr. MAGNUSON. That is correct. That is why I was so astounded by Mr. Hoover's statement of the other day, during a nationwide broadcast—it was a week ago Sunday, I believe—when he advocated that all these power-producing dams and multiple-purpose dams, including the one he so brilliantly initiated, be turned over to private interests. I think those were the words he used.

Mr. WELKER. Mr. President, will the Senator from Washington yield to me?

Mr. MAGNUSON. I yield.

Mr. WELKER. The Senator from Washington has referred to Hoover Dam or Boulder Dam.

Mr. MAGNUSON. I did not speak of it; my colleague called it to my attention.

Mr. WELKER. Well, both Senators from Washington are together in connection with this matter, so I assume that what the Senator from Washington just said is correct.

Mr. MAGNUSON. Yes; fortunately we are.

Mr. WELKER. I ask the Senator from Washington if it is not a fact that at Boulder Dam, or Hoover Dam, private enterprise is permitted to buy the power at the bus bar and to sell it to the public at a reasonable rate, instead of being totally shut out of the picture by a Federal authority setup controlled by executive rulings?

Mr. MAGNUSON. I do not know; I cannot answer the question of my friend, the Senator from Idaho. I simply do not know what the arrangement is in connection with the sale of power at Hoover Dam. I do know the arrangement in connection with the sale of power in the case of the Bonneville Authority, but I am not familiar with the arrangement at Hoover Dam.

However, I have alway been opposed to the sale of power at the bus bar, so long as public bodies, such as municipalities or rural electrification units, needed the power. I have always been opposed to having the private power groups purchase power at the bus bar, and then distribute it. Of course, invariably today the private power groups wish to have the Government build the dams and then sell the power from the dams to the private groups at the bus bar, and then permit the private groups to distribute the power. I have always thought the people could have cheaper power if that policy were not followed.

What is done at Hoover Dam, I do not know.

Mr. WELKER. Mr. President, will the Senator from Washington yield for another question?

Mr. MAGNUSON. I yield.

Mr. WELKER. Will the Senator from Washington please tell the Senate the exact market price obtained for power at Grand Coulee?

Mr. MAGNUSON. I do not think the market price at one dam can be estimated.

Mr. WELKER. I have asked the question. Can the Senator from Washington answer the question, or can he not answer it?

Mr. MAGNUSON. I am trying to answer the question the Senator from Idaho has asked. However, the power is put into a pool. As the Senator knows, in our section of the country the power comes from the Seattle City Light Co., from Rock Island Dam, which is a private dam, and from Grand Coulee; and

in December power will come from the first generator at McNary Dam. It is going to come from all those sources. I do not know whether there are figures as to what each dam charges per kilowatt. I know what the figure is when it is sold. It is $17.50 per kilowatt a year.

Mr. JACKSON and Mr. WELKER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. MAGNUSON. I yield to my colleague, the junior Senator from Washington.

Mr. WELKER. Mr. President, I do not think that is fair, when I am asking a series of questions. I submit I should be permitted to continue. I really intend to make my questions brief.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. MAGNUSON. I yield further to the Senator from Idaho.

Mr. WELKER. I ask the Senator to tell me whether Bonneville Power Company or Grand Coulee, or any of the multiple-purpose institutions or dams in the Northwest, pay any interest on the money advanced to them by the taxpayers of the United States.

Mr. MAGNUSON. Why, certainly they do.

Mr. WELKER. How?

Mr. MAGNUSON. They pay it into the Treasury of the United States.

Mr. WELKER. I want the Senator to tell me how it is paid, and how much.

Mr. MAGNUSON. It is paid into the Treasury of the United States as revenues and receipts from the Bonneville Authority.

Mr. WELKER. Can the Senator tell me how much interest has been paid since the construction of Grand Coulee Dam?

Mr. MAGNUSON. I will get the figures for the Senator and put them in the RECORD.

Mr. WELKER. If the Senator will do that, I will appreciate it very much.

Mr. MAGNUSON. I cannot give it in dollars and cents, but I will give that information to the Senator. I now yield to my colleague.

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

Mr. MAGNUSON. I have yielded to my colleague.

Mr. JACKSON. Mr. President, is it not a fact that in amortizing the power features of a dam, consideration is given to the fact that the principal, the capital investment, must be paid back over a period of, say 40, 50, or 60 years, whatever the amortization period may be?

Mr. MAGNUSON. It is 40 years.

Mr. JACKSON. It is 40 years in some cases, and, I assume, 50 years in others. Is it not a fact that in computing the amortization, allowance is made for the going rate on servicing the debt—in other words, what Uncle Sam has to pay in servicing the debt? Is not that true?

Mr. MAGNUSON. That is correct, yes; and I will get the figures as to what the rate is.

Mr. JACKSON. Is it not a fact, therefore, that in connection with all power features of all dams constructed by the Government, either through the Corps of Engineers or through the Bureau of Reclamation, outside of the TVA area, the entire costs, including interest, are paid back to the American taxpayer through payments into the Treasury?

Mr. MAGNUSON. Of course, that is so. That is what we have been doing for years.

Mr. JACKSON. Is it not a fact that after 40 years the Government recovers its investment, and it becomes an additional asset to the United States Treasury and to the Government of the United States?

Mr. MAGNUSON. And a very valuable asset, I may say to my colleague.

Mr. JACKSON. Is it not a fact that at the present time the Bonneville Power Administration is not only meeting the amortization schedule—that is, payment on the capital investment and interest—but is ahead of schedule, and is it not also a fact that there is an overall net to the United States Treasury after allowance for the capital investment and the interest?

Mr. MAGNUSON. Bonneville is not only ahead of schedule, it is away ahead of schedule; and 2 years ago, as I recall, they had accumulated sufficient revenues to put them 7 years ahead of schedule.

Mr. JACKSON. Is it not a fact that in the Pacific Northwest, in many instances, the private utilities are obtaining most of their power from the Bonneville Power Administration, so that it cannot be said that there is discrimination in that regard?

Mr. MAGNUSON. Oh, that is correct. They are a part of the pool. The power from certain dams goes into the pool from which private utilities take it out and sell it to the consumers.

Mr. JACKSON. In the case of the Portland General Power Co. is it not true that almost two-thirds of all the power it sells comes from the Bonneville Power Administration?

Mr. MAGNUSON. I do not know the figures, as perhaps my colleague knows them, but I know about the others who are in the pool. As a matter of fact, in my section of the country there is very little controversy between the private power people and the public power people as to the distribution of the cheap electrical power developed at Bonneville.

The Bonneville Power Administration has been very successful in selling the cheap power to its customers, and, as my colleague has said, not only has money been made for the Government, but the dams are being amortized. They are going to become a valuable asset to all the people of the country. They have made life much more pleasant in the Pacific Northwest, where many industries obtain the cheapest rate in the world. I may say that to my friend from North Dakota, and I know his State is rapidly approaching a similar situation, since the REA really serves about 97 percent of the people in that area. I suppose the percentage might be 100, but there may still be about 3 percent of the people who do not have electricity, though it is still there for them if they want it.

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

Mr. MAGNUSON. I yield.

Mr. GORE. Does the senior Senator from Washington recognize, as I do, that the distinguished junior Senator from Idaho is a very generous and fair man?

Mr. MAGNUSON. I did not catch the first part of the question, but I agree with the latter part of it.

Mr. GORE. The junior Senator from Tennessee inquired whether the senior Senator from Washington recognizes that our distinguished colleague, the junior Senator from Idaho, is very fair and generous.

Mr. MAGNUSON. Oh, yes; I do so recognize him.

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

Mr. MAGNUSON. I yield.

Mr. GORE. Is the senior Senator from Washington aware of the fact that the distinguished Senator from Idaho received an invitation to come to the great State of Tennessee a few weeks ago, and that he accepted the hospitality?

Mr. MAGNUSON. I read about that, too.

Mr. GORE. Is the senior Senator from Washington aware of the fact that Tennessee went Republican last November?

Mr. MAGNUSON. Well, I am aware that there were several States that did. [Laughter.]

Mr. GORE. In view of that, how can the Senator explain the fact that our distinguished, generous, and fair colleague wants to pick on Tennessee and to sell the TVA?

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

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. I think I have the explanation.

Mr. GORE. The Senator will require unanimous consent for that. I ask unanimous consent that the distinguished senior Senator from Washington be permitted to yield to the junior Senator from Idaho for the purpose of making a brief statement, without prejudicing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Idaho.

Mr. WELKER. Mr. President, I enjoyed very much my visit to Chattanooga, Tenn., in the very heart of the TVA belt. In a press release issued prior to my Lincoln Day speech, I stated I felt that the TVA should be sold to independent bondholders of the United States as one way of reducing the huge national debt. I never believed that the Chairman of the Democratic National Committee, Mr. Mitchell, should, within a few hours thereafter, go out to the capital of my State to make a willfully false statement about the remarks I made there. I may say to my friend, the Senator from Tennessee, that not once in my remarks on the occasion of the Lincoln Day address did I ever even discuss the Government's going into business, or anything of the kind. But since the Senator has requested it, I may say my whole philosophy is that the Government should not engage in any

more business activity. We have too big a Government as it is.

Now, Mr. President, if the senior Senator from Washington will yield, I would like to ask him a question.

The PRESIDING OFFICER. The Senator has the floor.

Mr. MAGNUSON. Is the Senator through with the floor, now?

Mr. WELKER. Oh, no; let the Senator yield to me. I have heard his great debate with respect to Bonneville, Grand Coulee, and other big projects in the Northwest. I ask the Senator whether he can tell the taxpayers of the Nation how much for upkeep and maintenance the different dams or authorities have paid into the Treasury of the United States.

Mr. MAGNUSON. I do not understand the Senator's question. How much upkeep and maintenance?

Mr. WELKER. Yes.

Mr. MAGNUSON. How much have they paid?

Mr. WELKER. Yes.

Mr. MAGNUSON. To the United States?

Mr. WELKER. Yes. Do they pay anything for it?

Mr. MAGNUSON. Does the Senator refer to upkeep and maintenance of the dams?

Mr. WELKER. Yes.

Mr. MAGNUSON. That is taken care of by their own revenues.

Mr. WELKER. Yes.

Mr. MAGNUSON. I can get the figures. We will have the figures in the Appropriations Committee next week, I think. The authorities generally come in with the report.

Mr. WELKER. I am sure the Senator can obtain the figures. Will the Senator yield for one more question?

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. I am sorry I have interrupted the Senator.

Mr. MAGNUSON. Oh, I am glad to have the Senator interrupt, in view of the fact that the hands of the clock are moving around.

Mr. WELKER. As acting majority leader, I certainly know that the Senator, and all other Senators like him, are interested in the clock, and in nothing else, as they have certainly proved for the past 2 weeks—call it a filibuster or what you choose.

Let me ask the Senator this question: Can the Senator tell the people of the United States how much money in taxes the Bonneville Power Authority, the Grand Coulee Power Authority, or any other such installation in the Northwest, has paid to the Government of the United States—to the people whom the self-proclaimed liberals are forever claiming they want to aid and assist?

Mr. MAGNUSON. They do not pay taxes at all.

Mr. WELKER. Of course not. Then that would be a pretty nice field for anyone to get into these days.

Mr. MAGNUSON. I will say to my friend from Idaho that I have been a long time in the public-power field and I have heard that argument for many years on the part of private power people opposing the building of power dams and opposing the public furnishing of city lighting. They used to publish big full page advertisements with reference to the taxes paid. But they never told the people that they were not paying the taxes, that they were taken care of every month when the people paid their electric light bills. I remember that in my own home town of Seattle, when we installed city lights, there was something like 29 rate reductions within a period of 3½ years. The private people made money and everyone got along very well. Of course the utility companies do not pay taxes. We know that any public-utility company pays its taxes through the people who consume the gas, electricity, or water, whatever it may be. I suppose we would have to go a long way in the United States to find a private waterworks today. The cities have taken over water distribution. Electricity has got into the same category.

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

Mr. MAGNUSON. Before I yield I will say to the Senator that I made a facetious remark about watching the clock. But I have an interest in watching the clock. I said in the beginning of my talk that I was going to make these few remarks, whether the debate lasted 2 hours or 2 months. The only reason why I am watching the clock is because the distinguished acting majority leader wants to keep us here. I should be glad if the Senate would take a recess, and I can resume tomorrow, when everyone is fresh and can listen to the debate. I am watching the clock only because it is getting late.

Mr. WELKER. That is very enlightening, since two Senators from Washington, and Senator GORE from Tennessee are teamed up against me.

Mr. MAGNUSON. The Senator is a formidable man; we have to team up against him.

Mr. WELKER. I should like to ask this question: Since the Senator has stated that no taxes are paid by the public utility companies, I will ask if it is not a fact that no private enterprise, corporation, partnership, or individual, actually receives taxes from the taxpaying people who do business with that corporation, partnership, or individual?

Mr. MAGNUSON. That is correct; yes.

Mr. WELKER. So that there is a real difference between Government and private enterprise in that respect, is there not?

Mr. MAGNUSON. There is quite a big difference, I would say. I do not want to go into that. If I am doing business with the Senator, I do not have to do business with him; I can do business with someone else down the street. But the little householder who needs light or water or gas has got to do business with someone who furnishes those products.

Mr. WELKER. Someone has to pay taxes; is that correct?

Mr. MAGNUSON. Yes. I think the Senator and I could sit down sometime and have a long discussion of that question. I could produce a whole library of books on both sides of the question. I think the Senator and I are on different sides of it. There has been a great deal said about it in the past 35 years.

Mr. WELKER. I am quite sure of that. We will agree that someone has to pay taxes, but when it comes to Grand Coulee or any other multipurpose dams in the Northwest, the only one who gets socked is the American taxpayer, is that not correct?

Mr. MAGNUSON. I do not want to go into that. In the first place, he does not get socked. More taxes have come into our area from the building of those dams, 20 times over, than we obtained without them.

Mr. JACKSON. Mr. President, will the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not a fact that there is a vast difference between private enterprise and monopoly?

Mr. MAGNUSON. Yes.

Mr. JACKSON. Is it not a fact that private enterprise is predicated on competition, and that that is something peculiar to American capitalism, which exists practically alone in the United States of America? In other countries cartels are the basis of their operation.

Mr. MAGNUSON. There is not a State in the Union which does not have a public-utility commission. When the commodity the people want becomes part of the family life of the people of America, such as water, light, telephones, and things of that nature, we have seen fit to regulate the rates, because in many cases where there was a monopoly, where the people had to buy from certain companies, it was found that the people were not getting a fair break, and, therefore, every State in the Union has had to regulate the rates on these things which have become public utilities. Electricity and electric power have reached that stage. I do not think there is any argument about that. In many cases in the past half century there was no competition. We went through many investigations, sometimes finding situations reaching the proportions of scandals, where a private monopoly furnishing public utilities not only had watered stock, but was charging high rates. That gave rise to the creation of public-utilities commissions in the States of the Union, and the creation of our Federal Power Commission. So there is a great deal of difference between that and private enterprise of which we are all in favor.

Mr. JACKSON. Is it not a fact that private utilities are permitted to include in their operating expenses all their local, State, and Federal taxes, and that those taxes, being a part of their operating expenses, are charged off to the consumer who pays the bill?

Mr. MAGNUSON. That is correct. In all the applications for rates before public utility commissions, all the costs, including taxes, are taken into consideration in determining the rate base.

Mr. JACKSON. Is it not a fact that after those items are charged off, to the consumers, the companies are allowed a fair net return of 6, 7, or 8 percent on the investment?

Mr. MAGNUSON. Of course. Most of the so-called private utilities are under the jurisdiction of a public utilities commission.

I think they fare very well in returns to the stockholders. Some of the common stock in those utilities is good stock; it is "blue chip" stock, because the commissions have given them a fair break in their costs and their charges to the people.

Mr. WELKER. Mr. President, will the Senator from Washington yield for a further question?

Mr. MAGNUSON. I yield.

Mr. WELKER. The statement was made a moment ago by the Senator's junior colleague from Washington, Senator JACKSON, who said that there are a great many private monopolies in the Northwest. Will the Senator be kind enough to state the name of one private monopoly in the Northwest?

Mr. MAGNUSON. I did not hear my colleague mention a private monopoly existing in the Pacific Northwest. I am sure he did not say so. Therefore, I cannot give the Senator the name of any private monopoly.

Mr. WELKER. I am sorry if I misunderstood the Senator.

Mr. MAGNUSON. The Senator was speaking about private monopolies in broad terms.

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

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not a fact that what I said was that there is a vast difference between private enterprise and private monopoly?

Mr. MAGNUSON. That is what I understood the Senator to say.

Mr. JACKSON. Is it not also a fact that I made the specific distinction that private enterprise presupposes competition, and that in the case of a private monopoly there is no competition?

Mr. MAGNUSON. That is what I understood my colleague to say. I hope that clears it up in the mind of the distinguished Senator from Idaho.

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

Mr. MAGNUSON. I yield.

Mr. GORE. Now that that misunderstanding is cleared up, what about the sale of TVA?

Mr. MAGNUSON. I feel sure that I would be opposed to that. I know that my good friend, the junior Senator from Tennessee, whom I have known for many years, both in the House and in the Senate, has always been steadfast in protecting the interests of the people of Tennessee and the great Tennessee Valley, which has recently come into its own because of the great power development.

Mr. GORE and Mr. WELKER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. MAGNUSON. I yield to the Senator from Tennessee.

Mr. GORE. Does the Senator know of any reason why Congress should seriously consider the sale of the Tennessee Valley Authority project?

Mr. MAGNUSON. I know of no reason whatsoever. If I were to have anything to say about it, I should vigorously oppose any such suggestion.

Mr. GORE. Does the Senator know why there should be any more reason to suggest the sale of the TVA to a private power trust than there should be to sell Bonneville, Grand Coulee, or any of the other big power projects?

Mr. MAGNUSON. Or Hoover Dam.

Mr. GORE. Or any other power project?

Mr. MAGNUSON. No. I think all of them are doing a very decent job in the interest of the people, and I know of no reason for selling them.

I wish to be fair about this matter. I personally do not know what the Senator from Idaho said. I merely prefaced my remarks in the matter by saying that I had read a newspaper account of what the Senator said. Naturally, the account was published in our section of the country because of a deep interest in the power question. It was news to me and news to the people in my part of the country.

Mr. GORE and Mr. PURTELL addressed the Chair.

The PRESIDING OFFICER Does the Senator from Washington yield; and, if so, to whom?

Mr. MAGNUSON. I yield first to the Senator from Tennessee; then I shall yield to the Senator from Connecticut.

Mr. GORE. Does the Senator from Washington realize that the Tennessee Valley Authority earned in the last fiscal year a net profit, after taxes, after payment of interest on its bonds, and after depreciation, more than $25 million, which became the property of the Treasury of the United States?

Does the Senator from Washington agree with me that while private utilities pay a part of their earnings in taxes, all of the net earnings of the vast power programs and projects owned by the people of the United States are the property and the asset of the Treasury of the United States?

Mr. MAGNUSON. The Senator is correct. The record of the Tennessee Valley project is a most excellent one, and I know it will continue to be so. It is comparable with the one at Bonneville. Perhaps it is because those projects are doing so well that private persons wish to get hold of them.

Mr. GORE and Mr. PURTELL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. MAGNUSON. I yield first to the Senator from Tennessee; as soon as he has finished, I shall yield to the Senator from Connecticut.

Mr. GORE. Is the senior Senator from Washington aware of the fact that many members of the Republican Party who serve in both Houses of Congress, including at least two former chairman of the Republican National Committee, support, and have supported, the Tennessee Valley Authority?

Mr. MAGNUSON. Yes; I recall that.

Mr. GORE. Is the Senator aware of the fact that, in conformity with a law advocated by me, the Tennessee Valley Authority is required to amortize every project it has, whether dams or steamplant construction, within 40 years?

Mr. MAGNUSON. The Senator is correct.

Mr. GORE. Further, is the Senator aware of the fact that when those projects are paid for the entire property will still belong not to a reclamation district in the Tennessee Valley but to the people of the United States of America?

Mr. MAGNUSON. That is correct.

Mr. GORE. Does the Senator agree with me that a project which in the critical, crucial period of World War II, supplied power to make aluminum which was used on 51 percent of our warplanes—power which provided the energy with which to make the atomic bomb—was a good investment for the people of the United States to have made?

Mr. MAGNUSON. Of course. On many occasions I have said that the same is true with respect to the Grand Coulee Dam. If Grand Coulee Dam had done nothing else but furnish the crucial power needed during the war days by the Hanford atomic plant, it would have been well worth its cost.

Mr. GORE. Will the Senator pardon me——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. MAGNUSON. Yes; I yield for a question.

Mr. GORE. Will the Senator from Washington please pardon me for diverting him from his line of thought relevant to the issue before the Senate, in order that I may question him about the comparative value and the comparative entitlement of his State not only to the dams within the historic borders of his State, but also to the resources 10½ miles beyond the State borders, under many fathoms of ocean water?

Mr. MAGNUSON. The Senator from Tennessee does not need to ask my pardon.

I think if we started to pass laws to give these lands away, after the courts of this country have said the lands never belonged to the States, a camel's nose would be under the tent, regarding not only hydroelectric power, but also forests and mineral lands.

I now yield to the Senator from Connecticut.

Mr. PURTELL. Mr. President, at the present moment I am too tired, too exhausted, and too bewildered to take advantage of the Senator's kindness.

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

The PRESIDING OFFICER. May the Chair suggest that the Senator from Washington be very careful to yield only for a question?

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. I always respect the advice of the Chair.

A moment ago the distinguished junior Senator from Tennessee made a specific statement to the effect that I advocated sale of the TVA to a private power trust. The Senator knows that that is not the

truth. I never uttered such a statement in my life, and he should know it, if he knows what is going on in his own State.

Mr. MAGNUSON. Mr. President, I yielded only for a question.

Mr. WELKER. Now we shall have the question. What portion of Grand Coulee Dam or Boulder Dam was charged off as an outright grant in the construction of those dams? Can the Senator give me that information now or furnish it later?

Mr. MAGNUSON. Charged off to whom?

Mr. WELKER. Charged off to the American people as an outright grant, and a mighty expensive one.

Mr. MAGNUSON. There was no such thing as a grant. The money is reimbursable. I keep trying to say to the Senator that all these projects are reimbursable projects. The funds used in their construction were in the nature of a loan. There has been nothing charged off to the American people. We are paying back the principal with interest. So far as the hydroelectric phase is concerned, we are paying the money back with interest, and we are ahead of schedule. Not only are we paying it back, but I find that we are doing better than we believed we would do when the projects were first built.

Mr. WELKER. Mr. President, will the Senator yield for a few more questions?

Mr. MAGNUSON. The money was not given as a grant. In the Senator's own State the funds for irrigation and reclamation were not grants. In those cases, the money is reimbursable without interest; but in the case of power projects, it is reimbursable with interest.

Mr. WELKER. Does the Senator agree with me that if private enterprise were given assistance in building dams, public works, and projects to aid in flood control, if it were given the same or comparable public-fund grants, and did not have to pay or charge for taxes, local, State, or national, it might be able to sell power as cheap as does the Bonneville Power Authority or the Grand Coulee, which is a part of Bonneville, or even cheaper?

Mr. MAGNUSON. I do not know, but my sad experience has been that it has never done so.

Mr. WELKER. Would the Senator be able to furnish me the pertinent figures to support his statement?

Mr. MAGNUSON. I shall be glad to have someone from the Bonneville Authority furnish them. I am no authority on figures. I do not know whether the Senator would take my figures or not.

Mr. WELKER. I am quite frank to say that I would not.

Mr. MAGNUSON. I shall have someone else provide the figures for the Senator.

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

Mr. MAGNUSON. I yield for a question.

Mr. GORE. Does the senior Senator from Washington recall that the junior Senator from Tennessee made any charge with respect to what was said or was not said by the distinguished junior Senator from Idaho, my friend and colleague?

Mr. MAGNUSON. I did not understand the Senator from Tennessee to make any such charge. I must say that my attention was diverted for a moment. I was about to suggest that, in order that this question may be cleared up, in all fairness to the Senator from Idaho, we obtain the clipping from the Chattanooga Times.

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

Mr. MAGNUSON. I yield for a question.

Mr. GORE. Would the Senator be willing to ask unanimous consent that the junior Senator from Tennessee be permitted to make a brief reply to the distinguished junior Senator from Idaho, without prejudicing his right to the floor?

Mr. MAGNUSON. I shall be glad to ask for such permission.

Mr. WELKER. I will object to that.

Mr. MAGNUSON. Let me make the request, first.

Mr. WELKER. Very well.

Mr. MAGNUSON. I ask unanimous consent that the junior Senator from Tennessee be allowed to occupy the floor for a few moments to answer the Senator from Idaho, without prejudicing my right to retain the floor.

The PRESIDING OFFICER. Is there objection?

Mr. WELKER. I certainly object.

The PRESIDING OFFICER. Objection is heard.

Mr. MAGNUSON. Does the Senator from Idaho wish me to yield to him again?

Mr. WELKER. I want to challenge the RECORD as to whether or not the junior Senator from Tennessee——

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. I ask the Senator if it is not a fact that the junior Senator from Tennessee made the statement that I advocated, in a Lincoln Day speech at Chattanooga, Tenn., the sale of TVA to a private power trust. I repeat, a private power trust. I will check the record against him right now. I challenge the statement.

Mr. MAGNUSON. I cannot be an arbitrator to decide what the Senator from Idaho said in Tennessee and what the junior Senator from Tennessee said; but I think the record will speak for itself. I suggest that for our own edification we obtain a copy of the clipping. As I stated, I read only the newspaper article. I am sure that if the newspaper article was wrong, the Senator from Idaho would be glad to correct it. I hope he will.

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

Mr. MAGNUSON. I yield for a question.

Mr. GORE. Would the Senator be willing to have me state to him that to the best of my recollection I made no such charge? Would the Senator be willing for me to say to him that all I know about the statement which the distinguished and able junior Senator from Idaho is supposed to have made is from reading a newspaper published in Chattanooga, Tenn., plus the fact that a telegram was passed around here among my colleagues, to the effect that a certain gentleman in Kentucky who had also noticed the newspaper report of what the Senator from Idaho said, or was reported to have said, stated that if the TVA was for sale he wanted also to put in a bid on the gold buried at Fort Knox.

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

Mr. MAGNUSON. I want the RECORD to be clear. I wish to say to my friend from Tennessee, that I am perfectly willing to have him make that statement.

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

Mr. MAGNUSON. I will yield if I do not lose the floor.

Mr. WELKER. Of course not. I do not want the Senator to lose the floor.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. I yield for a question.

Mr. WELKER. Oh, no—I will ask to answer the junior Senator from Tennessee.

Mr. MAGNUSON. I ask unanimous consent that my friend from Idaho be given the right for a few moments to answer the Senator from Tennessee, without prejudicing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. WELKER. Mr. President, I dislike to delay my colleagues, but I am not going to sit here idly and listen to a bunch of statements which are not based upon fact.

The so-called telegram which the junior Senator from Tennessee has seen circulated among the New Deal-Fair Deal side of the aisle was sent by some rank stranger, who stated to the chairman of the Democratic senatorial campaign committee that I, in my Lincoln Day speech in Chattanooga on February 8, I believe, advocated the sale of the Federal Post Office to private enterprise.

Mr. President, nothing could be further from the truth. Notwithstanding that falsehood, the chairman of the Democratic National Committee—Mr. Mitchell—went into the capital city of my State and told that story to a group of my friends, many of whom are Democrats, that I had done so. I telegraphed him, as did the chairman of the Senatorial Campaign Committee for the Democrats, that it was a willful falsehood. Moreover, he did not repudiate that statement, but, after having due notice of the falsehood, the next night he went over into Helena, Mont., in a State where I once lived, and repeated that I had refused to admit what he, Mr. Mitchell, had claimed, falsely, that I had said.

I say that I do not like that kind of business. I challenge anyone, Mr. President, to check with the radio and television recorder in Chattanooga, Tenn. Check with the New Deal newspaper reporter in Chattanooga who, being angry at the assertion made by the chairman of the Democratic National Committee, wrote him fully that he had committed an injustice and a falsehood against the junior Senator from Idaho, the speaker

as of this moment. Not one iota of a reply or apology have I received from him, the chairman of the Democratic National Committee, Mr. Mitchell. As a result of my brief tour and experience in politics, I might expect that. But I certainly do not expect the junior Senator from Tennessee to compound such a statement as that, as he has done in this debate. I am more than willing to discuss the merits of the issues currently involved, but I have no intention of being grossly misrepresented on a question of a past statement. That is the old Charley Michelson technique so beloved of the Roosevelt regime, and it is a technique which has no place on this floor.

Those are the facts. If they are not the truth, I certainly will publicly apologize to the Senator from Tennessee, or any other Member of this body.

Mr. MAGNUSON. Mr. President, I am grateful for the very enlightening colloquy which has taken place here tonight as it relates to the entire problem of natural resources in this country, including the tidelands oil, which subject is presently before the Senate.

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

Mr. MAGNUSON. I yield for a question.

Mr. GORE. Would the Senator be willing to ask unanimous consent that the junior Senator from Idaho be given permission to place in the CONGRESSIONAL RECORD the statement he is reported to have made in Chattanooga, plus any additional statements he may wish to include?

Mr. MAGNUSON. I shall be glad to ask for such permission if the Senator from Idaho will request it of me. I would not take it upon myself to ask unanimous consent on his behalf to place something in the RECORD.

Mr. WELKER. The Senator need not feel sorry for me. Mr. President, I am very happy, indeed, to submit the transcript of my speech at Chattanooga, Tenn. Furthermore, to show that a willful falsehood was told about me as visitor to Chattanooga, Tenn., I shall be glad to submit the entire speech which I made, which was recorded on television and radio. I defy the junior Senator from Tennessee, who ought to know the facts, or anyone else to find one word which contradicts the statement I have made tonight.

I am tired of this abuse. I am ready to enlighten the Senator, and I suggest he bring the transcription in here and play it to the American people.

Mr. MAGNUSON. Mr. President, I do not know whether the Senator was talking to me or to the junior Senator from Tennessee.

Mr. WELKER. I am talking to both Senators, because you are both together in your attempt to smear and ridicule the Senator from Idaho—at the same time in furtherance of your desire to filibuster this bill before the Senate in a plainly transparent and deliberate attempt to block a piece of legislation after every possible avenue of discussion has been explored and exhausted.

Mr. MAGNUSON. I do not recall that I made any such statement, I do not know what the Senator is defying me about. All I know is what I read in the newspaper. If the newspaper was incorrect, he will have to take it out on the newspaper, not on the Senator from Washington.

Mr. WELKER. I do not believe that a word-for-word transcription of the radio and television program would be incorrect. I challenge the Senator from Washington and the Senator from Tennessee to produce that word-for-word transcription to my colleagues—could I be more fair?

Mr. MAGNUSON. I will say to the Senator from Idaho that I did not suggest he put the transcript into the RECORD. I was asked by the junior Senator from Tennessee if I would be willing to ask that it be done. I said I would if the Senator from Idaho suggested that it be done.

Mr. WELKER. I challenge the Senator from Washington and the Senator from Tennessee to send to the radio station at Chattanooga, Tenn., for the complete transcript of my remarks so made. I will have some apologies forthcoming soon from the able Senators who have called into question the accuracy of my memory and the remarks I made.

Mr. MAGNUSON. If anyone said anything that the Senator said, and it is wrong, I am sure that the person who said it will be willing to apologize to the Senator from Idaho. The Senator from Washington has no apologies to make. He merely quoted the Senator from Idaho, according to what was said in a newspaper article. I am sure that is done every day in the week in the Senate, when Senators quote articles from newspapers. I do not know, but it may very well be that if we look back into the RECORD a Senator or Representative may have put the article into the RECORD at the time the article was printed. I do not know. I have no apologies to make. I suggested that the tidelands bill perhaps may be like the camel's nose under the tent flap. It may be an attempt to extend the same rights to minerals, forest lands, and Federal hydroelectric dams.

I said that there was a school of thought along that line. The Senator from Idaho was in the Chamber at the time, and I said that there might be such a school of thought, because I read in the newspaper that he had suggested in Chattanooga it might be a good idea to sell the TVA to private interests. I did not say that the Senator from Idaho had made the statement. If the Senator from Idaho did not say it, he should sue the newspaper.

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

Mr. MAGNUSON. I yield.

Mr. WELKER. I hold in high esteem my very distinguished colleague from Washington. I know that he would not willingly misrepresent what I had said.

Mr. MAGNUSON. Of course not.

Mr. WELKER. The Senator from Washington has been in my State and has campaigned against me many times—twice, as I recall.

Mr. MAGNUSON. Only once.

Mr. WELKER. Only once?

Mr. MAGNUSON. I can say to my friend from Idaho that apparently I was not very effective, because he is in the Senate.

Mr. WELKER. He can say that again. However, although the Senator from Washington believes what he reads in the New Deal press about a friend, why could he not have given me the common courtesy of calling me and saying, "Senator WELKER, did you say such and such?" I would have extended that courtesy to you, Senator MAGNUSON.

Mr. MAGNUSON. I did not even quote what the Senator from Idaho said.

Mr. WELKER. I am of a different opinion.

Mr. MAGNUSON. I have never been in the State of Idaho when I have mentioned the Senator by name. I have not done that on any occasion. I thought I had made a good Democratic speech.

Mr. WELKER. It was not, apparently.

Mr. MAGNUSON. But I never mentioned the Senator by name. I do not recall ever being in Idaho when he was campaigning. I was over there last fall campaigning for Hells Canyon Dam, which the Senator from Idaho, I know, opposes. Of course he has a right to oppose it. I am in favor of it.

Mr. WELKER. How does the Senator from Washington know that? [Laughter.]

Mr. MAGNUSON. I understand that the Senator from Idaho is opposed to it.

Mr. WELKER. Mr. President, will the Senator from Washington yield for a question?

The PRESIDING OFFICER. Does the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. WELKER. Where did the Senator from Washington get that information?

Mr. MAGNUSON. Well, I thought the Senator from Idaho had said on many occasions that he was not in favor of the Hells Canyon Dam. I stand corrected. I am glad to know that he is in favor of it.

Mr. WELKER. Just 1 minute, please. I have never made such a statement as the Senator well knows.

Mr. MAGNUSON. I apologize, if the Senator from Idaho is not opposed to Hells Canyon Dam, because then he is on my side.

Mr. WELKER. Just a minute, Mr. President. I think my disinguished colleague, who appeared 40 miles from me in Idaho last fall when he made the speech, which all of us in behalf of Hells Canyon and CVA, remember so well, found me very vigorously opposed to any authority set up in Idaho, but I challenge the Senator from Washington or any of his New Deal friends to prove that I have ever refused to consider the possible merits of Hells Canyon Dam or any other dam. I have reserved my right to speak on it without final commitment one way or the other when the issue comes to the floor of the Senate. So I ask the Senator from Washington to please not try to give an incorrect impression.

Mr. MAGNUSON. Mr. President, I yielded only for a question.

Mr. WELKER. The Senator from Washington should not give the impression that I am in favor of Hells Canyon Dam as it has been proposed in legislation up to now either. [Laughter.]

Mr. MAGNUSON. The Senator from Idaho has taken a very strong position. [Laughter.]

Mr. GORE. Mr. President, will the Senator from Washington yield for a question?

Mr. MAGNUSON. I yield.

Mr. GORE. Does the Senator from Washington know that the telegram, to which I made brief reference and to which our distinguished colleague the junior Senator from Idaho made further reference, also referred to a proposal to place a bid on the United States Mint, if it was for sale?

Mr. MAGNUSON. I did not see the telegram. I merely heard about it. I am sure that if the Mint were for sale a lot of us would like to place a bid on it. I suspect that if we could get that far along the line, at least we would have the courtesy of opening it to bids.

Mr. GORE. Mr. President, will the Senator yield for one more question?

Mr. MAGNUSON. I yield.

Mr. GORE. Before we close this colloquy, I hope the senior Senator from Washington, with whom I served for 10 years in the United States House of Representatives, will realize that whatever colloquy has occurred here between the junior Senator from Tennessee and the junior Senator from Idaho has been, on the part of the junior Senator from Tennessee, in the best of spirit and in the full high regard in which the junior Senator from Tennessee holds the junior Senator from Idaho.

Mr. MAGNUSON. I think the junior Senator from Idaho and the junior Senator from Tennessee, and all of the Senators on the floor—and I am sure I speak for our absent brethren—all hold the same opinion. I am sure that is true of all 96 Senators.

Mr. President, I got down to the point in my speech in which I was going to discuss and comment briefly on the legal claims that have been advanced which assert State ownership of submerged lands off the coast of Washington. Some of our State officials and our Attorney General did at one time make such assertion.

Mr. LANGER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. Our attorney general and Governor have asserted that Washington State acquired ownership of its submerged lands when it came into the Union, by virtue of certain provisions in our constitution.

Last year, when this controversy was before us, I suggested to the Governor that the State probably should press the claim in court. As a matter of fact, I have made that suggestion on many occasions during this whole controversy, namely, that the State of Washington, particularly after the States of Louisiana, Texas, and California had been pressing their legal claims. I suggested if we had any doubt about it in our State, the matter should be pushed in the court.

I got no results from that suggestion, but merely the hope that Congress would take some action as to the whole matter. It seems to me that it might have clarified our position as much as it has clarified the position of the other States if we had gone into court on this matter. If any State, including the State of Washington, has any valid claim to offshore lands, it seems to me the State would have the responsibility of pushing such a claim. Certainly we have known since 1947 that any legal claim our State may have was placed in jeopardy by the Supreme Court's decision in the California case. That became even more evident in 1950, when the Louisiana and Texas cases were decided.

To this hour we have had no such adjudication in the courts of the land. It seems to me that that is the proper place in which to settle matters of this kind.

What are the facts?

The State of Washington was admitted to the Union in 1889, almost 100 years after the then Secretary of State, Thomas Jefferson, first asserted United States sovereignty over the ocean "to the distance of 1 sea league, or 3 geographical miles from the seashore." Thomas Jefferson, at the request of President George Washington, stated this policy in 1793.

Mr. President, as I said, the State of Washington was admitted to the Union in 1889, which was almost 100 years after Secretary of State Thomas Jefferson first asserted United States sovereignty over the ocean to the distance of one sea league or three geographical miles from the seashores. Thomas Jefferson, at the request of President George Washington, stated this policy in 1783.

Certainly by 1889 this doctrine applied to the Pacific coast as well as to the Atlantic coast.

Before Washington became a State, it was a part of the Northwest Territory. The Northwest Territory belonged to the United States. The submerged lands, therefore, were a part of the United States long before the State of Washington could possibly have obtained any interest in them. That is sound legal doctrine. Any State claim to these lands therefore must have been acquired from the United States at the time when Washington came into the Union. No other method of acquisition was possible.

Our State constitution contains two sections pertinent to the present discussion. Article XVII is entitled "Tidelands." Article XXIV describes "Boundaries."

In article XVII, the State of Washington asserted its ownership to the beds and shores and banks of all navigable rivers and lakes and to the lands over which the tide ebbs and flows.

In article XXIV, the boundaries of the State were delineated. This section on boundaries contains no assertion of ownership. In fact, the word "ownership" or "title" does not appear at any point in article XXIV.

The question arises, Why did not the authors of the State constitution lay claim to the 3-mile strip one marine league offshore? Perhaps they recognized that national sovereignty must prevail in this offshore strip.

I do not undertake to interpret our State constitution; but if the legal claim is there, the Governor of Washington State most certainly should have pressed it. Beyond question, the boundaries of the State of Washington extend "one marine league offshore." The question is, Does the establishment of a boundary carry with it title and ownership? The Supreme Court has said there is a difference.

Mr. President, I have before me section XVII of our State constitution. In that section the boundaries of the State were established. Furthermore, tidelands were given the benefit of a special section, in which there is no mention of anything regarding ownership. Again I assume that that was based on the fact that the national sovereignty must be recognized.

Therefore, Mr. President, it seems to me that our State constitution, which, of course, was formulated after the enabling act, does not make any attempt to lay claim to the 3-mile strip, the strip one marine league offshore.

As a matter of fact, the State constitution goes to most unusual lengths in setting forth a separate article, entitled "Tidelands." In that article, tidelands are defined. I wish to read that section of the State of Washington constitution:

XVII. TIDELANDS

SECTION 1. Declaration of State ownership—The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the line of ordinary high tide in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: *Provided*, That this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the State.

In other words, article XVII of our State constitution, which followed the enabling act which attempted to establish some boundaries, goes to most unusual lengths in defining tidelands. We have lived under this constitution ever since 1889, and it has been the legal basis for any claim to tidelands.

So it seems to me that any interpretation we might make in the case of our legal problem would be to the effect that the national sovereignty which prevailed offshore apparently was recognized in the writing of section XVII of our State constitution.

Mr. President, it seems to me that in voting against the Holland joint resolution, and in favor of the Anderson substitute, I would not be foreclosing the right of the State of Washington to establish, in court, whatever legal claim it has to the submerged lands lying seawards from our low-water mark. The way will still be open for the Governor and the Attorney General to test this proposition in the district, circuit or Supreme Court.

Mr. President, I turn now to another aspect of quitclaim proposed legislation which gives me great concern.

A few minutes ago, I alluded to the fact that our first Secretary of State, Thomas Jefferson, and our first President, George Washington, asserted sovereignty over the open ocean "to the distance of one sea league, or three geographic miles from the seashore." Repeatedly since that time, succeeding

Secretaries of State, irrespective of party affiliation, have sustained and reiterated this historic position.

In 1875, Secretary of State Hamilton Fish wrote as follows to the British Minister, in Washington:

> We have always understood and asserted that, pursuant to public law, no nation can rightly claim jurisdiction at sea beyond a marine league from the coast.

At that time our Secretary of State, reasserting Thomas Jefferson's doctrine, reiterated that—

> No nation can rightly claim jurisdiction at sea beyond a marine league from the coast.

In 1953, this very year, Assistant Secretary of State Thruston B. Morton has said:

> If this Government were to abandon its position on the 3-mile limit, it would perforce abandon any ground for protest against claims of foreign states to greater breadths of territorial waters * * *. Hence, a realistic appraisal of the situation would seem to indicate that this Government should adhere to the 3-mile limit until such time as it is determined that the interests of the Nation, as a whole, would be better served by a change or modification of policy.

That statement was made by the present Assistant Secretary of State, who was expressing great concern at any attempt on the part of Congress to claim any greater breadths of territorial waters beyond the 1 marine league or 3-mile limit.

Mr. President, if the pending quitclaim joint resolution is enacted—contrary, apparently, to the present policy of the present Secretary of State—the United States will be changing and modifying its policy, which was established way back in the time of Thomas Jefferson, when it was determined that we should adhere to the 3-mile limit until such time as it might be determined that the best interests of the Nation as a whole would be better served by a change or modification of that policy.

Senate Joint Resolution 13 would extend our territorial waters to 10½ miles off the coasts of Texas and western Florida. In addition, the joint resolution contains a provision which would open the way for other States, or even for those two States, in my opinion, to extend State boundaries even farther, by later action of the Congress.

It is elementary logic that the seaward boundaries of the States and the Nation are indivisible—that they must be coextensive. Mr. Jack Tate, when testifying for the present Secretary of State, stated the matter in this way:

> In international relations, the territorial claims of the States and of the Nation are indivisible. The claims of the States cannot exceed those of the Nation.

I am very fearful of the consequences if the Congress, in an effort to please Texas and Florida, abandons our historic position on the extent of the Nation's territorial waters.

We have one of the greatest merchant fleets in the world. We have perhaps the greatest naval fleet in the world. The movement of these vessels is vital to our commerce and our security. Extension of our territorial waters for 10½ miles is an open invitation to other nations to follow suit. It is impossible to assess the damage that could result.

In addition, Mr. President, we have a great fleet of commercial and military aircraft. The historic position of this Nation is that the airspace above our own territorial waters is subject to our own national sovereignty—conversely, we contend that our aircraft have the right to unmolested use of the airlanes above, but outside, the territorial waters of other nations.

This concept, too, is vital to our commerce and national security. By extending our territorial waters, other nations could, and I believe would, deny to us airspace vital to the best interests of our people.

These are serious questions, Mr. President. They are questions which should not be settled in the tidelands submerged lands, or giveaway measures.

The pending proposal was reported by the Interior Committee of the Senate, yet it deals with questions which require most careful study and consideration by the Foreign Relations Committee of the Senate, yes, and the House of Representatives.

Let me demonstrate the point by referring to our fishing industry. Important segments of our fishing industry have been concerned about the implications of Senate Joint Resolution 13. I think they have a right to be.

The proposed extension of seaward boundaries in the interest of two States, and the possible extension by Congress later of the seaward boundaries of other States, as provided in the resolution, is, in my opinion, a distinct change from our historic policy. That policy, since the time of Thomas Jefferson, has recognized the principle of freedom of the seas.

Mr. John J. Real, manager and attorney for the Fishermen's Cooperative Association of San Pedro, Calif., put the point very well, I think, in his testimony before the Senate Interior Committee. According to Mr. Real, four important boatowners associations, representing the owners of approximately 600 tuna clippers, purse seiners and albacore vessels which fish for tuna off the shores of Latin America, joined in his statement.

Five labor organizations representing approximately 14,600 California fishermen and cannery workers, also joined, as did organizations representing 15 canners of tuna, mackerel, and sardines.

In fairness to Mr. Real, I must point out that he made it clear to the committee that he did not oppose the Congress giving to the coastal States certain rights to submerged resources. He did oppose, and very ably, legislation that would expand the historic claims of the United States to territorial waters in a way that would bring newly acquired waters traditionally considered to be high seas, within the sovereignty of the several coastal States.

Mr. Real proposed several amendments to the pending resolution which, in his opinion, would preserve our historic policy of freedom of the high seas, while yielding to the States certain submerged oil resources. The committee did not see fit to incorporate these amendments in its joint resolution, which now, as it did before Mr. Real submitted his proposed amendments, would expand the historic claims of the United States to territorial waters, wherein lies the danger.

In his testimony before the committee Mr. Real pointed out that the legislation, as it stood without his proposed amendments, and, I may add, as it stands today, becomes a matter of international concern because, said he, "it represents a change in United States policy toward the principle of the freedom of the seas." That policy was first enunciated by Thomas Jefferson, and it has continued to be the policy of the United States throughout the years, even up to the present time. The present Secretary of State has stated he thought there was serious danger in making such a change and in extending the territorial waters of the United States, for the reason that it might invite other nations to do the same. Elsewhere Mr. Real stated:

> Before pointing out specifically wherein the pending tidelands bills create the situation we have mentioned, it is important to consider why the United States should not lead or join in any movement which changes in any manner the doctrine of freedom of the seas.
>
> The United States policy has always been to claim coastal water sovereignty over the narrowest possible belt of water. In the furtherance of this policy it has claimed a 3-mile wide territorial sea measured from lines which, except in the case of bays and certain coastal indentations, closely hugged its beaches.

I do not suppose that Mr. Real had in mind that the particular extension to 12½ miles, in the case of Texas or Florida, in itself would endanger the freedom of the seas, but that the fact of going beyond the 3-mile limit would encourage us to go even farther, or at any rate would surely invite Mexico, for instance, to go as far out into the Gulf of Mexico as she wished. Perhaps he thought it would encourage California, Washington, or Oregon to claim the lands seaward as far as Hawaii, although our historic doctrine was based on the 3-mile limit.

Mr. Real told the committee that there has been of late a definite tendency by many nations to usurp more and more of the high seas, and added:

> If this form of acquatic imperialism remains unchecked, the temptation will be present to make this newly claimed sovereignty more fruitful to the claiming nation by abridging the right of innocent passage and forcing maritime nations to pay tribute or route their ships and planes far out to sea.

Then Mr. Real made what I consider the most significant statement of his entire testimony:

> The easiest way to start the ball rolling in this direction is for the United States, as a world leader, to push its own boundaries farther seaward.

As I stated earlier, Mr. Real suggested certain amendments which the committee did not choose to incorporate in its joint resolution. Later in this debate I expect to present these amendments to the Senate so that the Senate may act on them as a whole, with a view to determining whether or not the proponents of the pending proposal are agreeable to changes in the Resolution which, in the

opinion of the principal spokesman who appeared before the Senate Committee in behalf of the fisheries industry, are important for the protection of their interests, but are dangerous amendments which might bring about a major change in our foreign policy, causing other nations to retaliate—not necessarily to retaliate in a literal sense, but causing them to do something about it.

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

Mr. MAGNUSON. I yield to the Senator for a question.

Mr. JACKSON. Is it not a fact that half the fish that are caught by American fishermen are caught off the 3-mile limit of other countries?

Mr. MAGNUSON. That is correct, and I think I have the figures. I think it is more than half the fish.

Mr. JACKSON. It is not a fact that it is at least 50 percent?

Mr. MAGNUSON. It is at least half. In fact, most of the tuna are caught off the coasts of Mexico, Costa Rica, and Peru.

Mr. JACKSON. Is it not a fact that most of our Puget Sound fishermen, from the State of Washington, do so-called bottom fishing in Queen Charlotte Sound and Hecate Strait?

Mr. MAGNUSON. Yes, in British Columbia waters.

Mr. JACKSON. Is it not a fact that if the State boundary lines are extended beyond 3 miles, the Canadians will then be in a position to interfere with Puget Sound fishermen, residents of the State of Washington, in the fishing areas of British Columbian waters in which they have been fishing for a long time?

Mr. MAGNUSON. Yes. I think they might be able to point to the fact that we have abandoned, apparently, our historic policy, our policy since the days of Washington and Jefferson, to which all other nations have adhered, of 3 miles seaward. If we abandon it, there is no reason for criticizing other nations for pushing out their boundaries 15 or 20 miles, which means a great deal in the fishing industry. We have enough trouble, as it is, negotiating treaties with Costa Rica, Mexico, and Peru. Even on the Newfoundland banks Nova Scotia, as an independent province of Canada, could probably pass a law extending its boundaries seaward, if we did not adhere to the historic policy which all nations have respected, and which we ourselves have respected.

The fishing industry has expressed great concern.

On February 13, 1953, the National Fisheries Institute, Inc., had this to say in their trade periodical:

FISHERIES INVOLVED IN TIDELANDS LEGISLATION

As far as we know, there never has been any question but that the State governments have jurisdiction over their fisheries. Supreme Court decisions have so held, time and time again. Nevertheless, some legislation designed to guarantee State control over oil and minerals under the subsurface of the sea has been expanded to include all natural resources within the lands and waters involved.

Bills by Senators HOLLAND, of Florida (S. J. Res. 13), DANIEL, of Texas (S. 294), and others, define natural resources as including "without limiting the generality thereof, fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life." Other language provides that States would be entitled to claim boundaries extending into the sea as existed at the time the State became a member of the Union "or as heretofore or hereafter approved by the Congress." This language means that any State could make claims without limitation and ask Congress to approve the same.

There may be danger in this language insofar as the fishing industry is concerned since free navigation could be interfered with, such as the imposition of tolls and duties by State governments for vessels passing through their waters. Another real danger lies in the fact that legal precedents might be established whereby other nations might extend their limitations to sea and further complicate an already complicated picture with regard to jurisdiction over fishing waters.

Public hearings will begin on February 16. A number of Senators from fishing States have voluntarily contacted NFI, to inquire whether the proposed language might be troublesome to the fishing industry.

The PRESIDING OFFICER. May the Chair ask from what publication the Senator is reading?

Mr. MAGNUSON. It is a news letter sent to members of the National Fisheries Institute. It is dated February 13, 1953.

The PRESIDING OFFICER. The Chair thanks the Senator from Washington.

Mr. MAGNUSON. As an example of what I am talking about and how an abandonment of the 3-mile limit would open the door to troubles, the news letter of March 6, 1953, has this to say:

CANADIAN BILL DEFINES TERRITORIAL WATERS

Pending before the Canadian Parliament is a bill entitled "An Act To Protect the Coastal Fisheries," the purpose of which is to revise completely the present Customs and Fisheries Protection Act. It is interesting to note that Canadian territorial waters are defined in the new bill as "any waters designated by an act of the Parliament of Canada or by the Governor in Council as the territorial waters of Canada, or any waters not so designated being within three marine miles of any of the coasts, bays, creeks, or harbors of Canada and includes the inland waters of Canada." Under the authority of this provision it would obviously be possible for the Canadian Government, at such time as it might deem opportune, to designate as Canadian territorial waters any coastal waters whatever.

In the debate in the House, various members expressed the desirability of extending Canadian territorial waters as far out as possible in order to preserve the inshore fisheries. One member from Newfoundland, referring to the Norwegian case in which the Hague Court endorsed the principle of headland to headland in delineating territorial waters, suggested that this principle be applied in Canada by drawing a line from Cape Sable, Nova Scotia, to Cape Race, N. F., thus enclosing as inland waters the entire Gulf of St. Lawrence. A member from British Columbia in turn stated that he thought it imperative that Queen Charlotte Sound and Hecate Strait be included and designated as Canadian territorial waters by drawing a straight line from the western shore of Vancouver Island to Queen Charlotte Island.

In the subsequent committee hearings, Hon. James Sinclair, the Minister of Fisheries, emphasized that the bill gave the government the power to designate territorial waters, but did not itself alter the practice as to territorial waters. "The practice we have followed is continued," he said, "but it does provide authority to change the practice if it is ever decided by the government to do so." Some countries, he added, had hastily, perhaps too hastily, attempted to apply the principles which they thought the judgment in the United Kingdom-Norway dispute announced but the Canadian Government was proceeding more cautiously because of the complexity of the problems involved and had set up an interdepartmental committee, with Prof. George Curtis, dean of the faculty of law of the University of British Columbia, as its legal adviser, to study the implications of the judgment of the court and the subsequent steps taken since then by various countries. The minister pointed out that Dean Curtis, as a former resident of the Maritimes and a present resident of British Columbia, was well acquainted with the problems and views of both sections of the country in regard to fisheries.

In other words, Mr. President, there is a movement under way in the Canadian Parliament which may be serious and which may jeopardize the principle to which all nations have adhered. In such a situation we cannot say that Mexico should not extend her territorial boundaries. Very soon our territorial boundaries will be out in the middle of the Pacific Ocean, the Atlantic Ocean, and the Gulf of Mexico.

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

Mr. MAGNUSON. I yield.

Mr. JACKSON. Is it not true that it would be particularly dangerous to United States fisheries when, as was earlier pointed out, more than 50 percent of our fisheries are dependent upon offshore fishing operations off the shores of friendly neighbors of the United States?

Mr. MAGNUSON. Yes, it would. I pointed out as an example that every Secretary of State, regardless of political party, right up to the present time, has been in agreement with the present Secretary of State, that unless we are going to have an overall change in our national policy, the passage of the joint resolution would be very dangerous.

As my colleague has pointed out, there is a requirement to have treaties in respect to the territorial waters of other countries as well as our own.

(At this point Mr. MAGNUSON, by unanimous consent, yielded to Mr. MALONE for the purpose of making an insertion in the RECORD, which appears elsewhere in today's Senate proceedings under the appropriate heading.)

Mr. MAGNUSON. Mr. President, I have just read statements from the National Fishery Institute News Letter, which show the danger of any proposal to extend our sovereignty beyond the 3-mile limit, because to do so might affect the fishing rights accorded to us by other countries. Particularly is that important, when, as my colleague, the junior Senator from Washington, has pointed out, considerably more than 50 percent of our fishing is done in foreign waters.

I assure the Senate that by presenting these amendments I am entirely conscientious and consistent. My concern for the protection of our American fisheries is a matter of record.

I have been diligent in my undertakings in behalf of the salmon industry, and participated in the preparation of the fisheries provision of the Japanese

Peace Treaty with a view to protecting our Alaska and coastal fisheries from encroachment by Japan.

In my opinion the commercial value of our American fisheries is too great to be jeopardized by any change in our traditional policy with respect to seaward boundaries and/or the Freedom of the Seas.

In 1950, the latest year for which I have complete records, the value of our tuna catch amounted to more than $61 million; that of our salmon catch to $37 and a half million, a decline, I am sorry to say, of almost $10 million from 1949 record.

Landings of tuna and mackerel last year at San Pedro, Calif., alone were valued at $38 million, and at San Diego, tuna only, at $17 million.

Is it any wonder that the representative of the Fishermen's Cooperative Association of San Pedro is concerned?

In the event that someone may presume that I am going afield from the State I represent, let me say that important tuna fisheries are being developed by companies of my State in addition to our valuable salmon, halibut, and bottom fish industries.

Should Canada, following the example which passage of the pending resolution would present to them, decide to extend the boundaries of British Columbia 10½ miles, or to incorporate within their boundaries the waters between Queen Charlotte Island and the mainland, then these industries would be seriously affected.

Let me amplify this point. A portion of the Seattle and Puget Sound fishing fleet, consisting of some 200 boats and 1,500 fishermen, fish for salmon, halibut, and bottom fish off the coast of Canada.

The fishing season runs approximately from April 15 to October 15. Naturally, our people fish outside the Canadian 3-mile limit. One of the important fishing grounds is Hecate Straits, lying between Queen Charlotte Island and the Canadian mainland. The straits are about 50 to 60 miles wide, and constitute one of the most fertile fishing grounds off the coast of Canada.

I think the importance of these particular fishing grounds to Seattle and other of our fishery ports on Puget Sound can be illustrated by the fact that the annual catch by our fishing fleets in and around the banks in Hecate Straits amounts to approximately $2,500,000 a year of all species.

We take from the area approximately 13,000,000 pounds of salmon, halibut, and bottom fish. The value of our entire catch off the western coast of Canada approximates $7,500,000 annually.

An extension of Canada's seaward boundary 10½ miles would do great harm to our fisheries industry, and closure of the Straits would cause irreparable damage to it.

I should point out here that certain Canadian interests from time to time have threatened to close these important banks to our fishing fleet, contending that the straits constitute inland waters.

I think they have been deterred by our adherence in the past to the traditional 3-mile limit in our own waters.

In my opinion, the threat to our Pacific Northwest fisheries would be augmented, and seriously augmented, by enactment of Senate Joint Resolution 13.

For the tuna industry to the south the enactment of the joint resolution would constitute an even greater threat.

Testimony was presented to the committee, and is embodied in its printed hearings, that nine-tenths of the yield in tuna comes from areas of the high seas which are contiguous to the 10 American Republics south of San Diego on the Pacific coast.

Not only are the fisheries off the Pacific coast vulnerable to any retaliatory moves that other nations might make as a result of extension, or seeming extension of seaward boundaries, but our New England fisheries might not be exempt.

In this connection I wish to cite testimony presented before the House Committee on Merchant Marine and Fisheries at hearings held in 1950, by Dr. W. M. Chapman, then special assistant to the Under Secretary of State, and a recognized authority on fisheries. I quote:

> The great fisheries that have been prosecuted by New Englanders for 300 years lie for the most part in the high seas contiguous to the coast of Canada. All expansion that is anticipated lies in the direction of being farther and farther from our coasts, northward and eastward around the corner of Newfoundland and up Davis Strait past Greenland and Labrador.

Elsewhere Dr. Chapman stated that—

> If we permit the loss of our fisheries that now exist in the high seas contiguous to the coasts of foreign countries we lose the biggest half of our fishing industry at one stroke.

Dr. Chapman was talking about fisheries and not offshore oil resources, I will agree, but he was talking about more than that. He was talking about our seaward boundaries, and Mr. Real quoted Dr. Chapman also in his, Mr. Real's testimony about seaward boundaries.

Mr. Real quoted, in particular, this statement by Dr. Chapman:

> If one nation can unilaterally extend its sovereign territory out to sea by as much as a quarter of a mile then there is no reason why it or any other nation cannot extend its boundaries seaward by 200 miles, by 400 miles, or by such distance it may desire.
>
> In the chaotic situation that such claims and counterclaims would bring about the United States would not stand to be the gainer nor, I believe, would mankind generally.

Mr. Real in his testimony commented on the Chapman statement. He said:

> For the reasons given above by Dr. Chapman, the United States has an obligation to its own fishing industry to prevent maritime aggression by others. In its role as a world leader it owes a like obligation to other fishing nations. It can't fulfill these obligations by attempts to expand its claims no matter how subtly they be disguised.

Mr. President, the very thing these eminent authorities on American fisheries fear is being done in this Senate joint resolution, however subtle the disguise.

In my opinion the disguise is not even subtle.

As Mr. Real testified at the time of his appearance before the Senate committee:

> Title I, section 2 (a), of the bill bill recognizes a power in Congress to extend a State boundary farther seaward than 3 miles. A serious question, as yet not completely answered in the realm of international law, arises as to whether any nation having once made its claim to its seaward boundaries can thereafter expand them.
>
> Regardless of the legal answer to that question, it would certainly be ill advised for the United States, as a matter of policy to say to the world that seaward boundaries can be expanded.

Should we pass the pending joint resolution it surely would be ill-advised, as a matter of policy, for the United States to say, for example, to Canada, "You cannot extend your boundaries in the inland waters in which we now fish and claim them as your territorial waters."

Title I, section 2 of the bill before us certainly recognizes such power, both now and in the future. The power and authority of any State to so extend its boundaries is stated even more emphatically in section 4 of the present bill, under the subtitle "Seaward Boundaries."

Let me quote just one sentence of that section:

> Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond 3 geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore or is hereafter approved by Congress.

If we should undertake to go out to the 12½-mile limit, there is no reason why my own State could not say, "We own 70 miles out to sea. We own the halibut banks, with respect to which we have a treaty with Canada." There is no reason why Nova Scotia and Newfoundland should not say, "You have extended your boundaries. You have violated the 3-miles limit to which you have adhered with other nations for all the years of your history." There is no reason why they should not enact a law saying that the Newfoundland banks belong to them.

As Mr. Real stated, the broad method of determination of boundaries permitted by the bill is not consistent with present United States policy. He said:

> In our opinion the present bills should be amended so as to eliminate all possible conflicts with the present United States policy on territorial waters. Each of the States which would gain from quitclaim legislation has some interest in fishing or other maritime pursuits. There is no need to place those interests in jeopardy. The affected States can accomplish their primary purpose without doing that. They can gain their cod without losing a whale.

Mr. Real then proposed certain amendments which, as I stated earlier in the debate, were not incorporated in the legislation now before us.

Mr. President, some of our inland friends may consider the American fisheries one of our minor industries, inconsequential when placed against the anticipated—and very much anticipated,

I might add—wealth of our offshore oil resources.

But in terms of human beings who gain their livelihood from fisheries I hazard the observation that more people are actively connected with commercial deep-sea fishing than in our deep-sea oil operation.

If I could be furnished with accurate data on how many people are engaged in offshore oil activities, other than oil company lobbyists or representatives who are now in Washington, I would welcome them. The comparison might be of great value to these debates.

I do have some data on the number of commercial fishermen, their production in terms of catch, and the value of that catch and of fishery products at various states of production.

It is contained in a leaflet, revised last month and published, its heading states, "By the United States Department of the Interior, Douglas McKay, Secretary, and by the Fish and Wildlife Service, Albert M. Day, Director." I commend it to my colleagues. For purposes of identification they will find it listed as Fishery Leaflet 393.

Because I do not want to extend this debate longer than I feel is necessary to bring facts which I believe important before the Senate, I will touch only on a few of the highlights.

In 1950, the last year for which there is a complete record, America's commercial fishermen landed some 4,884,000,000 pounds of fish, valued at $343,876,492.

California fishermen led the Nation by landing 1.3 billion pounds of fish, valued at $81,605,112 to them; Massachusetts was second among the States with more than half a billion pounds of fish valued at $40 million; Alaska yielded almost half a billion pounds of fish with a value to fishermen of more than $30 million, and Louisiana came next with 316,250,000 pounds worth $23,644,000 to its fishermen.

(At this point, by unanimous consent, Mr. MAGNUSON yielded to Mr. GOLDWATER for the purpose of asking questions of Mr. JACKSON, which colloquy, on request of Mr. MAGNUSON, and by unanimous consent, was ordered to be printed at the conclusion of Mr. MAGNUSON'S speech.)

Mr. MAGNUSON. Mr. President, fishermen of my own State of Washington landed more than 100 million pounds of fish, with a value of over $19 million.

The report published under the names of Secretary McKay and Director Day further informs us that 599,000 persons were employed last year in the fishery industry, that some 94,600 fishing craft were utilized, and that the Nation had 3,500 fishery shore establishments.

At the retailers level, the report states, the estimated value of fishery products last year was nearly $1 billion; and in 1951, the year previous, it exceeded $1 billion.

The publication which Secretary McKay and Director Day have issued under their names also undertakes to estimate the capital valuation of fishing industries in 1951, stating that the figures were arrived at under accepted principles of evaluation among businessmen. They are:

To fishermen and boat owners	$6,281,250,000
To manufacturers and processors	1,551,303,000
To wholesalers of fishery products	1,189,971,000
To retailers of fishery products	2,054,556,000
Total	11,077,080,000

Of course, Mr. President, I would not undertake to assume that all of this capital value is predicated on fisheries in seas contiguous to foreign nations. But on the basis of testimony placed before committees of Congress, I can assume that at least half of it is.

Dr. Chapman, in his testimony before the House Committee on Merchant Marine and Fisheries, and repeated this year by Mr. Real at Senate committee hearings on the pending joint resolution, stated:

> If we permit the loss of our fisheries that now exist in the high seas contiguous to the coasts of foreign countries, we lose the biggest half of our fishing industry at one stroke.

Personally, I do not see how we can reconcile this threat to a basic and historic industry by approving the pending proposed legislation.

That the enactment of any legislation which would permit the extension of traditionally accepted boundaries would constitute a threat, I think there can be no doubt. The threat was aptly stated by the Stanford Law Review, of Stanford University, in its issue of July 1952, as follows:

> It may be that in the long run a policy of extending territorial waters would be detrimental to the United States. If we do this we could not complain if other nations did likewise. Our military and economic interests might be harmed as a result.

Certainly the economic interest that would be first harmed is that of our fishing industry.

It, of all our economic interests, is most dependent on the preservation of historically accepted seaward boundaries and the freedom of the seas.

For that reason I wish to submit two amendments to the joint resolution (S. J. Res. 13), and I ask that they be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the desk.

Mr. MAGNUSON. The amendments were proposed to the committee by the spokesman for the Pacific coast fishing industry during hearings on this resolution.

The net effect of these amendments is to restrict the application of Senate Joint Resolution 13 to a strip of marginal sea, extending 3 miles oceanward from low tide on all coasts—Pacific, Atlantic, and gulf.

If Senate Joint Resolution 13 were to pass with these amendments included, the measure would be brought into conformity with the historic position of the United States with respect to territorial waters. We would avoid, in this legislation, those problems which will arise—and the injury to industry and national security which may be done—if territorial waters off the coasts of Texas and western Florida are extended 10½ miles seaward.

The Supreme Court stated that when the low-water mark is passed, we enter the international domain. I say that when you pass our historic 3-mile limit in any quitclaim legislation, you invite untold and unforeseen international complications. It seems to me, therefore, that if Senate Joint Resolution 13 is to be passed at all, we should reserve for future and thorough consideration by the Foreign Relations Committee of the Senate and Foreign Affairs Committee of the House, this entire question of extending seaward boundaries beyond the 3-mile limit.

Now, I realize that what I am proposing will not satisfy the States of Texas and Florida. It is my conviction, however, that those States would not want the Congress to take action today which might jeopardize the shipping and fishing industries and—further—might have far-reaching consequences to the movement of our Navy and military aircraft.

It seems to me that the Foreign Relations Committee is the proper committee of the United States Senate to consider the wisdom of extending the seaward boundaries of any State—whether it be 1 mile, 2 miles, or 7½ miles beyond the 3-mile limit—a limit first enunciated by Thomas Jefferson in 1793.

I reiterate what I have said earlier in these remarks, namely, the seaward boundaries of the United States and the coastal States are coextensive, are indivisible. You cannot extend the boundaries of 1, 2 or more States without simultaneously extending the boundaries of the United States.

I will have more to say on these amendments at a later date.

Mr. President, I have stated some of the reasons which cause me to take the position I do. There are many other reasons which I do not wish to take the time of the Senate to discuss now, but, as I stated in the beginning, I had intended to make the remarks I have made to indicate my position on this very important piece of legislation, regardless of whether the debate continued for 2 days or for 2 months. I had no intention of delaying the Senate. I shall have more to say regarding the amendments later.

I feel as do several other Senators in regard to the debate. I would at any time vote for a motion to lay aside temporarily the pending measure, in order that the Senate might take up the very important controls bill, which I do not wish to delay. I think the pending measure is a very serious and important matter, not necessarily one on which the vote should be delayed, but, as one Senator stated it, one concerning which an effort should be made to convince the people of the soundness of our position and to provide an adequate knowledge of the facts for the people of the Nation and for a number of people who, I know, during past debates on similar legislation, did not have a complete understanding of all the facts.

That includes certain members of the present administration. The Attorney General, a lawyer of note, during the recent campaign found himself saying one thing, and, when he came before

the Committee on Interior and Insular Affairs of the Senate, found, after looking into the matter, good lawyer that he is, that a great many legal complications were involved in the pending measure that had not been discussed previously when similar legislation was before the Senate. There may arise a great many international complications as well as economic complications. But above all, in my opinion, the pending resolution violates the principle of doing what is right for the 48 States, and violates, also, I think, our historic policy. If it does not violate that policy, it at least presents, so to speak, an endeavor to get the camel's nose under the tent so that many of our other great natural resources, which have been set aside for the benefit of all the people, not merely for the benefit of the people of three States of the Union, may be exploited.

ALBERTA JACQUES, PRIZE WINNER—EMPLOYMENT OF THE PHYSICALLY HANDICAPPED

During Mr. MAGNUSON's address.

Mr. MALONE. Mr. President, a junior high-school student, 16-year-old Alberta Jacques, of Sparks, Nev., won third place in a five-award national contest for an essay on the employment of the physically handicapped.

National attention is directed and emphasized to the employment of physically handicapped persons due to the third war during the lifetime of many of us.

Thousands of physically handicapped boys are returning from Korea. Thousands returned from World War II from 1942 to 1946.

The veteran who is physically handicapped is only one part of the problem. Other thousands of persons are disabled or partially disabled from disease or other natural causes.

The problem is for society to realize the problem and turn to useful employment the physically handicapped persons.

The first prize, $1,000, was provided by the Disabled American War Veterans. Other prizes were provided by voluntary contributions.

Miss Jacques, of Sparks, Nev., one of the winners, is a member of the Rainbow Girls and of the debating club of her school. She is a typical, active American girl and intends to enter the University of Nevada, at Reno, upon graduation from high school. She intends to major in psychology.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as part of my remarks, a newspaper account of the essay contest, including the essay that won for Miss Jacques a prize in the contest. The article is entitled "The Physically Handicapped—A National Asset" and was published in the Nevada State Journal of March 29, 1953.

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

SPARKS HIGH SCHOOL JUNIOR WINS STATE ESSAY CONTEST

Sixteen-year-old Alberta Jacques, of Sparks, will soon receive a State prize of $250 and a school prize of $25 for her essay urging employment of the physically handicapped.

Miss Jacques' essay, The Physically Handicapped—A National Asset, was judged winner in a statewide contest sponsored by a governor's committee headed by George Hamilton, of Reno. Her prizes will be awarded in the near future by Gov. Charles Russell at a Sparks school assembly.

The essay which won Miss Jacques the State and school contests has also been entered in a nationwide contest sponsored by the President's Committee on Employment of the Physically Handicapped of the United States Department of Labor. The national prize of $1,000 has been provided by the Disbled American War Veterans. Local prizes were made available by volunteer contributors.

SPARKS HIGH SCHOOL JUNIOR

Miss Jacques is the only daughter of Mr. and Mrs. Albert Edward Jacques, of Sparks. She is a junior at Sparks High School, where her activities include membership in the Rainbow Girls and the Pep Club as well as participation in debate programs and school plays. She hopes to enter the University of Nevada when she is graduated from Sparks High School, and intends to major in psychology, get a teacher's degree, and perhaps enter welfare work.

Her prize-winning essay, which was the unanimous choice of the judges, follows:

"THE PHYSICALLY HANDICAPPED: A NATIONAL ASSET

"The door closed behind him with shocking finality. He moved slowly down the hall—the way he had done down so many halls in the past 2 months.

"Bill's head was down and his shoulders drooped as he came out on to the street. Refused again. The last opening was the place he had just left. Why should they not give him a chance—a chance to prove he could make good?

"Suddenly Bill was jolted back to reality by a man's gruff voice, 'Why don't you watch where you're going—you almost knocked me down.'

"Then came an embarrassing silence as the man noticed the white cane in Bill's hand and the dark glasses that he wore. He stammered a meek apology. 'I—I'm sorry—I mean I didn't notice that you-er-that is.' Bill made a small winching smile. 'Sure; forget it.'

"The man spoke, his face slowly regaining its natural color. 'Would you like to come down to the corner with me for a cup of coffee? I would like to do something to—' Bill cut in quickly and a bit impatiently. 'Look, you've apologized—now just forget it and leave me alone—please.'

"The man walked a few steps away, then stopped to watch as a woman hurried up to Bill. 'Sorry I'm late, but your mother wanted some things—did you get the job?'

"'No, I haven't—he wouldn't even speak to me—his secretary said that they didn't need any help.' Bill's wife was glad that at this moment he could not see the disappointment that showed on her face as she spoke.

"'Well, I guess we'll just have to make the best of it, your mother likes having us with her and that's one good thing—besides the Johnston firm isn't the only place in town that needs good men.'

"The man's face reddened as he became aware of the fact that they were talking about him, and that he had refused to even see Bill because of one word written on his application card—disabled. Still he might be able to make amends if he talked to Bill. After all he didn't have to hire Bill if he could not meet the qualifications required of him. In an apologetic explaining manner, Mr. Hobart Johnston thrust out his hand and introduced himself. He led the way to his office and asked them to be seated.

"'You see,' Mr. Johnston began slowly, 'I have always thought that a man who was disabled, especially someone who was blind, could do nothing except sell pencils on a street corner or just sit idly in a chair and be taken care of—I never really knew.' A wry half-smile came to Bill's face.

"'Yes, I know few people ever ask what my abilities are, instead they see only my disability.'

"'I must confess, Bill, that I too am one of those people—I'm afraid I don't even know what it is that you are capable of doing.'

"'I was in law school until the war came and I enlisted in the Army.'

"'Then you were never able to finish law school?'

"'But I did, sir; Jenny helped me to pass—I only had 1 year left in school,' Bill replied eagerly.

"'He was the fourth highest in the class, too,' Bill's wife added.

"'Good, good. Bill, I think I can find a place for you in my firm. I only have a small business but you can do some of the less important cases and find material for some of my cases.'

"'When may I start, sir?' Bill's face radiated his eagerness.

"'Monday morning, if you like.' Mr. Johnston was extremely pleased with Bill's wonderful attitude.

"Monday morning came and Bill was at the office right on time, eager to begin his new job. The days passed, and then the weeks; soon Bill had been there a month. After the first week Bill began to arrive before even Mr. Johnston arrived at the office building. Sometimes when the day was to be a full one, Bill would bring his lunch instead of going down to the cafeteria on the corner. Bill was dependable and good, he always did more than his share of work. Mr. Johnston was happily surprised to find Bill doing so well and often called Bill into his office to tell him so. He had never seen a man adapt himself to a job quite as well as Bill had done.

"The months passed and turned into a year. Still Bill's progress increased. He received a raise, then another one, then one day Mr. Johnston called Bill into his office: 'Bill, I have watched the progress that you have made and I think that it is wonderful. I hope you will keep it up.'

"'Thank you, sir. I will try to.' Bill was thoughtful for a minute, then he spoke again. 'Sir, I wonder if you would help me with something I'm trying to do.'

"'Yes, I will, Bill, if I can help.' Mr. Johnston was puzzled at Bill's look of deep thought.

"'Well, I have been trying to get jobs for my disabled buddies who are still in hospital or have just gotten out of there recently. I need some employer to talk to the other employers.'

"Mr. Johnston had never seen Bill so serious except while on the job. 'I understand and I will personally do all I can to help—but all this serious talk has taken me from what I was going to say—Bill, I want to take you in as a partner.'

"Bill looked startled and unbelieving, then he let out a small yell, 'Thank you, sir. Oh, but I've got to call my wife.'

"After Bill had left his office, Mr. Johnston removed the yellowing picture from his desk drawer. Along with it came a tattered telegram. 'We regret to inform you.' He carefully folded the paper and put it in his desk drawer again. He stared at the picture a long while. His son had resembled Bill in many ways. His son would have been a lawyer too but for the war. The only real difference in them was that his son did not come back, but Bill had become like a son to him now.

"After a while he placed the picture in his desk and turned to the morning mail. The second letter that he opened was from the United States Department of Labor. 'Consider their abilities, not their disabilities—they can work.' How true this was, if only

the other employers who need men would realize that."

Mr. MALONE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a description of the contest.

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

MISS ALBERTA JACQUES OF SPARKS PLACES IN NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED ESSAY CONTEST

Adm. Ross T. McIntire, M. D., United States Navy, retired, Chairman of the President's Committee on Employment of the Physically Handicapped, has notified the officers and members of the Nevada committee that Miss Alberta Jacques of Sparks, Nev., has been awarded third prize in the NEPH essay contest. The good news was contained in a message received by John M. Lindsay, veterans' employment representative for Nevada and secretary of the Governor's Committee on Employment of the Physically Handicapped.

Mr. George Hamilton, State chairman of the essay contest, Mr. Lindsay and Mr. Scott Markin, Americanism chairman of the Harry J. MacSherry Reno Post 10, the American Legion, presented Miss Jacques to the radio audience, Sunday evening, at which time she read her prize-winning essay. The message had not been received at that time.

Following the receipt of Admiral McIntire's message today, Mr. Hamilton and Mr. Lindsay immediately advised Principal Edwin Whitehead of the Sparks High School of the honor coming to one of his pupils. Arrangements were made for a full assembly of the high school so that Miss Jacques could be formally notified of the award made to her.

The national essay contest of the National Employ the Physically Handicapped was thrown open to high-school students last October, and they were assigned the subject: The Physically Handicapped, a National Asset. Thousands of high-school students over the entire country participated in this contest, for which five prizes are given to the national winners, the first one being $1,000; second, $400; third, which Miss Jacques has won, $300; and the remaining, $200 and $100, respectively.

In addition to the prize money, Miss Jacques will have her expenses paid to Washington and back, with all expenses paid while she is staying there. The formal presentation of the check and certificate will be made at the spring meeting of the President's committee in the auditorium of the Department of Labor, on the morning of Thursday, April 23, the presentation to be made by the Secretary of Labor.

National Employ the Physically Handicapped is an outgrowth of a resolution passed by the 79th Congress, setting aside the first week in October, by Presidential and gubernatorial proclamations, to call attention to the necessity of employing America's thousands of disabled and handicapped veterans and civilians.

Last year Governor Russell reactivated the Nevada committee, and in his message to the legislature last January the Governor stated, "Utilization to the fullest of manpower is a necessity. To that end, as well as to serve a most humane purpose, last summer I named a Statewide committee in connection with National Employ the Physically Handicapped Week. This committee now is seeking to operate on a year-round basis instead of confining its work to one week as in the past. The work of the committee has been entirely voluntary and has been hampered by lack of funds. However, the legislature adjourned without giving heed to the Governor's recommendation or making even a modest appropriation therefor. The committee's activities in Nevada have been borne by the members who have given of their own time and expense voluntarily.

The Governor's committee, in addition to Secretary Lindsay and Mr. George Hamilton, consists of the following: John F. Cory, executive director, employment security department, Carson City; Mrs. Marion G. Bowen, State director of vocational rehabilitation, Carson City; Alvin I. Stortroen, chief of placement, employment security department, Carson City; Harry A. Depaoli, president, Nevada State Federation of Labor, Reno; Art Lucas, manager, Nevada State employment service, Reno; George Pettycrew, chairman, Nevada Industrial Commission, Carson City; Thomas W. Miller, staff field representative, veterans' employment service, Reno; E. F. Reed, manager, Veterans' Administration, Reno; John Furrh, Reno; Archie Pozzi, Jr., Carson City; Claude L. Keema, department commander, Veterans of Foreign Wars, Yerington; Howard Farrell, department commander, Disabled American Veterans, Reno; Jack W. Duelks, Marine Corps League, Reno; William Brussard, Secretary, chamber of commerce, Reno; Ken Frogley, chamber of commerce, Las Vegas; Wallie Warren, Navy League, Reno; F. Marion Keele, Las Vegas; Arthur N. Suverkrup, assistant to the Governor, Carson City; Edward C. Stenger, employment counselor, employment security department, Carson City; James B. Emery, manager, Nevada State employment service Carson City; John Culnan, department of health, Carson City; Ralph J. Ottini, commander, Capitol Post 4, American Legion, Carson City; Rev. John L. Harvey, Carson City; and Donald A. Robertson, superintendent of schools, Carson City.

Mr. MALONE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks the names of the chairmen of the governors' committee of the States which participated in the contest.

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

CHAIRMEN OF GOVERNORS' COMMITTEES

Thomas D. Russell, Alabama; Harry V. Bene, Arizona; Lloyd Lewis, Arkansas; James G. Bryant, California; Brooks Connally, Colorado; John L. Connors, Connecticut; R. W. Heim, Delaware; Claud M. Andrews, Florida; Paul S. Barrett, Georgia; N. B. Adkison, Idaho; George Barr, Illinois; William C. Stalnaker, Indiana; Howard Benshoof, Iowa; Al F. Williams, Kansas; Leslie P. Jones, Kentucky; A. G. Buchanan (secretary), Louisiana; Llewellyn Fortier, Maine; David L. B. Fringer, Maryland; R. C. Thompson, Maryland; Edward D. Callahan, Massachusetts; Boniface R. Maile, Michigan; Victor Christgau, Minnesota; R. L. Sullivan, Mississippi; Joy O. Talley, Missouri; Lewis Lansing, Montana; Mrs. Mary S. Archerd, Nebraska; John M. Lindsay (secretary), Nevada; Mrs. Abbey Wilder, New Hampshire; Russell J. Eldridge, New Jersey; M. F. Miera, New Mexico; John L. Train, New York; Col. Charles H. Warren, North Carolina; Carl F. Fryhling, North Dakota; H. Paul Messmer, Ohio; Voyle C. Scurlock, Oklahoma; J. R. Smurthwaite, Jr., Oregon; David M. Walker, Pennsylvania; Michael F. Walsh, Rhode Island; Dill D. Beckman, South Carolina; L. J. Ballou, South Dakota; Paul R. Jarratt, Tennessee; Harry B. Crozier, Texas; L. B. Harmon, Utah; John P. Phalen, Vermont; Randolph Bruce, Jr., Virginia; Harry R. Lawton, Washington; Charles L. Rolfe, West Virginia; Harry Lippart, Wisconsin; Paul Albright, Wyoming; James Shields, District of Columbia; J. T. McLaughlin, Alaska; Guy N. Rothwell, Territory of Hawaii; Fernando Sierra Berdecia, Puerto Rico; Hon. Morris F. DeCastro, Virgin Islands.

Mr. MALONE. Mr. President, the importance of employment of physically handicapped persons cannot be over emphasized, because it involves the training of our physically handicapped persons to become assets to the Nation, and giving back to them their confidence, whether their physical disability be a natural physical handicap or the result of wounds during one of the World Wars.

Mr. GOLDWATER. Mr. President, will the Senator from Washington yield to me for the purpose of addressing a question to the Senator from Nevada?

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senator from Arizona be allowed to address a question to the Senator from Nevada without my losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Arizona may proceed.

Mr. GOLDWATER. I am certain the Senator from Nevada is aware of the high regard in which I hold his State. I feel that the educational facilities provided by his State have enabled the remarkable student to whom he referred to attain her place in the contest. Am I not correct?

Mr. MALONE. The Senator is correct, and I appreciate his remarks.

Mr. GOLDWATER. I wonder if the Senator from Nevada would be interested in knowing that a girl from Phoenix, Ariz., placed second in the contest.

Mr. MALONE. I am certainly interested. I appreciate the fact that two Western States having such similar characteristics have won the honors bestowed upon them by the President's Committee on Employment of the Physically Handicapped.

Mr. GOLDWATER. I thank the Senator from Nevada for his response.

HYDROELECTRIC POWER PROJECTS

During the delivery of Mr. MAGNUSON'S speech,

Mr. GOLDWATER. Mr. President, will the senior Senator from Washington yield for the purpose of my asking questions of the junior Senator from Washington?

Mr. MAGNUSON. I shall be glad to do so, provided I do not lose the floor.

The PRESIDING OFFICER (Mr. MALONE in the chair). Is there objection to the request of the junior Senator from Arizona? The Chair hears none, and the Senator from Arizona may proceed.

Mr. GOLDWATER. Mr. President, my questions go back to the colloquy with reference to the Bonneville Dam. I did not want the evening to pass without completing the argument in my mind. What was the total cost of the Bonneville project? Can the Senator from Washington give me an approximation?

Mr. JACKSON. In response to the question of the junior Senator from Arizona, I will say that according to my recollection, it was a little over $100 million. That figure is a round figure, and it may be substantially out of line. Earlier I had indicated that the total cost of the Grand Coulee project, when completed—that is, the dam and the irrigation system and the power features—will aggregate $750 million. About $200

million of that total figure is represented in the power features of the dam, in other words, the dam structure, the generators, and other power facilities. The balance of the cost is represented by pumping facilities and irrigation canals which, when completed, convey the water to approximately 1 million acres of land.

The Bonneville Dam is downstream from the Grand Coulee Dam. The Bonneville Dam is a power and flood control and navigation project. It is my recollection that there is a fairly large writeoff on Bonneville for navigation and flood control, as compared with the writeoff on the Grand Coulee Dam.

It is my further recollection that in the case of Grand Coulee only $1 million, out of a total investment, when completed, of $750 million, has been charged to flood control. Probably around $200 million is charged to power. The balance is charged to irrigation, with the exception of the $1 million previously referred to by me as being charged to flood control.

Mr. GOLDWATER. I thank the junior Senator from Washington. I should like to ask if the senior Senator from Washington will yield so that I may ask one more question of his junior colleague.

Mr. MAGNUSON. I am happy to yield for that purpose.

Mr. GOLDWATER. I have noticed that both Senators from Washington are extremely interested in power. Would the junior Senator from Washington be agreeable to a proposition to sell power generated by Federal plants at the market price? Let me put my question a little differently. In my section of the country we pay in the neighborhood of 3 mills for Federal power, but the market price is 6 mills.

Our private power companies are willing to pay 6 mills, but we have had difficulty in gettting the Government to charge more. I know that in some cases Federal power is sold at or near the market price. Would the Senator from Washington be willing, if the opportunity presents itself in the future, to recommend that power be sold at the market price, thus enabling the power companies and multipurpose dams more readily to pay themselves off, so that more reclamation projects could be built in the West?

Mr. JACKSON. I should like to answer that question in this way. The cost of power ought to be based on the business price.

Mr. GOLDWATER. That is the market price.

Mr. JACKSON. Not necessarily. If one has a monopoly he can charge more than the actual business price. In the case of the Columbia River we have the cheapest per kilowatt construction cost of anywhere in the United States.

Mr. GOLDWATER. It is one and six-tenths.

Mr. JACKSON. It is my understanding that the $17.50 per kilowatt year rate is based on the amortization cost. The amortization period varies from 40 to 50 years. It would occur to me that that would be the prudent business price. In other words, the proper price should be the price which will pay the investment off within a reasonable period of time, and in the case of power features, not only pay off the capital investment, but also make provision for interest on the investment. Is it my understanding that the junior Senator from Arizona feels there ought to be a general price for power?

Mr. GOLDWATER. No.

Mr. JACKSON. Or that power should be tied to the capability of each project to pay off within a stipulated period of time?

Mr. GOLDWATER. It should be based on the locality, the State, the ability to pay, and the rapidity with which the project should pay off.

I asked the question because I have heard many private power companies say they would be willing to pay more for Federal power. They feel that Federal power, when it is made available for private transmission, in many cases—not in all cases—is sold too cheaply. For instance, if in X town it costs 6 mills to generate a kilowatt of power, and one can buy electricity from the Federal Government, which pays no taxes and pays no interest, and so forth, at 3 mills per kilowatt, the power companies would actually be willing to pay 6 mills for the power.

Mr. JACKSON. I assure my good friend from Arizona that in the case of the power projects which are under the jurisdiction of the Bonneville Power Administration, the marketing agency for the sale of power from the multiple-purpose dams in the Northwest, they are charging rates which are proper and prudent and consistent with sound business practice.

During the time I served on the House Appropriations Committee Subcommittee on Appropriations for the Department of the Interior, it was my understanding that the rates had been set in accordance with a 40-year and in some cases a 50-year pay-out schedule, together with interest. I may add that it is anticipated that, because of increased construction costs since the earlier projects were completed, the power rate will have to rise beyond a $17.50 rate.

Of course it is quite obvious that when Grand Coulee was built, the costs were at the lowest possible figure. I assume it is fair to say that to replace Grand Coulee, as of today, would cost three times the initial cost.

Mr. GOLDWATER. I ask these questions because undoubtedly this matter will come up in the future, and of course the entire West is interested in power. Power and water constitute the roots of our future.

In light of the colloquy which occurred between the Senator from Idaho [Mr. WELKER] and the Senators from Washington regarding the thinking behind the private ownership of transmission facilities and the ultimate ownership of the generating facilities—which, I believe, according to the suggestions which have been made, would be owned by a State or by a combination of States—it appears that there would be considerable savings.

I do not wish to prolong this discussion; but I point out, for instance, that the sale of power at Bonneville in 1952, as I am sure the Senator from Washington realizes, amounted to slightly in excess of $40 million; but in 1952 the obligations of that particular project totaled $49 million, and the cost of operation was in excess of $5,500,000.

Mr. JACKSON. I should like to help clarify that point, in response to the statement the Senator from Arizona has made:

Mr. GOLDWATER. Certainly.

Mr. JACKSON. The $49 million to which the junior Senator from Arizona has referred, represents, of course, new investment; it represents money with which to build transmission lines and substations. All that money will be paid back.

The latter part of the statement the junior Senator from Arizona made, namely, the part as to operating costs, affords the proper contrast. In other words, the operation and maintenance cost—which is called O. and M.—is roughly $5 million. As the junior Senator from Arizona has pointed out, the receipts aggregate $40 million. It occurs to me that that is a rather prudent enterprise; the figures demonstrate that with $40 million of receipts and roughly $5 million for operation and maintenance, it is showing a good net profit.

At this point let me also clarify another point, which probably has not been given proper consideration in connection with the discussion about the ownership of dams by private power companies. I believe it is a fact that when a private utility obtains a license, as it must, from the Federal Power Commission, to build a dam on a navigable stream, there is in the license a stipulation that at the end of 50 years the title to the property will revert to the Federal Government, and there is the further stipulation that the Federal Government must pay the reasonable or the fair market value of the property.

I mention that fact merely so that it will be understood that it is not true private ownership, as we know it under our private-enterprise system. In other words, the private utility merely obtains a 50-year license to operate and maintain a power dam, pursuant to the provisions in the license. Of course, that applies only to navigable streams which are subject to the jurisdiction of the Federal Power Commission. However, let me say that the term "navigable streams" has a very broad meaning within the interpretations of the Supreme Court of the United States. That term includes almost all waters in the country.

Let me further say that I certainly agree with the junior Senator from Arizona that these projects should pay out on a businesslike basis.

Mr. GOLDWATER. I am certainly glad to hear the junior Senator from Washington say that, because I think thereon will hinge any future argument.

Mr. JACKSON. Let me make the additional point—in further response to the questions which have been posed by my good friend, the junior Senator from

Arizona—that the private power companies in the Pacific Northwest have received substantial benefits from this program. In the case of the Portland General Electric Co., almost two-thirds of all the power it sells comes from the Bonneville system. In the case of the Washington Water Power Co., it is my offhand recollection that approximately 25 percent of all the power that company sells comes from the Bonneville system.

The PRESIDING OFFICER. Will the Senator from Washington suspend, until there is order in the Chamber?

Mr. JACKSON. Mr. President, I thank the Chair for the fine cooperation at this late hour.

Mr. President, I believe that concludes my statement in connection with the very fine and pertinent inquiries which have been made by the distinguished junior Senator from Arizona [Mr. GOLDWATER].

Mr. GOLDWATER. Mr. President, I desire to thank the junior Senator from Washington.

I wish to ask him one more question: Does he believe that in view of the fact that the senior Senator from Washington [Mr. MAGNUSON] has lived for so long a time in the beautiful, rich climate of the Northwest, his voice should now be restored to its natural ability? [Laughter.]

Mr. JACKSON. I heartily concur in the statement made by the junior Senator from Arizona; I am sure my colleague, the distinguished senior Senator from Washington [Mr. MAGNUSON], can carry on indefinitely. [Laughter.]

Mr. MAGNUSON. Mr. President, I wish to thank the junior Senator from Arizona [Mr. GOLDWATER] for his courtesy in this matter; and I also desire to thank my colleague the junior Senator from Washington [Mr. JACKSON] for I wanted my statement on the fisheries question to be complete.

Therefore, I now ask unanimous consent—for I am sure they have no objection—that their colloquy be placed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL MATTER PRINTED IN THE APPENDIX

On request and by unanimous consent, the following was ordered to be printed in the Appendix:

By Mr. MANSFIELD:

Text of the fourth in a series of broadcasts by station KLCB, Libby, Mont., relative to the proposed Libby Dam.

RECESS

Mr. GOLDWATER. I move that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 10 o'clock and 46 minutes p. m.) the Senate took a recess until tomorrow, Friday, April 24, 1953, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate April 23 (legislative day of April 6), 1953:

IN THE COAST GUARD

The following-named persons to be captains in the United States Coast Guard:

Gordon P. McGowan
Kenneth S. Davis
George A. Knudsen

The following-named persons to be commanders in the United States Coast Guard:

John E. D. Hudgens
James E. Davidson
James F. Brady
Arthur Pfeiffer
John F. Kettler
Horatio G. Thompson
George E. Howarth
Benjamin F. Engel
John W. Schmoker
Robert Waldron
Meyer Stockman

The following-named persons to be lieutenant commanders in the United States Coast Guard:

John R. MacLeod
Hubert McGee
Charles F. Overstreet
Ray M. Marshall
James F. Carr
Robert E. Rountree
James E. Van Valkenburg
Ralph D. Fisher
Thomas M. MacWhinney
Lemuel C. Sansbury

The following-named persons to be lieutenants in the United States Coast Guard:

Lloyd L. Kent
Andrew B. Christensen
Ralph W. Niess
Mark F. Mitchell
Donald E. Ullery
Robert N. Rea
Robert B. Long, Jr.
Robert G. Schwing
Alvin N. Ward
Risto A. Mattila
William D. Ball, Jr.
James A. Dillian
William C. Brown
Robert I. Price
Frank C. Anderson
Robert J. Healy
Robert L. Kallin
John P. Obarski
Gerald G. Brown
Winford W. Barrow

The following-named persons to be lieutenants (junior grade) in the United States Coast Guard:

Michael J. Holland
Arthur E. Lawrence, Jr.
Ralph R. Pruett
Dale J. Henderson
Thomas P. Connors

The following-named person to be an ensign in the United States Coast Guard:

Edgar P. Bainbridge

The following-named persons to be commissioned warrant officers in the specialties indicated in the United States Coast Guard:

Abner W. Lee, chief machinist.
Gunnar E. Hansen, chief machinist.
Daniel H. Griffin, Jr., chief pay clerk.
Aubrey L. Smith, chief machinist.
Russell D. Erickson, chief machinist.
Robert J. Earnest, chief boatswain.
Stanley N. Megos, chief boatswain.
Alvin E. Newcomb, chief boatswain.
Ludwig Wedemeyer, chief boatswain.
George P. Lewis, chief boatswain.
Harold A. Glynn, chief boatswain.
Franklin L. Skidmore, chief boatswain.
Arva S. Alexander, chief ship's clerk.

IN THE ARMY

The following-named person for reappointment to the active list of the Regular Army of the United States, in the grade specified, from the temporary disability retired list, under the provisions of title IV, Career Compensation Act of 1949 (Public Law 351, 81st Cong.):

To be lieutenant colonel

Aaron E. Harris, [redacted]

The following-named persons for appointment as chaplains of the Regular Army, in the grades specified, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), subject to physical qualification:

To be captain

Erhard H. Harms, [redacted]

To be first lieutenant

Karl F. Eaheart, Jr., [redacted]

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.), and Public Law 36, 80th Congress, subject to physical qualification:

To be captains

Garland L. Dansby, MC, [redacted].
James A. Miller, MC, [redacted].

To be first lieutenant

Edgar H. Schein, MSC, [redacted].

To be second lieutenants

Ruth E. Ecklund, ANC, [redacted].
Marguerite L. Gipson, ANC, [redacted].

The following-named person for appointment in the Regular Army of the United States, effective May 8, 1953, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), subject to physical qualification:

Gene N. Chomko

The following-named cadets, United States Military Academy, for appointment in the Regular Army of the United States, in the grade of second lieutenant, effective June 2, 1953, upon their graduation under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.):

Arthur Howard Ackerman
Le Roy Perry Ades
Frederic Gustave Agather
Robert James Albert
Wayne Faessler Alch
Robert Lee Alexander
Edward Porcher Andrews
John Paul Angstadt
James Lamar Appleton, Jr.
Arthur Albert Arduna
Rolfe Gunther Arnhym
Robert Eastman Ayers
Russell Andrew Baker, Jr.
James Richard Bambery
Robert Graham Bartlett
Robert Erwin Barton
Harold Elmer Bauer, Jr.
William Frederick Bauman
Donald Howard Becker
William Robert Bell
Richard Arthur Benz
David Alpheus Best
Graham Peter Bidstrup
Allan Chester Biggerstaff
Norman William Birchler
Edward Louis Potter Bishop
Constantine James Blastos
James Frederick Bleecker
Robert Warren Blum
Louis Crum Boone, Jr.
Keith Leroy Born
James Edward Bowen 3d
Robert Alan Boxell
Richard Donald Boyle
Tom Harvey Brain
Robert Charles Breckenridge
Burden Brentnall
Chalmers Leslie Brewbaker
Curtis Anderson Brewer
John Lyman Balcom Bringham
John Andrew Brinsko
Jeremiah Joseph Brophy
George Dudley Brosious
Arthur Edmon Brown, Jr.
Donald Stewart Brown
Thomas Daniel Brown
Edward Kimmel Burdeau
William Brooksbank Burdeshaw
William Arthur Burkhardt
James Michael Burkland
Robert Eugene Butler
Thomas Roger Canham

Robert Alexander Carter
Sidney Wheeler Carter
Arthur Johnson Cates
John Philip Ceglowski
Earl Ledlie Chambers
Charles Judson Cheves, Jr.
Milton Anthony Chojnowski
Daniel Paul Christman
Sam Ward Clay
Reubin Wallis Cochran
William Alva Cole
Gary Sherman Colonna
William Raymond Colvin
Raymond Cecil Conder, Jr.
Peter Smith Conzelman
John Howard Cooper
John Olin Cooper 3d
Richard Wesley Cordill
Gerald Wilson Corprew
Walter Cornelius Cousland
Craig Garrison Coverdale
Neal Creighton
John Heughes Crerar 2d
Laurence Walter Crevoiserat
William Talmadge Crim
Robert Lee Crosby
Gordon Allen Curran
James Andrew Currie
Eugene Randolph Currier
Edward Arthur Daggit
Robert Francis Daly
James Tun Dare
Dale Ellwood Davis
Donald Francis Davis
Lauren Steve Davis
Richard Raymond Davis
Thomas Conant Davis
Henry Lawrence Davisson, Jr.
Kenneth Elden Dawson, Jr.
Robert George Day
Norman George Delbridge, Jr.
Anthony Peter De Luca
Erhart Edward Demand, Jr.
Donald A. Dennis
H. Beecher Dierdorff, Jr.
George John Dimtsios
Edward Arthur Dinges
James Gordon Donahue
Drew Dowling
Francis Joseph Doyle
Ollin Kemp Dozier
Gerald Eli Dresner
Donald Wilbur Dunnuck
Richard L. Durham
Charles Emmett Harvey Edward
George Louis Egbert, Jr.
O. Kirk Ehlers
Raymond John Eineigl
Greeley Horace Ellis, Jr.
Roger Paddock Ellman
James Richard Endler
James Alfred Eubanks
Elden Quentin Faust, Jr.
Robert Nolasco Fernandez
Charles James Fiala
Bart Michael Filaseta
Richard Fleming Fischer
Samuel Henry Fisher, Jr.
John Bullock Fitch
Eugene Lee Fitzsimmons
Richard Warren Flather
Henry Augustus Flertzheim, Jr.
Paul Edsel Floyd
Roy Fowler
Gaillard Alvin Freimark
Rodney Miles French
Louis Chadwick Friledersdorff, Jr.
Herbert Erb Friesen
Elbert Earl Fuller, Jr.
Donald Gary Fuqua
Frederick George Gilmartin, Jr.
Robert Evans Glasgow
Frederick William Glauner
Jerald Lee Goetz
Harl Goronway Graham
Leonard James Greeley
Ralph Stephen Greer
Allen Frederick Grum, Jr.
George Allen Haas, Jr.
Hugh James Hall, Jr.
John Charles Hall
Harry Warren Halterman, Jr.
Donald Joseph Hamilla
Carl Lee Hammond
Bruce Blondel Hardy
James Henry Harris
William Heasley Harris
John Henry Farrell Haskell, Jr.
Marion Odell Hayes
Howard Hazlett 3d
Elvin Ragnvald Heiberg 3d
Kenneth Stanley Heitzke
Walter Henderson
Ralph Edward Hickey
William Wofford Hilley
Thomas Hoffman
John Everett Hogan
James Windle Hogg
Thomas Wesley Holcombe
Carson Edward Richard Holman
David Du Bois Horner
William Dearl Horton, Jr.
Alan Toops Horwedel
James Gunder Hove
Francis Richard Hoyt
Bernard Charles Hughes
John William Hughes
Bernard Franklin Hurless, Jr.
Cary Brown Hutchinson, Jr.
Frank Anthony Iacobucci
James Lawrence Jackson
John Francis Jamieson
William Maddox Jewell, Jr.
Jack Edwards Johns
Thomas Henry Jones
William Dudley Jones
Robert Michael Joyce
Keith Glyndon Kahl
Michael Edward Kallman
Robert Lewis Kaplan
Louis Albert Kaufman
Ross Bruce Kenzie
Douglas Smith Kimball
Frank Christopher Kincaid, Jr.
Irvin Gray Kinnie, Jr.
James Reid Knox
Ralph Arthur Koch, Jr.
Francis George La Brash
Hubert Wesley Lacquement
Robert John Lafiam
James Louis Lammie
Clifford John Landry
Melburn Edward Laundry
Richard Day Lawrence
Richard Edward Leonard
Raymond John Lesinski
Allen T. Lindholm
James Edward Linka
Felix Lee Liveoak, Jr.
James Alfred Loedding
G. Gerald Lohrli
Charles Joseph Lowman, Jr.
Montecue Judson Lowry
Victor Luby
Leland Patrick Luck
Robert Brandt Maehr
John Phillip Maher
Louis Ernest Manfre
Robert Laurence Mangels
Donald Roger Martin
John Francis Martin
Robert Norman Martin
Howard Richards Matson
Adolph Ernest Mayer
James Francis McCluskey
John Robert McDonald
Joseph Francis McGovern
Rob Roy McGregor
Thomas McGregor
Graham Wilson McIntyre
Thomas Patrick McKenna
Stuart Glover McLennan, Jr.
Donald Lee McNutt
John Donald Meglen
Guy Stanley Meloy 3d
Jack Allen Merrigan
Allen Steventon Merritt
Edward Charles Metzcher
Donald Leonard Meyer
James Francis Miley
Richard Andrew Miller
William August Miotke
Frank Albert Mieko
Patton North Morrison
Jack Elvia Morton
David Lawrence Motycka
Maxwell Rogers Murrell
Halvor Hegland Myrah, Jr.
Charles Oliver Neal
Clifford Clark Neilson
Francis Alexander Nerone
Thomas Edward Nesbitt
Dick Duane Neu
Jack Adams Neuberger
Jerry Wallace Nicks
Max Wilbur Noah
Wallace William Noll
Courtland Carl Nordgren, Jr.
Thomas John Nugent
Robert Holton Nutter
John Baptist Oblinger, Jr.
Mortimer Lenane O'Connor
Edgar Allen O'Hair, Jr.
Glenn Kay Otis
Walter Eugene Parker
Alfred Esper Paulekas
Herbert Dean Peckham
Joseph Paul Perlow
Thorwald Roger Peterson
John Coghill Phillips
Jimmy Lee Pigg
David Andrew Pistenma
Charles William Prime
Henry Purcell III
Donald Alexander Ramsay
William Elijah Rawlinson, Jr.
Joseph Theodore Rears
Adrian Pryor Reed
Edwin Reed, Jr.
William Donovan Renner
Leland Chadwick Rew, Jr.
Frederick Pratt Reynolds 3d
Hal Boyd Rhyne
David Kemper Rice
Daniel Sprague Rickard
Otto Neal Riley, Jr.
Ellietson David Rogers
Robert Fredrick Rogers
Robert Daniel Rose
David Huntington Rumbough
Early Joseph Rush 3d
Robert Louis Rush
Ralph Longwell Sanders, Jr.
Harold James Sarbacher
Max Earl Satchell
Donald Richard Schmidt
Herbert Raymond Schmidt
Walter Henry Schmidt, Jr.
Robert Lewis Schroeder
Glenn Edwin Schweitzer
John Joseph Paul Scoblick, Jr.
Robert Eugene Scofield
Gene Allen Seegmueller
Robert Segal
John William Seigle
Sarkis Semerjian
Donald Earl Shaw
Joe Harry Sheard
James Scarborough Sibley
Frederick John Siebert
William Franklin Sifford, Jr.
Andrew Michael Simko
Lowell Henry Skidmore
David Clark Smith
Edgar Howard Smith, Jr.
Fred Lincoln Smith
Robert La Favor Smith
Rodney Howe Smith
John David Smythe
William Kunz Snead
Francis Snyder
Eugene Robert Soja
Montgomery Theodore Speir
Walter Franklin Stepanek
Karl Richard Stewart
William Clyde Stinson, Jr.
John Fredrick Stoneburner
James Reeve Stuart, Jr.
Roland Richard Sullivan
Roy Leslie Sullivan 2d
Paul Eugene Suplizio
William James Sutton 3d
Kenneth John Sweeney
Clarence Edgar Talley, Jr.
Benjamin Eugene Tant, Jr.

John Brian Tanzer
Richard Joseph Tchon
John Richard Temp
Robert Joseph Thomas
Samuel Morgan Thomas, Jr.
Fred Kenneth Thompson
Howard Barnett Thompson
Charles Joseph Tighe
John Toman
Paul David Tomlingson
Hiram Kellow Tompkins
Stanford Morris Touchstone
John Robert Eric Tumperi
Egerton King van den Berg
Richard Gregg Vander Meer
Frederick French Van Deusen
Rocco Francis Ventrella, Jr.
Graham Daniel Vernon
Maarten Vet
Ennis Arnold Viereck, Jr.
Gilbert Andrew Volker
Joseph John Volpe
Paul Clinton Vose
James Paul Wade, Jr.
Daniel Edward Walker
William Edward Walker
Monty William Walters
Worth Lynn Wardlaw, Jr.
Douglas Gordon Waters
George Donald Waters
William Walter Weihmiller
Arthur David Wells
David Torrey Wells
Dennis Dexter Whalen
Robert Norris White, Jr.
Stanley Valentine Wielga, Jr.
George Frederick Williams
Thomas Edgar Williams
Donald Lee Wilson
Jack Dale Wilson
Joseph Clay Wilson
John Edward Wise
Clifford Worthy, Jr.
William Louis Wubbena, Jr.
John Hughes Young, Jr.
Richard Alden Young
William Wilbur Yuengel
Robert Theodore Zargan
Leon Stanley Zimmer
Charles Willis Zipp

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

Ronald W. Anderson, [redacted].
Jack F. Angel, [redacted].
Roscius I. D. Bal, [redacted].
William H. Bernos, [redacted].
Leonard D. Chafin.
James S. Charlton.
Willys E. Davis.
Barton M. Hayward, [redacted].
Hilton T. Heineke, Jr., [redacted].
Rayburn K. Hensley, [redacted].
James F. Keon, [redacted].
Richard J. Kraska, [redacted].
Earl M. Ladd, Jr.
Harold L. McDonald.
Pat C. Miller, [redacted].
Edwin G. Moffatt, [redacted].
Richard E. Morton, [redacted].
Lynn N. Munroe, Jr., [redacted].
Charles P. Nash, [redacted].
Jerry C. Orr, [redacted].
Harry L. Phillips, Jr., [redacted].
John P. Rogers, [redacted].
Myron L. Schnaithman.
Gerald L. Smith, [redacted].
Santiago C. Soler-Favale, [redacted].
Odell L. Walker.
Grady W. Williams.
Robert V. Wills, [redacted].
Julius J. Zamal, [redacted].

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

David C. Barker
Stanley O. Benning, [redacted]
George L. Earl, [redacted]
John C. Kramer
John P. Noeding
George A. Reed, [redacted]
Richard W. Stevens
Robert M. Stone

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States, effective June 15, 1953, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), subject to designation as distinguished military graduates, and subject to physical qualification:

Robert F. Andrews
Gene O. Heaton, [redacted]
Charles A. Mateer
Noel L. Mhyre
Donald C. Rocke
James G. Rodriguez
Lawrence L. Rusiewicz
Charles R. Schwartz

The following-named distinguished military students for appointment in the Regular Army of the United States, effective June 15, 1953, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.), subject to designation as distinguished military graduates, and subject to physical qualification:

Charles W. Abbate
Walter H. Abbott
David G. Adams, [redacted]
Harold Eugene Adams
George W. Adamson
William P. Aguilar
Herbert F. Ahlswede
Milton Ain
Alphonso W. Allen
Lonnie N. Alston
Alfred B. Amendolara
William I. Ames, Jr., [redacted]
Harold L. Anderson
James C. Anderson
Nick J. Andre
Raymond L. Armstrong
Walter E. Arndt
Rex L. Arnold
Philip L. Ash, Jr.
Ellis O. Atkinson, Jr.
Bill J. Atwell
John B. Atwood
Thomas W. W. Atwood
Charles A. Auer
Paul R. Avveduti
Theodore F. Ayres
Leo A. Balistreri
Douglas T. Banks
Antonio R. Barcelo
Ashley P. Barnes, Jr.
Neal A. Barnes
Vernon Barnes, Jr.
James R. Barr
Charles D. Barrentine
Robert E. Barrett, [redacted]
Ervin F. Bartel, Jr.
Richard K. Bastian
George F. Beall, [redacted]
John B. Bean
William M. Beardsley
Glenn E. Beerline
Robert R. Bell
Lloyd P. Bennett
William L. Bennett
Ernest E. Bentley, Jr.
William E. Berzinec
Billy W. Best
Joe B. Betterton
Jesse O. Bickmore, Jr.
Jim C. Bigham
Albert T. Billingslea
Myron D. Billy, [redacted]
Paul L. Bischoff
James A. Black, Jr.
James R. Black, Jr.
William T. Black
David W. Blackledge
Richard B. Blauvelt
Ashley S. Blocher, [redacted]
William E. Boe
Harry J. Bohlin
Adrian D. Bolch, Jr.
Thomas J. Bonnett
James C. Borden, Jr.
Landin F. Boring
Leo P. Boucher, Jr.
Richard E. Bowers
Daniel E. Boyle
Lawrence C. Brewster
James W. Bricker
Mervin E. Brock
Alfred F. Brodeur
Thomas W. Brogan
Robert Brotman
Donald R. Brown
Richard H. Brown, [redacted]
Miles E. Bruce
Gerald H. Buchanan, [redacted]
James W. Bumbaugh
Wilber J. Bunting
Cecil A. Burch
Charles A. Burnett, [redacted]
Leonard C. Butler
Phillip C. Butler
Reginald E. H. Butts
Ward V. Buzzell
Vincent F. Byrnes, Jr.
James K. Caldwell
McIlvaine C. Caldwell, [redacted]
Bernard L. J. Callahan, [redacted]
James G. Campbell
George S. Campbell
Charles E. Canedy
John N. Canonico, Jr.
Waniford A. Cantrell
James A. Carbonetti
Gordon W. Carr
John C. Carr
Newton W. Carr, Jr.
Armando E. Carrillo
Robert B. Carroll
John P. Caruso
William M. Cash
Thomas K. Cassidy
Jimmie M. Chaffin
Harry L. F. Ching
James A. Christian
Lawrence J. Cipriani, [redacted]
David R. Clark
Donald O. Clark
Gene E. Clark
William T. Clarke
Milton L. Clift
Marvin W. Coats
George E. Coleman, Jr.
Alvis W. Collier
Ashby F. Collins
James B. Colson, Jr., [redacted]
Ralph L. Comer
Charles R. Connell, III
William J. Connolly
Edward S. Conway
John A. Copp
John B. Cottingham, Jr.
Edwin Cox
Benjamin M. Cragun, [redacted]
Anthony F. Cristan
George M. Cross, [redacted]
Roby E. Crouch, Jr.
William B. Crowell
Anthony E. Dammicci
Philip T. Dancause
Tolbert A. Daniels, Jr.
Walter C. Daniels
Clifton J. Daugherty
Robley W. Davis, Jr.
Earl N. Dawson, Jr., [redacted]
John N. Day
Raymond A. Delahanty, Jr., [redacted]
Michael J. Del Santo
Roger M. Deming
George E. Derrick, [redacted]
Ernest B. de Silva, Jr.
Lee C. Dickson
Griffin N. Dodge
Robert W. Dolan
Anthony J. Dombrowski
John A. Donnal, [redacted]
Joseph W. Dooley
Benjamin E. Doty
Harold L. Drennon, Jr.
F. A. Dry
James P. Duffy, Jr.
Michael J. Duffy
Thomas A. Duffy
Gordon J. Duisterhof
Stephen J. Dukkony
Ross E. Duncan
Rufus T. Dunlap, Jr.
James G. Dunn
James M. Dyer
George L. Ealer
John A. Earl
Thomas B. Earle, Jr.
Frederick L. Eastham, [redacted]
Robert L. Elder
Jimmie L. Eller
Harry L. Elliott
James W. Elliott
Richard L. Elliott
Louis N. Elmore, Jr.
August C. Engelhardt
Robert B. Engle
Eugene J. Enright
Thomas F. Eskew
Henry J. Esser, Jr.
John H. Evers
Wilbur M. Farlow
Robert G. Farrar
Glenn T. Feilke
Ray D. Feiock
Richard W. Fell
John N. Fellabaum
Robert G. Felton
Harold C. Ferguson, Jr.
Leonard S. Ferrara
William A. Fifer
Horace B. Fitchett
William J. Flaherty, [redacted]
John S. Flanagan
John F. Flaugher
Trafton W. Fleetwood, Jr.
John L. Fluitt, [redacted]
Leonard R. Franseen
Bruce W. Frazer
George C. Frisbie
Carl R. Froede, [redacted]
George M. Fukumoto
Ronald J. Gaita
Joe B. Gantt
Samuel J. Garrett
William C. Gibbons
Louis A. Giedeman, Jr.
John B. Gillis
Francis J. Gilroy, Jr.
Howard D. Ginsburg, [redacted]
Thomas E. Gioiosa
Bruce Gissing
Ronald M. Glaser
David M. Godas
William C. Godwin
Carlos Gonzalez
Peter L. Gorvad
Ralph S. Gray
Richard D. Green
Joseph Greenberg
John M. Gregg
Clark S. Gregory, Jr.
August Greyhosky
William A. Greynolds
Donald E. Griswold
Robert W. Gruen
Loial B. Haas
Richard G. Hallock
Kenneth G. Hanel
Alvis S. Hardy
Stephen R. Harrick
Wesley L. Harris
DeWayne J. Hassebroek
Thomas E. Hawks
Robert C. Hawlk
Alva W. Hayes
Edward W. Hegmann, Jr.
Frank T. Heilig
James Y. Hendricks
John L. Herman
Phillip H. Herndon, [redacted]
Alan R. Higgins
Wiley T. Higgins, Jr.
Peter S. Hilborn
Dan A. Hillsman
Peter J. Hino, [redacted]
Clark W. Hinsdale, Jr.
Richard E. Hoerning
Larry D. Hoffman
George T. Holdcroft
Bobby G. Holden
James P. Holley
Donald W. Holliday
James L. Holmes
Dennis C. Holtz
William H. Houk
Edward W. Houy, Jr.
Warren A. Hovis, Jr.
Newman A. Howard, Jr.
Roderick R. Howe
William S. Hubbard
Paul C. Hudson
Clark R. Hull
Dwight R. Hutchenson
Arthur C. Hutson, Jr.
Ronald E. Ice, [redacted]
Thomas A. Ingram
Joe R. Innis
Martin H. Irons
Harold E. Iverson
David E. Jackson

Franklin R. Jackson
Wilfred A. Jackson
Stanley L. James
Arlo D. Janssen
Robert H. Jennings
Jack A. Johnson
Roland H. Johnson
Walter V. Johnson
William E. Johnson
Franklin R. Jones, Jr.
Herbert H. Jones
Earl W. Jones, [redacted]
Eugene H. Juve
James S. Kallelis
Ronald D. Kamakahi
Manuel Katz
Joe E. Kay
Kent C. Kelley
William B. Kelley
Robert B. Kenyon
Luther S. Kersey, Jr., [redacted]
Robert D. Ketchum
Kenneth L. Ketzler
Ronald R. Kick
Charles A. Kiefer
Hart A. King
Herbert A. Kitchin
George V. Kmiotek
Alfred R. Koch
Ned J. Kocher
Daniel L. Kopp
Emil D. Koval
Alonzo S. Kretzer
Francis S. Kurtz, [redacted]
Roger W. Kvernes
Albert H. Labourdette, Jr.
William F. Lacey
Robert M. LaFollette, Jr., [redacted]
Kenneth C. LaFond
Stanley W. Lagedrost
Clifford M. LaGrow
Bert J. Lamport, Jr.
Warren P. Landon
James C. Lane, Jr., [redacted]
Richard A. Larson
Walter R. Larson, [redacted]
Henry Laskiewicz
Xavier A. Laucirica, Jr.
Robert D. Lauer
Donald C. Law
Herbert L. Lawrence, [redacted]
William E. Laybourn
Edwin B. Leaf, Jr.
Richard C. Leander
Wallace A. Lee
George F. Leedy
Richard W. Leisinger
Joseph D. Lemieux
Stanley Lenard
Edward F. Leonard
Benedict F. Lessing
Arthur W. Levin
Gene L. Lewis
Bradford K. Libby
Gordon F. Lindgren
Gerald J. Lish
James W. Loomer
Jack L. Lundquist
Charles W. Lutz
Homer M. Lynch
Donald H. Lyon
Thomas J. Lyons
Gary G. Lytle
Donald W. MacKenzie
Robert G. MacLennan
Serafin G. Mactagone
Franklin W. Maddux
Robert N. Magnuson
Jess W. Malcolm
Robert B. Mamoyac
Raymond D. Manis
Christian J. Mann
James A. Manning
Monroe L. Manning, [redacted]
William J. H. Manning, Jr.
Harrison M. Markley, Jr.
James L. Marshall, Jr.
Henry B. Martch, Jr.
Haywood H. Martin, Jr.
Charles C. Matthews, Jr.
Charles H. Mayhew III
Michael A. McBee
Robert F. McCormack III
Don E. McCormick
Don S. McCoy
H. A. McDougal
Frank B. McElmoyl, Jr.
Thomas F. McGarey, Jr.
Jack D. McGee
Robert L. McGee
Russell M. McGraw
Philip E. McIntyre
Jack G. McKay, [redacted]
Robert G. McKie
James L. McLain
John S. McLeod
Thomas R. Meadows
Paul R. Medbury
James W. Meek
Robert H. Meggison
Maurice E. Meinert, Jr.
Eugene C. Meister
Melvin E. Meister
Louis C. Menetrey
Neil A. Menzies
Robert W. Metcalfe
Richard M. Meyer, [redacted]
Charles P. Michel
Richard E. Michener
Milton P. Mieczniskoski, [redacted]
Leo B. Mihas
Franklin O. Mikle
David H. Miller
Joseph R. Miller, Jr.
Leon M. Miller
George W. Mills
Charles C. Mitchell, Jr.
John S. Moffitt
Irving Monciova
James B. Moore
Jere N. Moore, Jr.
Patrick J. Moore
Pierce M. Moore
Richard E. Moore
Robert O. Moore
Wilbur A. Moore, Jr.
Francis C. Moretti
James E. Morrah
George A. Morris, Jr.
George G. Morris
Ralph C. Morris
Clyde L. Morrison
James A. Morsey, [redacted]
John J. Mortvedt
Robert R. Mullins
James G. Nemec
Hugh D. Nesbitt
Francisco B. Newman, Jr.
Walter H. Newton
Warren E. Newton, [redacted]
Morton C. Nickell
Willis F. Nickelson
Charles A. Nields, Jr.
William S. Noll
James H. Oates
Jack E. O'Brien
Charles C. Ochs
Leo A. O'Connell
David W. Odiorne, Jr.
Thomas B. O'Heir
James H. Olmsted
Jorge H. Ondina
James J. O'Quinn
Robert R. Outland
Harry Overs
Warren R. Owens
Lamar T. Oxford, Jr.
Manuel Padilla
Marvin L. Paneitz
G. Winfield Pardee
William H. Park
Francis L. Pauley
Albert E. Pavey, Jr.
Richard H. Pearce
Edward E. Pehota
Earl E. Pepper
John M. Phair
William H. Picard
Stanley C. Plowman
Frederick C. Pneuman
John T. Points
Louis M. Pollard, Jr.
Charles Potash
Edwin J. Potter
Rusk W. Potter
Francis A. Preli
Louis A. Preli
John J. Prideaux
John P. Prillaman
Raymond A. Proietti
William B. Puffer
Donald W. Pulsifer
Elwin D. Pulsipher
Paul D. Quinn
Clyde E. Ragsdale, Jr., [redacted]
William H. Randolph, Jr.
Arthur H. Rathjen
William D. Ray
Theodore S. Reese
George M. Rehfuss
John A. Reinbold
Bruce H. Rhiddlehoover
William J. Rhodarmer
Donald W. Richard
James R. Riede
Richard B. Riefler
Kenneth L. Rieth
Byard W. Rife
Forest S. Rittgers, Jr.
Clay Robbins
Vaughn G. Roberts
William L. Roberts
Chaim I. Robins
Sterling M. Rodgers, [redacted]
Alfred R. Rogers
Jack R. Rollinger
Cornelius S. Romedy, Jr., [redacted]
Leslie M. Rosen
James K. Ross
John L. Rudser
Horry L. Rumph
Dick A. Rundle
Ronald R. Runge
Nicholas M. Russak
Dennis L. Samuelson
Roger D. Sandy
John E. Schaenzer, [redacted]
Robert G. Scherer
Theodore H. Schmidt
Jack E. Schoonover
Merle W. Schotanus
Jules J. Schwartz
Donald D. Schwalje
Robert P. Scott
Roger C. Scoville
Billie E. Searls
Carl Selavka
Donald Senich
Sam C. Seto, Jr.
Richard S. Shaffer
Joseph N. Shaw
Michael B. Sholar
Douglass R. Shortridge
William E. Shuford
Ralph H. Sievers, Jr.
Marvin E. Simmons
Frank D. Simons
Claude S. Simpson, Jr.
Russell K. Singleton, Jr.
Wayne A. Sinquefield
James J. Slater
Dwight J. Sloat
Peter Slusar
Alfred A. Smalara
Dale G. Smart
Richard W. Smartt
Clyde O. Smith, Jr.
Donald H. Smith
Donald L. Smith
Julian H. Smith
Loyce N. Smith
Raymond C. Smith
John P. Soukup
Gilbert Spears, Jr.
Robert M. Spies, Jr.
Rodney W. Spotts
Joseph L. Stallings
John B. Starke, [redacted]
Henry J. Stein, Jr., [redacted]
Gordon R. Steiner, [redacted]
James A. Stelter
William A. Stembridge
Wilfred L. Sterzik
Leroy P. Stevenson
James Stevenson
John R. Stewart
Hardy R. Stone III
Patrick G. Stone, [redacted]
Don M. Stotser
Harry B. Stoudemire
Wayne P. Sturdivant
Robert H. Sullivan
David Swank
James R. Swanson
Lawrence M. Takahashi
Curtis T. Tapley
Penfield W. Tate II
Cedric D. Taylor
Thomas T. Taylor
Floyd E. Teller
Robert S. Terry
Donald R. Thomas
Horace E. Thompson
Kenneth R. Thompson
William J. Thompson
Victor M. Tilley
James R. Tolbert
William A. Tuck
Thomas A. Tullar
Conrad T. Tunney
Wilbur C. Valine
Donald W. Vane
Abel Vela
John R. Vilas
Robert W. Wade
Hugh G. Waite
Max L. Waldrop
James H. Walker
Eugene R. Walsh
John D. Walsh, Jr.
James B. Walton, Jr.
Douglas W. Warner
Richard F. Wasiewski
Thomas M. Waters
William W. Watkins, Jr.
James M. Watson
Woody B. Watson
William E. Watts
Robert H. Weall
Robert M. Wearn, Jr.
Jimmy R. Webb
Frederick H. Weeks
Carlton P. Weidenthal
William T. Wells
Robert W. Welsh
Charles R. West, [redacted]
Thomas J. Westbrook
Andrew C. Wettlaufer
John T. Whann
Billy T. White
Charles C. White
Walter J. White, [redacted]
Thomas K. Whitesel, Jr.
Richard H. Whittington
Wesley E. Whittington
Kay L. Wieland
Eugene E. Wilkins
Julian A. Wilkins
Franklin A. Williams
Richard E. Williamson
William E. Williamson
Richard S. Willis
John T. Wills
Alvin T. Wilson, Jr.
Charles C. Wilson, Jr.
Dennis F. Wilson
Francis V. Wilson
Gerald F. Wilson
Joel F. Wilson
Kenneth J. Wolhpart
William F. Wollenberg
James L. Woods
Charles O. Woodson
Tommy A. Worth
Robert W. Wright
John W. Young
Robert M. Yovan
John N. Zeiders
Robert J. Zembsch
Forrest V. Zimmermann

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the provisions of sections 502 and 508 of the Officer Personnel Act of 1947 and section 306 of the Women's Armed Services Integration Act of 1948. Those officers whose names are preceded by the symbol (×) are subject to physical examination required by law. All others have been examined and found physically qualified for promotion.

To be first lieutenants

AIR FORCE

Greenspan, Franklin Roland, [redacted]
Papin, Warren Jean, [redacted]
Palmgren, Edwin David, [redacted]
Zeitz, Frederick H., Jr., [redacted]
Goebel, Robert John, [redacted]
Thatcher, Frederick Shaw, [redacted]
×Rowland, William Arnold, [redacted]
Taylor, Lloyd Debo, [redacted]
Torres, Donald Joseph, [redacted]
Thompson, Lloyd John, [redacted]
×Swartz, Francis Aubrey, [redacted]
Balke, Arthur Charles, Jr., [redacted]
Baugh, William Joel, [redacted]
Hain, Russel Edward, [redacted]
Scannell, Wallace Allan, [redacted]
McKernan, Thomas James, [redacted]
Stoneking, Carl Lee, [redacted]
Pinner, William Weatherly, [redacted]
Nelson, Alan Gordon, [redacted]
Everton, Myron Mitchell, [redacted]
Rowe, James Artin, [redacted]
Blackley, Peter Paul, [redacted]
Holt, Carl Harry, [redacted]
Andersen, David Odell, [redacted]
×Bacot, Edward Leon, [redacted]
×Spears, Donald Edward, [redacted]
Truver, Curtis Clifford, [redacted]
Voight, Leonard Paul, [redacted]
Coffin, Monty Dale, [redacted]
×Borman, Frank, [redacted]
Greenley, Rob Roy, [redacted]
Watson, Frank Norwood, [redacted]
Manci, Orlando J., Jr., [redacted]
Estes, Howard Mitchell, Jr., [redacted]
Clement, Robert William, [redacted]
Prosser, Harvey William, Jr., [redacted]
Drury, Richard Taylor, [redacted]
Gottesman, Harold Aaron, [redacted]
Slade, William Bonner, [redacted]
Stange, LaVerne G., [redacted]
Boyle, Edmund James, [redacted]
Zetkov, George A., [redacted]
Moll, Kenneth Lee, [redacted]
×Allbaugh, Charles Edgar, [redacted]
Schwoob, William Hayward, [redacted]
Kinner, Albert Vernon, [redacted]
Tandler, Tyler Winslow, [redacted]
Liechty, Herschel Herbert, Jr., [redacted]
Johnson, Carl Alfred, Jr., [redacted]
Hanks, Norris Jay, [redacted]
×Smith, Robert G., [redacted]
Baltz, Ambrose Joseph, Jr., [redacted]
×Sieg, John S., [redacted]
Hoover, Robert Milton, [redacted]
Mendel, Edward, [redacted]
Fuller, Alan Clarke, [redacted]
Waldor, Jerome Noel, [redacted]

Bowers, Ray Landis, Jr., [redacted].
Coffin, Sherman LeRoy, [redacted].
×Kilroy, Henry Paul, [redacted].
White, Adam Clarke, [redacted].
×Harrison, Lloyd Elkins, Jr., [redacted].
Hampton, George Forrest, [redacted].
Patterson, George Kenneth, [redacted].
Schneider, Robert Philip, [redacted].
×Ryan, Malcolm Edward, Jr., [redacted].
Rollins, Wells Proctor, [redacted].
Strickland, Harold Wade, [redacted].
Saunders, Joedan Judd, [redacted].
Ostroff, Edward Norman, [redacted].
Mitchell, Carl Berg, [redacted].
Spradling, Wilbur Rodney, Jr., [redacted].
Babbe, Robert Henry, [redacted].
McCreedy, William White, [redacted].
Johnston, Earl, [redacted].
Leiser, Louis Gene, [redacted].
Magee, John Arthur, Jr., [redacted].
Thomas, Ernest Collins, [redacted].
Rasmussen, Gerald Lee, [redacted].
Ingram, Paul Mason, [redacted].
Aman, William George, Jr., [redacted].
Hirsch, Charles Olaf, [redacted].
×Beal, Frank Stuart, 3d, [redacted].
Streit, John Paul, [redacted].
Berger, William Louis, [redacted].
Flint, Walter Howard, [redacted].
Eichelberger, George Baylor, Jr., [redacted].
Gaylord, Robert Frank, [redacted].
Anderson, Joe Emory, Jr., [redacted].
Builta, Arthur Glen, [redacted].
Miller, William Robert, [redacted].
Hammond, Charles Wilbur, [redacted].
Lane, Bernard Bell, [redacted].
Monson, Gerald Harry, [redacted].
Bonanno, Frederick Ramon, [redacted].
Griffin, Carroll Riggs, Jr., [redacted].
Payne, Don Howard, [redacted].
Zagorski, Frank John [redacted].
Davison, Richard Dean, [redacted].
Shahinian, Vaughn Lee, [redacted].
Faurer, Lincoln David, [redacted].
×Dungan, Frank Edward, [redacted].
Palmerton, Leighton Robert, [redacted].
Rapp, William Arthur, [redacted].
Reinsch, Howard Frank, [redacted].
Burns, Jeremiah Stanford, [redacted].
Hall, James Horace, [redacted].
Pohli, Emil Austin, Jr., [redacted].
Gray, Gordon Miles, [redacted].
Schwind, William Steur, [redacted].
Haidler, William Bernard, [redacted].
Sullivan, Dennis Bernard, [redacted].
Thompson, Francis Eugene, [redacted].
Young, Frank Levi, [redacted].
Braybrooke, Christopher, [redacted].
Cody, Richard Neal, [redacted].
Kaplan, Murray Lee, [redacted].
Willerford, Robert Dale, [redacted].
McCutchen, Robert Kirtland, [redacted].
×Innerbichler, Leo Joseph, [redacted].
Wood, Archie Lee, [redacted].
Buehler, Harold Roger, [redacted].
Ray, David Davis, [redacted].
Caldwell, James Hamilton, [redacted].
Crichton, Theodore Pyle, [redacted].
×Basil, Robert Anthony, [redacted].
Buck, Guy Phil, [redacted].
Vinson, Bobby Gene, [redacted].
Bean, Jesse Coleman, 2d, [redacted].
Conley, Philip James, Jr., [redacted].
Rogers, Daniel Lindsay, [redacted].
Cannon, George Curtis, Jr., [redacted].
Moore, George Donald, Jr., [redacted].
Loar, Warren Nelson, 3d, [redacted].
Melton, Maurice Edward, [redacted].
Golding, Edwin Irwin, [redacted].
Taylor, William Stuart, [redacted].
Baxter, Walter Hope, 3d, [redacted].
Brunson, Carl Locklin, [redacted].
Nelson, Richard Whittier, [redacted].
Reitz, William Gilmore, [redacted].
McCauley, Cleyburn Lycurgus, [redacted].
×Anderson, Thomas Albert, [redacted].
Novak, Don Gerald, [redacted].
Fahey, Robert Francis, [redacted].
Kammerer, Martin LaVerne, [redacted].
Mauzy, Edwin LaMar, [redacted].
Reid, John E., [redacted].
Slay, James Richard, [redacted].
Dunbar, Donald Foster, [redacted].
Cronin, James, [redacted].
Wallace, James, Jr., [redacted].
Speaker, Edwin Ellis, [redacted].
Henry, Robert Frew, [redacted].
Burns, Kenneth Robinson, [redacted].
Gabriel, Charles Alvin, [redacted].
Durham, Samuel Carr, [redacted].
Hester, Walter Filmore, Jr., [redacted].
Vlisides, George Frederick, [redacted].
Weight, Clay Deck, [redacted].
×Bowyer, Robert Eugene, [redacted].
Smedes, Norman Richard, [redacted].
Walsh, Harold V., Jr., [redacted].
Stewart, William Robert, [redacted].
Dyer, Thomas King, [redacted].
Kulpa, John Edward, Jr., [redacted].
MacLachlan, William Irving, [redacted].
Stone, Carl Evold, [redacted].
Ameen, David Adel, [redacted].
Halpern, Earl, [redacted].
Newton, Richard Yates, Jr., [redacted].
×Boyd, Roger Earl, [redacted].
Smith, Richard M., [redacted].
Ransom, Louis T., Jr., [redacted].
Aton, Bert Benton, [redacted].
×Bellis, Stanley Bayha, [redacted].
Booth, John Edward, [redacted].
Davidson, Charles Anthony, [redacted].
Trompeter, Arthur Francis, [redacted].
Leavitt, Lloyd Richardson, Jr., [redacted].
Scofield, Thomas David, [redacted].
Batchelor, Edward, [redacted].
Loomis, William H., [redacted].
McMullen, Malcolm, [redacted].
Bolger, John McCaffney, [redacted].
Skien, John D., [redacted].
Hinnant, Harris Odom, [redacted].
×Ahearn, John Patrick, [redacted].
×Lesser, John D., [redacted].
Henrikson, Matthew Thomas, [redacted].
Bixby, Kenneth Edward, Jr., [redacted].
Kuyk, Charles Frederick Goodwyn, Jr., [redacted].
Tripp, Daryle E., [redacted].
Hotz, Edward Christian, Jr., [redacted].
Howard, Charles Thomas, [redacted].
×Jordan, Jack deLaittre, [redacted].
×Packer, Allan Richard, [redacted].
Saltsman, Thomas Haley, [redacted].
Bier, James Sparks, [redacted].
Stephenson, Ralph Wilson, Jr., [redacted].
Walecka, Norbert J., [redacted].
Dunham, John Robertson, [redacted].
Akin, John Cobleigh, [redacted].
Nibley, Owen Smoot, [redacted].
DeArmond, Michael Edward, [redacted].
Weedlun, Russell D., [redacted].
Cooley, Kenton Parkes, Jr., [redacted].
Duncan, J. Clark, [redacted].
×Baxter, Thurston Richard, [redacted].
Michie, George D., [redacted].
Young, Joseph M., Jr., [redacted].
Heit, Elliot Eclipse, [redacted].
Miller, Thomas S., [redacted].
Harrell, Richard Dewitt, [redacted].
×Taylor, Richard E., [redacted].
Loye, John Francis, Jr., [redacted].
True, Everett Lee, [redacted].
DeBacker, Theodore Albert, [redacted].
Arvidson, Carl Henry, [redacted].
Whitfield, William Franklin, [redacted].
Laccetti, Joseph Nicholas, [redacted].
Barry, Jack, Jr., [redacted].
×McGee, Arthur Alten, [redacted].
Jablonski, Eugene Richard, [redacted].
Fishbein, Seymour, [redacted].
Etz, Eugene Charles, [redacted].
Halleck, Leland Duane, [redacted].
Gallagher, Nathaniel Ambrose, [redacted].
Rusch, Gerald Archie, [redacted].
Whiting, Robert Edward, [redacted].
Abercrombie, William Robert, Jr., [redacted].
Maresca, Mauro Elasio, [redacted].
Bretting, Martin McDermott, [redacted].
Todsen, Peter Blain, [redacted].
Daleo, Lorenzo James, [redacted].
Nicholson, Samuel Newton, Jr., [redacted].
Weber, Robert Irven, [redacted].
×Hobson, John Jacob, [redacted].
×Smith, Ronald Robert, [redacted].
Kirk, John Miller, [redacted].
Goodman, Tyler Greene, [redacted].
White, Martin, 3d, [redacted].
Morrissey, George Edward, Jr., [redacted].
Magee, Lawton W., [redacted].
×Hammett, Floyd Edward, [redacted].
Gillham, Wendell, [redacted].
Page, Lewis Anderson, Jr., [redacted].
Scott, Winfield Wayne, Jr., [redacted].
×Collin, Henry Arthur, Jr., [redacted].
Todd, William Simmons, Jr., [redacted].
McGill, Patrick Edmund, [redacted].
Murphy, George James, [redacted].
Veley, Kelly Tresher, [redacted].
Best, John Walton, Jr., [redacted].
Hodnette, Lovic Pierce, Jr., [redacted].
Avery, Bobby Roger, [redacted].
Parmer, John Raymond, [redacted].
Rassieur, William T., Jr., [redacted].
Horsley, James Clarence, Jr., [redacted].
Kaseman, Ralph David, Jr., [redacted].
Hemenway, Ward Wertman, [redacted].
Davis, Bennie Luke, [redacted].
Soteropulos, Paul S., [redacted].
×Taylor, William B., [redacted].
Moxley, Frank H., Jr., [redacted].
McCormick, John Wade, Jr., [redacted].
Smith, Donald Sprague, [redacted].
Lockerman, Samuel Whittingham, [redacted].
Pettigrew, Merlin Ernest, [redacted].
×Keebler, Richard Ernest, [redacted].
Freeman, Roger Minor, Jr., [redacted].
McCoy, Harold Eugene, [redacted].
Smith, Robert Eugene, [redacted].
×Dunning, Ernest Cook, Jr., [redacted].
Schlappi, Marvin Victor, Jr., [redacted].
White, Allie Bryce, Jr., [redacted].
Steffensen, Harry Raymond, [redacted].
Horner, Robert Anthony, [redacted].
Lorette, Richard John, [redacted].
Allison, Clark Hickmott, [redacted].
Wood, Paul Saxton, [redacted].
Jennings, Bruce Merlin, [redacted].
Kyger, Charles Filmore, [redacted].
Riddle, William Morris, [redacted].
Curry, William Donald, Jr., [redacted].
Deranian, George Gregory, [redacted].
Dennis, Gene Alton, [redacted].
Sharp, Tilghman Hollyday, Jr., [redacted].
Pennekamp, John David, Jr., [redacted].
Earnhart, George Norman, Jr., [redacted].
Burke, William James, [redacted].
Cloar, Clyde Ross, [redacted].
Groseclose, Robert Pettigrew, [redacted].
Taylor, Daniel D., [redacted].
Munroe, Kenneth Harris, [redacted].
Sweidel, William Howard Lee, [redacted].
Crafts, Clifford Earl, Jr., [redacted].
×Walsh, Michael Joseph, [redacted].
×German, James S., [redacted].
Ikelar, Thomas Rittenhouse Shobert, [redacted].
Calhoun, Joseph William, [redacted].
Hogue, Harvey Hamilton, [redacted].
Peterson, Cedric Arthur, Jr., [redacted].
Shero, Ronald David, [redacted].
Fuller, William Goodjohn, [redacted].
Murdock, Robert H., [redacted].
Ritteman, Ralph Allan, [redacted].
Bell, George Wardman, [redacted].
×Green, Joseph Frederick, [redacted].
×Walsh, John E., Jr., [redacted].
Reidy, Edward Joseph, [redacted].
Smith, George C., Jr., [redacted].
×Campbell, David Anderson, [redacted].
Hardy, William Jennings, Jr., [redacted].
Drew, Albert Edward, [redacted].
Baughan, John Jay, [redacted].
Abelman, Robert Milton, [redacted].
York, Theodore Robert, [redacted].
Luckese, Robert Thomas, [redacted].
Bush, Richard William, [redacted].
Coscarelli, Donald Anthony, [redacted].
Morgan, Warren Lee, Jr., [redacted].
Jackson, Jack Coleman, [redacted].
Brubeck, Donald Philip, [redacted].
Satterlee, Richard Westlake, [redacted].
Williams, Isham Rowland, Jr., [redacted].
Knapp, Budd Frederick, [redacted].
Kimes, Ira Lafayette, Jr., [redacted].
Simons, William Edward, [redacted].
May, Gayle Lynwood, [redacted].

Vander Vennet, Kenneth R., [redacted]
Crowley, Craig Edward, [redacted]
Sacone, Francis Joseph, [redacted]
Bradford, Daniel Wayne, [redacted]
Duncan, George Washington, Jr., [redacted]
×Walker, Robert W., [redacted]
Burgess, Scott Charles, [redacted]
Johnson, Frederick Welter, [redacted]
Ashley, John Thomas, Jr., [redacted]
×Dixon, Brewer, Jr., [redacted]
Totri, John M., Jr., [redacted]
O'Malley, John Francis, [redacted]
Young, Stephen C., [redacted]
Wills, James W., Jr., [redacted]
Fairbank, Carl Sherwyn, Jr., [redacted]
Stinson, John G., [redacted]
Erickson, Harold Fredrick, [redacted]
Butler, Tommy Francis, [redacted]
×Vielhauer, Harold George, [redacted]
Robinson, William Clifton, [redacted]
Reeves, Ernest Jesse, [redacted]
Parfitt, Laurence Charles, [redacted]
Townes, Thomas Overton, [redacted]
Steiner, Philip, [redacted]
Betzer, Forrest Frank, [redacted]
Sherman, Fred Miles, [redacted]
Bunn, Russell Ayres, [redacted]
Schaumburg, Fred William, Jr., [redacted]
Moran, Joseph Robert, [redacted]
Kirk, Thomas Henry, Jr., [redacted]
Rankin, James Cyrus, [redacted]
Rose, Alvin Jay, [redacted]
Sehnert, Marvin Edward, [redacted]
Ong, Augie Thomas, [redacted]
Lynch, Boyd Hanley, [redacted]
Joyner, Joseph Mayo, Jr., [redacted]
×Coupland, Richard Cox, Jr., [redacted]
×Nolan, Lawrence Schaeffer, [redacted]
Moore, Clyde Wilbur, [redacted]
×Phillips, Thomas Jay, [redacted]
Hinchee, Nelson Cline, Jr., [redacted]
Meek, Robert Adamson, [redacted]
Merritt, Clements Bobby, [redacted]
Brown, David Linson, [redacted]
×Benoit, Donald Guy, [redacted]
Gabhart, James Herbert, [redacted]
Hale, Roy Edward, Jr., [redacted]
Black, Harold Hill, [redacted]
Carey, Charles Donald, [redacted]
Gilliam, John Robert, [redacted]
Wall, Dan D., Jr., [redacted]
Cooper, Rene Victor, [redacted]
Roos, Alfred Lowell, Jr., [redacted]
×Fernandez, Joseph, [redacted]
Hughes, Nolan Stephens, [redacted]
Pardo, Peter Robert, [redacted]
Cunningham, Joe Willard, [redacted]
Lockley, James Leroy, [redacted]
Ardoin, James Madison, [redacted]
McConnell, Massey Douglas, [redacted]
Scrivner, John Henry, Jr., [redacted]
×Cochran, Drexel Barney, [redacted]
Bishop, Winston Howard, [redacted]
×Cummins, William Edward, 2d, [redacted]
Phelan, John Wesley, [redacted]
Addison, John Robert, [redacted]
Huber, Vernon Richard, [redacted]
×Hawkins, Joseph Buchanan, [redacted]
Williams, Irvin LeRoy, [redacted]
×Patton, Jack Henry, [redacted]
Larsen, Phillip Nelson, [redacted]
Jackson, Billy Jones, [redacted]
Hughes, Richard James, [redacted]
×Albrecht, Walter Henry, [redacted]
Russell, Jack Edwin, [redacted]
Ragen, Arthur Stephen, [redacted]
Johnson, John Ed, [redacted]
Whipple, Loris Dale, [redacted]
×Wheeler, Alan Dexter, [redacted]
Nelson, Keith Jacob, [redacted]
Waterman, Robert Leo, [redacted]
Smith, Curtis Nolan, [redacted]
Reimann, Donald David, [redacted]
Scott, Jesse Harold, Jr., [redacted]
Ulrich, Lloyd Charles, [redacted]
Coy, Donald Earl, [redacted]
Hollman, Ralph Donald, [redacted]
Benson, Charles Howard, [redacted]
Kaylor, Paul Alfred, Jr., [redacted]
Tormey, William Frederick, Jr., [redacted]
Hayes, Richard Dewey, Jr., [redacted]

Ritter, Robert Edward, [redacted]
DeMoss, Louis William, [redacted]
Jensen, Bruce Allan, [redacted]
Pennington, Bob Marvin, [redacted]
Magruder, Jimmie George, [redacted]
Casebier, Dale Calvin, [redacted]
Russell, Forrest Vernon, [redacted]
Springer, Leonidas Keeth, [redacted]
Tobey, Richard Norman, [redacted]
Kennedy, Lloyd, 20457A.
Beeson, John D., [redacted]
Sorensen, Robert Nicholas, [redacted]
Schmidt, Wayne Joseph, [redacted]
Rogers, Jake, [redacted]
Gunter, Richard Russell, [redacted]
Smith, Robert Thompson, Jr., [redacted]
Cline, Wilmer Frederick, [redacted]
Keyes, Arthur Lynn, [redacted]
Wyatt, Elvin Orville, [redacted]
Mulligan, James Leonard, [redacted]
Carter, Warren Rice, Jr., [redacted]
Godwin, Orgle Dene, [redacted]
Mulhern, Paul Garrett, [redacted]
×Bean, Thomas Robert, [redacted]
Badertscher, Ray Edmond, [redacted]
Mitson, Claude Charles, [redacted]
Christison, Charles Bernard, [redacted]
Beck, Garold Raymond, [redacted]
De Hosse, Harry Victor, [redacted]
Falls, Harry, Jr., [redacted]
Schmitz, Walter Henry, [redacted]
Whincup, Richard Wallace, [redacted]
Wilke, Robert Frederick, [redacted]
Peck, Earl Goodwin, [redacted]
Chilton, James William, [redacted]
White, George Sidney, [redacted]
Smith, Robert Wilson, [redacted]
Green, Lawrence Elston, [redacted]
×Stancil, Harold Lloyd, [redacted]
Clay, Betty Lee, [redacted]
Shaw, Jack Brisley, [redacted]
Wasmund, Lee Roy, [redacted]
×Gordon, Harry Arthur, Jr., [redacted]
×Gehle, Richard Lee, [redacted]
×Nell, Varney Reed, [redacted]
Larson, Walfred John, [redacted]
Bond, Robert William, Jr., [redacted]
Roby, Charles Donald, [redacted]
Madden, Joseph Bernard, [redacted]
Fink, Vera Henrietta, [redacted]
Thompson, Gordon Ward, [redacted]
Rogers, Merrill Allen, [redacted]
Cooper, Arthur Sheldon, [redacted]
Posner, Jack Isador, [redacted]
Sexton, Jack Gale, [redacted]

The following-named officer for promotion in the Regular Air Force, under the provisions of section 107 of the Army-Navy Nurses Act of 1947, as amended by Public Law 514, 81st Congress. The officer has been examined and found physically qualified for promotion.

To be first lieutenant

WOMEN'S MEDICAL SPECIALIST

Northrup, Barbara Louise, [redacted]

NOTE.—Dates of rank of all officers nominated for promotion will be determined by the Secretary of the Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 23 (legislative day of April 6), 1953:

UNITED STATES JUDGE

Lester L. Cecil, of Ohio, to be United States district judge for the southern district of Ohio.

POST OFFICE DEPARTMENT

Norman R. Abrams, of New Jersey, to be an Assistant Postmaster General.

CIVIL AERONAUTICS

Frederick Billings Lee, of Vermont, to be Administrator of Civil Aeronautics.

FEDERAL POWER COMMISSION

Jerome K. Kuykendall, of Washington, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1957.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 23, 1953

The House met at 11 o'clock a. m.

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

Most merciful and gracious God, Thou art always near and giving Thyself unto us, our companion to walk with us when we are lonely, our counselor to guide when we are confused, and our refuge and strength when we encounter trials and tribulations.

Grant that having received so much from Thee we may be more eager to give ourselves unto others, bearing the burdens of the weak, sharing our blessings with the needy, and manifesting the Christlike spirit of compassion, considerateness, kindness, and helpfulness.

Inspire us with a lofty vision of a happier and more abundant life for all mankind. Give us a greater reverence and respect for human personality. May we be humble and mindful that the greatest and the strongest have their weaknesses, their flaws, and failures, and that the weakest and most undistinguishable have their virtues and graces and a capacity for nobility of character and service.

Hear us in the name of the Christ, our Lord and Saviour. Amen.

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

EMERGENCY IMMIGRATION LEGISLATION—LETTER FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following letter from the President of the United States, which was read by the Clerk and referred to the Committee on the Judiciary:

THE WHITE HOUSE,
Washington, April 22, 1953.

The Honorable JOSEPH W. MARTIN, Jr.,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: We are all aware of the tragic developments of the past several years which have left countless thousands of individuals homeless refugees in the heart of Europe. In recent months, the number of refugees has been increased by the steady flow of escapees who have braved death to escape from behind the Iron Curtain. These refugees and escapees searching desperately for freedom look to the free world for haven.

In addition, the problem of population pressures continues to be a source of urgent concern in several friendly countries in Europe.

It is imperative that we join with the other nations in helping to find a solution to these grave questions. These refugees, escapees, and distressed peoples now constitute an economic and political threat of constantly growing magnitude. They look to traditional American humanitarian concern for the

oppressed. International political considerations are also factors which are involved. We should take reasonable steps to help these people to the extent that we share the obligation of the free world.

Therefore, after consideration of all the points of view which have been presented, I recommend, within the framework of the immigration laws, the enactment of emergency immigration legislation for the special admission of 120,000 immigrants per year for the next 2 years.

In order to help resolve this current immigration and refugee problem in the tradition of our American policy, I urge that the Congress give this recommendation its earliest consideration.

Sincerely,

DWIGHT D. EISENHOWER.

RESIGNATION AS MEMBER OF BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

The SPEAKER laid before the House the following communication, which was read:

APRIL 22, 1953.

The Honorable JOSEPH W. MARTIN, Jr.,
Speaker, House of Representatives,
Washington, D. C.

DEAR SPEAKER MARTIN: Please consider this my resignation as a member of the Board of Visitors to the United States Military Academy.

I regret that I find it necessary to resign as a member of this Board, but the pressure of other matters precludes my making the official trip to the Military Academy with the Board of Visitors on April 27.

With kindest personal regards,

Yours sincerely,

L. H. GAVIN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER laid before the House the following communication, which was read:

APRIL 16, 1953.

Hon. JOSEPH W. MARTIN, Jr.,
House of Representatives.

DEAR MR. SPEAKER: Early in the session you named me a member of the Board of Visitors to the United States Military Academy at West Point, N. Y., and I was very happy to accept this commission. However, I now find that inasmuch as the Board will meet at the Academy for 4 days beginning Monday, April 27, next, during a period when I have to conduct hearings of the House Subcommittee on Treasury-Post Office Appropriations, it will be necessary for me to be relieved. I, therefore, tender my resignation. I trust that there will be sufficient time to fill the vacancy.

With much appreciation, I remain

Very sincerely,

GORDON CANFIELD,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT OF MEMBERS OF THE BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of title 10, sections 1055 and 1056, United States Code, the Chair appoints as members of the Board of Visitors to the United States Military Academy to fill existing vacancies thereon the gentleman from Iowa, Mr. CUNNINGHAM, and the gentleman from New York, Mr. COUDERT.

LEGISLATIVE COMMITTEES

Mrs. ROGERS of Massachusetts. 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 gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, it becomes more and more apparent that the Committee on Appropriations controls the House in every way. More and more that committee is legislating in appropriation bills.

The other committees of the House are having a very difficult time in preparing and reporting legislation from the committees. With 75 investigators of the Appropriations Committee going through all of the departments and with the great power that the Appropriations Committee has, I wonder whether or not the other standing committees of the House will have any power left in the future.

Mr. Speaker, this is a very serious matter because the legislative committees are tremendously interested in the various problems they have under consideration. They have also a wide knowledge of the needs of the departments. It is felt that the legislative committees are more familiar with the various departmental problems. For years some of us have helped develop and have seen departments grow into outstanding institutions for service and we are anxious to have more helpful and satisfactory legislation passed and kept intact. I have been told by one department that five different investigators from other departments in Washington and from the Congress and the Budget have been investigating this particular department. I do not know what kind of legislation we are going to secure with all of these different points of view.

THE SLOVAK LEAGUE OF AMERCIA

Mr. BONIN. 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. BONIN. Mr. Speaker, on April 27 and 28, the Slovak League of America will hold its 30th annual congress in the Hotel Schroeder, Milwaukee, Wis. This outstanding organization is a cultural and civic federation of loyal Americans of Slovak descent. Founded in Cleveland, Ohio, in 1907, it has contributed to the fundamental principles of our American way of life and opportunity.

In addition to these worthy objects, the Slovak League of America is dedicated to the task of charity and assistance to the needy. It has aided, and continues to aid, the material and spiritual needs of Slovaks throughout the United States and Canada.

The Slovak League of America engenders a deep appreciation in the hearts and minds of the Slovak people for our constitutional form of government. It promotes the historical, cultural, and religious values of all its members.

I wish to extend my congratulations to the officers and members of the Slovak League of America for their constant fight against tyranny and oppression. It has waged a vigorous campaign, through the years, against communism. The league is aware of the fact that, in Slovakia, there is a burning hatred for Communist tyranny. It is helping to arm that hatred and giving it purposeful direction.

Since the death of Stalin and Gottwald, suspicion and fear are cracking the Communist system.

We, the Members of the United States Congress, can assist the league by assuring the people of Slovakia that their fight for freedom, liberty, and justice is not in vain, and that we shall help them materially, physically, and spiritually to regain their independence and sovereignty, to which they are rightfully entitled.

LEAVE OF ABSENCE

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that leave of absence may be granted to a group of Members of the House who leave this morning for the atomic test in Nevada:

Mr. BATTLE, Alabama; Mr. BECKER, New York; Mr. BLATNIK, Minnesota; Mr. GRANT, Alabama; Mr. GROSS, Iowa; Mr. JOHNSON, California; Mr. KILBURN, New York; Mr. MACHROWICZ, Michigan; Mr. MILLER, Kansas; Mr. SCUDDER, California; Mr. SPRINGER, Illinois; Mr. WILLIAMS, Mississippi; Mr. WITHROW, Wisconsin; Mr. YORTY, California.

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

There was no objection.

MONDAY MORNING QUARTERBACKS

Mr. McCARTHY. 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 Minnesota?

There was no objection.

Mr. McCARTHY. Mr. Speaker, the editorial which I am inserting in the Appendix of the RECORD is from the Evening Star of yesterday. It refers to Attorney General Brownell's speech before the Society of Newspaper Editors and states positively that his speech contained statements "that simply are not true."

This is a serious charge, especially since the speech concerned the loyalty program of the Federal Government. It adds disappointment to previous disappointments regarding the appointees of the new administration. It begins to look as though the "new team," of which we were led to expect so much, is composed almost entirely of Monday morning quarterbacks. The new Secretary of Defense has now learned what a tracer bullet is. The new Secretary of Interior

has discovered that the Alaskan Railway is owned by the Federal Government, is a responsibility of his Department. Of the Secretary of Commerce—the less said the better. The Secretary of Agriculture, who was hailed as a kind of modern Daniel, begins to sound more and more like an unimaginative Jeremiah. And now the Attorney General is charged by a reliable and conservative paper with making, in a major speech, statements which "simply are not true."

COMMITTEE ON RULES

Mr. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow to file reports and resolutions.

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

There was no objection.

HOUSING AND RENT BILL OF 1953

Mr. ALLEN of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 214 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to 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. 4507) to amend and extend the Housing and Rent Act of 1947, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. Speaker, this is an open rule providing for the consideration of the bill amending and extending the Housing and Rent Act of 1947, and providing for the consideration of amendments under the 5-minute rule.

I do not know of any objection to the rule itself. However, I now yield 3 minutes to the gentleman from Michigan [Mr. WOLCOTT] to explain some changes that are to be made.

Mr. WOLCOTT. Mr. Speaker, since the bill H. R. 4507 was reported out of the Committee on Banking and Currency, that committee has met and instructed me to present a substitute for that bill. The substitute has been printed and will be available in 2 or 3 minutes to all the Members. It was necessary to offer a substitute if the date was to be changed, because as many of the provisions of the bill were built around the date.

The substitute which will be offered differs in one major particular from the bill as originally reported out. It provides for a continuance of rent control in all areas until July 31, 1953, at which time rent control in the noncritical and the critical areas which do not, after review, comply with the new criteria will expire.

The Office of Rent Stabilization will be discontinued as of July 31, 1953, so that if the substitute is adopted, for all purposes except in the very critical areas rent control expires.

I will not attempt to go into the merits of the bill at the present time. I merely want to make the announcement that there will be a substitute and that the substitute will be available. In substance, the substitute does just what I have said. To shorten it up and put it in a different way, rent control in the critical areas is continued for 30 days beyond the time that is provided for in the original bill. Rent control in the noncritical areas is continued for 90 days beyond the date set in the original bill. In the critical areas which are found to comply with the provisions of the new criteria, they will be continued until April 30, 1954.

Mr. WIER. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Minnesota.

Mr. WIER. As to this provision dealing with the critical areas, what is the process by which the President declares a locality critical and still covered by rent control?

Mr. WOLCOTT. We establish new criteria in the substitute bill which follows the language of the original bill. There is no change in that.

Mr. WIER. Does the local community or the State have to make application to the President?

Mr. WOLCOTT. No. The local community which has jurisdiction over a critical area, however, can remove controls notwithstanding the fact that it has been certified as a critical area, as they can do now, but no action needs to be taken by any local governing body in respect to this because there is no option in the bill for the continuance of rent control beyond July 31, 1953.

Mr. WIER. How does it come to the attention of the President that some particular area may be a critical area other than somebody writing in to that effect?

Mr. WOLCOTT. Under the provision of the law, he must review all the areas, which up to the present time have been certified to be critical areas, and he has to review that in the light of the new definition of a critical area, and if they qualify under that, then he in his discretion may continue them beyond July 31, 1953, under the control of any agency other than the Office of Price Stabilization which he might designate.

Mrs. ROGERS of Massachusetts. Can the gentleman not tell us what would constitute a critical area?

Mr. WOLCOTT. Yes, we cover that.

Mrs. ROGERS of Massachusetts. That is in the bill?

Mr. WOLCOTT. The bill is very specific in establishing a criteria which determines whether an area may be declared a critical area or not.

Mrs. ROGERS of Massachusetts. We will get that later?

Mr. WOLCOTT. Yes.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. HALLECK. As I understand it, the gentleman proposes to offer an amendment in the nature of a complete substitute for the bill as originally reported, which will be offered as a committee substitute?

Mr. WOLCOTT. The gentleman is correct.

Mr. HALLECK. And the principal change in the bill is that it does extend general rent control for a period of 90 days?

Mr. WOLCOTT. To July 31, 1953, yes.

Mr. HALLECK. I might suggest to the gentleman, as he already knows, and to the membership generally, that many of us have been voting against rent control for quite some time and have had serious doubts as to the desirability or necessity of any further rent control whatsoever. However, is it not the gentleman's understanding that the President had indicated that he wanted to give the States a last final opportunity—if they wanted and not suggesting that they do so, but if they wanted to—to apply rent control within their States? Is that the gentleman's understanding?

Mr. WOLCOTT. The gentleman is correct.

Mr. HALLECK. Will the gentleman agree with me that this 90-day extension certainly gives them that opportunity, if they want to avail themselves of it?

Mr. WOLCOTT. The President has informed the Speaker of the House that his only concern was that the States have a fair opportunity in which to set up their own rent-control machinery, if they wanted to. And he has made the statement that the July 31 date, in his opinion, meets all of the requirements that he thinks should be built up around the act, as the date by which all of the States under the circumstances may have a fair opportunity to set up their own rent-control machinery, if they desire to do so.

Mr. HALLECK. I might say to the gentleman, as far as my responsibility is concerned, I think that is certainly ample time, and as much as anyone could expect, and as far as I am concerned, if there is an endeavor to extend that time, I certainly will be in opposition to it.

Mr. AUCHINCLOSS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. AUCHINCLOSS. Does the District of Columbia qualify as a critical area?

Mr. WOLCOTT. The District of Columbia rent control is set up under separate legislation coming from the Committee on the District of Columbia. It is my opinion that under the criteria which we set up in the new act, the District of Columbia would not qualify as a critical area. I think we can just answer that it will not be able to qualify under the new language. I think it is rather settled that it will not.

Mr. HOLMES. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. HOLMES. I wish to make inquiry of the gentleman about an area which is now in critical defense, and classified as such and will probably continue to be. Have there been changes made in the bill changing that status in relation to those areas?

Mr. WOLCOTT. The gentleman is presuming that it is going to continue to be a critical area under the criteria established in the act.

Mr. HOLMES. I am thinking primarily of the atomic-energy city—Richland, Wash., and the cities of Pasco and Kennewick, Wash.

Mr. WOLCOTT. I think I can give the gentleman reasonable assurance that the new criteria is intended to include all atomic-energy installation areas.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Texas.

Mr. DIES. Do we understand that this bill extends rent control in the critical areas; and for how long?

Mr. WOLCOTT. In the presently established critical areas, it extends it only until July 31. Before July 31 the President must review all present critical areas in the light of the new criteria. If an area qualifies under the new criteria, then that area may be extended under rent control until April 30, 1954.

Mr. DIES. In the noncritical areas the extension is only for 90 days?

Mr. WOLCOTT. The extension of rent control expires in the noncritical areas on July 31, 1953, and in all of the critical areas which cannot come within the terms of the new criteria.

Mr. DIES. Was there any evidence before the committee that if this 90-day extension is granted, any of the States will take advantage of it or want to take advantage of it?

Mr. WOLCOTT. May I discuss that later? I have a rather extended statement to make on that later.

Mr. HALLECK. Mr. Speaker, will the gentleman yield further?

Mr. WOLCOTT. I yield to the gentleman from Indiana.

Mr. HALLECK. As the gentleman has already pointed out, we are operating against an April 30 deadline in respect to this whole matter. In view of that fact, I hope we can act expeditiously today and bring this measure to final passage.

Mr. WOLCOTT. I might say to the gentleman that we hope we have disposed of most of the controversial features of the bill, by consultation with the White House, with the Senate, and with the House leadership, and with the Banking and Currency Committee.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

Mr. HALLECK. Reserving the right to object, Mr. Speaker, I am not going to object now but I will object to any further requests of this nature.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I think all of us who have been reading about the exchange of prisoners at Freedom City in Korea are shocked to hear about the reported atrocities. In the press and over radio and television we have seen and heard of the return to freedom of these gallant men. We have seen and heard the joy and happiness of their families upon learning the wonderful news that their son was coming home. As these men emerge from the darkness of Communist prison camps, mothers and fathers of reported missing men are anxiously waiting, praying that their son will surely be released and come home to them. They wait with anxious minds and throbbing hearts. Every moment now they expect to hear the name of their boy, to learn, after all this frightful anxiety, their son is alive and is coming back to them. Could anything stir the souls of mortal humanity more? But as we think of those at home what about the men themselves who are coming back—back from barbarism, cruelty, an existence of pain, torture, and hunger. And what about the men, surely the hundreds and hundreds, yes, thousands of men, these Communist barbarians keep behind and refuse to give up. They want to come home too. Must they remain in the chains of heathen barbarism as a reward for gallantry? Oh, strong is the heart consumed with faith. Where is this power of honor, justice, right? Where is this power of freedom?

It is my plea, Mr. Speaker, my request, that the strength of freedom, which is the strength of America, be made known, that these men will know their own great country has not forsaken them. My plea is to the administration to act through the proper Departments and channels to insist upon the return of all of our men held in captivity. As long as one man is held back there cannot be any basis or grounds for a peace. What is more valuable than life—than life that has sacrificed that fellowmen might live in comfort and contentment? My plea is the plea of every man still hidden away in Communist prisons and the plea of every father and mother of that man. I pray and hope the administration will act and that this Government of this great country will favorably respond to this plea. Why—why—why—why cannot all of these gallant men come home?

The SPEAKER. The time of the gentlewoman from Massachusetts has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WOLCOTT. 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. 4507) to amend and extend the Housing and Rent Act of 1947, and for other purposes.

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. 4507, with Mr. DONDERO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule 2 hours are allotted for general debate. One hour will be controlled by the gentleman from Michigan [Mr. WOLCOTT], and one by the gentleman from Kentucky [Mr. SPENCE].

Mr. WOLCOTT. Mr. Chairman, I yield myself 25 minutes.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. WOLCOTT. Mr. Chairman, I think we are all in agreement that there is no further economic necessity for the continuance of Federal rent control. If it served any purpose in years gone by it was as an aid to the prevention of inflationary pressures until such time as the building of homes, rental and otherwise, reasonably caught up with the demand. Since 1946 we have been building homes at an average of over a million units a year. As shown by the tables contained in the committee report, construction of dwelling units has been much greater than the increase in population. There is more floor space per capita today than at any time in the history of the United States.

Eighty-five percent of the noncritical controlled units are contained in 10 States. Sixty-six percent of such controlled units are contained in only five States. Significantly enough, a study of the tables develops this very interesting fact: That in the States which have had the least impact due to population increases, controls have been continuous; and, generally speaking, in the States which have had the greatest impact due to population increases they have been decontrolled. Of these 10 States which have within their areas 85 percent of the controlled units, the legislatures in 6 have been in session since January and there is no limit upon the length of time which they may stay in session.

I think we should bear this in mind when considering the President's position that the State legislatures should have a fair opportunity to set up rent control or the manner in which rent control shall be continued within the States.

Two of these 10 States have standby rent controls already. One of the 10 States has taken no action because under the charters of the cities issued under the constitution of the State the cities have authority to set up rent control.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make a point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. HOFFMAN of Michigan. Mr. Chairman, by request, I withdraw the point of order.

Mr. WOLCOTT. Mr. Chairman, the other State within the last 2 or 3 weeks has passed legislation decontrolling the State. The Governor of the State counseled that the signing of the bill be held up until it is determined what the Congress will do. So, apparently, that State is all set to decontrol. Generally speaking, that is the situation in these 10 States.

It indicates that, let me repeat, there is no economic justification for continuance of Federal rent controls. The action taken by the committee, both in the original bill and in the substitute bill, was in keeping with the conclusion which the committee came to after exhaustive hearings and after much study of the question, that continuance of these controls beyond the date when each of the legislatures might have fair opportunity to function would not be justified.

This bill in substance provides that rent control in all of the noncritical areas shall expire on July 31, 1953, at which time the Office of Rent Stabilization will go out of existence. In doing that we save about $11 million of administrative expense which it has cost us annually to operate the agency. On July 31, 1953, likewise, all of the critical areas which cannot comply with the provisions of the new criteria which we set up for the designation of an area as a critical area will be decontrolled.

Now, the principal difference between the present criteria for the designation of a critical area and the new definition is this: At the present time the area must have an increase in defense production; there must be an in-migration of workers; there must be such an in-migration of workers as to bring about a housing shortage, with the expectancy that rents will be increased.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from West Virginia.

Mr. BAILEY. Would an installation like the atomic energy plant at Hanford and Oak Ridge, where they are not expanding beyond their present capacity, be decontrolled in those areas?

Mr. WOLCOTT. May I go ahead with this explanation? I have just explained what the existing criteria is. The new criteria provides that all of the following things shall be found to exist before an area can qualify as a critical area, found on page 5 of the committee print of the substitute:

1. A new plant or installation of the Department of Defense or the Atomic Energy Commission has been or is being provided, or an existing plant or installation of either of such agencies has been or is being reactivated or its operation substantially expanded;

2. Substantial immigration of defense workers or military personnel is required to carry out activities at such plant or installation; and

3. A substantial shortage of housing required for such defense workers or military personnel exists which has resulted or threatens to result in excessive rent increases and which impedes or threatens to impede activities of such plant or installation.

It is expected that under this criteria none of the large cities which are now under control could qualify as critical areas. That is why I said, when speaking under the rule, that the District of Columbia would not qualify as a critical area and could not continue under rent control under provision of this legislation. If, however, the Congress decides that rent control should be continued in the District of Columbia, inasmuch as we function here as a legislative body, as a legislature to pass laws for the District, we will have to consider the question as to whether we want to continue rent control in the District of Columbia. But, that legislation will come out of the District of Columbia Committee if any is considered on the floor of the House.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Missouri.

Mr. COLE of Missouri. I wonder if the gentleman would tell us the location of these five critical defense areas that the committee has found needs continuation of rent control.

Mr. WOLCOTT. The five?

Mr. COLE of Missouri. The five that the gentleman just mentioned.

Mr. WOLCOTT. I did not say five. I was talking about the five States which have 66 percent of the controlled units.

Mr. COLE of Missouri. What is the law in those States? Have those State legislatures adopted any law to provide rent control?

Mr. WOLCOTT. I can review it, and then I shall answer the gentleman's question on that.

In Pennsylvania there is a bill pending before the legislature which convened on January 6. No limitation on the time when it expires; no action taken.

Illinois: I do not know as I get this situation correctly, but I believe just yesterday the Legislature of Illinois passed an act; is that correct?

Mr. MASON. I understand that they were in the motion of passing it recently.

Mr. WOLCOTT. Word came to us this morning that the legislature had already passed it, but it has not been confirmed officially.

In Massachusetts there is a bill pending which is in the process of being considered, and the Governor of Massachusetts sent word to us as of yesterday that the Legislature of Massachusetts can act in a very few days. The legislation is all set up and action can be taken in Massachusetts in a very few days.

New Jersey, I understand, has a standby control at the present time.

Ohio has no bill pending before it, but Ohio apparently is in the same position as California, because the Ohio law was quoted in the opinion on the California case, and apparently under the Ohio law the cities can set up by ordinance their own legislation. However, Columbus has within the last few days decontrolled. Cincinnati has either voted or is about to vote, and they apparently have the votes in their common council to decontrol, so Cincinnati will be decontrolled very shortly. This leaves among the big cities in Ohio only Cleveland for which action will have to be taken, as I understand.

Missouri has a bill pending before it. They have been in session since January 7. No action has been taken.

Maryland thought they had a law, but there is some question as to whether it became a law because of an amendment which was adopted in either one or the other of the Houses and which never went to conference. Anyway, they can call the Maryland Legislature back into special session, and action has already been taken whereby they can get a law on the statute books very quickly.

California I have reviewed.

Connecticut has a standby law at the present time.

Minnesota is the State which I referred to where both Houses had passed a bill, which never became law, decontrolling the entire State. Presumably the Governor can call the bill up from the legislature again at almost any time, and all that needs to be done is for him to sign it and it becomes law.

That is the situation, generally speaking, in the States which have 85 percent of the controlled units.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. COLE of Missouri. From what the gentleman says, there is only one State that really needs an extension of this law, and that is Ohio, and in Ohio practically all the municipalities where there are congested areas voted to decontrol.

Mr. WOLCOTT. I think probably the only justification for the continuance to July 31 beyond the April 30 date is to give the cities an opportunity to pass on the question of setting up controls. The States surely have had all the time which is necessary. However, we have to take into consideration that although we have given the States and the cities, I think, 12 different deadlines on rent control in the past, we have never quite made up our mind definitely whether or not we are going to get rid of Federal rent control. I think we should place ourselves in a position now to tell the States and to tell the cities that they are not going to get an extension of rent control beyond July 31; and if this House will stick with the committee, they will not get rent control continued beyond July 31.

Mr. SEELY-BROWN. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. SEELY-BROWN. Could the gentleman advise us as to what areas presently designated as critical will have their classification changed, if the new criteria is adopted?

Mr. WOLCOTT. No, I cannot tell you and no one else can determine that until the President has made his resurvey to determine what areas come within this classification. But, I think in all sincerity, we should conclude that there will be only somewhere between 25 and 40 areas, which are now classified, which can qualify under the new criteria. So we can reconcile ourselves to this fact, that there will be relatively few areas, probably under 40 after July 31, 1953, which can qualify for rent control under the new criteria.

Now, if I may take up the question which the gentleman asked.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. WIDNALL. Just to clarify the record a little bit further—in New Jersey we have had a standby rent control law, but to be effective it must be extended and amended. The New Jersey Legislature is meeting on May 16 and will take up the legislation at that time.

Mr. WOLCOTT. I thank the gentleman.

There is some question under this criteria whether there has been such in-migration in Oak Ridge which would justify the continuance of rent control under the criteria. But all of the housing in Oak Ridge is owned by the Federal Government and is under control, and will continue to be under control as Government-owned property. An amendment will be offered which has been worked out to exempt Oak Ridge from the provisions of this criteria because we think—in fact, we have thought all along—that all of the atomic-energy installations could qualify under this new criteria. If it is found that Oak Ridge cannot qualify inasmuch as it is all Government-owned property, then I think an amendment will be offered which should be reasonably satisfactory which would keep Oak Ridge under control so long as the houses are owned by the Federal Government. But when the Federal Government sells any houses to private owners then those houses—because otherwise the area could not qualify—will be decontrolled.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. HOLMES. Would not those same conditions in this amendment include Richland, Wash., the atomic-energy city in the State of Washington?

Mr. WOLCOTT. I could not say offhand. Is that an atomic-energy installation?

Mr. HOLMES. It is.

Mr. WOLCOTT. I can give the gentleman, and I can give the committee, reasonable assurance that, under the amendment which will be offered, that under the criteria which we have here—and in fact, there can be better than a reasonable assurance—all of the atomic-energy area installations will be able to qualify.

Mr. HOLMES. I thank the gentleman.

Mr. WOLCOTT. It will be for the President to decide as to whether they should continue under control, and if the President finds that these atomic-energy areas have no housing shortage and do not otherwise meet the requirements here, then he does not have to continue it, but it is presumed that in all of the atomic-energy areas under the amendment which will be offered, they will be surveyed to determine if they qualify.

Mr. HOLMES. The city of Richland, in the State of Washington, is an atomic-energy city that is Government owned and operated, the same as the situation prevailing in Oak Ridge.

Mr. WOLCOTT. The amendment is not limited to Oak Ridge but that is the one that was called to our attention. If Richland is in the same situation as Oak Ridge, it will come within that amendment.

Mr. BYRNE of Pennsylvania. If this bill before the Pennsylvania Legislature fails, would Philadelphia qualify under this bill?

Mr. WOLCOTT. Philadelphia would not qualify under these criteria.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Alabama.

Mr. RAINS. Will the gentleman please tell the Committee why it is necessary to have rent control on establishments that are owned by the Federal Government? Why cannot the Federal Government control the rents without rent control?

Mr. WOLCOTT. I think they can.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Tennessee.

Mr. BAKER. Responding, if I may, to the gentleman from Alabama, the Atomic Energy Commission is the landlord for Oak Ridge. We refer to the Federal Government, but the party seeking the rent increase and passing on it is the Atomic Energy Commission. There is a great distinction. The landlord asks for a rent increase and he is passing on it himself. I agree with what the gentleman said as to when the property is sold into private hands it should no longer exist.

Mr. WOLCOTT. I perhaps should have spoken to the gentleman before I made that statement, but I hoped that would be reasonably acceptable to the gentleman.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WOLCOTT. Mr. Chairman, I yield myself 5 additional minutes.

Mr. JONAS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. JONAS of Illinois. Do I understand the gentleman to take the position that he is in favor of extending rent control for 90 days from the date of its expiration, April 30; and if so, is he in favor of extending rent control under existing law, or does he contemplate that the amendment he proposes will make radical changes in the existing law?

Mr. WOLCOTT. No. Rent control will be extended under existing law for a 90-day period.

Mr. JONAS of Illinois. And no changes?

Mr. WOLCOTT. No. However, at the end of that 90 days there can be no extension of rent control within any critical area, unless it meets the requirements in these criteria. In the bill which was originally reported out of committee, we discontinued rent control on April 30, 1953, in the noncritical areas, but continued rent control in the critical areas until June 30, at which time the President must review them to determine whether they meet the requirements under the criteria. The committee substitute in substance, would continue rent control in the critical areas 30 days beyond what the bill originally provided for, but in all of the other noncritical areas it extends controls 90 days beyond what the original bill provided for; but I might say that although I cannot speak for those in any other body of this Congress, I think I am permitted to assure the House that the other body will accept the principle of the House bill. I think I can speak for the leadership in the House of Representatives, with whom we have had many conferences, and with the White House, that unless the membership of this House overrules the leadership, there will be no continuance of rent control in any of these areas beyond July 31, 1953, except in those areas which meet the requirements under the new criteria. I do not assume that this House will overrule the House leadership in that respect.

Mr. JONAS of Illinois. Will the gentleman permit an interruption? I am inclined to think these same arguments were used in the last session when we passed rent control at that time, and it was advocated then that there be a condition in it, in order to smooth over the objections to it, that it would be up to the municipalities or the legislative bodies prior to September 30 to determine whether they wanted to adopt the act. They very gladly took the bait, because in my home State the legislature has been dodging the issue ever since it came along. The city council passed it on to the Federal administration. I voted for the law because I felt it was necessary at that time, but I think it has outlived its usefulness at the present time.

All that the gentleman is doing—I do not say the gentleman is doing this, but for 90 days you are just giving further inducement to the State Legislature of Illinois to procrastinate because they must adjourn on June 30. I think we should have some assurance that it would not be the same story all over again, somebody fix a definite period of expiration and then somehow or other somebody pumps life into a dead corpse.

Mr. WOLCOTT. I think I can give the gentleman better than reasonable assurance that we are not going to pump any new life into this cadaver, and it is going to stay dead when it dies on July 31.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. Let me make this statement, if the gentleman please, that most legislation is the result of compromise; and I have found that the best way to get results, definite final results, is occasionally to compromise. I think we have worked out a satisfactory compromise here and we have assurance by those with whom we consulted, that they are not going to ask for any continuance beyond the date set in the bill.

I now yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I have two questions. Rent control in the District of Columbia expires on April 30 unless some action is taken. Is that in this bill?

Mr. WOLCOTT. No.

Mr. MILLER of Nebraska. The second question is this: Rent control will not be effective after July 31 unless they meet certain criteria. Who sets up the criteria and what are they, in order to continue rent control?

Mr. WOLCOTT. We set up the criteria in the bill, but the President must decide and must proclaim previous to July 31, 1953, whether these areas can comply, or do comply with these new

criteria and whether controls shall continue within such areas.

Mr. MILLER of Nebraska. What is necessary to continue rent control?

Mr. WOLCOTT. In the first place we changed the criteria. It starts out by saying there must be a new plant or installation. That in itself would eliminate the city of Washington, and would eliminate all of the big cities, and unless a plant were reactivated or there was a substantial in-migration of defense workers or military workers in connection with such a plant or installation it could not be continued.

Mr. COLE of Missouri. If both the bill and the committee print are voted down all rent controls will expire as of April 30.

Mr. WOLCOTT. That is correct.

Mr. COLE of Missouri. That is what I would like to see happen.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. MASON. A very wise sage told me recently that it is very easy to compromise yourself into purgatory. I do not want to do that.

Mr. WOLCOTT. I hope the gentleman will not ever get to purgatory; I hope he avoids it, but I think probably the gentleman will not have to go to purgatory because of any action which he takes on this bill, either for or against it.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. McDONOUGH. I think we can say that the compromise that is offered at this time is certainly no capitulation as far as the committee is concerned, because the proposal on the part of the Defense Mobilization Director was to October 1; the bill came out of the committee for April 30, and the substitute calls for July 31; so there is no capitulation so far as the committee is concerned. The compromise will accomplish what most of the Members I think want to accomplish, to terminate rent control as quickly as possible.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The gentleman has used 32 minutes.

Mr. SPENCE. Mr. Chairman, I yield myself 10 minutes.

Mr. BOLLING. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Chairman, I think it should be pointed out that a great deal of conversation has been had about the question of compromise in this matter. It seems very, very clear, though, it has been a compromise only among Republicans.

Mr. SPENCE. Oh, yes; that is true.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Michigan.

Mr. WOLCOTT. I may say to the gentleman from Missouri, he is a member of the Committee on Banking and Currency and I did not notice any "no" votes this morning when this was adopted as a compromise on the part of the committee.

Mr. SPENCE. In response to the gentleman, I may say that I did not agree to his amendment, and I am going to submit an amendment to his amendment. Of course, the compromise was not on both sides.

The bill as originally introduced made the cutoff date the 30th of April; then the argument was made it would be sent back to the States and the cities to work out their own will. Well, that was ridiculous, it was a futility. There was no time provided to accomplish it, and I suppose after the other side got together they saw it was a rather ridiculous stand to take. They thought it was necessary to give further time, and I think they did it also in conformity to the wishes of the President of the United States. Whatever you may say about what he wanted before he was subject to the influence of the conference, it was evident he wanted the cutoff date to be the 30th of September. It was generally in the papers that he wanted the cutoff date the 30th of September. Dr. Flemming, his accredited representative, the Administrator of Defense Mobilization, a man who holds a high place in the councils of the Republican Party and is the personal representative of the President, asked the committee to make the cutoff date the 30th of September to give the States 5 months in which to work out their will. I shall introduce an amendment to the substitute providing that the cutoff date be that which was originally stated; that which Dr. Flemming said they wanted; that which he said was acceptable to the President and what he asked for.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Ohio.

Mr. HAYS of Ohio. I am inclined to go along with the gentleman in supporting the President, but does not the gentleman agree that we have Republicans going part way in supporting the President?

Mr. SPENCE. I agree with that, they are going part way. They have shifted their position. They are going part way now when they see their error. Of course, I am always glad to see reformation wherever it takes place.

There is a good deal of heat in this matter. Why did we pass rent control? Rent control could only have been enacted because of an emergency. The Constitution expressly prohibits the Congress from passing a law impairing the obligation of contract. It is only in case of emergency that this provision may be suspended. But there was an emergency, a great emergency, an emergency that still exists while we are still at war.

Of course, powerful influences have been exerted right along to do away with rent control everywhere. Great lobbies have been here fighting it. But still that emergency exists, an emergency we cannot control, an emergency that places our destiny to a large extent in the hands of evil men.

I believe the States are the proper agencies to handle this question. It is essentially a local question. They know what their people need, but we ought to give them time to act.

The proponents of the bill have presented a lot of statistics here about the increase in housing, but the maldistribution of housing and our shifting population increases the housing shortage.

The shifting population of America is still continuing because of the great defense industries that are springing up everywhere. I went home a few months ago and they were cleaning off a site for a factory. When I returned in about 30 days they had erected a plant which was employing about 450 people. That is going on all over the United States and, because of it, much of the conditions still remain which impelled us to pass the Rent Control Act. The people of America must be housed. Talk about evil influences and subversive activities. The best way to fight them is to give the people of America an opportunity to obtain decent homes. You cannot maintain your defense effort; you cannot maintain the stability of your Government unless you do all you can within the framework of law to give men an opportunity to obtain proper housing.

Why is it that almost all the Representatives from the big cities urge the continuation of rent control? It is because they know the conditions that exist there; they know that the people want it and need it. Why, yesterday I got a letter from a man in Chicago, who is a real-estate agent, and he asked for the continuation of rent control. It excited laughter in my office. I told them, "Most of the agents not only offer property for sale but they collect rents; and they do not want to lose the friendship of the tenants."

I do not believe in regimentation. I do not believe the Congress of the United States should have any control over the daily lives of the people, but if the renters of property in certain areas need protection such as this during this emergency we ought to at least give the local authorities a chance to work out their own salvation and to give the people, if they think they need it, the protection they should have.

This bill that was introduced by my friend, the distinguished chairman of the Committee on Banking and Currency, will not control any rents anywhere except in Government installations and Government-owned property; installations of the Army, the Navy, and the Air Force, and the congested areas of the big cities will not get any protection.

Now they talk about the rent control in the District of Columbia. Do not lay the flattering unction to your soul that there is going to be any rent control in the District of Columbia, if there is no rent control anywhere else. It would put the Congress in a rather embarrassing position to try to protect its Members and not furnish the same protection to citizens who need it elsewhere. I do not believe that will be done. If rent control goes out the window, rent control in the District of Columbia is going with it.

There is a question about what power the cities will have to act. A city is a creature of the State. The city exercises only powers given it by its charter, which is granted by the State. I do not know what powers the cities have to control rents. I know if there is any such power it originally was in the States, because the Constitution provided that powers not delegated to the United States by the

Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

I know many delays will occur. It is needless for one to tell you the processes of legislation are slow, and we should give the legislatures of the States ample time to act.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. Does the gentleman think that his State and my State, with a Democratic governor and a Democratic legislature, would ever call the legislature in session in 20 years if they were given that time to pass it?

Mr. SPENCE. I cannot answer what the State will do but if we give the State of Kentucky the opportunity it will be its responsibility and not ours.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Is it not true that the majority of the Democratic members of the Committee on Banking and Currency wanted to extend rent control for a period of 2 years, 4 times the length alleged to be requested by the President of the United States?

Mr. SPENCE. I cannot speak for all of them. I think when they extended rent control it was essential to extend it. I think rent control was absolutely necessary at the time it was adopted. I believe conditions are very much the same now as they were then. I do not want to continue rent control any longer than is essential. But I have no apology for my vote. I voted for those extensions. I was chairman when most of them were passed, and I have no apology to make for them.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield.

Mr. COLE of Missouri. If the House should pass this bill, then will the gentlman who now has the floor let rent control die at the expiration date provided in this bill, or will he again come before the Congress and request and insist on another extension of rent control?

Mr. SPENCE. Considering that the Republicans are in power now, the gentleman from Missouri is being very complimentary to me. I have very little to say as to whether rent control is continued or discontinued.

Mr. COLE of Missouri. The gentleman has a vote in his committee.

Mr. SPENCE. If I could control it, things would go on very differently from what they have in the last few months.

Mr. COLE of Missouri. In other words, the gentleman would continue to want rent control as long as the people will tolerate it, is that correct?

Mr. SPENCE. No, that is not correct. The Federal Government cannot make a mistake by authorizing the local governments to decide the questions with which they are familiar affecting the good order and happiness of the people.

Mr. TALLE. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. HIESTAND].

Mr. HIESTAND. Mr. Chairman, "Federal rent controls must end as quickly as possible" is the wish and instruction of President Eisenhower. Make no mistake about this. The testimony of the Defense Mobilizer before the Committee on Banking and Currency made this emphatic.

In fact—

He reiterated—

the President wishes us to get the Federal Government out of the rent-control business.

His only modification was the wish that the States "be given full opportunity to take them over, if they wished."

He obviously believes that rent controls are a matter for local administration, and he has shown that he does not believe in forcing the edicts of a big Federal bureau on local and purely domestic matters. He simply left it up to the committee and the Congress to determine how soon whatever transfer the communities wanted, could be effected.

Your committee heard voluminous testimony, made comprehensive studies, accumulated official and factual statistics, and came up with the conclusion that the States had had no less than 11 warnings that controls were about to expire, culminating with the President's address on the state of the Union, February 2.

Authority for the imposition of Federal rent controls was provided in the Emergency Price Control Act of 1942 which was enacted on June 30, 1942. This act provided for termination of the authority on June 30, 1943. The authority was successively extended for 1 year periods by four acts amending the termination provisions of the OPA act, the final termination date so provided being June 30, 1947.

Enactment of the Housing and Rent Act of 1947 on June 30, 1947, provided a further extension of rent control authority to February 29, 1948. Since then there have been 9 extensions of termination dates for exercise of Federal rent controls. However, 2 of these bills dealt with modification of local action extending dates rather than with final termination of the act. Therefore, only 7 of the 9 extending laws affected the final termination authority. Also since the original Housing and Rent Act extended rent control authority there have been a total of 8 legislative actions extending the final termination date for exercise of rent control authority. In other words, since original authorization of rent control authority by the OPA act of 1942 there have been 12 extensions of rent control authority. Hence, on 12 different occasions local communities have been on notice of a termination date on the exercise of Federal authority for the control of rents. This summary lists these legislative actions:

EMERGENCY PRICE CONTROL ACT OF 1942 ENACTED JANUARY 30, 1942

1. Provide termination date of June 30, 1943.

2. October 2, 1942, amended to terminate June 30, 1944 (sec. 7 (a) of Stabilization Act of 1942, 56 Stat. 767).

3. June 30, 1944, amended to terminate June 30, 1945 (sec. 101 of Stabilization Extension Act of 1944, 58 Stat. 632).

4. June 30, 1945, amended to terminate June 30, 1946 (sec. 1 of Public Law 108, 79th Cong., 1st sess.).

5. July 25, 1946, amended to terminate June 30, 1947 (sec. 1 of Price Control Extension Act of 1946, Public Law 548, 79th Cong., 2d sess.).

HOUSING AND RENT ACT OF 1947 ENACTED JUNE 30, 1947

1. Provided termination date of February 29, 1948.

2. February 27, 1948, amended to terminate March 31, 1948 (Public Law 422 of 80th Cong., 2d sess.).

3. March 30, 1948, amended to terminate March 31, 1949 (Public Law 464 of 80th Cong., 2d sess.).

4. March 30, 1949, amended to terminate June 30, 1950 (Public Law 31 of 81st Cong., 1st sess.).

5. June 23, 1950, amended to terminate December 31, 1950, except for communities taking local action to extend termination date to June 30, 1951 (Public Law 574 of 81st Cong., 2d sess.).

6. December 20, 1950, amended to terminate March 31, 1951, except for communities taking local action to extend termination date to June 30, 1951 (Public Law 880 of 81st Cong., 2d sess.).

7. March 23, 1951, amended to terminate June 30, 1951, whether or not communities took local action to extend termination beyond March 31, 1951, as provided in item 6 above (Public Law 8 of 82d Cong., 1st sess.).

8. June 30, 1951, amended to terminate July 31, 1951 (Public Law 69 of 82d Cong., 1st sess.).

9. July 31, 1951, amended to terminate June 30, 1952 (Public Law 96 of 82d Cong., 1st sess.).

10. June 30, 1952, amended to terminate September 30, 1952, except for local action extending date to April 30, 1953 (Public Law 429 of 82d Cong., 2d sess.).

Eighty-five percent of existing controls are in 10 States. The legislatures of all of these States are now or have been in session, and enabling acts have been before most of them for some time. Some have already existing enabling acts. The others, in my humble opinion, simply do not want rent control, but they are passing the buck to the Federal Government to end it. Accordingly, the committee decided that the States had had adequate chance to carry it on, if they wanted to, and recommends the ending of the controls as of April 30. I am sure this will meet the President's approval.

The only exception was to be that in certain critical areas, there should be the opportunity until June 30, to establish their own and this number of critical areas is heavily reduced to probably less than 35, obviously less than 1 percent of the communities of the United States. Why, then, do we need a Federal law for less than one one-hundredth of the areas for a function which they could and should do for themselves?

Rent control was initiated as a war-emergency measure during a time of great national emergency in 1942, and one reason or another has been given for its continuance ever since. At the cessation of hostilities in 1945, all controls of wages and prices were removed with the single exception of rent controls. During the period from 1945 to 1950, those people who had invested their lifelong saving in rental housing were the only class of people subject to controls. All other classes were decontrolled.

If there ever was a case of unjust and penalizing discrimination this is it. Wage controls were extremely elastic. Various price controls were adjustable, based upon increases; the great basic farm products were helped by price supports. Seemingly, every class and group of our economy has been favored except that vast number of small landlords. And they have certainly not only not been helped but actually penalized. Many, many of them have lost their investments, their life-savings, and, in fact, everything, or have had their incomes confiscated, due to the arbitrary and capricious operations of a giant bureaucracy which can defy all alleged rights of the individual. It has been its own lawmaking, administering, and judicial body, and its abuse of power has been appalling.

Rent control has always been an evil thing. It is unsound morally because it confiscates the investments, savings, and incomes, deliberately, of one minority group and subsidizes another. It is wrong legally because it takes away the rights of individuals protected by the Constitution in the Bill of Rights. It is wrong economically because it does not work and definitely defeats the object for which it was intended. Controls have been shown and proved to create shortages, which, in turn, aggravate and stretch out the demand for controls, tending to perpetuate bureaucracies.

If there ever was any justification for this iniquitous, so-called emergency control, it has long since passed. The facts are in cities over 100,000, where the need has been alleged to be greatest, the 35 cities still under control show a population growth in 10 years of 7 percent and a housing increase in units of 11 percent. The 51 cities decontrolled aggregate a 25-percent increase in growth in the same 10-year period, but there has been a 30-percent increase in housing. In the 10 cities supposed to be critical and under control, where the growth has been 23 percent, there has been a 27-percent increase in housing units. Even in those 10 cities which show greatest increase in growth, 60 percent, there has been a 69-percent housing increase. We submit that it is not merely coincidence, furthermore, that the decontrolled cities showed 30-percent increase in housing units as against 11-percent increase shown in the controlled cities. These are from official United States census figures of 1940 to 1950. There is much evidence that this trend has been even greater in the past 2 years.

Just as price supports create surpluses, controls of all sorts create shortages. This is especially true in housing. Nobody wants to go into a community under controls and invest his savings in what is at best an extremely risky venture. If there is a control law on the books at all, it might suddenly be twisted back to the level of rents of 1942 or some other year, and thereby wipe out many, many people.

The horrible and disastrous results which were predicted in practically every city when it was to be decontrolled proved a myth. They never happened. We had testimony and photostatic copies from over 100 cities that had been decontrolled, all without any disorder or apparent maladjustment. The less than one-tenth of 1 percent of incidents reported were very quickly corrected and cleared up. In this more than 100 cities, the result is the same. There were no exceptions. Why, then, do we think horrible and disastrous results will happen when any of the two or three other cities are decontrolled? I challenge anyone to present proof that such horrible conditions will follow complete decontrol. All they can do is again to trade on the fear complex.

A present deplorable condition has been painted of Chicago and other areas under the existing control law. Why, indeed, then, should proponents of extension want to keep them that way? Do they wish to continue these degrading and deplorable conditions? If so, why? We hate to think it is simply a continuing policy of the stretching out of the continuing of the strategy of crisis. No, gentlemen, if there ever was a need for rent controls in emergency, that need has long since passed.

It has been proved that rent controls aggravate the shortage of housing by encouraging the extravagant use of living space, that as soon as rent decontrol occurred, people adjusted themselves to the space needed, creating added space for those who needed it. There are no exceptions. Invariably decontrol has provided plenty of vacancies and invariably has been successful.

A bad law breeds contempt for laws in general. Our experience with prohibition in the twenties bore this out. The vast number of instances of bribery, evasion, restriction of upkeep, connivances, creating much hardship are witness to this fact. The moral effect on thousands of tenants able to pay $100 a month of our depreciated dollar but frozen into a housing unit, paying $35 to $40, puts them virtually in the subsidized class. They do not think in terms of patriotism, loyalty, or individual enterprise, but their morals become decayed from within and disintegrated.

Then, there is that matter of actually saving the taxpayer's money. As I understand it, the elimination of Bureau of Rent Stabilization should eliminate $11 million per year that we are spending of the taxpayer's money to give him something that he does not want or need. In terms of the total budget, this is not large, but any bureau as unsound in its moral ideals is bound to become rotten from within. This is witnessed by the payment of $125,000 of the taxpayer's money to 53 employees illegally as terminal pay, and then having them rehired next day as temporary help. When the Bureau is clearly a racket, what can you expect? Incidentally, this $11 million per year expense compares with the $11 million we are asked to appropriate for the continuance of the tremendous job that the Interstate Commerce Commission is doing. Who can compare the size of the job of the latter with the complete uselessness of the former? Stop it, I say, as quickly as possible.

Sponsors of so-called controls base their arguments on two things, both unsound. First, that controls do a job and accomplish a purpose. I submit they never have, ever since the days of the ancients, and they never will. Second, it is alleged that when in such a great emergency, as is feared, 45 to 50 percent of our total production is taken for defense, an increased need for them will be present. How can the alleged, increased need of any be greater than today when 60 percent of the total budget is going into defense? No, rent controls are wrong, always were wrong, and always will be. The emergency is passed. If, indeed, there ever was any need of controls, certainly there is none today.

To summarize:

First. We have no evidence the President is opposed to this bill. The evidence is all to the contrary. He wants to get out of the rent-control business and only seeks to have the Congress set a date suitable to the communities who still think they need it. I believe that if the other body should pass this bill, he will sign it without delay. We are not opposing the President. We are complying with his request by investigating, studying, and setting a suitable date, April 30.

Second. The States have had many chances, 11 conspicuous ones, in which to enact enabling legislation. Most of them do not want controls, but they are passing the buck to us. Those that want it can still enact whatever they need.

Third. If any community feels itself in a dangerous position, due to critical defense impact, it may still have its control under this law.

Fourth. This was emergency legislation. In the first place, it has been emergency legislation every time it has been reenacted, and the States have been on notice since last year that controls were going to terminate April 30. The present law was a last-chance law and they knew it all the time. The emergency has clearly passed.

Fifth. Controls are unsound morally, legally, and economically. They never did work to relieve a shortage. There is no reason to assume they ever will.

Sixth. There has been no trouble in the more than 100 cities where controls have been ended. Who is to say there will be trouble on any other?

Seventh. If conditions are deplorable, as they have been depicted, why keep them that way?

Eighth. Controls breed contempt for law, largely because they are not sound, and the public knows it, both the tenants and the landlords.

And, lastly, the proposed standby idea also is unsound, because it is based on an unsound premise that controls are themselves sound. In my opinion they are just a socialistic scheme to build large bureaus and large governments. They do not do the job. Why, then, must we have them in times of extreme emergency, if and when such emergency should arise?

The time to end them is now.

Mr. SPENCE. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, I feel a sense of joy this morning that among my beloved Republican colleagues has come some of the sunlight of understanding. I am glad to note that

they are closer in understanding to the leader of their party. I trust before the day is over by their acts of voting for the amendment, which will be offered by the gentleman from Kentucky, they will show that they have come all the way across the street and have grasped their President by the hand and said, "Mr. President, we are with you."

Mr. Chairman, I do not understand why the Republicans cannot follow the counsel of the man that they supported and made President of these United States. We Democrats are doing all we can to make this a successful administration.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mr. GAVIN. I would suggest to the gentleman that he might talk to some of his good friends in the other body who are seemingly not grasping the President by the hand on the tidelands oil issue, which has been held up over there for the last several weeks. There would be an opportunity to demonstrate that they are supporting the Eisenhower leadership.

Mr. O'HARA of Illinois. I am so very happy the gentleman brought up that topic. A good many people are thinking that the President of the United States may surprise you and that after the other body has followed the House in voting for this grab bill, the President of the United States may veto it and go down in history as one of the great men who have occupied the White House. Oh, yes, you took advantage of him when he was not familiar with the issue; and a commitment was made in his name, and you are giving away billions of dollars as the price of the Presidency. I am glad the gentleman brought it out.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield to my distinguished friend and colleague, the gentleman from Massachusetts.

Mr. McCORMACK. I just read the news item of the President's press conference of this morning, in which the President is reported to have said that he feels it would have been wise for the House to vote funds to continue the administration program for starting 35,000 housing units during the fiscal year 1954.

Mr. O'HARA of Illinois. I wonder if our colleagues on the other side, who voted to kill public housing yesterday, really did not know just where the President stood. We tried to tell you. We tried to say, "Now, here is the position taken by your President. Follow him. We are following him." But you did not vote that way. The President now says what we Democrats told you yesterday.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mr. ROBSION of Kentucky. For several days I have listened to the gentleman and others on that side of the aisle who insist that they love the President and want to follow his distinguished leadership and are very much concerned that we are not, in some instances, following it. I would like to have the gentleman's honest opinion, if it should be so unfortunate that this House should be controlled by the Democratic Party after next year's election, will the gentleman still want to follow the President's leadership, as you claim you want to today?

Mr. O'HARA of Illinois. Yes. I will answer the gentleman forthrightly. We do not want a repetition of the Hoover administration. When the Hoover administration went down, we all suffered. We all went through a depression, and we certainly do not want to do that again. So we are going to support your President every time he is right. On this matter now before us we are trying to save you and your party from another Hoover depression.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. Certainly I yield to my dear friend from Massachusetts.

Mr. NICHOLSON. The gentleman from Illinois does not want us to vote against all principles that we hold dear here; that a man's house belongs to him and that the Federal Government has no right to take it from him or say how much he will get for it. We are here to do our duty as we understand it. No one is going to lead us around by the nose regardless of how many Presidents may see differently.

Mr. O'HARA of Illinois. I always admired the gentleman because he usually stands on the opposite side, but he is honest. We Democrats not only have an interest in the man who owns his home but also in the man who does not have the money to buy a home or a little money to pay his rent. We think as a human being he is entitled to a roof, too. It is a little different philosophy.

We Democrats have somewhat of a heart philosophy. Sometimes I think you on the Republican side have got too much of a money philosophy.

Does any other gentleman wish me to yield?

Mr. OAKMAN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. Yes, I yield to the gentleman from Michigan.

Mr. OAKMAN. Which party had the 5 percenters in it?

Mr. O'HARA of Illinois. Five percent? I think I recently read of a case in Kansas where the 5 percent was doubled, and then perhaps something on top of that.

Now I am willing to yield to any other gentleman.

Mr. GAVIN. Mr. Chairman, will the gentleman yield to me?

Mr. O'HARA of Illinois. Certainly I yield to the gentleman from Pennsylvania.

Mr. GAVIN. I have great respect and admiration for my very distinguished friend. He is talking about the Republicans having all of the money. That sort of pleases me. You fellows are always crying the blues with a ham under your arm.

Mr. O'HARA of Illinois. Yes. We do lose Democratic votes once in a while. When a Democrat gets too rich he starts voting Republican. Sometimes he gets so rich he runs for office. We have had former Democrats, who got rich and went Republican and were elected to this body, where they rendered distinguished service to their party.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield to my very great friend from Massachusetts.

Mr. McCORMACK. May I call to my friend's attention the evidence of a Republican, not a Democrat, a former Governor of Kansas and former Republican candidate for President in 1936, Alfred M. Landon, when he said only within the past 2 weeks that the first 90 days of the present administration was the worst bungle he has ever seen, and that on the Cabinet level the Cabinet was reminiscent of the last Republican President, President Hoover.

Mr. O'HARA of Illinois. That deepens my respect for the gentleman from Kansas. I always did love him. It so happens that he belongs to the same college fraternity that I do. We were lieutenant governors of our respective States at the same period. I am glad to know he is talking now, as he always has, good common sense, and he is truthful in his statements. When I read the prosperity interview of the new Secretary of the Treasury I thought he must have copied it from President Hoover's Secretary of the Treasury.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mr. McDONOUGH. Can the gentleman inform the House why we have so many people who are in such dire distress after 16 years of benevolent Democratic administration?

Mr. O'HARA of Illinois. Yes; I can answer that. You Republicans in your depression made so many poor people that it would take more than 20 years to bring them out from where you put them.

If there are any other questions, I shall be delighted to answer them.

Now I am going to pay a compliment to a Republican. With three of my Democratic colleagues, with the gentleman from New York [Mr. DOLLIVER], the gentleman from New Jersey [Mr. ADDONIZIO], and the gentleman from Pennsylvania [Mr. BARRETT], I introduced a bill to extend rent control for 2 years, a bill which gave your President the power to control, recontrol, and to decontrol as emergencies might arise or situations might change. I did not want Hoover's fate to overcome Eisenhower; I wanted him to have that power. That bill was referred to the Committee on Banking and Currency on which the four of us are members and of which the chairman is a Republican. I want to say to my colleagues, Mr. Chairman, that I never received fairer treatment in any court or at any hearing than that given to me and my colleagues on the Democratic side by the Republican chairman of the committee; and I know how he felt, sincerely felt, that rent control should end as of the 30th of April. I believe he was convinced that was sound public policy.

The date set for expiration of rent control was April 30. In my home city of Chicago eviction notices were being sent out to all the tenements; exorbitant demands were made; they were told that the rents would be doubled, and

these people were in a panic. If rent control had ended on the 30th of April there would have been real tragedy in Chicago.

The chairman of our committee compromised. I am not going as far as to say it was exclusively a compromise among Republicans, because when it comes down to taking care of people I do not think, no matter how much we talk, that there is very much division among us along the lines of party. Anyway, I congratulate the chairman of the committee on the position he has taken. I do not think he has gone far enough, and I think this House later in its good judgment will go all the way with the former chairman of the committee, the gentleman from Kentucky, [Mr. SPENCE]. But I do want to say that Chairman WOLCOTT gave us a fair, full hearing, and if you will look over the report of the public hearings you will see the great latitude he gave us in bringing in witnesses and in cross-examination.

In the few remaining moments at my disposal I want to talk to you very seriously. I am concerned over the signs that I see today; they are so similar to the signs that I saw in the late twenties. Then we had the high cost of construction, wages were high; we had the same kind of prosperity that we have now. Owners of equities were dependent for their mortgage commitments on the continued receipt of rentals geared to high wages. Then when wages went down, and they went down, Mr. Chairman, exactly as they will go down now, because as former Governor Landon pointed out you have the same school of advisers in your party that Mr. Hoover had, we had chaos and ruin.

You start crying economy; then your bankers go in and say: "Now, you have a line of credit. To maintain that credit you must reduce expenses." The efficiency and economy wrecking crews go in to increase the individual workload and people are discharged. They go out to look for other jobs and they find the same conditions in other plants. There are no jobs. Then you have a panic. When workmen are thrown out of employment and they cannot find jobs, of course, they go to pieces, of course, they experience panic and they show it. When your wages go down no matter how honest you may be, you cannot pay high rents. Your equity owners cannot continue to meet their mortgage commitments. Then you have foreclosures just as you had in the early thirties.

What I am fighting for now, and some of my dear friends from my district are in the gallery now, at least they were in my office yesterday and said they would be here, is to make them realize that what I am seeking to do in the bill which I shall offer as an amendment, but which you will vote down, is to give the President of the United States the power to recontrol or decontrol for two more years. What I am seeking to do by that is to give him some power to maintain the stability of real estate when the storm come. That will prevent a repetition of what we had in the early thirties and which washed out equity holders together with the bondholders. But you are going to vote it down.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield to the gentleman from Ohio.

Mr. BENDER. The gentleman seems to be wanting for words, so I want to help him along. Who has been running this show for the last 20 years?

Mr. O'HARA of Illinois. If you call this great country of ours a show, or if you call the great men who have been Presidents of this country showmen——

Mr. BENDER. I certainly do.

Mr. O'HARA of Illinois. If that is what you mean, then I will answer you. In the last 20 years, the most prosperous years in the history of our country, the administration has been Democratic. We have had 20 years trying to pull America out of the mud that you Republicans put the country in.

Mr. BENDER. How many people were unemployed in 1940, before the war broke out, according to the American Federation of Labor? How many were unemployed after the New Deal had been in power for 7 years and had every conceivable advantage in Congress and in the administration? The gentleman knows there were 11½ million people out of work at that time.

Mr. O'HARA of Illinois. I wish that the gentleman would bear with me a moment so that we might have some figures by which to make comparisons. How many were unemployed during President Hoover's administration? It got so you could count those who were gainfully employed on the fingers of one hand.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Chairman, it has been said here today that there is more housing space available today than ever before; and it has also been said that the State legislatures are in a position to act on legislation if that State needs further rent control.

Well, neither of these conditions is true. In my State of Missouri and in my city of St. Louis we have a large influx of individuals and families who have come to St. Louis since 1941, the start of World War II. These people have come from the south and have come from the farms, and they stayed in St. Louis. The population of my district is over 420,000 people, and that is true in the other two districts partially lying in St. Louis. I can assure you, my colleagues, that there is no empty space available in St. Louis, and that we are not designated a critical area.

Further, my State Legislature, as perhaps most State legislatures, is controlled by rural representatives who have no particular housing problem, so there is very little possibility of them passing any legislation needed to protect our cities. Do you know that in St. Louis today we have 17,125 families and couples who are without homes of their own, according to the recent information from the Census Bureau? This backlog of demand exists in face of a total for rent vacancy rate of only ½ of 1 percent. Some of my colleagues in the House are planning rent control legislation which would leave St. Louis out in the cold. They talk in nicely rounded statistics and theories that rents will not go up too much. None of them deny that rents will go up. Experience has shown that the lower bracket of rental units which have the least advantage in the way of conveniences for the ordinary decencies of human living, will have the greatest proportionate rise in rents. By and large these units are occupied by low income people, people who are trying to keep families together on such slim incomes as $20, $30, and $35 a week. Many of them are occupied by families who have to spend from 60 to 70 percent of their budget on food alone. There is only one place where such families are going to get the money to pay increased rents, and that money is going to come right out of the food budget. Large rent increases are going to mean malnourished and hungry children to these families, and I know that there is not one Member of this Congress who would deliberately remove food from these children if the action had to be done in person. Yet, if the Congress fails to pass a rent control bill, or passes a rent control bill which does not include the great city of St. Louis, then these children and grownups in my district will be forced to go without the needed food in order to pay their increased rents. I, for one, will have no part in legislating food out of the mouths of children, no matter how well I am able to hide behind the technicalities of legislative language.

If you will permit me, I have a letter just received this morning from a woman in my district who implores me to do something to keep rent controls from going out—this is one of the hundreds of letters I have received on this subject—that for the last month they have been looking for a place to live because they are being evicted. Their house is being torn down for an office building, and the only thing they can find is rents at $100 to $150 to $200 a month. In closing she says:

> Being just ordinary type people we cannot pay these high rentals.
>
> I trust and pray, Mrs. SULLIVAN, that you will do everything in your power to keep rent controls on.

The CHAIRMAN. The time of the gentlewoman from Missouri has expired.

Mr. WOLCOTT. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GWINN].

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GWINN. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. My understanding is that the State Legislature of Massachusetts, the General Court, is passing legislation that will take care of rent control in Massachusetts.

Mr. WOLCOTT. Mr. Chairman, if the gentleman will yield, I understand that there is a bill pending before the legislature which might well become law within the next 2 days. We have been

assured that the Legislature of Massachusetts is functioning on the question. As I understand, it authorizes the towns and cities to set up their own rent-control machinery but, pending that, there is a moratorium for a few months, 6, I believe, on evictions.

Mrs. ROGERS of Massachusetts. I thank both gentlemen very much.

Mr. GWINN. Mr. Chairman, I do not think time ought to drag in a debate of this kind. Especially so when there are no facts presented here after 11 years of rent control to justify the idea that rent control brings more rental properties and lower rents. The idea is just a lot of eyewash, today as it was in 1941.

Here is a typical example of the eyewash we got then in the argument we got in 1941: "We just want rent control until the private-enterprise builders catch up with the demand. Then we will consent most graciously, in the Southern manner, if you please, that rent control shall be discontinued. We do not, of course, believe in socialism. We believe in free enterprise."

What has been the result? There has been a further extension of the moral breakdown of the country, by which we seize property from this group and that group and the other to redistribute it. Finally some of us have fallen to the moral level where they do not react at all to robbery. What is the result of the robbery we have committed against those who saved and built houses for rent? Of course, a complete paralysis of the building of houses for rent with private capital unguaranteed by the Federal Government followed rent control. The collapse is just as complete as it was in England and in France, and nearly as complete as it has been in Russia, and for the same reason. No faith in the integrity of government. No one could depend on what the Government would do. A temporary measure for war turned into 11 years of exploitation.

When you take away the incentive of private people to make their savings available for more rental houses who is left to build them? Why, of course, the Socialist Federal Government would step in and build the rental houses at half rent, exempt from municipal taxation. It first destroyed private housing. The fact is that Socialist control never improved the rental situation, nor will it do so for the next 3 months.

Here is just a line from the Detroit Free Press to prove that—

> The death of rent control has not meant more landlord-tenant cases for the circuit court; on the contrary, fewer.

The Detroit Free Press:

> The anticipated deluge of complaints after the common council lifted rent controls has not materialized. The councilmen and almost everyone else involved have expressed amazement at the lack of complaints and lack of trouble since controls went off nearly 2 months ago.

Mr. DOLLINGER. Mr. Chairman, will the gentleman yield?

Mr. GWINN. I yield to the gentleman from New York.

Mr. DOLLINGER. Do I take it from the gentleman's remarks that he feels that the action of the Governor of the State of York and the Republican legislature in reenacting rent control expresses the socialistic point of view?

Mr. GWINN. I certainly do; yes. Does not the gentleman agree with that?

Mr. DOLLINGER. No; I disagree. I think the Government did not go far enough in the State of New York.

Mr. GWINN. I do not know when the Government would go far enough to satisfy the socialistic concept of what ought to be done. I hope New York will see the light and begin to serve the one God of liberty restored, sometime.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GWINN. I yield.

Mr. O'HARA of Illinois. Is that one God money?

Mr. GWINN. If there is any more degrading worship of Mammon and Moloch than socialism by which all of our needs for houses, food, loans, security, and whatever is good by the compulsions and the money of government, I would like to know where you would turn. I would not mind debating with you, sir, the issues between pagan socialism and the true religion of economic and political freedom in terms of the kind of government we should have. First I do want to give you some facts to take the place of weeping over the bread and milk from the mouths of babes and sucklings. Why, we cured that by removing price and wage controls. Now they are getting more bread and milk and meat; what I want to show you is that when you remove these rent controls, we get more houses and we get them immediately. People who will not function under a corrupt and immoral compulsion affecting their property begin to turn their property over for use when freedom is restored. Here is another one from Denver. A councilman of the city says:

> My conclusion on available information is that the lifting of controls has been eminently successful beyond my wildest expectations.
>
> ERNEST P. MARCIANO.

Here is one from Denver:

> More apartments are for rent in Denver now than in any time since before the war, a survey of the Rocky Mountain News revealed yesterday after decontrol.

From Seattle, City Councilman Charles M. Carroll, who voted against the removal of rent controls here said yesterday that, "Decontrol is working out satisfactorily." He predicted that there will be no demand for reimposition of controls.

Then there are other cases where responding to the whole idea that the artificial management and control of our economy brings more houses than a free economy, the Federal Government recontrols and the city council for the second time decontrols.

The CHAIRMAN. The time of the gentleman from New York [Mr. GWINN] has expired.

Mr. SPENCE. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. ADDONIZIO].

Mr. ADDONIZIO. Mr. Chairman, the subject of rent control—or rent stabilization is a vital one to the welfare of the people of northeastern New Jersey and even more importantly it is vital to the welfare of the Nation and the Nation's mobilization against communism.

The importance of New Jersey's role in the mobilization program is more easily understood and underscored when you realize that 12,000 or more factories located in New Jersey are representative of 90 percent of the existing types of industrial development in the United States. These thousands of factories represent also hundreds of classifications of skills vitally needed to provide the material for mobilization and to support the efforts of the American boys from all States fighting it out with the Communist foe on the bleak bitter hills of far Korea—so that similar battles won't have to be fought on the lush green hills and valleys of our beloved America. The gamut of important New Jersey industries includes copper smelting, textiles, petroleum refining, electrical and electronic gear and machinery, rolling mills, foundries, machine shops, and vast chemical and pharmaceutical establishments. Indeed New Jersey leads all the other States in the 48 in the production of vital chemicals for defense and for peace.

In short, New Jersey is an essential link in the chain of defense. What happens or doesn't happen in New Jersey has repercussions far beyond its borders. The Nation will be benefiting itself to see that the citizens and industries of New Jersey receive every possible aid and assistance to make certain that defense production continues and expands unhampered in New Jersey.

Experience has shown us the vital importance of housing at rents the average man can afford to pay, in achieving maximum efficiency in defense production. It is a national problem which should be met by action of the Nation and not left to the whims or limitations of local or State governments. We have understood that responsibility when we have passed laws to aid the building of additional housing not only in defense impacted areas but in all areas in the United States where housing is needed today. The contributions of the FHA loan and the secondary mortgage market to the professional builder and to the ability of the average man to purchase a home of his own have been remarkable monuments to the efficiency of Federal aid in the field of housing and have been a direct recognition of national responsibility in this field.

Through Federal rent control the Government has also recognized its responsibility to prevent unjustified and unrestrained rent increases—rent increases which would be based solely on the existence of a housing shortage caused by lack of men and materials for construction purposes during the all-out mobilization of World War II and the more limited mobilization since the outbreak of the Korean crisis in June of 1950. In spite of the best efforts of the building industry, Government, and local action there remains in many localities in the United States today, such a shortage of housing facilities as to require rent controls. The Federal Government has recognized that in every critical defense housing area in existence in the United States today. The same fact has been recognized by the hundreds of local gov-

ernment bodies which took action before September 30, 1952 to ask that Federal rent controls be continued in their communities. These local communities did not cause the housing shortage with which they are suffering today, but they do know that they have to live with it. The very least the Congress can do is to provide them with the protection of Federal rent control when the problem itself is recognized by these communities.

There is a morale problem for members of the armed services. Men from New Jersey are sent to camps in all parts of the United States—and in many instances these men are assigned to camps where the housing shortage makes it difficult and sometimes nearly impossible for their families to find a decent place to live. That is something which the local communities and the State of New Jersey is powerless to cope with. It takes national legislation. I do not think there is one among us who feels he has any right to say that the serviceman should not have his wife or his family with him during the days when he is training for his task of fighting his country's battles overseas. It is a morale problem to the man on the fighting front in Korea. His morale is not going to be helped by the knowledge that while he is defending his outpost—his family has been abandoned by his Government to the mercies of a rental housing market so out of kilter that they will be forced to pay unconsionable rent increases because there are not adequate quarters available at a price they can afford.

According to the United States Bureau of Census figures in 1950 the city of Newark, N. J., in my district, had a rental vacancy rate of only 0.6 percent. More than 10,600 married couples were without homes of their own. There have been valiant efforts on the part of the building industry to meet the housing shortage in Newark, but in spite of the best efforts a housing shortage still remained in Newark so that before September 30, 1952, the city government voted for a continuation of the protection of Federal rent controls. The situation has not magically changed since last fall. A similar situation exists in the other communities in my district. The census figures indicate the rental vacancy rate in Orange as 0.5, West Orange as 0.5, East Orange as 1.0, South Orange as 0.4.

Rent controls are still needed today. However, the continuation of Federal rent controls is even more than a problem of aid to defense production and an aid to military morale—it is a moral obligation also. Thousands of families including elderly couples, the infirm and the physically handicapped, people living on small fixed incomes such as Gold Star mothers, civil servants, women trying to support small children on small salaries, insurance pensioners and widows have already found that their budgets have been stretched to the limit to meet cruelly high prices and they are in no position to meet the higher rent payments which would be certain to follow decontrol by the Federal Government. They will be the victims of a housing shortage which had its origins in actions taken to meet a national emergency.

Housing is the one commodity for which there is no substitute; a family cannot do without a home. As a constituent living in East Orange expressed it:

> As you know, rent is the one item in the family budget that is practically immutable—you can cut down on the quality and quantity of food if necessary, you can buy less and cheaper clothes, you can even do without some dental and medical care, but you must have a roof over your head at whatever price you have to pay for it.

In the light of the undeniable fact that the balance between housing supply and demand has not been achieved in numerous areas not classified as "critical," I feel strongly that allowing the Federal rent stabilization to end as proposed in H. R. 4507, would disregard the needs of the Nation and its defense effort and would result in real hardship to millions of citizens. I urge the rejection of this bill and the extension of the present rent-control system. The continuation of rent stabilization is essential to the Nation's defense program; its abandonment as proposed in H. R. 4507, would create grave problems for the Nation's economy.

Mr. SPENCE. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. DOLLINGER].

Mr. DOLLINGER. Mr. Chairman, the urgent need for Federal rent control still exists. The prevailing opinion of the members of the Banking and Currency Committee which reported out the bill before us, and of others who seek to end Federal rent control, is that rent control is no longer necessary. This is erroneous thinking; facts and figures disprove their belief in this regard. I maintain that unless we wish to bring undue hardship to many thousands of families and subject them to tremendous rent increases, we must give them the protection of continued Federal rent control.

There is a critical housing shortage in every highly populated section of the country. In New York State, lack of housing is a major problem, and the time when adequate housing will be available is not in sight. The acute shortage caused the New York State Legislature recently to pass a bill, which was signed by the governor, temporarily legalizing occupancy of cellar apartments. I need not tell you what cellar or basement apartments are; for the most part they are uninhabitable, unsanitary, a menace to the health of those who are forced to occupy them. The legislature gave the housing shortage as the reason for the passage of the bill, and explained that in this time of emergency and the great lack of housing the legislation was absolutely necessary.

A recent survey shows that migration to the New York City area during 1940–50 was below average. This means that the percent increase in population was lower than in other parts of the country, where the rate of migration is high; their housing problem must be aggravated and at least as severe.

Arguments that there is no shortage of housing are refuted by the true facts. Those arguments completely overlook the change in family composition which has been occurring in this country, and therefore, greatly underestimate the true demand and need for housing. In recent years the trend has been to smaller families, a greater proportion of the population is married, and an increasing number of older people who survive and need homes of their own. We must remember that the accurate measure of the housing demand is the number of families, and we find that in each decade since 1890, families and households have been smaller. Each family needs, and should have, its own home.

Opponents of Federal rent control would have us believe that in areas which have been decontrolled there have been no appreciable increases in rents or profiteering by landlords, and that we need fear no great increases in presently controlled areas when such controls are removed. We have ample proof to the contrary.

Let us examine the record as to cities which were decontrolled 3 years ago and to cities where controls expired last September. Between August 1949 and December 1950, Federal rent control was terminated in 10 cities where rents are regularly measured by the Bureau of Labor Statistics. When rent movements in these 10 cities are averaged according to the method used by the Bureau of Labor Statistics, it is found that the average overall increase in rents in the first 12 months following decontrol is 12.8 percent, and the average increase in rents in the first 24 months following decontrol is 18.1 percent. On a comparative basis, rents in controlled cities which are surveyed by the Bureau of Labor Statistics increased only 1.9 percent in 1950, 4.5 percent in 1951, and 3.2 percent in 1952. We see, therefore, that removal of rent controls is inevitably followed by high rent increases. In the large number of areas where the housing shortage is most acute, controls are still needed in order to prevent unwarranted and skyrocketing rent increases.

The regular Federal rent-control program now in effect covers 4½ million dwelling units in 1,300 communities with a population of 34,600,000. Bear in mind that these communities prior to September 30, 1952, certified that a substantial housing shortage existed which required a continuance of Federal rent control. Are we to subject these families to exorbitant rentals which they cannot afford to pay? For instance, when rent controls were removed in Los Angeles, 86 percent of the units with rents of less than $30 per month had increases averaging nearly 42 percent. This shows that on the whole, when rents are decontrolled, the little fellow suffers most; the family struggling to keep a roof over its head has to meet an increase in rent far out of proportion to its earnings.

Furthermore, landlords have not suffered under rent control—they have been enabled to raise their rents in accordance with their increased costs. We find that under rent controls, 88.5 percent of all requests by landlords for rent increases were granted, and the average increase permitted was 14.5 percent. We gave the landlord protection, but we saved the tenant from unjust demands and exploitation.

This Nation is still in a state of emergency and defense mobilization. Our people are carrying a tremendous burden of taxation and giving their best efforts to the demands being made upon them in furthering the defense effort. The housing shortage is causing them much hardship and discomfort. To remove Federal rent controls now or in a few months would be a sad mistake on our part and would add to the troubles and privations being borne by our people at this time. Until such time as there is adequate housing to take care of the needs of our people and the danger of profiteering in rents eliminated, Federal rent control must be extended.

I have introduced a bill extending rent control until April 30, 1955. I urge the Members of this House to fulfill the obligation they owe to the millions of persons who rely upon them for protection, and to provide for the continuation of Federal rent control at least for the next 2 years.

Mr. SPENCE. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. BOLLING].

Mr. BOLLING. Mr. Chairman, I ask unanimous consent that my colleague, the gentleman from Pennsylvania [Mr. BARRETT] may insert his remarks at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BARRETT. Mr. Chairman, coming as it does so shortly after the organized Republican effort here in the House of Representatives to kill off the highly successful Democratic public housing program—and push people back in the slums—this bill to kill off rent control is another perfect example of gouging the public. This is a landlord's bill. It is a bill to punish the poor and pay off the real estate lobby for long and faithful service to the Republican Party.

Mr. Chairman, people who live in slums do not live there out of choice. No father in a tenement flat likes the idea of raising a family in crowded, unsanitary, unhealthy, unsafe conditions. He doesn't by choice pick a spot to live where his kids may be hit by trucks or speeding cars while using the sidewalk of a busy commercial street for their only playground area.

Slums are a curse and an abomination in a land as rich as ours—in a country which leads the world in economic know-how and skill at building decent homes and apartments. For most of the past 20 years, the Government of the United States has been using its prestige and power and some of its resources—a most modest part of its resources—to help remove slums and help hard-working good American families live in American decency. We Democrats are proud of the record of our administrations on housing—and in a city like Philadelphia we are doubly proud because we even—finally—managed to convince our previous horse-and-buggy Republican city administration that public housing was a good thing for the city and for the people.

Now the Republicans in Congress have moved their biggest guns against public housing—to kill it off. And, right after that action, they are moving in here today to kill off rent control. It is a consistent record; there is no doubt about it. It is a record consistent with the Republican Party's backwardness we are all familiar with. It is not the kind of record forward-looking Republicans such as those in my congressional district would want to see their party taking.

But whether or not the Republican Party wants to commit suicide by its foolish and irresponsible actions on social issues such as housing and rents is not so important to this debate as the question, What will our people do if rents are permitted to skyrocket out of all proportion? How are they to pay? Are we to have more doubling up? More evictions, dispossessions? What are we to say to our constituents—our people who have to work by the sweat of their brow for the bread they eat and the shelter they provide their families? Sure, we could say to them, "Move out if the rent goes up. Find something cheaper somewhere else."

Mr. Chairman, have you tried looking for a decent house or apartment in one of our cities or larger towns? Have you noticed that you can find all the housing you could want at prices of $150 and $200 a month? Nice places, too. But have you wondered what a man can find for his family when he can only pay $30 or $40?

I know. I know particularly what the people in my district are up against on this score. They tell me about it. They come to see me in my office in Philadelphia and they tell me exactly what they have to put up with in making ends meet these days.

And now, Mr. Chairman, I will be forced to tell them that the Republicans in the House of Representatives have decided that Federal law which protects the people against unfair rent increases and unfair evictions—the rent-control law—must be murdered in cold blood to satisfy the landlord lobby.

I will have to tell them, too, that in killing rent control, the Republicans in the Congress would not even listen to their own President. I will have to tell them how the President got whatever support which came to him on this issue in the House of Representatives not from his fellow Republicans up here but from us Democrats. It will come as a surprise to many of our citizens—many who voted for Eisenhower for President because they believed he would try to be a good President—to find out that the Republican Party in the Congress would not give him any of the things he needs and should have in serving all of the people. The Republican Party in this Congress is once again following the same paths it pursued in the 80th Congress, which so disgusted the American people that in 1948 they resoundingly elected Truman as President to undo the damage the 80th Congress had done on housing, on social security, on foreign policy, and on all the other issues where the Republicans in Congress looked always backward and never forward.

I do not want to give the impression the Eisenhower administration has gone so far as to endorse my bill on rent control, H. R. 2682, which would have continued the present program for 2 years without change, leaving the matter of administration of the program pretty much to local hands through the rent advisory boards. My bill was the proper way to handle this problem, for it would have permitted any city where rent control is no longer necessary to drop the program voluntarily any time it wished to do so and felt it was safe to do so. This policy has worked out well in the past. It has given local people a high degree of responsibility for decisions which affect the locality. My bill would have continued that policy.

The Eisenhower administration decided instead that it wanted to get the Government entirely out of the rent control picture as promptly as it was practical to do so. It said rent control should be entirely a matter for the States and localities. One can argue with that point of view, as I do, but at least it was a sincere viewpoint, based on some merit, at least.

Having decided the Government should get out of rent control after having run a rent-control program for nearly 11 years, the Eisenhower administration said the right way, the proper way, the decent way, the American way to go about accomplishing this objective was to extend the program until September 30 and give the States in the meantime an opportunity to pass the necessary enabling legislation either for State administration or local administration of rent control where it is still needed.

But my Republican colleagues on the Banking and Currency Committee of the House of Representatives said nothing doing. They refused to go along with their President on this recommendation. They said no. They outvoted us Democrats and jammed through a bill which kills rent control in nearly every city in the country at the end of this month. And now they are getting ready here today, in the House itself, to lead the way to a vote on that decision.

So here again, it is a case of the Eisenhower administration getting its support in the Congress—what support it ever gets on important social issues—not from the Republicans but from the Democrats. Either the President is wrong on this issue or his party in the Congress is wrong.

If, as a result of this action, we lose rent control in Philadelphia—if the city council and our mayor are unable, for one technicality or another, to put into effect a local program of rent control—then we will see suffering and hardship among many Philadelphia families who do not own millions of shares of General Motors stock and thus do not seem to count with the Republicans now running things in Washington.

Believe me, Mr. Chairman, those people count with me. I am not going to sit by here and be silent while this rent decontrol bill is foisted on the people.

We on the Democratic side do not have the votes here to stop this bill from passing in its present bad form. But we will let our people know what has happened to them here—we will see to it that the record gets home to those

who will have to pay and pay dearly in higher rents and hardship for this action of the Republicans in the Congress of the United States.

Mr. BOLLING. Mr. Chairman, an amendment in the nature of a substitute to be offered by the chairman of the Committee on Banking and Currency contains certain provisions with regard to critical defense housing areas. Those provisions are found in section 6 of the bill, beginning on line 15, page 3.

There are two particular aspects of this redefinition which give me, as a Representative of Kansas City, Mo., very grave concern. One is the language which begins on line 18, page 3, which provides in effect that in critical defense housing areas, housing that has been constructed on or after February 1, 1947, shall not be subject to rent control. This gives rise to a very serious situation in many of the areas which are presently under the designation of "critical defense housing area." It is acute in the district which I represent, but even more acute in other areas which may remain under the new definition.

I would like to read briefly from the 28th report of the preparedness subcommittee of the Committee on Armed Services of the United States Senate, which describes the situation which exists in the area surrounding Fort Leonard Wood, Mo. The matter which I will read is found on page 27, under the heading of "Rent Control."

It states:

Rent control is in effect in the Fort Wood area.

The area rent-control officials state that they are doing everything possible, within the limits of current rent legislation, to keep rents at a reasonable level. However, the present law does not affect any dwelling which has been built or improved since 1947 or any tourist cabins or trailer camps, and these omissions leave the rent-control officials at a loss in their efforts to effectuate legal controls.

Servicemen are often afraid to report gouging and the substandard conditions under which they are forced to live, for fear that they will be forced to vacate.

In addition, there is not much chance of prosecuting gouging owners when the witnesses, the soldiers' families, might be in Waynesville today but on the west coast tomorrow.

Tourist cabins in this area often charge $3 to $5 a day per person for rental, with no reduction for monthly occupancy.

There is a great deal more of the same kind of material in this report.

The problem which concerns me, and which will be the subject of my first amendment to the section, is this question of exempting from rent control, housing built after February 1, 1947 or obtained through conversion after that date. I think we will be working a very serious hardship on servicemen and their families if we make this change in the provision dealing with critical defense housing areas. I think we should understand what we are doing and not delude ourselves that we are continuing critical defense housing area designations in and near military defense establishments and atomic energy installations.

I have another amendment to the same section of the bill which would, instead of making the definition of a critical defense-housing area more restrictive, make it less restrictive. The effect of the new restrictions in the critical defense-housing-area requirements is to very adversely affect those areas which might not be redesignated "critical defense-housing areas" by the new administrators of the act. I do not believe it makes good sense to take out from under rent control an area like Kansas City, Mo., by making the definition of a critical defense-housing area more restrictive.

There is a very interesting chart prepared by the committee's staff, on page 317 of the hearings, at the bottom of the page, table No. 4, which deals with cities of 100,000 and over population now under rent control on a critical defense housing-area basis. The effect of this study, say the opponents of rent control, is to demonstrate that in those areas where there have been increases in population there has been, on a percentage basis, a greater increase in new housing accommodations.

That may be true in many areas, but in the city of Kansas City, Mo., it is not true. Between 1940 and 1950 the increase in population in that city was 14.4 percent; the increase in the number of dwelling units was less than that, amounting to only 13.6 percent.

I attempted to determine during the hearings when Mr. Flemming was on the stand whether or not I was correct that an area like Kansas City would remain designated a critical defense-housing area under the new and more restrictive definition.

Mr. McVEY. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield.

Mr. McVEY. The gentleman has quoted correctly from the table found on page 317, but I should like to call the gentleman's attention to the fact that while the increase in population is 14.4 percent for the period he has covered and the percent increase of dwelling units is 13.6 this population report identifies individuals and not families. If we consider that two individuals could occupy a housing unit, it seems to me that the increase in housing has more than kept pace with the increase in population.

Mr. BOLLING. If the gentleman is intimating that some of the conclusions drawn from this study are not sound I would be forced to agree with him.

However, to return to my point, when Mr. Flemming was before the committee on April 15 I asked Mr. Flemming to furnish the committee for my use some enlightenment on what would happen to Kansas City under the more restrictive definition contained both in the original Wolcott bill and in the proposed substitute. I am informed we have had no information from Mr. Flemming to date.

This leads me to believe that in fact Kansas City will not be redesignated a critical defense-housing area.

Mr. Chairman, what we need is an extension and strengthening of rent control for 1 year without any of these restrictive devices which pretend to extend but do not in fact extend rent control.

Mr. WOLCOTT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I might say to the gentleman from Missouri that I do not know what happened down there in Missouri. Kansas City and St. Louis are about the only two cities in the United States which have not kept pace in the building of housing units with increase in population. Kansas City has had a population increase of 14.4 percent, and only a 13.6 percent housing unit increase. St. Louis has had a population increase of 5 percent and a dwelling unit increase of only 4.5 percent.

I do not know why it is that these two Missouri cities stand out like sore thumbs. Surely it cannot be attributed to a shortage of materials because, of course, the same restrictions have prevailed in the other cities. All of the other cities, where there have been sizable increases in population, have had proportionately larger increases in the production of dwelling units and many of them have been decontrolled. I wonder, perhaps, if the fact that these two cities have been kept under control has prevented such construction of dwelling units as to meet the demand?

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. The reason that controls are extremely necessary in St. Louis is due to the fact that St. Louis is built up to over 90 percent of its area. There is no place to expand. The only way it can expand is by rehabilitating areas, which means displacing people. We have tried to do some rehabilitation with public housing.

Mr. WOLCOTT. Does the gentlewoman mean that St. Louis can no longer be any bigger than it is?

Mrs. SULLIVAN. No; we cannot get any bigger on account of our area.

Mr. WOLCOTT. I think the gentlewoman from Missouri better mull that over in her mind if she maintains that St. Louis has reached a static condition in which it cannot progress any further.

Mrs. SULLIVAN. St. Louis can progress; however, it cannot progress in area because we are bounded. We have no more space in which to build homes unless we tear down those which already exist.

Mr. WOLCOTT. Perhaps that is an unusual situation that has prevented it from keeping pace so far as the building of housing units is concerned.

Mrs. SULLIVAN. Yes.

Mr. WOLCOTT. That is a question for the State legislature to consider. The State legislature of the State of Missouri has been in session since January and no action has been taken. This will give the State legislature an opportunity to take such action as may be necessary.

Mr. SPENCE. Mr. Chairman, I ask unanimous consent that all Members may have an opportunity to extend their remarks at this point in the RECORD on the pending bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GREEN. Mr. Chairman, in light of the fact that President Eisenhower was so modest in what he requested of the Congress in the way of extension of rent controls—I find it hard to understand that some Members of this body, who are nominally President Eisenhower's supporters, begrudge him even the modest legislation which he requested.

However, Mr. Chairman, there are other faults with this legislation, H. R. 4507, besides the fact that it is directly contrary to the Eisenhower plan for rent control.

In the first place this bill would abruptly remove rent and eviction protection on April 30, less than 2 weeks from now, without any adequate determination being made by either the Federal or the local governments that the demand for rental housing has been met in your critical areas. It would give the local and State governments practically no time to meet this crisis even if they so desire.

H. R. 4507 has a couple of "sleepers"—cleverly placed provisions which would have the end result of making this legislation unfair to landlords as well as tenants, and to military personnel as well as landlords.

On page 2, line 24, this bill would direct the repeal of paragraph 5 of section 204 (b) of the Housing and Rent Act of 1947. Repeal of this section would take away the provision in the rent law requiring a landlord-tenant consultant be designated in every rent office whose prime duty it was to assist tenants and landlords helping prepare applications and advising them on ways and means of obtaining adjustments.

Mr. Chairman, this provision was designed expressly for the benefit of the small nonprofessional landlord who cannot afford to retain expensive legal advice or the consultation services available to the large professional landlord.

Starting with line 4, on page 2, is a proviso in this bill which is cleverly contrived so that it gives the impression that effective rent control would continue in critical defense-housing areas while in fact controls would exist in name only. The effect of this proviso is to decontrol housing which has been built since February 1, 1947, or additional housing units which were created as a result of conversion of older units since February 1947.

This proviso flies in the face of experience. For one thing, while this bill pretends to provide continuing protection around atomic-energy establishments, it would, in fact, decontrol practically all the housing around the newer atomic-energy establishments, such as the Savannah River H-bomb project, Arco-Blackfoot project, or the Pike County establishment in Ohio. All of these projects have been started since 1947 and all have been built in rural or semirural areas with the result that the bulk of the housing has been built since that date, and under the terms of this bill, that housing would be exempt from controls.

The effect of this proviso on military camps has already been demonstrated. Let me refer for one moment to the 28th report of Preparedness Subcommittee of the Committee on Armed Services, United States Senate, dated July 1951.

It is evident from this report that some of the most notorious of the dwellings depicted such as the "shanty," the "bottle house," the "box," the "chicken coop," were technically new construction, and at that time not subject to rent control.

The report of the preparedness subcommittee commented on this as follows:

> The area rent-control officials state that they are doing everything possible, within the limits of the [then] current rent legislation, to keep rents on a reasonable level. Howere, the [then] present rent-control law does not affect dwellings which have been built since 1947 or any tourist cabins or trailer camps, and these omissions leave the rent-control officials at a loss in their efforts to effectuate legal controls (p. 27).

These are some of the reasons, Mr. Chairman, why I support the Eisenhower plan and why I wish to reject this bill we are now considering; it not only kills rent control abruptly and prematurely in areas now under limited control but it renders rent-control officials virtually helpless in the critical military and atomic-energy areas in which it pretends to retain controls.

Mr. McVEY. Mr. Chairman, Federal rent control was originally imposed by the Congress in 1941. During World War II the construction of new housing units was drastically curtailed, and the proponents of a continuation of rent control base their pleas on the grounds that a housing shortage exists today.

The 1950 census report shows there were 46 million dwelling units in this country—an increase of 8,550,000 units since 1940, or an increase of 23 percent. The population increase for the same period was 14½ percent. No one suggested a housing shortage in 1940. Since housing units have increased faster than the population, there are certainly good grounds for the belief that no shortage exists today. It should be understood that this population increase identifies individuals—not families. If we may assume that on the average 2 individuals occupy these housing units, the differential between population growth and housing units is much greater.

The annual economic review by the Council of Economic Advisers, January 1953, states:

> The backlog of demand [for housing] has been largely worked off.

It goes on to report:

> The expected decline in the number of new families formed will have a pronounced effect upon the demand for housing in the next few years. The young people reaching marriage age in the next few years will be those who were born in the mid-1930's—when the birth rate was very low. It is probable that net household formations will decline from the level of 900,000 in the year ending April 1, 1952, to an average of around 700,000 during the next 3 years. This compares with a peak of 1,600,000 reached in 1947–48.

This report was rendered in January 1953, and the decline in housing demands refers to the 3-year period immediately ahead of us.

Based upon information issued by the Office of Rent Stabilization, 68 percent of all controlled units are situated in only four States, namely, Massachusetts, New Jersey, Pennsylvania, and Ohio. It would seem from this showing the problem of rent control is not now a Federal problem and that future controls may be left in the hands of States where the need of such controls continues to exist.

The claim has been advanced that renters in the city of Chicago will suffer hardships due to housing shortages if that city is decontrolled. I cannot see a housing shortage in the city of Chicago. The population of Chicago increased 6.6 percent between 1940 and 1950, while the number of dwelling units increased 11.8 percent. Yet in 1940, no one suggested there was any need for rent control.

It is my feeling that rent control cannot be justified by claims of a housing shortage. The facts do not support that statement.

Then, what other claims are advanced. It is said that rents will be increased fantastically, if controls are lifted, and that in some cities, we may face riots and bloodshed. These claims have been made repeatedly before controls were lifted in various cities throughout the Nation, and not in a single instance, has either prediction come true.

Many of the claims that chaos would result from decontrol originated in the Office of Rent Stabilization, and they have been reechoed by many on the floor of this House. The gloomy forecasts of those who want to continue in office, and others who would extend this costly stronghold upon a free economy, were unfounded, as the RECORD reveals most conclusively. The actual facts must be disappointing to the prophets of doom who protested so loudly against decontrols in the last session of the Congress.

Let us see what has happened in cities which have had rents decontrolled.

Hammond, Ind., Mayor Vernon C. Anderson:

> As a result of rent decontrol, more properties began to appear on the market, and, in less than a year, the law of supply and demand had adjusted most rents to a fair and equitable level. Approximately, a year later, the Federal Government declared the city of Hammond a vital defense area and attempted to reimpose rent controls. The city, without hesitation, passed another rent decontrol resolution and today, the classified section of our local newspaper has long lists of available rental properties. Both the landlord and the tenant benefited through decontrol of rents in the city of Hammond.

Detroit, Mich., Detroit Free Press:

> The anticipated deluge of complaints, after common council lifted rent controls, has never materialized. The councilmen and almost everyone else involved have expressed amazement at the lack of complaints and trouble since controls went off. F. D. Hogan, clerk of the Wayne County Circuit Court Commissioners, said that a vast majority of landlords and tenants are pretty nice people who can work out their problems fairly and peaceably. Councilmen on both sides of the fence were in agreement that never had such a hot issue become so cold so fast after a decision had been made.

Seattle, Wash., Seattle Times of November 23, 1952:

> A large percentage of apartment-house dwellers in King County have not been asked to pay higher rents and the majority of increases levied are considered fair, a survey

showed yesterday. City Councilman Charles M. Carroll, who voted against removal of rent controls here, said yesterday, that decontrol is working out satisfactorily. He predicted that there will be no demand for reimposition of controls.

Atlanta Ga.: Mr. John A. White, a member of the Atlanta City Council, says that, in his opinion, rent decontrol has helped both the owners and renters of properties, as there have been no unreasonable rent increases, and the owners are free to control their properties once more and make any needed improvements.

Huntington, W. Va., Mayor W. W. Payne says:

Since rent decontrol, I haven't been called nor have I heard any discussion for either side. I would say that rent decontrol is working very well.

Boulder, Colo., Mr. Burt W. Johnson, city manager of Boulder:

Since the decontrol became effective, I have received no more than a half dozen calls, some of which were matters of inquiry rather than complaints relating to high rental adjustments.

Bloomington, Ill., Mr. Cecil R. Cone, mayor of Bloomington:

Apparently we have a slight increase in the number of rental units of all types available to the people. There hasn't been any sudden or great change since decontrol.

Garden City, Kans., Mr. Robert Peart, city manager:

Rent control expired a few months ago, and the governing body or the writer, to the best of my knowledge, at least have had no difficulty whatsoever since the control was released.

Davenport, Iowa, Attorney Jacob Jepsen, member of the City Council of the City of Davenport, says:

May I state that since the City Council of the City of Davenport has decontrolled city property, little discussion has been heard from either side regarding that matter. The owners and the renters alike are both happier, and I have heard of little difficulty in obtaining places for occupancy by renters.

On the basis of the facts here presented, it seems clear to me that the continuation of rent controls is not justified on the basis of housing shortages, and neither is it justified on economic grounds. It is in a sense the confiscation of private property. Many pensioners and others who have invested their life-savings in property, hoping to earn a decent living from rentals, have seen their hopes disappear and are forced to spend their declining years in poverty. The owner of property has been forced to pay double what he did in 1939 for fuel, upkeep, and most of the expenses which regularly accrue to the ownership of property. The return on his investment has been negligible, if anything. Rent control takes away the property of one group of citizens for the benefit and use of another. This policy may be defensible in case of all-out war.

The time has come for the Federal Government to withdraw from rent-control regulations, except in the case of critical defense areas, and it seems to me that all believers in a free economy should support this bill.

Mr. GWINN. Mr. Chairman, I rise to support the committee bill, H. R. 4507, and oppose the committee amendment extending rent control for a limited period.

We had a heartening experience yesterday, voting so overwhelmingly against the principle of public housing. No appropriations were made for public housing in the year 1954. We separated the liberty-loving sheep from the bleating, weeping goats.

Mr. Chairman, it is impossible for me to imagine the sight of Republican tails going over the fence on rent control and getting mixed up with the goats again.

An examination of the testimony before the Banking and Currency Committee—in fact, the report of the committee itself in support of the committee bill (H. R. 4507), and the remarks of the gentleman from Michigan [Mr. WOLCOTT] the honorable chairman of the committee—all support powerfully the argument that rent control should die next week.

First. A careful check of the hearings before our Banking and Currency Committee reveals that Dr. Flemming, the administration spokesman, gave no reason why rent controls should be extended. He had to admit on questioning by members that he knew of no adverse results of decontrol and that he had no facts to refute the facts obtained by the committee showing that decontrol results have been wholesome nationwide. It may surprise you to know that some of the greatest cities in this Nation are free. I mean cities like Detroit, Denver, Houston, Los Angeles, Akron, Richmond, and Atlanta. Why, right here across the river in Virginia rent control has been a dead issue for nearly 3 years.

I would like to make three points Mr. Chairman.

First. Rent control is morally unsound. It allows one citizen to live in a home belonging to another without its owner's permission. It admittedly takes from the owner part of the fair market value of the dwelling and puts it in the pocket of the tenant. This is stealing regardless of the fact that it is given the color of legality by the Federal Government.

Second. Rent control is economically unsound. It is the best slum producer that has ever been devised. Take a look at any of our big cities. They are going the same way that the broken cities of Europe have gone. After all, maintenance of these buildings had to be deferred for 10 years during the depression. This repair and modernization has now had to be delayed for 12 more years, first on account of the war, and later on account of frozen rental income. The buying value of the property owner's frozen rent dollar has been cut in half due to the inflation of the paper money supply. The Congress itself will have to continue to share the responsibility for the increasing dilapidation in the older areas of our cities unless it ends rent control.

Those Members who think rent control helps the tenants should ponder the fact that most fairminded tenants want good housing and are able and willing to pay for it. Rent control denies them the right to bargain for better service. Rent control also is drying up their opportunities to rent. In spite of our postwar housing boom, little has been built for rent due to rent control. The Census Bureau reports a net decrease in the rental housing inventory of more than one-half million units since rent controls were imposed.

Third. Rent control is politically unsound. There are many political myths and much emotion, unfortunately, surrounding this issue. Much of this stems from the fact that strong and loud minority leaders, such as some irresponsible leaders of our great labor unions, are thought by some to control the good citizens who are their members. Some of these labor leaders threaten political assassination of anyone who votes for rent decontrol. Some politicians, I regret to say, take these threats at face value. What are the facts?

In Los Angeles, the city council voted for rent decontrol. The radical labor leaders threatened to defeat the members of the council. Ten of the council members had voted for decontrol, and, in the election following soon thereafter, nine of them were overwhelmingly swept back into office.

Our colleague, the gentleman from Michigan [Mr. OAKMAN] is a very modest gentleman, but I hope he will pardon this reference to his own case. There is no greater industrial city in America than Detroit. There is no city perhaps more generally thought of as being dominated by labor leaders. The gentleman from Michigan [Mr. OAKMAN] was a member of the city council that allowed freedom to return to rental housing in Detroit last September. Undoubtedly, some thought this would be political suicide. Again, what are the facts? The gentleman from Michigan [Mr. OAKMAN] was the only Republican Congressman elected from the city of Detroit to this present Congress, and he had a 10,000-vote majority.

Hardly any country knows firsthand better the evil results of continued rent control than England where the intended temporary controls have been in effect since 1915—38 years. I especially commend to the attention of every Member the following quotation from the Economist, London, October 11, 1952:

If there is to be a policy of letting prices once more correspond to costs, so that the public can distribute its expenditures on a rational and realistic basis, it needs to be applied first and foremost to housing. A policy of letting rents rise and cutting the housing subsidy would unquestionably do more good to the British economy than anything else that could well be devised. Of that there is no more doubt than there was a year ago about the good that dearer money would do. But there is equally little doubt that in the early stages—before it was seen to have solved the housing problem—it would be wildly unpopular. This is a severe test for any party; but not an unfair one. It can serve as the touchstone for the months ahead.

I urge this honorable body to get away from the emotion of those who are afraid of freedom as a source of housing and all the other good things in life, in war or peace. Take counsel with your own hopes for freedom backed up by the facts and

let the word go out through our country—still the last hope of freedom on earth—that we intend to restore it. We have restored freedom of prices, freedom of wages, and nine-tenths of the people who own and build houses for rent are free. Only one-tenth of them remain under compulsion, tyranny, and political highjacking. Why should we stand here cringing in fear of political consequences? In the face of the prospect of total freedom for our economy for the first time in 20 years, does it not thrill you to think that total freedom may break out at midnight 1 week from today by the courageous action of this Congress?

Mr. DONOHUE. Mr. Chairman, rent regulation and stabilization was originally legislated here because of the universally recognized and admitted housing shortage in the country. Because this shortage undeniably still widely exists, I earnestly believe the national welfare requires the continuation of the authority for Federal rent regulation. When the time comes, and I pray it may be soon, that this mobilization emergency ends and a housing shortage no longer exists, then I shall be among the first to act in doing away with such controls. I do not think that factual evidence to prove the housing shortage is ended has been presented here; quite the contrary.

The present system of rent regulation seems to me to be as inherently fair and just as any such control can be. In every respect, the program has been adjusted to the needs of the communities in which it has been applied with the greatest latitude and flexibility. At various times, the law has provided for individual adjustment between landlord and tenant; granting permission following the signing of a lease for reasonable rent increases and making provision for subsequent decontrol. The act has permitted the complete decontrol of a whole State following action by the State legislature, or of a local community merely by enactment of a resolution of decontrol by a local governing body.

It is significant that in response to the needs of the American people, over fifteen hundred communities remain under this program. Given the opportunity to choose for themselves, hundreds of communities have decisively sought continuance of the Federal program. As the form of expression of community decision has come closer and closer to the people, the more decisive has been the expression of approval of the program.

This has been strikingly demonstrated in my own State of Massachusetts and my district, where an opportunity for referendum on the question was given by the State legislature in connection with the September 30, 1952, deadline voted by the Congress last year. For example, taking two cities from my own district, in Worcester, the vote was 29,626 for and 8,639 against; in the city of Waltham, the vote was 3,004 for and 1,145 against, which is an average of almost 3 to 1 in favor of the program. Now the same situation and the same feeling of our people about the critical housing shortage remains in a great number of other cities and communities throughout the country, as well as in Massachusetts.

In the light of the unquestioned fact that the balance between housing supply and demand has not yet been achieved in numerous areas in this country not classified as critical, I feel strongly, along with the sentiments expressed by President Eisenhower, that permitting Federal rent stabilization to expire as proposed in this bill, would disregard the needs of the Nation and its defense effort and would result in real hardship to millions of our lower-income families, military personnel, and individuals forced to try to live on small pensions and retirement allowances.

This country is still in a state of emergency and defense mobilization. Our people are carrying a tremendous burden of taxation and giving their best efforts to the demands being made upon them in protecting our national security. The housing shortage is still causing great hardships and major discomfort. To summarily remove all Federal rent regulation now or in the very near future will inevitably add to the other troubles and privations being so patiently endured by the great majority of our patriotic citizens in this threatening period. Until such time as there is adequate housing to fairly provide for the reasonable needs of so many of our people, I firmly believe the current rent stabilization program should be extended. Let us remember that housing is the one commodity for which there is no substitute.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Housing and Rent Act of 1953."

Mr. WOLCOTT. Mr. Chairman, I offer an amendment in the form of a committee substitute.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert in lieu thereof the following: "That this act may be cited as the 'Housing and Rent Act of 1953.'

"SEC. 2. Section 4 of the Housing and Rent Act of 1947, as amended, is amended—

"(a) by striking out '1953' in subsection (e) of said section and inserting in lieu thereof '1954'; and

"(b) by inserting after the words 'veterans of World War II' wherever they appear in said section the words 'and of the Korean conflict.'

"SEC. 3. Paragraph (5) of subsection (b) of section 204 of the Housing and Rent Act of 1947, as amended, is repealed.

"SEC. 4. Paragraph (1) of subsection (e) of section 204 of the Housing and Rent Act of 1947, as amended, is amended by striking out '(whether or not under Federal rent control)' in the first sentence, and by striking out the second sentence.

"SEC. 5. (a) Subsection (f) of section 204 of the Housing and Rent Act of 1947, as amended, is amended by adding at the end thereof the following new paragraph:

"'(5) (A) Notwithstanding any provision of paragraph (1) of this subsection—

"'(i) the provisions of this title shall cease to be in effect at the close of July 31, 1953, in the areas described in subparagraph (1) (B) and (C) of this subsection in which maximum rents were in effect on April 30, 1953; and

"'(ii) the provisions of this title shall cease to be in effect at the close of April 30, 1954, in any area which has been or is certified under subsection (1) of this section as a critical defense housing area.

"'(B) Any such area which was certified as a critical defense housing area prior to the date of enactment of the Housing and Rent Act of 1953 shall be reviewed by the President in the light of the new criteria applicable to critical defense housing areas and shall be continued under control after such review (which must be concluded by July 31, 1953), only if, after such review and prior to such date, the President determines that such area meets the requirements for certification under section 204 (1) as amended by such act, and publishes in the Federal Register notice that such determination has been made'.

"(b) Paragraph (3) of subsection (f) of section 204 of the Housing and Rent Act of 1947, as amended, is amended by striking out '(1)' and inserting in lieu thereof '(5)'.

"(c) Paragraph (4) of subsection (f) of section 204 of the Housing and Rent Act of 1947, as amended by striking out '(1) or (3)' and inserting in lieu thereof '(3) or (5).'

"SEC. 6. The second sentence of subsection (1) of section 204 of the Housing and Rent Act of 1947, as amended, is amended by striking out 'without exception' and inserting in lieu thereof 'except housing accommodations the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947.' The fourth sentence of such subsection is amended by striking out 'subsection (e) or (j)' where it appears in the matter preceding the colon and inserting in lieu thereof 'subsection (c), (e), or (j).' The last sentence of such subsection is amended to read as follows: 'No area shall be certified as a critical defense housing area under the authority granted in this subsection unless all the following conditions exist in such area:

"'(1) A new plant or installation of the Department of Defense or the Atomic Energy Commission has been or is being provided or an existing plant or installation of either of such agencies has been or is being reactivated or its operation substantially expanded;

"'(2) Substantial in-migration of defense workers or military personnel is required to carry out activities at such plant or installation; and

"'(3) A substantial shortage of housing required for such defense workers or military personnel exists which has resulted or threatens to result in excessive rent increases and which impedes or threatens to impede activities of such plant or installation.'

"SEC. 7. Section 204 of the Housing and Rent Act of 1947, as amended, is amended by adding at the end thereof the following new subsection:

"'(r) Regulations or orders under this title shall be subject to the same proceedings for protest and review as are provided for regulations or orders relating to price controls by sections 407 and 408 of the Defense Production Act of 1950, as amended, and for such purpose such sections are hereby continued notwithstanding the provisions of section 717 of the Defense Production Act of 1950, as amended.'

"SEC. 8. Subsection (a) of section 208 of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

"'(a) The President shall administer the powers, duties, and functions conferred upon him by this act through such officer or agency of the Government as he may designate. In accordance with the action taken by him pursuant to the preceding sentence, the President shall provide for appropriate transfers of records, property, necessary personnel, and unexpended balances of appropriations, allocations, and other funds heretofore under the jurisdiction of, or available to, the Office of Rent Stabilization. Any employees of the Office of Rent Stabili-

zation not so transferred shall, unless transferred to other positions in the Government, be separated from the service. The President shall make such provisions as he shall deem appropriate for the termination and liquidation of the affairs of the Office of Rent Stabilization, but such liquidation shall be accomplished no later than July 31, 1953. For the purpose of determining the status of employees transferred to an agency administering functions provided for in this act, they shall be deemed to be transferred in connection with a transfer of functions.'

"SEC. 9. Nothing in this act or in the Housing and Rent Act of 1947, as amended, shall be construed to require any person to offer any housing accommodations for rent.

"SEC. 10. The second sentence of section 203 of the Defense Production Act Amendments of 1952 is amended to read as follows: 'Any committee so appointed shall consist, in addition to a chairman, of representatives of the Department of Defense and the Housing and Home Finance Agency'."

Mr. WOLCOTT. Mr. Chairman, I think this was covered pretty much in the general debate and probably no further explanation is necessary. However, I think I should take this opportunity to explain that this is a committee substitute. The matter was brought to the attention of the committee this morning and it was decided that this was the better way to present the matter.

The main difference between the substitute and the original bill reported out is that this substitute continues rent control in noncritical areas for 90 days. It continues rent control in the critical areas for 30 days beyond the date set in the first bill. It provides that all rent controls in the critical and in the noncritical areas expire on July 31, 1953, except that in those critical areas where the President finds that they comply with the new criteria established in the bill rent control in those areas may continue until April 30, 1954.

We do away with the Office of Rent Stabilization on July 31 instead of June 30, as was provided in the first bill.

I think in summary that is what the bill provides for. I assume there will be amendments offered to this and that there will be further debate in connection with *this substitute when the amendments have been offered.

Mr. COLE of Missouri. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. COLE of Missouri. The bill that was reported from the committee was H. R. 4507, introduced by the gentleman from Michigan [Mr. WOLCOTT]. Is that correct?

Mr. WOLCOTT. That is right.

Mr. COLE of Missouri. The substitute came out when? This morning?

Mr. WOLCOTT. This morning.

Mr. SPENCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SPENCE: Strike out "July 31" on page 2, line 14, and on page 3, line 2, and insert in lieu thereof "September 30."

Mr. SPENCE. Mr. Chairman, this amendment would extend rent control into noncritical areas until September 30, 1953, 2 months longer than the substitute amendment offered by the gentleman from Michigan. I think on very clear and convincing testimony, this was the wish of the President of the United States. It was the wish of his representatives. Dr. Flemming, the Administrator of Defense Mobilization, asked for this extension before the committee, and said it was acceptable to the President. I do not think it is necessary to make any extended statement. It will give the State and subdivisions 2 additional months in which to work out this problem. It probably will be to great advantage to many of the States who cannot act very promptly. I do not know what impediments there are in calling the legislatures of the various States in session, but there are always some obstacles in the way. There is, for example, the requirements of notice to the members. This will give them 2 months more in which to act. I think then, if we do give them this time, that we will have a better argument to say to them, "We gave you the opportunity to settle this question to your own satisfaction and you failed to act." I know it will be said that the President agreed to the date of July 31—maybe he did—maybe under pressure he agreed to that, but the first impression of the President was certainly in accordance with the amendment I have offered.

Mr. DIES. Mr. Chairman, I rise in opposition to the amendment. I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DIES. Mr. Chairman, I want to apologize to the House for trespassing upon your time. During my long service in the House I have made it a rule not to speak often on the floor. Today, however, I have been impressed by the arguments and philosophy of some of my friends who designate themselves as liberals. I have a profound respect and a deep affection for many of my colleagues on the Democratic side, and especially for the gentleman from Illinois [Mr. O'HARA].

I have been closely associated with that branch of my party which labels itself "liberal," for a long time, and I have known many excellent and sincere men who believe that they are liberals. I know that they believe deeply and sincerely that their philosophy of government is for the best interests of the masses of our people. If I thought they were right I would go along with them, because I subscribe to the Jeffersonian principle of the greatest good to the greatest number. I wish I could agree with them, since we belong to the same party, at least nominally.

It so happens, however, that I too have deep convictions that go back a long way. As I said to the House a few days ago, I first came here with my father in 1908 under President Taft's administration. My father served in Congress during Woodrow Wilson's administration, and, of course, I served here from 1931 to 1945. I have had an opportunity, therefore, to observe at first hand the trend of our government toward federalism, and the philosophy of those who support this trend.

I believe, like Woodrow Wilson, that the history of liberalism and freedom is the history of decentralization of power. I believe that power corrupts; absolute power corrupts absolutely. Our Founding Fathers understood this great truth when they came to construct our great fabric of constitutional democracy. They sought to guard against this great enemy of freedom and progress through our system of checks and balances and the distribution of power in such a way that it would not be concentrated into the hands of a few.

From my reading of history I have learned that the trend toward concentration of central power invariably results in the enslavement of the people. This was the philosophy of the Democratic Party as I have understood it from my boyhood. Everything that I have ever read which was written or spoken by Thomas Jefferson, Andrew Jackson, Woodrow Wilson, Grover Cleveland, and the other great leaders of our Democratic Party was to the effect that the basic principle of the Democratic Party is opposition to the omnipotency of government. So, I came to regard with suspicion the efforts of politicians who believe in a highly centralized Federal Government.

I came here during the depression, and like many of you, I supported the emergency measures of the Roosevelt administration. In many instances I did so with misgivings, but our country was in a deplorable condition, caused largely by speculation and unsound policies. I remember quite well that period of speculation which preceded the stock market crash in 1929, when millions of people were buying stock on margin. During this period the Government was maintaining foreign demand for our products by giving away our money under the guise of loans. When this artificial condition came to an end we were suddenly plunged into a deep depression, and we adopted emergency measures.

As most of you who served in Congress during this period will remember, we were told that many of these measures were temporary to meet the grave emergency; that as soon as the depression lifted we would return to free enterprise. Despite the fact that for several years now we have enjoyed unparalleled prosperity, we hear the same clamor for all types of legislation, based upon the idea that the Federal Government can do for the people and for the States and for the local governments more than they can do for themselves. I have always believed that what people can do for themselves, local governments should not do for them. What local governments can do for the people the Federal Government should not undertake. If this is not Democratic philosophy, then everything that I learned from my father and the great Democrats of our party was erroneous, because, without exception, they affirmed this doctrine.

Because it was necessary to adopt emergency measures during the depression or war, it does not follow that we ought to continue these measures as permanent policy. Where I disagree with some of my liberal friends—and just because we disagree does not imply any want of confidence in each other's sincerity—but where I disagree with them is that they never want to stop.

They think that because limited doses of medicine help the patient in times of sickness it ought to be continued in ever-increasing doses despite the fact that health has been restored. They are like the old colored woman in the neighborhood of my farm who became ill and the doctor gave her a bottle of medicine with instructions to take one teaspoonful every hour. That night the doctor was summoned to her bedside where he found her in great pain and anguish. In trying to discover the cause of her worsening condition, the doctor observed that the bottle of medicine was empty. He asked, "Did you drink this entire bottle?" She replied, "Yes." The doctor asked, "What did you want to do that for?" She said, "You told me to take one teaspoon every hour. I thought it would be just as well to take all the bottle at one time and be done with it."

Because some measures may be needed in periods of emergency does not justify a continuation of these measures on a permanent basis. I believe the time has come when we ought to simplify, decentralize, and restore this Government to the American people. I have infinitely more confidence in the rank and file of the people than I have in politicians and in the creatures of politicians. I have seen nothing during my lifetime in Washington to justify the faith of my so-called liberal friends in paternalistic government. As a general rule the people can do better for themselves than the Government can do for them. And so we see a fundamental cleavage of political philosophy. We have it on our side of the aisle, and you have it on your side; and the trend throughout the world today is in the direction of the all-powerful state.

Mussolini expressed the underlying philosophy of big government when he said, "Everything for the state, nothing outside the state, nothing against the state." Hitler expressed it in different language when he said that the individual must be subordinated to the state. The Communists teach and practice the same thing. All of them profess the same objectives of helping the masses of people. All of them justified their policies upon the assumption that they were the chosen ones to aid the rank and file of the people. As a matter of fact, every political creed that has ever existed has professed as its goal the betterment of the common man. Julius Caesar proclaimed this objective when he dispensed grain from the warehouses of Rome. The Gracchi brothers said that in order to decentralize wealth in Rome and distribute prosperity to the masses, it was necessary to adopt socialistic measures. In our day England experimented with socialism. They believed that if they could concentrate the economic power of England in the hands of government bureaucrats, they could promote the happiness and welfare of their peaple. We know how the promises of their socialistic leaders turned to ashes. Instead of making everybody wealthy in England, the planners made everybody poor. Instead of distributing prosperity, they distributed poverty. There is not a single example in history of a socialistic government which has succeeded. Our own excursions into the realm of planned economy was equally disappointing. Despite the fact that we spent billions of dollars to furnish employment for our people, we entered World War II with 8 million unemployed. This experience should have taught all of us that the only way you can provide remunerative employment for our people and better their standard of living is through free enterprise. You cannot do it through Federal bounties, planned economy and the lavish expenditure of public funds. If you could do it this way, it would be simple and easy and a short cut to prosperity.

History and our own experience in recent times teach us, however, that the road to prosperity and security must be built by honest work and sound policies. The only way we can maintain a competitive political system, insuring personal freedom, is to retain our free enterprise system. Socialism is the intermediate stage between democracy and dictatorship. Because socialism removes the profit incentive to work and save, the substitute of force and fear must be adopted to prevent complete anarchy. For some time the Socialists and Communists belonged to the same international and worshiped at the shrine of Marx. The Communists started out as Socialists and ended up as dictators. Neither can you have an economy which is half socialistic and half free enterprise. It is like trying to mix oil and water. While free enterprise might survive for a time, it will be crushed finally by the deadening weight which it is forced to carry.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. COLE of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There is no objection.

Mr. DIES. I do not know that I should take this time.

Mr. COLE of Missouri. I am with you all the way.

Mr. DIES. Mr. Chairman, we have had rent control; the theory of it is that it will help the tenant, and I know that many of these distinguished gentlemen from the great industrial areas of our country are confronted with serious problems. I know they are deeply sincere in their convictions. But the premise upon which controls are based is fallacious; it is simply an illusion. You think you are helping the tenants and the masses of the people, but what you do is to discourage incentive and prevent those natural forces in a free economy from operating to solve the problem.

I believe that if free enterprise is given a fair chance, the American people have the patriotism, ambition, and incentive to solve the economic and social problems that confront us. I would rather trust them than some of the wardheelers who want the job of planning and thinking for the people.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DIES. I yield.

Mr. YATES. Mr. Chairman, does not the gentleman recall that in 1914 the Interstate Commerce Commission was created to check the excesses of certain industries that were gouging the American people?

Mr. DIES. That is right. It is a matter of degree. Of course, the Federal Government has to expand to meet the expanding needs of the people, but it ought to be done slowly, wisely, and only after there is a very clear showing of necessity. I fear the all-powerful state, and I think the gentleman should, too, if he is a liberal, and I am sure he is. We need and must have in Congress conservatives and liberals. However, I think it would be helpful to define the true meanings of conservative and liberal. I have always believed that a conservative is one who wants to conserve his country and the achievements of past generations, who wants to conserve the things that are useful and sound. A liberal is one who believes in liberty. Since concentrated power endangers liberty, a liberal must oppose it. I believe that a liberal is one who wants to preserve the God-given rights of the individual. He wants the state to remain the servant of the people and not their master.

Mr. Chairman, I distrust the all-powerful state. I am opposed to the Federalist's conception of government. I have seen so much waste, duplication, inefficiency, red tape, graft, unmorality, and favoritism in the handling and disposition of public funds and credit and in the exercise of administrative power that I have been strengthened in my belief that the wise men who founded this Republic were right. Everything that I have observed and experienced in connection with government has confirmed my faith in the philosophy of Thomas Jefferson. I am convinced that if we want sound progress for ourselves and our children, we must return to those great principles of government proclaimed by Jefferson, applied by Jackson and interpreted by Wilson.

Mr. Chairman, I am opposed to rent control except in emergencies because I see no more reason for the Government to control rents than to control wages or prices. The idea of control, except during war or great emergencies, is based upon a distrust of the American people. If we do not have confidence and faith in our people, we will fail in our efforts to legislate for them. By people I include all groups—businessmen, industrialists, employees, the professions, and so forth. I believe that the vast majority of our people are patriotic, enterprising, progressive, and dependable. The more we hamstring them with red tape, regulations, controls, and bureaucratic government, the more we stifle their incentive and retard the development of our country.

Mr. Chairman, I practiced law for 8 years after I left Congress. I think that the Members of Congress who believe in paternalistic government should go back to private life and live under some of the laws that they have passed. Some of the cases I tried were before examiners sent out of Washington. Too many of them were wholly lacking in the qualities essential to an intelligent and impartial consideration of important facts. Some of them had no conception of the duties and responsibilities of examiners re-

quired to pass upon matters of vital concern to American citizens.

I found out that many of the legislative schemes which were so attractive in theory do not work out in practice. I spent a lot of my time filling out silly reports for myself and my clients. Then at the end of the year, after I had spent weeks and months preparing and trying cases in courthouses that were too cold in the winter and too hot in the summer, I had to turn over to the Federal Government a large part of my earnings. If my money had been used by the Government to carry on the legitimate functions of government, or to benefit the Nation, I would not have objected. But knowing that some of my money would be wasted or misused, I became so discouraged finally that I decided to come back to Congress and see what I could do to restore honest and efficient government.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FULTON. Mr. Chairman, I move to strike out the requisite number of words.

Some of us with districts that represent in great industrial areas have felt that while emergencies existed there was necessity for controls. There were those of us in the Republican Party and in the Democratic Party who felt that when the emergency was over then the controls should cease.

Today I do not see any emergency nationally that necessitates general rent control from here on. I have been one of those moderates that has said, "Do not cut rent control off quickly; make the transition in various stages with due notice." As a matter of fact, this Congress took 3 years in order to point ahead that there would be a cut-off date that would be definitely set, that the people could count on, in order to finish rent control once and for all. I am one of those that when the Korean war occurred stood up here and said, "Put controls on everything; put them on wages, prices, rents, and enforce controls right across the board, and do not try to make it partial." I believe Baruch when he said that we need an economy that is pliable but held at a certain point in times of emergency, without exceptions. Now we come to the point in this country where price controls have been taken off, wage controls have been taken off, and the emergency has centered down where it is restricted to a few areas, and is not national. The peculiar thing is that in areas where they claim the emergency exists today, there are more homes and more units than there have ever been, and there is a greater number of people living in these units in proportion to the population than there have ever been in the history of the country. I will ask the gentleman from Michigan [Mr. WOLCOTT] if that is not true. Where the controls are on now, is there not a greater proportion of units for the population and a greater number of family units in those particular apartment houses or individual houses?

Mr. WOLCOTT. That is almost universally true.

Mr. FULTON. Actually, where there have been shortages and there has not been rent control lately, there the people have expanded by construction to meet the need, and the expansion of development has come of new construction and conversion of existing units.

Mr. WOLCOTT. That is substantially true. Down in the Southwest where population increases have been as high, in one case, as 290 percent, and several places in the Southwest where they have been 200 percent, building has kept pace with it and also exceeded it, yet in the controlled areas, where the impact has been much less—and they are largely found in these 10 States I mentioned—where they have the controls and now want to continue controls, there has not been nearly the impact that there has been in the population inmigration in the decontrolled areas. So, I think the gentleman's position is well taken that possibly these areas which have decontrol have encouraged the production of units to take care of the demand.

Mr. FULTON. Under the present circumstances then that means this, that if the United States has a free economy otherwise which is able to take care of the problem, why then should we want the Government to do this job further by restrictive controls? I have heard the gentleman from Michigan, Mr. WOLCOTT, say at other times and in speeches that the time had come when rent control should finish and we should look ahead to a time, April 30 where, except in certain severe areas, that it should cease. Now, if the Congress changes and puts off the end from time to time we are in the same old position we got into in the late middle forties on price control, when there is fighting between the economic groups, when you have a certain group of people that feel they have a vested right in certain regulations, as well as properties. I have never wanted that to happen. So, at this particular time—and I said it in my district and I again repeat it—I think we should stand by the time that we decided to cut rent control off, once the Congress sets it. So, I agree with the Committee on Banking and Currency. I agreed with the Committee on Banking and Currency of the House at the time they brought its report out, because I feel that it was right, and if we keep compromising on these things, compromising on emergencies and basic principles, we get to the point like they did in France, we will never get rid of controls.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FULTON. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. JONAS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Illinois.

Mr. JONAS of Illinois. Does the gentleman take the position that the question of rent control is no more one for the Federal Government; that if there are questions pertaining to that problem at all it is localized and should be a matter for the State legislature or the city council or the board of supervisors; that it ceases to be a national problem?

Mr. FULTON. That is right. And, if we in Congress keep on extending the terminal point, controls will never be taken off.

Mr. JONAS of Illinois. When any legislative problem ceases to be a Federal problem for control or outlives its usefulness, then you cannot justify the necessity for further control merely by fixing a terminal date. I think the gentleman agrees with me to that extent.

Mr. FULTON. I feel that when the United States economy cannot perform the job, under war conditions, under unsettled conditions, under inflationary conditions, we should have controls, but once the economy can do it, and when it is doing it, we should take controls off.

Mr. SIEMINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, at law we call a corporation a person, as we do people, who have problems no less difficult than corporations. Today the Interstate Commerce Commission is a regulatory body. Perhaps we should change the word from "rent control" to "rent regulation," and conduct our affairs with people as we do with industry.

I have two examples I would like to state for the RECORD for my district. I would like to ask, what effective means do individuals, like you and me, in northern New Jersey, a section that I am privileged to represent, have in regulating the monopoly of the New York Port Authority, which has controlled the rates through the Holland and Lincoln tunnels and over the George Washington bridge almost since they were built, installations that have paid for themselves more times over than we like to admit? You say the people under our system of government are free, are enterprising; corporations, yes, but are other people able to be? Just show me anyone in this House with the ability to get the New York Port Authority to knock that half dollar fare down to 25 cents. That is the type problem we face in northern New Jersey. It is a problem of people persuading other people, or corporations to be reasonable or fair. We have not had much success with the New York Port Authority.

Second, Don Mitchell, president of the Sylvania Electric Co., told me once in private talk, and his is a company that went from some $8 million to over $100 million since Pearl Harbor, that the key to American economy has been to knock the price down. It spreads distribution and promotes industry and wealth. That has been the formula of America's sensational industrial growth. That seems to me to be the formula we should provide in rent control. Do you give the private citizen the same treatment you give industry? Can he pick and choose his rents as he can his transportation?

Don Mitchell went to England. He wanted the British Isles to step up its consumption of electricity. He was blocked. He said to people there, "The high cost of your light bulb is a bottleneck to electric consumption. Why do you sell your electric bulbs for double their cost? Why not do what we

would do in America? Sell them at cost, if need be, to get more outlets so that you can sell more appliances."

He was told by key electrical men in England, "That is the policy of the ring. You have your way and we have our British way. That is the way the ring operates."

We do not countenance that. We have government to keep monopoly from operating. That is why we have an Interstate Commerce Commission. What redress do the people have when they cannot buck that kind of monopoly? That is where government comes in. That is where the people of my district, I think, would like a regulatory body, not a body of control, but something like the Interstate Commerce Commission. Put this rent problem on a reasonable basis, so all can have their redress. We can use the American formula of knocking the price down. That way you spread distribution and step up profits, and everybody is happy.

People must have redress in this situation, especially in my area where space is at a premium, quite unlike the prairie where space is no factor. We are virtually cliff dwellers. Space up, as well as along the ground, is in high demand, and we ought to use the word "regulation" in place of the word "control," the spirit of which is anathema to Americans.

Let us put rent regulation on the same basis the Interstate Commerce Commission puts industry and commerce. Let us treat our citizens, who are people, as corporations are treated, on the same basis—in personam.

And in conclusion, let us not overlook the Pearl Harbor mother or widow who rents her home. In many cases her rents have been frozen while the wages of her lessees have mounted, especially in defense areas. She deserves a cost of living index adjustment on her rentals. General Motors recently obtained such an adjustment with the wages of its employees. There is a formula. The American formula. Let us use it.

Mr. WOLCOTT. Mr. Chairman, of course there is no intention to cut off debate on this amendment, and since so many Members have expressed themselves on the amendment, and in the desire to get along as rapidly as we can, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 10 minutes with the last 3 minutes to be reserved to the committee.

Mr. JAVITS. Mr. Chairman, reserving the right to object, will the gentleman make that 15 minutes. There are about five of us on our feet and that would give us about 2 minutes each.

Mr. WOLCOTT. I observe from the gentlemen who are standing that the remarks of some of them who want to speak on this amendment could very well be made after the amendment is voted upon.

Mr. JAVITS. But, not in my case, may I say to the gentleman from Michigan, I would like to speak on the amendment before it is voted upon.

The CHAIRMAN. Permit the Chair to inquire whether or not the gentleman's request is simply upon the committee amendment or the so-called Spence amendment.

Mr. WOLCOTT. My request is with reference to the pending amendment to the committee substitute, the Spence amendment, with the last 3 minutes to be reserved for the chairman of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. JAVITS].

Mr. JAVITS. Mr. Chairman, though we have rent control in New York just extended for 2 additional years I am also deeply concerned with Federal rent control so vital to our defense-mobilization situation. I think the real justification for rent control on the part of the Federal Government is that the legislatures of certain States containing cities requiring rent control will not pass legislation either giving them rent control or permitting those cities to have rent control themselves. This is attributable to the composition of such State legislatures with disproportionate representation from country areas not interested in rent control.

I think the inherent contradiction in this bill is if you allow rent control for critical defense areas—and they are certainly much too strictly defined in this bill—you are admitting that you cannot get State rent control out of those very State legislatures. Therefore, there is just as much justification for rent control to protect the people of the cities in those kinds of States which are in an emergency situation on housing because we cannot build as much and as cheaply as we should due to the war situation where defense work is also important and families needing rent control send children into the Armed Forces, and are therefore also in a real sense critical defense areas.

Mr. Chairman, I believe that Federal rent control is justified until the problem in those described cities in the States which will not give them rent control under the defense emergency is sufficiently reduced. There are still 5 million housing units, about one-third of those which could be affected, under Federal rent control. Certainly the problem is still enormous. I believe, therefore, this is a proper place for the interposition of the Congress, and I shall support this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GWINN].

Mr. GWINN. Mr. Chairman, I waive my time.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CEDERBERG].

Mr. CEDERBERG. Mr. Chairman, I waive my time.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield back my time and ask for a vote on the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Chairman, a controversy has arisen here apparently on this amendment. The controversy being whether you will support the President or whether you will support the committee amendment. They have tried to draw a line and create an issue as between the committee action and the President's action. I am glad to see the gentleman from Kentucky [Mr. SPENCE] show his willingness to go along with the President.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Kentucky.

Mr. SPENCE. I am pleased that the President's views coincide with my own.

Mr. WOLCOTT. Yes. I say I am glad you go along with the President, because now I can tell you where the President stands on it.

I might also comment that there were 7 committee members, of which I am reasonably certain the gentleman from Kentucky [Mr. SPENCE] was 1, who wanted to continue controls for 2 years. Surely no one has ever suggested that the President of the United States, in view of the statement which he made in the state of the Union message, wanted to continue any of these controls, let alone rent control, for 2 years. So I cannot reconcile the action taken today by some in the name of the President of the United States with the action they have already taken in the committee against his wishes. So let us not take too seriously this idea that they are supporting the President and we are not supporting the President.

Now, what has the President said about it? The President, in a meeting a few weeks ago, said that his only concern was that the State legislatures should have a fair opportunity to act previous to the time when Federal rent control should expire. That is the way I understood it. That is the way Mr. Flemming understood it when he testified before the committee. That is the way we have always understood it. The President's annual message said:

> Before they are removed entirely, each legislature should have full opportunity to take over, within its own State, responsibility for this function.

Yesterday, when the President was consulted with respect to this, he advised us that July 31 would be satisfactory and would give ample opportunity for the State legislatures to consider the question of rent controls if they desired to do so.

That is what he is most concerned about and that is all we should be concerned about. This amendment should be defeated.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The question is on the amendment offered by the gentleman from Kentucky [Mr. SPENCE] to the committee substitute.

The question was taken; and on a division (demanded by Mr. SPENCE) there were—ayes 39, noes 139.

So the amendment to the committee amendment was rejected.

Mr. WOLCOTT. Mr. Chairman, I understand that a great many Members of the House are desirous of closing this

debate early this afternoon, in view of previous commitments which they have made for this afternoon and tomorrow. Of course, we hope that the debate will not be cut off in an unduly short period, but I wonder if we cannot now agree upon a limitation upon the time on the committee amendment and all amendments thereto. I ask unanimous consent that all debate on the committee substitute and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. O'HARA of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'HARA of Illinois: Strike out all after the enacting clause and insert in lieu thereof the following: "That section 4 (e) of title I of the Housing and Rent Act of 1947, as amended, is amended by striking out 'April 30, 1953' and inserting in lieu thereof 'April 30, 1955'.

"SEC. 2. Title II of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

"'TITLE II—MAXIMUM RENTS

"'DECLARATION OF POLICY

"'SEC. 201. This act is hereby declared to be in the interest of the national defense and security. The Congress recognizes that an emergency exists with regard to housing accommodations due to the undue shortage of all types of housing, especially rental housing.

"'The purposes of this act are to establish maximum rents for housing accommodations and to prevent speculative, unwarranted, and abnormal increases in rents for such accommodations; to prevent unwarranted evictions, because they would cause grave hardships to tenants and because unlimited evictions would render it extremely difficult to control rents; to protect persons with relatively fixed and limited incomes, consumers, wage earners and veterans and other persons dependent upon life insurance, annuities, and pensions from undue impairment of their standard of living; to prevent the disruption of production due to the inability of employees to find adequate housing; and to assist veterans to obtain adequate housing for themselves and their families.

"'DEFINITIONS

"'SEC. 202. As used in this title—

"'(a) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this act shall apply to the United States, or to any such government, political subdivision, or government agency.

"'(b) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, rooming- or boarding-house accommodations, and other properties used for living or dwelling purposes) together with all privileges, services, furnishings, furniture, and facilities connected with the use or occupancy of such property.

"'(c) The term "controlled housing accommodations" means housing accommodations in any defense-rental area, except that it does not include the following, unless they were under Federal rent control on April 30, 1953:

"'(1) Those housing accommodations, in any establishment which is commonly known as a hotel in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; or

"'(2) Any motor court, or any part thereof; any trailer, or trailer space, used exclusively for transient occupancy or any part thereof; or any tourist home serving transient guests exclusively, or any part thereof; or

"'(3) Any housing accommodations (A) the construction of which was completed on or after February 1, 1947, or which are housing accommodations created by a change from a nonhousing to a housing use on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however*, That any housing accommodations resulting from any conversion created on or after the effective date of the Housing and Rent Act of 1949 shall continue to be controlled housing accommodations unless the President issues an order decontrolling them, which he shall issue if he finds that the conversion resulted in additional, self-contained family units as defined by regulations issued by him: *And provided further*, That contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, 79th Congress, approved May 22, 1946, shall remain in full force and effect; or (B) the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations; or

"'(4) Nonhousekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if (A) no more than two paying tenants, not members of the landlord's immediate family, live in such dwelling unit, and (B) the remaining portion of such dwelling unit is occupied by the landlord or his immediate family.

"'(d) The term "defense rental area" means any area or portion thereof in which (1) maximum rents are being regulated under this act on April 30, 1953, or (2) maximum rents are established or reestablished pursuant to section 204 of this act, or (3) a local advisory board is created pursuant to section 204 of this act.

"'(e) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations, or the transfer of a lease of housing accommodations.

"'TRANSFER OF RECORDS ON TERMINATION OF RENT CONTROL

"'SEC. 203. On the termination of rent control in any area or portion thereof under this title all records and other data (and the cabinets or containers holding such records and data) used or held in connection with the establishment and maintenance of maximum rents in such area or portion thereof by the President, and all predecessor agencies, shall, on request, be transferred without reimbursement to the proper officials of any State or local subdivision of government that may be charged with the duty of administering a rent-control program in any State or local subdivision of government to which such records and data may be applicable: *Provided, however*, That any such records or data (and the cabinets or containers holding such records or data) shall be so made available subject to recall for use in carrying out the purposes of this title.

"'RENT CONTROL UNDER THIS TITLE

"'SEC. 204. (a) (1) Subject to the provisions of paragraph (g) of this title, during the period beginning on the effective date of this title and ending on the date this title ceases to be in effect, no person shall demand, accept or receive any rent for the use or occupancy of any controlled housing accommodations greater than the maximum rent established under this act and in effect with respect thereto on April 30, 1953: *Provided, however*, That the President shall, by regulation or order, make such individual and general adjustments increasing and decreasing maximum rents in any defense-rental area or any portion thereof, or with respect to any housing accommodations or any class of housing accommodations within any such area or any portion thereof, as may be necessary to remove hardships or to correct other inequities, or further to carry out the purposes and provisions of this title: *Provided, however*, That the landlord certifies that he is maintaining all services furnished as of the date determining the maximum rent and that he will continue to maintain such services so long as the adjustment in such maximum rent which may be granted continues in effect. In making and recommending individual and general adjustments to remove hardships or to correct other inequities, the President and the local boards shall observe the principle of maintaining maximum rents for controlled housing accommodations, so far as is practicable, at levels which will yield to landlords a fair net operating income from such housing accommodations. In determining whether the maximum rent for controlled housing accommodations yields a fair net operating income from such housing accommodations, due consideration shall be given to the following, among other relevant factors: (A) increases in property taxes; (B) unavoidable increases in operating and maintenance expenses; (C) major capital improvement of the housing accommodations as distinguished from ordinary repair, replacement, and maintenance; (D) increases or decreases in living space, services, furniture, furnishings, or equipment; and (E) substantial deterioration of the housing accommodations other than ordinary wear and tear, and failure to perform ordinary repair, replacement, or maintenance.

"'(2) In order to help assure fair adjustments for tenants and small landlords, the President is authorized and directed to designate for every defense-rental area an officer whose function shall be to assist tenants and small landlords by—

"'(A) informing them concerning the conditions under which rent adjustments may be obtained;

"'(B) helping in the preparation of applications for rent adjustments; and

"'(C) providing them with such other information and services as may be necessary and appropriate.

"'(b) The President is hereby authorized and directed to remove any or all maximum rents before this title ceases to be in effect, in any defense-rental area or portion thereof or with respect to any class of housing accommodations in any such area or portion thereof, if in his judgment the need for continuing maximum rents in such area or portion thereof or with respect to such class of housing accommodations no longer exists, due to sufficient construction of new housing accommodations or when the demand for rental housing accommodations has been otherwise reasonably met. The President shall from time to time make surveys with a view to carrying out the purpose of this subsection to decontrol housing accommodations at the earliest practicable time.

"'(c) The President is authorized to issue such regulations and orders, consistent with the provisions of this title, as he may deem

necessary to carry out the provisions of this section and section 202 (c).

"'(d) (1) The President is authorized and directed to create and, if necessary, continue in existence until the termination of this act in each defense-rental area, or such portion thereof as he may designate, local advisory boards. The President shall, whenever in his judgment there is need therefor create a local advisory board in any area which he may designate where there is a threat of rent increases inconsistent with the purposes of this act. Each such board shall consist of not less than five members who are citizens of the area and who, insofar as practicable, as a group are representative of the affected interests in the area, to be appointed by the President, from recommendations made by the respective governors: *Provided,* That in any case where the governor has made no recommendations for original appointments to local boards or appointments to fill vacancies, within 30 days after request therefor from the President, the President shall without such recommendations appoint the original members of such boards or such members as may be required to fill vacancies. Nothing in the foregoing provisions shall require the reappointment of present members of local advisory boards, but any change in the membership of any local advisory board necessitated by this provision shall be effectuated as promptly as may be practicable. Each such board shall have sufficient members to enable it promptly to consider individual adjustment cases coming before it on which the board shall make recommendations to the official administering this title within its area; and before recommending any such adjustment the board shall give notice to the parties and shall hold a hearing at the request of either party. Upon petition by a representative group of tenants or landlords, the board, if it finds that the petition is substantial in character, shall hold a public hearing in accordance with the requirements set forth in paragraph (4) of this subsection on any of the matters set forth in subparagraph (A), (B), or (C) of this paragraph. Such hearing shall be begun within 30 days after the filing of such petition, and shall be completed within 30 days after it is begun. Should the board for any reason fail to hold such hearing, the President, upon notice of that fact given by such group, shall (unless he finds that the petition is not substantial in character) hold a public hearing in like manner on such matters. Such hearing shall be begun within 30 days after the giving of such notice by such group, and shall be completed within 30 days after it is begun. If the President finds that such petition is not substantial in character, such group may file a complaint with the Emergency Court of Appeals within 30 days after the date such finding is made. Thereupon, if it finds that the President's findings is not in accordance with law, the Emergency Court of Appeals shall have jurisdiction to enter, within 30 days after the date of filing of such complaint, an order directing the President to hold such hearing. If a hearing is held by either the board or the President, a recommendation by the board or decision by the President, as the case may be, on the merits of the matter shall be rendered within 30 days from the date of completion of such hearing, and the local board forthwith shall forward its recommendation to the President. Any local board may make such recommendations to the President as it deems advisable with respect to the following matters:

"'(A) Removal of any or all maximum rents in the area, or any portion thereof, over which the local board has jurisdiction, or with respect to any class of housing accommodations within such area or any portion thereof if in the judgment of the local board the need for continuing maximum rents in such area or portion thereof or with respect to such class of housing accommodations no longer exists, due to sufficient construction of new housing accommodations or when the demand for rental-housing accommodations has been otherwise reasonably met; and

"'(B) Establishment or reestablishment of maximum rents on any class of housing accommodations or on all housing accommodations in the area, or any portion thereof (notwithstanding the provisions contained in section 202 (C) of the Act), if in the judgment of the local board the need for establishment or reestablishment of such maximum rent exists because (i) a scarcity of rental housing or a class of rental housing has development as a result of national defense activity, or (ii) employment or other conditions have changed to such an extent as to make the supply of rental housing generally or a class of rental housing inadequate to meet the demand, or (iii) rents on housing generally or on a particular class of housing have increased or are about to increase unreasonably; and

"'(C) Adjustments, other than individual adjustments, in maximum rents in such area or any portion thereof or with respect to any class of housing accommodations within such area or any portion thereof, deemed by the local board to be necessary to remove hardships or to correct other inequities, or further to carry out the purposes and provisions of this title; and

"'(D) Operations generally of the local rent office with particular reference to hardship cases.

"'(2) The President shall furnish the local boards suitable office space, stenographic assistance and reporting services for public hearings (including attendance fees), and shall make available to such boards any records and other information in the possession of the President with respect to the establishment and maintenance of maximum rents and housing accommodations in the respective defense-rental areas which may be requested by such boards.

"'(3) Upon receipt of any recommendation from a local board, the President shall promptly notify the local board, in writing, of the date of his receipt of such recommendation. Except as provided hereinafter in this subsection, within 30 days after receipt of any recommendation of a local board such recommendation shall be approved or disapproved or the local board shall be notified in writing of the reasons why final action cannot be taken in 30 days. Any recommendation of a local board appropriately substantiated and in accordance with applicable law and regulations shall be approved and appropriate action shall promptly be taken to carry such recommendation into effect. If the President approves or disapproves any recommendation of a local board he shall promptly notify the local board in writing of such action.

"'(4) For the purposes of paragraph (3), any recommendation of a local board as to a matter referred to in paragraph (1) (A), (B), or (C) shall be deemed to be appropriately substantiated and in accordance with applicable law and regulations, and shall be carried into effect as hereinafter provided—

"'(A) if the local board held a public hearing on such matter at which interested persons (including representatives of the State and of political subdivisions thereof) were given a reasonable opportunity to be heard, by pleadings or otherwise, with right to be represented by counsel;

"'(B) if notice of the date, time, place, and purpose of such hearing was given (i) in writing to the Governor of the State not less than 15 days prior to such date, and (ii) by publication in a newspaper of general circulation in the area over which the local board has jurisdiction at least 15 days prior to such date, and a second notice was given by publication in such a newspaper at least 5 days prior to such date;

"'(C) if a copy of the local board's recommendation was filed with the Governor of the State within 5 days after such recommendation was mailed to the President;

"'(D) if a record is made of the evidence adduced at the public hearing held by the local board, and the local board certifies and transmits to the President, with such recommendation, a transcript of such record, or of those parts of such record, upon which its recommendation is based and a written statement of its findings made upon the basis of such record; and

"'(E) if the record so certified and transmitted to the President contains adequate and substantial evidence to support the findings and recommendations of the local board.

"'Any representative group of interested parties or the local board may file a complaint concerning such recommendation with the Emergency Court of Appeals within 30 days after the date on which the President notifies the local board of his decision, or the date of the expiration of such 30-day period, as the case may be. If the President holds the hearing, such group may file a complaint with the Emergency Court of Appeals within 30 days after the rendering of his decision, or within 30 days after the expiration of the time within which his decision should be made. A similar right of appeal shall be afforded in the event the President makes a decision as to a general adjustment or as to removal of maximum rents for any class of housing accommodations on his own initiative. The clerk of the Emergency Court of Appeals shall notify the President in writing of the filing of any such complaint promptly after it has been so filed. Within 15 days after the receipt of such notice by the President, the President shall file such recommendation or decision in the Emergency Court of Appeals, together with the record and statement of findings of the local board or of the President and such statement as the President may desire to make as to his views on the matter. The statement of the President may be accompanied by such supporting information as the President deems appropriate. Thereupon, the Emergency Court of Appeals shall have jurisdiction to enter, within 60 days after the date of its receipt of such recommendation or decision from the President (or within such additional period of not more than 30 days as the court may find necessary in exceptional cases), an order approving or disapproving the recommendation of the local board or decision of the President. The recommendation, record, and statement of findings of the local board or decision, record, and statement of findings of the President, as the case may be, together with the statement and supporting information filed by the President, shall constitute the record before the court. If the court determines that the recommendation or decision is not in accordance with law, or that the evidence in the record before the court, including such additional evidence as may be adduced before the court, is not of sufficient weight to justify such recommendation or decision, the court shall enter an order disapproving such recommendation or decision; otherwise it shall enter an order approving such recommendation or decision. The judgment and decree of the court shall be final. The powers heretofore granted by law to the Emergency Court of Appeals are hereby continued for purposes of exercise of the jurisdiction granted by this subsection.

The court shall prescribe rules governing its procedure in such manner as to expedite the determination of cases of which it has jurisdiction under this paragraph. The President, the local board, representative groups of interested parties, and representatives of the State or States involved, shall be granted, to the extent determined by the court, an opportunity to be heard, by pleadings or otherwise, with right to be represented by counsel.

"'(5) Any recommendation to which paragraph (4) applies, if an order of disapproval thereof has not been entered by the Emergency Court of Appeals within the time prescribed in such paragraph, shall be carried out by the President—

"'(A) if it is with respect to a matter referred to in paragraph (1) (A), so that the decontrol is effected, retroactively if necessary, on the date recommended by the local board, but not before 60 days after the date of the receipt of such recommendation by the President: *Provided*, That during the period of 90 days beginning with the date on which such decontrol is effected, the regulations and orders with respect to practices relating to the recovery of possession of housing accommodations issued under section 209 of this title shall be in effect as though such decontrol had not been effected; and

"'(B) if it is with respect to a matter referred to in paragraph (1) (B), within 20 days after such time has expired; and

"'(C) if it is with respect to a matter referred to in paragraph (1) (C), so that the adjustment of maximum rents is effected, retroactively if necessary, on the date recommended by the local board, but not before 30 days after the receipt of the recommendation by the President.

"'(6) In addition to employees furnished under paragraph (2), local boards are hereby authorized to employ such attorneys as may be necessary for purposes of hearings and court proceedings under this subsection. Attorneys shall be paid not to exceed $25 per day when actually employed, and shall be allowed necessary traveling and subsistence expenses.

"'(e) The provisions of this title shall cease to be in effect at the close of April 30, 1955, or upon the date of a proclamation by the President or upon the date specified in a concurrent resolution by the two Houses of Congress, declaring that the further continuance of the authority granted by this title is not necessary because of the existence of an emergency, whichever date is the earlier; except that as to rights or liabilities incurred prior to such termination date, the provisions of this title and regulations, orders, and requirements thereunder shall be treated as still remaining in force for the purpose of sustaining any proper suit or action with respect to any such right or liability.

"'(f) Nothing in this title shall be interpreted or construed to authorize the President to prohibit, in the case of any rental agreement hereafter entered into, the demand, collection, or retention of a security deposit, if said deposit does not exceed the rent for 1 month in addition to the otherwise authorized collection of rent in advance, if the demand, collection, or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent.

"'(g) The President on his own initiative or on recommendation of a local advisory board is hereby authorized and directed to establish or reestablish maximum rents on any class of housing accommodations or on all housing accommodations, in any area or any portion of any area (notwithstanding the provisions contained in section 202 (c) of the act) if in his judgment the need for establishing or reestablishing such maximum rents exists because (i) a scarcity of rental housing generally or a class of rental housing has developed as a result of national defense activity, or (ii) employment or other conditions have changed to such an extent as to make the supply of rental housing generally or a class of rental housing inadequate to meet the demand, or (iii) rents on housing generally or on a particular class of housing have increased or are about to increase unreasonably. In establishing any maximum rent for any housing accommodations under this paragraph, the President shall give due consideration to the rents prevailing for such housing accommodations or comparable housing accommodations, on such date as he deems appropriate, not earlier than January 1, 1952, and he shall make adjustments for such relevant factors as he shall determine and deem to be of general applicability in respect of such accommodations, including increases or decreases in property taxes and other costs within such defense-rental area.

"'(h) Consistent with the other provisions of this act, all affected agencies, departments, and establishments of the Federal Government shall establish and administer rents and service charges for quarters supplied to Federal employees and members of the uniformed services furnished quarters on a rental basis in accordance with regulations promulgated by the Bureau of the Budget.

"'PROTEST AND REVIEW

"'SEC. 205. (a) At any time within 6 months after the effective date of any regulation or order relating to rent controls under this act, or in the case of new grounds arising after the effective date of any such regulation or order, within 6 months after such new grounds arise, any person subject to any provision of such regulation or order may, in accordance with regulations to be prescribed by the President, file a protest specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections. Statements in support of any such regulation or order may be received and incorporated in the transcript of the proceedings at such times and in accordance with such regulations as may be prescribed by the President. Within a reasonable time after the filing of any protest under this section, but in no event more than 30 days after such filing, the President shall either grant or deny such protest in whole or in part, notice such protest for hearing, or provide an opportunity to present further evidence in connection therewith. In the event that the President denies any such protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the President has taken official notice.

"'(b) In the administration of this title, the President may take official notice of economic data and other facts, including facts found by him as a result of action taken under section 207 of this act.

"'(c) Any proceedings under this section may be limited by the President to the filing of affidavits, or other written evidence, and the filing of briefs: *Provided, however*, That, upon the request of the protestant, any protest filed in accordance with subsection (a) of this section shall, before denial in whole or in part, be considered by a board of review consisting of one or more officers or employees of the United States designated by the President in accordance with regulations to be promulgated by him. Such regulations shall provide that the board of review may conduct hearings and hold sessions in the District of Columbia or any other place, as a board, or by subcommittees thereof, and shall provide that, upon the request of the protestants and upon a showing that material facts would be adduced thereby, subpenas shall issue to procure the evidence of persons, or the production of documents, or both. The President shall cause to be presented to the board such evidence, including economic data, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. The protestant shall be accorded an opportunity to present rebuttal evidence in writing and oral argument before the board, and the board shall make written recommendations to the President. The protestant shall be informed of the recommendations of the board and, in the event that the President rejects such recommendations in whole or in part, shall be informed of the reasons for such rejection.

"'(d) Any protest filed under this section shall be granted or denied by the President, or granted in part and the remainder of it denied within a reasonable time after it is filed. Any protestant who is aggrieved by undue delay on the part of the President in disposing of his protest may petition the Emergency Court of Appeals for relief; and such court shall have jurisdiction by appropriate order to require the President to dispose of such protest within such time as may be fixed by the court. If the President does not act finally within the time fixed by the court, the protest shall be deemed to be denied at the expiration of that period.

"'(e) Any person who is aggrieved by the denial or partial denial of his protest may, within 30 days after such denial, file a complaint with the Emergency Court of Appeals specifying his objections and praying that the regulation or order protested be enjoined or set aside in whole or in part. A copy of such complaint shall forthwith be served on the President, who shall certify and file with such court a transcript of such portions of the proceedings in connection with the protest as are material under the complaint. Such transcript shall include a statement setting forth, so far as practicable, the economic data and other facts of which the President has taken official notice. Upon such filing, the court shall have exclusive jurisdiction of the proceeding and of all questions determined therein, and shall have the power to grant such temporary relief or restraining order as it deems just and proper; to permanently enjoin or set aside, in whole or in part, the regulation or order or the amendment of or supplement to the regulation or order protested; to make and enter upon the pleadings, evidence, testimony and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the President; to dismiss the petition; or to remand the proceeding to the President for further action in accordance with the court's decree: *Provided*, That the regulation or order may be modified or rescinded by the President at any time notwithstanding the pendency of such complaint. No objection to such regulation or order, and no evidence in support of any objection thereto, shall be considered by the court, unless such objection shall have been set forth by the complainant in the protest, or such evidence shall be contained in the transcript. The findings of the President with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If application is made to the court

by either party for leave to introduce additional evidence which was either offered to the President and not admitted, or which could not reasonably have been offered to the President or included by the President in such proceedings, and the court determines that such evidence should be admitted, the court shall order the evidence to be presented to the President. The President shall promptly receive the same, and such other evidence as he deems necessary or proper, and thereupon he shall certify and file with the court a transcript thereof and any modification made in the regulation or order as a result thereof; except that on request of the President, any such evidence shall be presented directly to the court.

"'(f) The Emergency Court of Appeals is hereby continued for the purpose of the exercise of the jurisdiction granted by this title, with the powers herein specified, together with the powers heretofore granted by law to such court which are not inconsistent with the provisions of this title. The court shall have the powers of a district court with respect to the jurisdiction conferred on it by this title. So far as necessary to decision, the court shall decide all relevant questions of law, interpret constitutional and statutory provisions, interpret the meaning or applicability of the terms of any official action under this title or under this act, as amended, of which this title is a part and with respect to this title. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases of which it has jurisdiction under this title.

"'(g) Within 30 days after entry of a judgment, or order, interlocutory or final, by the Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28, United States Code. The Supreme Court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this subsection. The Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Emergency Court of Appeals, shall have exclusive jurisdiction to determine the validity of any such regulation or order issued under this act. Except as provided in this section, no court, Federal, State, or Territorial, shall have jurisdiction or power to consider the validity of any such regulation or order, or to stay, restrain, enjoin or set aside, in whole or in part, any provision of this act, authorizing the issuance of such regulations or orders or any provision of any such regulation or order, or to restrain or enjoin the enforcement of any such provision.

"'(h) (1) Within 30 days after arraignment, or such additional time as the court may allow for good cause shown, in any criminal proceeding, and within 5 days after judgment in any civil or criminal proceeding brought pursuant to section 206 or 207 of this act, or section 371 of title 18, United States Code, involving alleged violations of any provision of any such regulation or order, the defendant may apply to the court in which the proceeding is pending for leave to file in the Emergency Court of Appeals a complaint against the President setting forth objections to the validity of any provision which the defendant is alleged to have violated or conspired to violate. The court in which the proceeding is pending shall grant such leave with respect to any objection which it finds is made in good faith and with respect to which it finds there is reasonable and substantial excuse for the defendant's failure to present such objection in a protest filed in accordance with this section. Upon the filing of a complaint pursuant to and within 30 days after the granting of such leave, the Emergency Court of Appeals shall have jurisdiction to enjoin or set aside in whole or in part the provision of the regulation or order complained of or to dismiss the complaint. The court may authorize the introduction of evidence, either to the President or directly to the court, in accordance with subsection (e) of this section. The provisions of subsections (f) and (g) of this section shall be applicable with respect to any proceeding instituted in accordance with this subsection.

"'(2) In any proceeding brought pursuant to section 206 or 207 of this act, or section 371 of title 18, United States Code, involving an alleged violation of any provision of any such regulation or order, the court shall stay the proceeding—

"'(i) during the period within which a complaint may be filed in the Emergency Court of Appeals pursuant to leave granted under paragraph (1) of this subsection with respect to such provision;

"'(ii) during the pendency of any protest properly filed by the defendant under this section, prior to the institution of the proceeding under section 206 or 207 of this act, or section 371 of title 18, United States Code, setting forth objections to the validity of such provision which the court finds to have been made in good faith; and

"'(iii) during the pendency of any judicial proceeding instituted by the defendant under this section with respect to such protest or instituted by the defendant under paragraph (1) of this subsection with respect to such provision, and until the expiration of the time allowed in this section for the taking of further proceedings with respect thereto.

"'Notwithstanding the provisions of this paragraph, stays shall be granted thereunder in civil proceedings only after judgment and upon application made within 5 days after judgment. Notwithstanding the provisions of this paragraph, in the case of a proceeding under section 207 (b) of this act, the court granting a stay under this paragraph shall issue a temporary injunction or restraining order enjoining or restraining, during the period of the stay, violations by the defendant of any provision of the regulation or order involved in the proceeding. If any provision of a regulation or order is determined to be invalid by judgment of the Emergency Court of Appeals which has become effective in accordance with section 205 (f) of this act, any proceeding pending in any court shall be dismissed, and any judgment in such proceeding vacated, to the extent that such proceeding or judgment is based upon violation of such provision. Except as provided in this subsection, the pendency of any protest under section 205 of this act, or judicial proceeding under this section, shall not be grounds for staying any proceeding brought pursuant to section 206 or 207 of this act, or section 371 of title 18, United States Code; nor, except as provided in this subsection, shall any retroactive effect be given to any judgment setting aside a provision of a regulation or order issued under this title.

"'RECOVERY OF DAMAGES

"'SEC. 206. (a) Any person who demands, accepts, receives, or retains any payment of rent in excess of the maximum rent prescribed under the provisions of this act, or any regulation, order, or requirement thereunder, shall be liable to the person from whom such payment is demanded, accepted, received, or retained (or shall be liable to the United States as hereinafter provided) for reasonable attorney's fees and costs as determined by the court, plus liquidated damages in the amounts of (1) $50, or (2) not more than three times the amount by which the payment or payments demanded, accepted, received, or retained exceed the maximum rent which could lawfully be demanded, accepted, received, or retained, as the court in its discretion may determine, whichever in either case may be the greater amount: *Provided*, That the amount of such liquidated damages shall be the amount of the overcharge or overcharges if the defendant proves that the violation was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation.

"'(b) Any person who unlawfully evicts a tenant shall be liable to the person so evicted (or shall be liable to the United States as hereinafter provided) for reasonable attorney's fees and costs as determined by the court, plus liquidated damages in the amounts of (1) one month's rent or $50, whichever is greater, or (2) not more than three times such monthly rent, or $150, whichever is greater: *Provided*, That the amount of such liquidated damages shall be the amount of one month's rent or $50, whichever is greater, if the defendant proves that the violation was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation.

"'(c) Suit to recover liquidated damages as provided in this section may be brought in any Federal court of competent jurisdiction regardless of the amount involved, or in any State or Territorial court of competent jurisdiction, within one year after the date of violation: *Provided*, That if the person from whom such payment is demanded, accepted, received, or retained, or the person wrongfully evicted, either fails to institute an action under this section within 30 days from the date of the occurrence of the violation or is not entitled for any reason to bring the action, the United States may settle the claim arising out of the violation or within 1 year after the date of violation may institute such action. If such claim is settled or such action is instituted, the person from whom such payment is demanded, accepted, received, or retained, or the person wrongfully evicted, shall thereafter be barred from bringing an action for the same violation or violations. For the purposes of determining the amount of liquidated damages to be awarded to the plaintiff in an action brought under subsection (a) of this section, all violations alleged in an action under said subsection (a) which were committed by the defendant with respect to the plaintiff prior to the bringing of such an action shall be deemed to constitute one violation and, in such action under subsection (a) of this section, the amount demanded, accepted, received, or retained in connection with such one violation shall be deemed to be the aggregate amount demanded, received, accepted, or retained in connection with all such violations. A judgment for damages or on the merits in any action under either subsection (a) or (b) of this section shall be a bar to any recovery under the same subsection of this section in any other action against the same defendant on account of any violation with respect to the same person prior to the institution of the action in which such judgment was rendered.

"'PROHIBITION AND ENFORCEMENT

"'SEC. 207. (a) (1) It shall be unlawful for any person to demand, accept, receive, or retain any rent for the use or occupancy of any controlled housing accommodations in excess of the maximum rent prescribed under this act, or otherwise to do or omit to do any act, in violation of this act, or of any regulation or order or requirement under this act,

or to offer, solicit, attempt, or agree to do any of the foregoing.

"'(2) It shall be unlawful for any person to evict, remove, or exclude, or cause to be evicted, removed, or excluded, any tenant from any controlled housing accommodations in any manner or upon any grounds except as authorized or permitted by the provisions of this act or any regulation, order, or requirement thereunder, and any person who lawfully gains possession from a tenant of any controlled housing accommodations, and thereafter fails fully to comply with such requirements or conditions as may have been imposed for such possession by the provisions of this act or any regulation, order, or requirement thereunder, shall also be deemed to have unlawfully evicted such tenant and shall be liable to such tenant, or to the United States, as provided in this act.

"'(b) Whenever in the judgment of the President any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this act, or any regulation or order issued thereunder, the United States may make application to any Federal, State, or Territorial court of competent jurisdiction for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

"'(c) Any proceeding brought in a Federal court under section 206 or under subsection (b) of this section may be brought in any district in which any part of any act or transaction constituting the violation occurred, or may be brought in the district in which the defendant resides or transacts business. The district courts shall have jurisdiction of criminal proceedings for violations of this title, or any regulation or order issued thereunder. Such criminal proceedings may be brought in any district in which any part of any act or transaction constituting the violation occurred. (Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found.) Any such court shall advance on the docket and expedite the disposition of any criminal or other proceeding brought before it. No costs shall be assessed against the President or the United States Government in any proceeding under this act.

"'(d) No person shall be liable for damages or penalties in any Federal, State, or Territorial court, on any grounds for or in respect of anything done or omitted to be done in good faith pursuant to any provision of this act or any regulation, order, or requirement thereunder notwithstanding that subsequently such provision, regulation, order, or requirement may be modified, rescinded, or determined to be invalid. The United States may intervene in any such suit or action wherein a party relies for ground of relief or defense upon this act or any regulation, order, or requirement thereunder.

"'(e) Attorneys appointed by the President may, under such authority as may be granted by the Attorney General, appear for and represent the United States in any case arising under this act.

"'(f) (1) The President is authorized to make such studies and investigations, to conduct such hearings, and to obtain such information, as he deemes necessary or proper to assist him in prescribing any regulation or order under this act, or in the administration and enforcement of this act and regulations and orders prescribed thereunder.

"'(2) For the purpose of obtaining information under this subsection, the President is further authorized, by regulation or order, to require any person who rents or offers for rent or acts as broker or agent for the rental of any controlled housing accommodations (A) to furnish information under oath or affirmation or otherwise, (B) to make and keep records and other documents and to make reports, and (C) to permit the inspection and copying of records and other documents and the inspection of controlled housing accommodations.

"'(3) For the purpose of obtaining information under this subsection, the President may by subpena require any person to appear and testify or to appear and produce documents, or both, at any designated place. Any person subpenaed under this subsection shall have the right to make a record of his testimony and be represented by counsel, and shall be paid the same fee and mileage as are paid witnesses in the United States district courts. For the purposes of this subsection the President, or any officer or employee under his jurisdiction designated by him, may administer oaths and affirmations.

"'(4) The production of a person's documents at any place other than his place of business shall not be required under this subsection in any case in which, prior to the return date specified in the subpena issued with respect thereto, such person either has furnished the President with a copy of such documents (certified by such person under oath to be a true and corrected copy), or has entered into a stipulation with the President as to the information contained in such documents.

"'(5) In case of contumacy by, or refusal to obey a subpena served upon, any person under this subsection, the United States district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"'(6) No person shall be excused from attending and testifying or producing documents or from complying with any other requirement under this subsection because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (49 U. S. C. 46), shall apply with respect to any individual who specifically claims such privilege.

"'(g) The President shall not publish or disclose any information obtained under this act that such President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information unless he determines that the withholding thereof is contrary to the public interest.

"'(h) It shall be unlawful for any person to remove or attempt to remove from any controlled housing accommodations the tenant or occupant thereof or to refuse to renew the lease or agreement for the use of such accommodations, because such tenant or occupant has taken, or proposes to take, action authorized or required by this act or any regulation, order, or requirement thereunder.

"'MAINTENANCE OF ACTIONS FOR CERTAIN ALLEGED PAST VIOLATIONS

"'SEC. 208. No action or proceeding, involving any alleged violation of maximum Price Regulation No. 188, issued under the Emergency Price Control Act of 1942, as amended, shall be maintained in any court, or judgment thereon executed or otherwise proceeded on, if a court of competent jurisdiction has found, or by opinion had declared, that the person alleged to have committed such violation acted in good faith and that application to such person of the "actual delivery" provisions of such regulation would result or has resulted in extreme hardship.

"'PROPERTY, PERSONNEL, AND APPROPRIATIONS

"'SEC. 209. (a) The President shall administer the powers, duties, and functions conferred upon him by this act through such officer or agency of the Government as he may designate. The President shall make such provisions as he shall deem appropriate for the termination and liquidation of the affairs of the Office of Rent Stabilization. For the purposes of determining the status of employees transferred to an agency administering functions provided for in this act, they shall be deemed to be transferred in connection with a transfer of functions.

"'(b) There are authorized to be appropriated to the President such sums as may be necessary to carry out the provisions of this act.

"'EVICTION OF TENANTS

"'SEC. 210. Whenever in the judgment of the President such action is necessary or proper in order to effectuate the purposes of this act, he may, by regulation or order, regulate or prohibit speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of possession) in connection with any controlled housing accommodations, which in his judgment are equivalent to or are likely to result in rent increases inconsistent with the purposes of this act.

"'ADMINISTRATIVE PROCEDURE ACT INAPPLICABLE

"'SEC. 211. Section 2 (a) of the Administrative Procedure Act, as amended, is amended by inserting after "Selective Training and Service Act of 1940;" the following: "Housing and Rent Act of 1947;".

"'APPLICATION

"'SEC. 212. The provisions of this title shall be applicable to the several States and to the Territories and possessions of the United States but shall not be applicable to the District of Columbia.

"'EFFECTIVE DATE OF TITLE

"'SEC. 213. This title shall become effective on the first day of the first calendar month following the month in which this act is enacted.'

"* * * * *

"SEC. 3. Title III of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

"'TITLE III—MISCELLANEOUS

"'SEC 301. Nothing in this act shall be construed to require any person to offer any housing accommodations for rent.

"'SHORT TITLE

"'SEC. 302. This act may be cited as the "Housing and Rent Act of 1947."

"'SEPARABILITY OF PROVISIONS

"'SEC. 303. If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of the act, and the applicability of such provision to other persons or circumstances, shall not be affected thereby.'

"* * * * *

"SEC. 4. This act shall become effective on the first day of the first calendar month following the month in which it is enacted."

Mr. WOLCOTT (interrupting the reading of the amendment). Mr. Chairman, I wonder if the gentleman from Illinois, gracious and considerate as he always is, would object to a request that further reading of his amendment be dispensed with.

Mr. O'HARA of Illinois. I would welcome it, Mr. Chairman.

Mr. WOLCOTT. Then I ask unanimous consent that further reading of the gentleman's amendment be dispensed with but that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. O'HARA of Illinois. Mr. Chairman, I do not intend to take more of the time of the committee than is necessary. This amendment is the bill originally introduced in the House by the gentleman from New Jersey [Mr. ADDONIZIO], the gentleman from New York [Mr. DOLLINGER], the gentleman from Pennsylvania [Mr. BARRETT], and myself. In the proposed amendment we have cut down the time, however, to an extension of 1 year.

This amendment merely gives the President of the United States the authority to control, decontrol, and recontrol, as emergencies may arise and situations may change. I think it is a measure that will contribute to the stability of real estate. Real-estate men say that trends in real estate run for 18 years; that was the testimony before our committee. I asked the representative of one of the large real estate groups, a witness before our committee, when the present trend started, and he said in 1935. Now, this is 1953; 18 years have passed, and if the chart of the rises and falls in values of real estate is an accurate chart, then we are due for a real estate decline. When that decline comes anything can happen, and I think we should give the President of the United States the authority to control, recontrol, and decontrol.

Mr. DOLLINGER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Illinois. I yield to the distinguished gentleman from New York, a valued member of the committee.

Mr. DOLLINGER. I think the gentleman is entirely right in his views. I am going to support his amendment completely.

Mr. O'HARA of Illinois. The gentleman is supporting his own amendment, because he worked on it probably harder than any of us. I might add that there is no more diligent and able member of the committee than the gentleman from New York.

CHICAGO CITY COUNCIL ACTS

Today I received word that the City Council of Chicago last night by a substantial majority vote petitioned the Congress of the United States to extend Federal rent control. The aldermen of Chicago are very close to the people and to the needs of Chicago. I think we should give them the respect that is due fellow legislators. They, on the municipal level, are representing the will of the people in the same way that we contribute on the national level to the functioning of our democracy.

Unfortunately, Chicago has not been accorded by the State legislature the authority to pass its own rent-control ordinance. The general assembly at Springfield has killed the necessary enabling act, despite the overwhelming sentiment favoring it among the people of Chicago.

Chicago is at the mercy of downstate Illinois, because while our State constitution provides for equal representation, with redistricting according to shifting population, the downstate-controlled legislature continues year after year to disobey the constitution. It is a shameful condition. The result is that while Chicago has more than half the population of Illinois its vote in the general assembly is almost negligible.

While Chicago suffers in a greater measure, this situation is not peculiar to Chicago and to Illinois. Those who believe in States' rights necessarily must hold to the principle of local government to the maximum extent possible. If the rural and small-town areas of large States continue to hold metropolitan communities in a straitjacket, flagrantly disobeying the mandates of State constitutions to deny equal representation to metropolitan voters, it is inevitable that sooner or later the problem will come before the Congress. But it is not my purpose to enter at this time into a discussion of the procedure necessary in such eventuality. I merely point out that a great wrong cannot continue indefinitely to be worked on any segment of our population; and when the wrong is aided and abetted by the governing body of a State in defiance of its own laws and the national welfare is thus imperiled, its redress is properly the business of the Congress.

In the present instance Chicago has been left high and dry by a State legislature in which Chicago does not have the representation to which it is entitled under the State constitution. In this situation the people of Chicago, acting through their representatives in the city council, come to us. The amendment that I have presented conforms with the wishes and will of Chicago as expressed in the petition to us adopted at last night's meeting of the City Council of Chicago.

NINETY-DAY REPRIEVE

I do not expect the amendment to pass. When the amendment of the gentleman from Kentucky was defeated it was a foregone conclusion that the Republican leadership had gone the limit in the concession it would make. The Spence amendment was in fact the Eisenhower amendment. If the Republicans in the House would only go half way across the street, and then reluctantly, to shake hands with their own President, I could not expect them to be too polite and cordial with the elected municipal representatives of the city of Chicago.

I have no illusions. There is no great happiness among my Republican colleagues over the concession to the President that reluctantly has been wrung from them. Rent control was to die on April 30—a week from now—the word was out—eviction notices were in the hands of tenants—everything was ready for the kill.

Now there will be a 90-day reprieve. It has been worth the fight, even though it is all too little. It has been a hard fight, a fight against odds that at first seemed impossible to surmount, but even as little as 3 months of freedom from the fear of eviction for men and women and children unable to help themselves is something of a reward for the effort. At any rate I for one will sleep easier on the night of April 30. The eviction notices as of April 30 on the morning of May 1 will be merely harmless scraps of paper.

POWER IN THE PRESIDENT

My amendment is offered in a sincere effort to give the Republicans the means of preventing another crash such as wrecked the administration of President Hoover. Briefly, it gives the President the power to control, recontrol, and decontrol as situations may change and emergencies may arise.

I might say that this amendment is merely an expression of my confidence in the intention of the President of the United States to meet the very difficult problems that are certain to arise during his administration. I have in mind the conditions that followed the collapse of the construction boom beginning in 1929, when the people who had invested their money in real-estate properties were washed out. And I see many signs today that are alarmingly similar to the signs that obtained at that time.

If the President is going to meet the problems and the crises that will arise, as they did in that period, he must have a large range of authority. This amendment gives him a wide range of power. That, in a nutshell, is what the amendment does.

I want to say at the outset that this is as much in the interest of the landlords as of the tenants. I think it is more in the interest of the landlords. I will be challenged in that statement by most landlords who are themselves the victims of speculative real-estate interests. The small landlord will discover, perhaps when it is too late, that in opposing Federal rent control where it was necessary, he was taken for a ride by the speculators who have no real concern either for landlords or for tenants. What happened in the late twenties will happen again. When it does, the property owners will again be joined with the renters, indignantly and futilely protesting their exploitation.

AGAINST SPECULATION

One of the purposes of the amendment is to prevent speculative, unwarranted, and abnormal increases in rents. Let us look at this phase strictly from the point of view of the landlord. In the large cities the sale price of an apartment building is usually fixed by multiplying gross rentals by a figure arbitrarily fixed by real-estate persons in the respective communities. Thus the new owner in a period of inflation comes into possession with the expectancy of the continued collection of inflated rentals to meet mortgage commitments, maintenance and other expenses, and return a yield on investment. Sooner or later de-

flation comes. The renters, no longer the recipients of inflated wages, are unable to make the old rent payments. Then we have all over again that which happened some 20 years ago.

Housing should be separated as far as is humanly possible from speculation. This is sound public policy.

I think it will be illuminating to take a specific case. I have before me a letter relating to a four-story apartment building on 64th Street in the district that I represent on the south side of Chicago. Six years ago this building was purchased by the present owner for $70,000. There were 48 apartments in the building at the time of its purchase 6 years ago. Now there are 116 apartments, the increase being brought about by reconversions. An apartment in the basement which rented for $35 a month was made into two apartments, each now renting for $15 a week. The new scale of rentals brings in a total of $135 a month in lieu of the $35 previously received. In 6 years the owner, I am informed, has paid out the entire investment in the building.

If rent control in Chicago should end on April 30 of this year this owner has already notified his tenants of drastic increases which he proposes to impose. Some of the tenants, having nowhere to move, will remain and continue in some manner to meet the rental demands until an inevitable deflation in wages renders it utterly impossible. Meanwhile, the owner of this building, on the basis of the gross rentals received, very likely will make a sale to a new purchaser at a handsome profit. He will get out with his entire original investment returned to him from the profits he made during a period of Federal rent control, and with a handsome profit to boot on his sale of the property on the basis of increased rentals immediately following the termination of Federal rent control. The new purchaser will be left to hold the bag.

Now, Mr. Chairman and my colleagues on this committee, there is nothing in this to make sense. We are rendering no service either to the landlord or to the tenant by throwing them both into the jaws of the real-estate speculators.

CRASH OF THE THIRTIES

Mr. Chairman, I know only too well what happened when deflation hit real estate in the early thirties. Billions of dollars of the savings of our people in Chicago had been put into what were then called gold real-estate bonds. Other savings were put into the purchase of equities. Then came the deflation. All of these people were washed out and the properties foreclosed. They included most of our large hotels in Chicago and most of our large apartment buildings and our office buildings. These buildings today are in the hands of people who bought them after the foreclosures and bankruptcies for very little money, but the real money that went into their building and financing came from the savings of people of Chicago, most of whom died penniless. We are about to have that happen again. My amendment can do much to prevent it.

OTHER PURPOSES SOUGHT

Another purpose of the amendment is to protect persons with relatively fixed and limited incomes. Such persons comprise a great majority of my constituents, including those dependent on life insurance, annuities, and pensions. An unwarranted increase in rents would result in an undue impairment of their standard of living. It is not defensible in sound public policy that in a time of acute housing shortage they should be subjected to the possibility of uncontrolled avarice. I have said the possibility, and I stop there. Granted that the present owner will not in good conscience demand an unwarranted increase; but if he sells, and at an inflated figure, what about the new purchaser? To meet his commitments he must make demands on tenants which to him under the circumstances in which he finds himself do not seem unwarranted. It is a fatal spiral. It can be avoided only if Federal controls are continued until the housing supply has caught up with the demand.

Another purpose is to prevent the disruption of production due to the inability of employees to find adequate housing. Let me cite an instance. It is that of a man and his wife living in the district I represent, employed in a factory in another part of town. This factory is engaged exclusively in the production of material for national defense. Including time waiting for buses and streetcars, this couple spend 4 hours per working day getting to and from their place of employment. The housing in the neighborhood of the factory is extremely limited. If rent control were terminated, the demand on the part of workers desiring to avoid 4 hours a day in transportation would be such that the rents in the neighborhood of the factory would skyrocket out of all reason. The result inevitably would be disastrous to the war effort.

AID TO NATIONAL DEFENSE

Federal rent control in Chicago should be continued because of its bearing upon the national defense. During World War II—and I wish my dear colleagues would give me their attention here—during World War II the highest peak of employment in the Chicago area was 1,010,000 men and women working in manufacturing industries. Today there are 1.1 million manufacturing employees. All the big World War II defense plants in the region are booming, says the Chicago Association of Commerce and Industry. As one official put it, "There are no ghost plants here."

The Chicago metropolitan area has a bigger investment in war work than any other in the country, according to the Chicago Association of Commerce and Industry. Chicago has become the leading manufacturer of machinery and machine parts in all the United States of America. Increased steel production has put the Chicago metropolitan area within a hair's breadth of equaling Pittsburgh. The commerce association predicts that in another year Chicago's steel-production figures will pass Pittsburgh's.

In the last 2 years, over $600 million has been spent in the Chicago metropolitan area in the construction of new plants, expansion of existing ones, the purchase of land for future developments, and the acquisition of lands by lease or purchase for industrial purposes.

This tremendous investment in expanded industry is wasted if, because of a lack of adequate housing within the financial means of the workers, it is impossible to man the expanded factories.

I want to stop here to drive home the important point that while new construction in the Chicago area opened the year 1953 with a boom, the construction of homes and apartments declined while the production of commercial and industrial projects greatly increased. This is highly significant. We are going ahead with a tremendous industrial upsurge and we are making absolutely no provision for new homes within the financial means of most of the workmen in these expanded industries. And at this time, and under the conditions of a neglected housing shortage, it is proposed to end Federal rent control. I can conceive of no blow more devastating to the national defense effort. I am appalled to think that it should even be considered.

Chicago cannot be classified as a critical defense area because of the silly inmigration requirement. I say silly as it applies to a large city like Chicago. Here we have a city carrying a tremendous portion of the national defense work. Without the contribution to the national defense of the Chicago metropolitan area the whole program would be fatally retarded.

Now, what difference is there between a worker that comes to Chicago to work on defense production and one who comes to wash dishes in a restaurant so that another, already resident in Chicago, can leave his restaurant employment to do work for which he is qualified in a plant producing material for the national defense? The fact is that a big city like Chicago is in a sense one big family, with the chores distributed, to the end that a common objective can be obtained.

CONCENTRATION OF INDUSTRY

Mr. Chairman, it has been pointed out that 66 percent of all the rental dwellings which are subject to the limited Federal rent-control program are located in the 5 States of Pennsylvania, Illinois, Massachusetts, New Jersey, and Ohio; and that 85 percent of such dwellings are located in these 5 States plus the 5 States of Missouri, Maryland, California, Connecticut, and Minnesota. From this it is argued that rent control is really not a national program nor a proper activity for the Federal Government.

In all fairness, several other statistics should be considered.

The Federal program is now operative in 45 States and in Alaska and Puerto Rico. Including New York State and the District of Columbia—which have their own rent-control programs—60

percent of the 13,913,000 urban rental dwellings which were enumerated by the 1950 census are now under rent control. Excluding New York State and the District of Columbia, 50 percent of the urban rental dwellings are now under Federal rent control.

When all of the rental dwellings subject to the Federal rent-control program are considered, it is found that 55 percent are located in the first 5 States, and 77 percent in the 10 States.

These figures might well be compared with the distribution of the country's urban population. Leaving New York aside, the first 5 States contain 33 percent of the total urban population, and the 10 States contain 54 percent of the total urban population. On the same basis the first 5 States have 34 percent of all the urban rental dwelling units, and the 10 States have 53 percent.

Thus it is seen that while there is a concentration of the Federal rent-control program in these 10 States, there is also a concentration in the same States of urban population and urban rental dwellings.

More significant, however, is the fact that these particular States are the location of an important concentration of the Nation's industrial capacity. Again leaving New York State out of consideration, the first 5 States have 42 percent of the Nation's manufacturing facilities, and the 10 States together have 57 percent of this capacity—Value Added by Manufacture, 1947 Census of Manufacturing.

Thus to a very large extent, the national distribution of the units which are subject to Federal rent control parallels the national distribution of our defense-production potential. To the extent that it is desirable to extend the protection of rent control to defense workers who live in areas of housing shortage, this protection is needed just as much in small defense centers in predominantly rural States as it is in the large cities in predominantly urban States. America's industrial potential is nationwide. If the protection of rent control is required for defense workers, statutory authority should exist providing for that protection wherever it is needed in the country—until and unless State or local laws are enacted which afford this protection on a State or locality basis.

HOARDING OF SPACE

Rent control has often been attacked on the theory that it actually contributes to the housing shortage by causing poor use of available rental housing. Proponents of this theory base their contention on a notion that rent ceilings and eviction provisions of the rent control program permit single persons and small families to occupy more space than they need, thus preventing a landlord from renting his accommodations to larger families.

This theory completely disregards a long standing and well-known rule that it is more economical for a landlord to rent to small families, couples, or single persons than to families with a number of active children. In the absence of rent control, many landlords would choose their tenants in accordance with this rule, and there might well be fewer occupants in our apartments and rental houses rather than more.

In fact, this is just what was shown by a survey completed in 1951 by the Bureau of Labor Statistics. This survey covered a large number of apartments which were newly completed in the last quarter of 1950, in nine representative cities. Rent controls did not apply to any of these apartments, and the landlords were free to choose their tenants as they saw fit. On the average, the uncontrolled units had less occupants per room than the average for all rental units in the city. In 8 cities out of 9, a greater percentage of the new construction had less than one occupant per room than was true for all renal units. In all 9 cities, a greater percentage of uncontrolled units averaged three-quarters of a person per room or less than was true for the controlled units. These cities are Atlanta, Chicago, Dallas, Detroit, Los Angeles, New York City, Pittsburgh, San Francisco, and Washington, D. C.

Real-estate-market analysts and other authorities on real estate recognize that during good times there is a tendency for housing consumers to escape crowded living conditions. In his book, Principles of Real Estate Management, published by the Institute of Real Estate Management, Chicago, Ill., James C. Downs, Jr., says:

> When an upswing in the economy takes place, the number of employed people increases sharply and the level of income of all the people likewise rises. This means an expanded demand for housing by people who suddenly find themselves able to support individual housing unit consumption (p. 52).

AVERAGE FAMILY SIZE

Still another factor operating to decrease occupancy per unit is the reduction in the average family size. That this is a long-term trend which has nothing to do with rent control can be amply demonstrated. For instance:

> It is pertinent to observe that for the past half century the size of the average American family has been shrinking due to increased economic pressure, to control of family size, to increase in divorce, and to greater longevity. (Downs, Principles of Real Estate Management, Institute of Real Estate Management, Chicago, Ill., p. 63.)

Downs, also, makes it clear that consumption of residential real estate is based not on population but on the family. For example, he says:

> If there is a community of 1,000 people in which the average family numbers 5 people, then there will be an effective need for 200 units of housing. If, however, the average family numbers only 4, the same community will require 250 units of housing.

If the theory that rent control promotes inefficient utilization of space were correct, then it would stand to reason that the trend to lesser space utilization brought about by relatively good economic conditions and smaller family size would be exaggerated in communities remaining under rent control. A recent study based on statistics in the 1940 and 1950 United States census reveals that this is not the case.

CONTINUING HOUSING SHORTAGE

The arguments that there is no shortage of housing completely overlook the change in family composition that has been occurring in this country, and therefore greatly underestimate the true demand and need for housing.

In every decade since 1890 the number of dwelling units has increased in greater proportion than the population. In fact, the 1940–50 increase of 22 percent for dwelling units and 15 percent for population is almost exactly the same as the average for the past 6 decades.

These developments are due to long-range changes in the make-up of our people—the trend to smaller families, the greater proportion of the population that is married, and the increasing numbers of older people who survive and need homes of their own.

First. In each decade since 1890 families and households have been smaller, as shown by census figures on the average number of occupants per dwelling unit:

1890	5.0
1900	4.8
1910	4.5
1920	4.3
1930	4.1
1940	3.8
1950	3.5

Second. Between 1940 and 1950 the percentage of the population 14 years of age and older that was married increased from 60 percent to 67 percent, and the number of married couples increased 24 percent.

Third. Between 1940 and 1950, while the total population increased 14.5 percent, the number of persons 65 years old and over increased 36.6 percent.

Attention has been directed to several cities which actually lost population between 1940 and 1950. We have been able to identify 18 such cities which are presently under the limited rent stabilization program. In 12 of these cities the increase between 1940 and 1950 in the number of married couples was greater than the increase in the supply of housing. In 13 of these cities the percentage of married couples who did not have their own household actually increased between 1940 and 1950. In all but one of these cities the number of vacant housing accommodations decreased.

When consideration is directed to the 51 larger cities where the population increased in the past decade, it is found that the rate of family formation outstripped the rate of increase in the housing supply in 44 instances, and the percentage of married couples who lacked their own household, increased in 39 instances.

The argument that rent control itself contributes to the housing shortage, by causing underoccupancy of rental hous-

ing, has been thoroughly explored by a recent study of census data for a representative sample of individual cities. This study, a copy of which is submitted herewith, shows clearly that the historical trend toward greater use of space per person has not been accelerated by rent control, and is not reversed by its removal:

Changes, between 1940 and 1950, in population, housing supply, housing demand, and vacancies

LARGE CITIES UNDER LIMITED FEDERAL RENT CONTROL

	Loss or gain in population	Increase in dwelling units (percent)	Increase in married couples (percent)	Increase (+) or decrease (−) in percent of married couples without own household	Decrease in gross nonseasonal vacancy rate
Cities which lost population:					
Scranton, Pa.	−10.6	1.8	1.4	−0.1	0.3
Providence, R. I.	1.9	6.4	7.7	+1.4	.7
Wilkes-Barre, Pa.	10.9	2.2	3.3	−.6	1.2
Atlantic City, N. J.	3.8	3.1	4.1	−.2	10.4
Lowell, Mass.	4.1	7.3	10.0	+.5	1.2
Fall River, Mass.	3.0	10.1	11.3	+1.0	.4
Lawrence, Mass.	4.5	6.2	4.2	−3.1	2.1
Altoona, Pa.	3.8	6.2	5.7	0	.2
Johnstown, Pa.	5.2	6.1	7.0	+.7	0
McKeesport, Pa.	7.0	4.3	3.2	+1.7	.1
New Bedford, Mass.	1.0	7.4	12.4	+6.2	.6
Wilmington, Del.	1.9	7.1	4.8	+1.1	.7
Holyoke, Mass.	1.7	8.2	14.9	+.8	2.3
Bayonne, N. J.	2.5	7.7	15.3	+3.1	1.9
Jersey City, N. J.	.7	1.4	10.1	+2.4	4.6
Passaic, N. J.	6.0	7.8	5.5	+.9	.6
Paterson, N. J.	.2	7.3	9.6	+.7	1.6
Union City, N. J.	1.1	2.9	5.8	+1.4	3.3
Cities which gained population:					
San Francisco, Calif.	22.2	20.2	28.4	+1.5	4.3
St. Joseph, Mo.	3.8	2.1	8.4	−.4	4.3
St. Louis, Mo.	5.0	4.5	9.7	+1.2	4.8
East Orange, N. J.	15.1	14.5	19.7	+1.7	3.8
Hoboken, N. J.	1.1	4.1	13.3	+1.2	14.0
New Britain, Conn.	7.3	21.4	22.8	+2.8	.1
New Haven, Conn.	2.4	7.4	11.0	+1.8	2.7
Waterbury, Conn.	5.2	16.0	15.8	+1.0	.6
Macon, Ga.	21.4	24.2	28.1	+.6	.2
Chicago, Ill.	6.6	11.8	13.4	+1.3	2.4
Decatur, Ill.	11.8	22.6	25.0	+1.8	.4
East St. Louis, Ill.	8.8	12.9	12.5	+1.2	.1
Springfield, Ill.	8.1	20.4	19.3	+3.5	.1
South Bend, Ind.	14.5	23.2	24.6	+1.4	.3
Terre Haute, Ind.	2.4	8.2	10.3	+.9	.4
Louisville, Ky.	16.2	18.0	24.1	−.2	2.5
Baltimore, Md.	10.5	17.5	19.8	+.2	.5
Cities which gained population—Continued					
Boston, Mass.	4.0	5.0	13.5	+1.5	4.8
Brockton, Mass.	.8	3.4	9.2	−.1	1.9
Cambridge, Mass.	8.9	10.8	15.6	+1.0	2.7
Lynn, Mass.	1.6	1.7	11.6	+2.0	3.8
Malden, Mass.	3.1	6.8	11.9	+1.0	2.6
Medford, Mass.	6.5	6.9	11.4	+1.7	2.1
Newton, Mass.	17.3	20.8	28.1	+1.0	2.9
Quincy, Mass.	10.6	14.4	16.1	+1.3	----
Somerville, Mass.	.2	4.4	10.9	+1.6	1.8
Springfield, Mass.	8.6	12.1	19.3	+1.3	3.0
Worcester, Mass.	5.1	11.7	16.5	+.2	.7
Duluth, Minn.	3.4	11.0	12.2	−.1	1.3
Minneapolis, Minn.	6.0	9.7	12.0	+.9	1.6
St. Paul, Minn.	8.2	12.1	16.8	+.2	2.0
Manchester, N. H.	6.5	15.1	21.1	−.2	1.7
Camden, N. J.	6.0	12.9	16.4	+1.0	.1
Elizabeth, N. J.	2.6	10.3	12.8	+2.4	2.9
Irvington, N. J.	7.0	12.8	12.6	+1.9	1.7
Newark, N. J.	2.1	6.5	12.5	+2.8	2.3
Trenton, N. J.	3.2	8.3	15.0	+3.8	.7
Durham, N. J.	18.5	18.8	18.7	+.7	1.4
Cincinnati, Ohio	10.6	12.7	14.7	−.3	3.6
Cleveland, Ohio	4.2	8.4	11.0	+1.7	1.4
Dayton, Ohio	16.5	19.4	22.4	−10.1	.4
Hamilton, Ohio	14.5	21.2	21.8	−.1	1.3
Youngstown, Ohio	.4	10.0	14.2	+2.6	.4
Chester, Pa.	11.4	18.9	25.3	−1.2	1.0
Erie, Pa.	11.8	20.6	22.3	+1.3	.4
Lancaster, Pa.	4.0	10.5	13.5	−.5	----
Philadelphia, Pa.	7.3	12.4	15.1	+.7	2.4
Pittsburgh, Pa.	.8	7.8	10.2	+.5	1.1
York, Pa.	5.7	15.1	10.6	−.5	.8
Pawtucket, R. I.	7.4	19.1	18.4	+1.2	.3
Memphis, Tenn.	35.2	39.9	45.4	−1.6	----

Source: Census of Housing.

Mr. Chairman, I have now come to the argument that the rents paid by tenants under rent control have been unfairly below the prices for commodities and other goods. For answer I extend my remarks, by unanimous consent, to include an authoritative tabulation issued by the United States Department of Labor:

Indexes of consumers' price, housing, and residential rent, 1940–53 (for moderate-income families in large cities)

[The CPI at 113.5 for the year 1952 was 2 percent above the previous record high of 1951, while residential rent reached 117.9—up 4 percent from 1951 to the highest level since 1929]

[Base: 1947–49=100]

Year	Consumers' price	Residential rent
1940	59.9	86.9
1941	62.9	88.4
1942	69.7	90.4
1943	74.0	90.3
1944	75.2	90.6
1945	76.9	90.9
1946	83.4	91.4
1947	95.5	94.4
1948	102.8	100.7
1949	101.8	105.0
1950	102.8	108.8
1951	111.0	113.1
1952 [1]	[2] 113.5	117.9
Percent change, 1952, from—		
1951	+2.3	+4.2
1950	+10.4	+8.4

[1] Preliminary.
[2] All time high.

Indexes of consumers' price, housing, and residential rent, 1940–53 (for moderate-income families in large cities)—Con.

Month	Consumers' price	Residential rent
1952—January	113.1	116.0
February	112.4	116.4
March	112.4	116.7
April	112.9	116.9
May	113.0	117.4
June	113.4	117.6
July	114.1	117.9
August	[2] 114.3	118.2
September	114.1	118.3
October	114.2	118.8
November	[2] 114.3	119.5
December	114.1	120.7
1953—January	113.9	121.1
February	113.4	121.5
Percent change, January 1953, from—		
1952—December	−.2	+.3
January	+.7	+4.4

[2] All time high.

Source: U. S. Department of Labor.

Mr. HALLECK. Mr. Chairman, I rise in opposition to the amendment.

LEGISLATIVE PROGRAM

I shall not take the 5 minutes, but I am sure the membership is interested in the program. There is a bill from the Public Works Committee which has to do with additional authorization in the Columbia River Basin that will be brought up following the disposal of this bill.

A rule has been granted on the Maryland tobacco price-support bill. On that I have given my word that if a rule were granted I would take it up tomorrow. That bill will be called for consideration tomorrow.

In regard to the program, for advance planning, we hope to have the Interior Department bill ready for consideration on Monday.

Any further program will be announced later.

Mr. Chairman, I stated I rose in opposition to the pending amendment. I do. I trust that the amendment will not be adopted.

Let me again make my position clear on this matter now before us, and I think it is the position of many. There was a time when I voted for rent control along with other controls when it seemed to me that such controls were in the public interest. I have always felt that such direct controls, whether of prices, of rents or of anything else should not be permanently a part of the economy of our country. So it has always been my idea that we should get rid of them as quickly as we can.

Some time ago I became convinced that rent control was no longer necessary and in recent times I have been voting against extension of rent control. However, I am going to support this compromise arrangement, not because I have

changed my position in respect to controls but, rather, in order that we may make good on the President's statement that here is the States' final chance to move in if they want rent control.

It was suggested by the gentleman from Pennsylvania [Mr. FULTON] that possibly this is just to be a matter of recurrence time after time, that we would go on having rent control ad infinitum. The situation is quite the contrary. As the gentleman from Michigan [Mr. WOLCOTT] has pointed out, it is understood in the executive branch that this is the end, and we have been so assured. So the States are definitely and finally put on notice that they have this 90-day extension in order to make a decision. If it is necessary to call special sessions of the legislatures, let them call such special sessions. But at the end of the 90-day period rent controls, as a matter of direct controls, are to come to an end.

I trust that this compromise measure may be sustained as it has been written and that when it comes on for passage it will be finally adopted on that basis, which seems to me to be fair and reasonable under the circumstances.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Pennsylvania.

Mr. FULTON. On the basis that the gentleman has made it a firm statement that this is the end, and there will be no later change by the leadership, I will go along with the compromise; but is it a definite, complete statement without alteration by the lower House leadership?

Mr. HALLECK. I have made it as strong as I can, and, so far as it is within my power to make good on the statement, I will do it.

Mr. CEDERBERG. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I would like to give the House a little example of how politics can creep into this matter of rent control. Last fall, as of September 30, you will recall, rent control was to die, unless the local government body by affirmative resolution requested that it be extended for another 6 months, until April 30.

I was mayor of the city of Bay City, Mich., at that time; I was also the Republican candidate for Member of Congress. I might say that the political activity to which I am about to refer took place under the past administration of the Democrats. I do not think it would happen under a Republican administration. May I say that one member of the city council did not appear that night, so the vote was 4 to 4. I was requested to break the tie as to whether or not there was to be decontrol. I broke the tie, and thus we decontrolled in the city of Bay City, Mich.

The next day I went to the city of Detroit to join the Eisenhower train to ride up to my home town. But much to my surprise on picking up the Detroit Free Press when I entered the Book Cadillac Hotel, I found the almost unbelievable news on the front page that my city had overnight become a critical defense area, the only one in the State of Michigan. All of the other cities, including the city of Detroit, the city of Pontiac, the city of Flint, the city of Saginaw, and every other one, were not critical defense areas. My little home town of some 55,000 people, who had less defense contracts than any of these other cities, had overnight become a critical defense area.

I do not know how that happened, but I have an idea. I think possibly some local individuals got in touch with one of our late, unlamented Senators, who contacted certain people in the Federal Housing agency down here, and consequently we immediately became critical.

I think those are things we want to be cautious about at this time. I am sure you will agree that we should not get involved in something like that.

I say again, I do not think that would happen under a Republican administration, and I am assured that under this bill such a thing cannot happen. But, those are some of the things that were going on under rent control, and I think they ought to stop.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. O'HARA].

The amendment was rejected.

Mr. BAKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAKER: On page 4, line 4, immediately before the colon insert the following: "(except that clause (2) of this sentence shall not apply in any area in which is located an Atomic Energy Commission installation and the housing accommodations in such area are owned by the Federal Government. However, maximum rents under this title shall not apply to any such housing accommodations when sold by the Federal Government.)"

Mr. BAKER. Mr. Chairman, the only purpose of this amendment is to accord Oak Ridge and Richland the same treatment which all other atomic-energy installations will have under this bill. I will be very brief. The criteria are shown in subsection 1 relating to Oak Ridge and Richland:

A new plant or installation of the Department of Defense or the Atomic Energy Commission has been or is being provided, or an existing plant or installation of either of such agencies has been or is being reactivated or its operation substantially expanded.

I represent the district in which Oak Ridge is located. There is presently a $400 million expansion program going on there. I am not too familiar with Richland but I understand the situation is about the same.

Subsection (2) takes Oak Ridge out without my amendment, and here is the reason.

Mr. TALLE. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Iowa.

Mr. TALLE. I am glad to say to the gentleman from Tennessee that this amendment is acceptable to the Committee on Banking and Currency.

Mr. BAKER. I appreciate that very much.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Washington.

Mr. HOLMES. I appreciate very much the amendment that the gentleman is offering here. May I suggest that the name be changed from "Hanford" to "Richland," as Richland is the atomic-energy city of the Hanford engineer works and project in the State of Washington.

Mr. BAKER. We ask for exactly the same treatment that is given to Savannah. There is no influx of workers, and it is bulging at the seams, but they must have this benefit. Bear in mind that the amendment also provides that, if and when the property is sold into private ownership, rent control goes off. It is the plan soon, as I understand it, to sell all of these Government-owned dwellings to the public.

Mr. Chairman, I hope the amendment will be adopted. I appreciate the action of the committee.

Mr. HAYS of Ohio. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as a member of the Committee on Banking and Currency, I hesitate to oppose the gentleman's amendment; but I would just like to point out to you the situation in which we find ourselves if we adopt this amendment. We are setting up very severe criteria here, and the committee chairman has explained that we are trying to get rid of rent control. We are going to take out such areas as Philadelphia and Chicago and New York, that are now considered critical, but we are going to make a special exemption for an area to have one bureau of the Government control rents which are set by another bureau of the Government. That is exactly what we are doing, because all of the property down there is owned by the Federal Government and they set the rents. Apparently we do not trust that division enough, so we are going to have another division apply rent control.

I am not going to make any serious fight on the gentleman's amendment. He represents the district and he is trying to do a job for it. It seems to me we are putting ourselves in a rather ludicrous position when we adopt an amendment of this kind, because if we adopt it why can we not then have an amendment come in for Chicago and say it has a certain specified set of circumstances and it should therefore have special treatment?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. I yield to the gentleman from Illinois.

Mr. YATES. As a matter of fact, Chicago has an atomic laboratory now that is a necessary part of the entire atomic picture.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Ohio. I yield to the gentleman from Tennessee.

Mr. BAKER. I realize the argument of the gentleman and respect it. Paducah, the new Portsmouth plant, and Savannah, all would be covered under the bill, would they not?

Mr. HAYS of Ohio. I understand that.

Mr. BAKER. Does not the gentleman feel that it is fair that Oak Ridge and

Hanford, until they are sold, which may be just a few months off, have that same treatment?

Mr. HAYS of Ohio. The gentleman has a point, but, on the other hand, the gentleman's area does not come under the criteria that are set up in this bill, because he admits it does not have a vast influx of people.

I am pointing out that we are making an exception here. I am not asking the committee to vote against the gentleman's amendment; I am merely pointing out that we are making an exception in the gentleman's case. If we do that, we are having one division of the Government police another division of the Government, and certainly these other areas would have the right to come in and ask for special consideration for their special problems.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. BOLLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLLING to the committee amendment: On page 3 of the committee amendment strike out lines 15 to 22, inclusive, and insert in lieu thereof the following:

"SEC. 6. The fourth sentence of subsection (1) of section 204 of the Housing and Rent Act of 1947, as amended, is amended by striking."

Mr. BOLLING. Mr. Chairman, this is one of the amendments I discussed during general debate. It would simply delete the exception in the areas redesignated as critical defense housing area that is given to the housing accommodations which have been constructed, or completed, on or after February 1, 1947, or to additional housing accommodations created by conversion on or after February 1, 1947.

As I pointed out during general debate, it is my firm conviction that this is one of those provisions in this substitute which will make inoperative rent control in most of the areas which are purported to be covered by this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri to the committee amendment.

The amendment to the committee amendment was rejected.

Mr. BOLLING. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLLING to the committee amendment: Page 4, strike out "No area shall be" in line 1, and all that follows down through line 17, and insert in lieu thereof the following: "No area shall be certified as a critical defense housing area under the authority granted in this subsection unless both of the following conditions exist in such area: (1) a new defense plant or installation has been or is being provided, or an existing plant or installation has been or is being reactivated or its operation substantially expanded; (2) a substantial shortage of housing required for defense workers or military personnel exists which has resulted or threatens to result in excessive rent increases and which impedes or threatens to impede the activities of such plant or installation."

Mr. BOLLING. Mr. Chairman, this is the second of the two amendments which I discussed in general debate. It is designed to make the criteria for a critical defense housing area less restrictive rather than more restrictive. In my judgment, the two provisions, the one which I tried to strike earlier and this one will have the effect of providing no rent control or at best very little rent control even in what are still called critical defense housing areas. I think that is true for two reasons. One—all the new housing constructed after February 1, 1947, or all the rental housing coming into being by conversion after February 1, 1947, will be exempted from control and in many cases that means most of the available rental units. No. 2—when we move from that specific situation within areas which might otherwise qualify as critical defense housing areas into the question of what areas will qualify as critical defense housing areas, we find that some of the areas which most urgently need the protection afforded by rent control will not be eligible under this most restrictive definition.

I urge the House to recognize that people deserve equal treatment, and people working in factories which are doing a tremendous amount of defense work, which may not be Defense Establishment installations or Atomic Energy Commission installations have an equal need and an equal concern in this situation which we are confronting today in the House. I do not see why one person involved in the defense effort should be protected whereas another person who may not work in a Defense Department or Atomic Energy Commission installation, but who may work just as hard producing the things we need to defend this country should not have that protection. The purpose of my amendment is to give equal protection by making less restrictive the definition of a critical defense housing area. I urge support of the amendment.

Mr. BUDGE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment. I have never believed in controls of any kind, including rent control. However, I know from my own experience when I served in the military in the last war that the military families who are forced to live in or near military installations are confronted with unusual difficulties. The gentleman's amendment, which was offered a few minutes ago, would have corrected what to me seems to be a very basic fault in the committee bill. We have in the United States a great many areas where large military installations, large atomic-energy installations, have been built and where practically all of the housing in that particular community has been built since 1947. I agree with the statement of the gentleman that unless measures are taken to correct this particular feature of the bill, there can be no protection through rent control in the areas in this Nation which, I think, if there is any reasonable basis for rent control, should be covered.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I think this affords an excellent opportunity for those who believe in extension of rent control and those who are opposed to it, to do something that is fair and just. I agree thoroughly with what the gentleman is saying, and I urge my friends who are honestly opposed to rent control to examine this. It means a critical defense area cannot be named such unless it is done in accordance with the law. Take a place like Boston, New York, Chicago, or many other places where we do not have any immigration, but we have defense activities, this amendment would permit the proper agencies of Government to give consideration to places like that in connection with a critical defense area. I think it is the fair thing to do. It is the honorable thing to do, and it is something that would be consistent with the views of both those who are opposed to and those who favor rent control. This amendment would do more to bring about justice and satisfaction after rent control expires than anything I know of.

Mr. BUDGE. I thank the gentleman.

I would like to give the committee a concrete example. A small community in my particular district, which had a small population, was chosen as a place for the erection of a large military installation. It is away out in the middle of the desert, 50 miles from any other town. All of the building which possibly could be utilized for rental purposes has been built since 1947. There would be no buildings actually which could be controlled under the provisions of this bill, even though that area remains as it is now, certified as a critical area. I think if the committee wants to correct what seems to be an omission on the part of the committee bill, they should support the amendment now before the House.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. WOLCOTT. Mr. Chairman, I think the gentleman from Massachusetts [Mr. McCORMACK] implies what the proponents of this amendment have in mind, when he indicates that possibly by the adoption of this amendment, in some manner or other, Boston and other cities comparable in size, may continue under Federal rent control.

Boston could not qualify as a critical area under the definition. It has a difficult time justifying the continuance of rent control under any circumstances, for the reason that although the population of Boston has in the last 10 or 12 years increased 4 percent, the number of available housing units in Boston has increased by 5 percent. No one ever spoke of a housing shortage anywhere in the United States in 1940. So if there was no housing shortage in Boston in 1940 and they have built 5 percent more homes and have an increase in population of only 4 percent in the 10 years following 1940, then of course there is not any justification for continuing rent control in Boston.

The reason for this language in this bill is to encourage production, to offset or obviate the necessity for continuing rent control even in critical areas. You cannot get people to build in the critical areas if they are going to be under rent control. You stymie your program, and you have no production of housing units, any more than they have in France, which has been referred to. The only way we are going to get production inside or outside of critical areas is to encourage production, not to discourage it; not to freeze the housing situation that may exist there now by preventing production to take place.

This language was put in the law in 1947 to encourage production, so that we would not have to continue rent control forever. That is the reason why it is left in here. Surely there will be some inducement to saturate that market in these areas if the new construction is not under control. If the new construction does come under control then you would not expect any new construction in these areas, and that is what we are trying to obviate: The necessity for continuing rent control by saturating the market, by meeting the demand for housing. You cannot keep private enterprise out of there if there is demand for it, and we should not do anything to discourage the production of housing which might be required.

I think that the amendment probably would defeat the purpose of the sponsors; they would not get nearly as much housing in these areas as they would otherwise.

Mr. CLARDY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. CLARDY. Mr. Chairman, any long discussion by me at this juncture would be superfluous since the subject has been pretty well covered. I am opposed to rent controls and I shall vote against the bill.

The discussion today has demonstrated that false economic ideas apparently will live on forever. Rent controls, it has been demonstrated, prevent the construction of new homes. Rent control is, therefore, self-defeating. Its only justification must be that it will remedy a bad situation. But rent controls have never built a single house.

The only remedy for a housing shortage is the construction of new homes and apartments. Since rent controls discourage the one thing that can remedy the situation, it should long ago have been obvious that they cannot possibly avoid aggravating the situation.

Rent control, in my opinion, is an indirect expression of lack of confidence in our economic system. I shall, therefore, cast my vote against their continuance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BOLLING].

The question was taken; and on a division (demanded by Mr. BOLLING) there were—ayes 54, noes 131.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DONDERO, 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. 4507) to amend and extend the Housing and Rent Act of 1947, and for other purposes, pursuant to House Resolution 214, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the amendment.

The amendment was 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.

The SPEAKER. The question is on the passage of the bill.

Mr. MASON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. MASON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and sixty-two Members are present, a quorum.

Mr. COLE of Missouri. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. COLE of Missouri. Mr. Speaker, the Chair has not yet put the question.

The SPEAKER. If the gentleman will permit, the Chair will be glad to put the question. He had hoped to be able to do that.

Mr. HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN of Michigan. Did not the Chair state that the bill was passed?

The SPEAKER. Not yet. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. COLE of Missouri) there were—ayes 187, noes 66.

So the bill was passed, and a motion to reconsider was laid on the table.

TAX-EXEMPT FOUNDATIONS

Mr. REECE of Tennessee. 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 Tennessee?

There was no objection.

Mr. REECE of Tennessee. Mr. Speaker, I would like to call to the attention of this House some unfinished business, the importance of which does not permit it to be ignored or delayed.

I refer to the work of the Select Committee To Investigate Foundations of the 82d Congress, of which committee I was a member.

I

Those of us who served on this committee, the chairman of which was the late gentleman from Georgia, our good and valued colleague in this Chamber for many years, the Honorable Eugene E. Cox, know that the committee's inquiry did not leave many of the investigated foundations with wholly clean hands.

The incomplete findings of the committee have been badly misinterpreted, because, unfortunately, testimony at the public hearings of the committee, which disclosed many of the subversive and communistic activities of the foundations, was omitted from the report prepared by the committee staff.

As a matter of fact, it seems apparent from the actions of at least one major foundation—actions taken since the committee report was released—that the foundations involved regard the report as a complete exoneration of their admitted mistakes in supporting subversive and communistic enterprises, and as a charter not only to continue these activities but to go even further into a campaign to discredit and challenge the investigating process of Congress in its effort to ferret out subversive activities.

Are things coming to a point where, instead of Congress passing judgment on foundations, the foundations are now passing judgment on Congress?

Indeed, in signing the report, I felt obligated to make some observations of disagreement.

I put my signature to the committee's report only with the reservation specified in the following notation:

> As pointed out and stressed in this report, the select committee has had insufficient time for the magnitude of its task. Although I was unable to attend the full hearing, I feel compelled to observe that, if a more comprehensive study is desired, the inquiry might be continued by the 83d Congress with profit in view of the importance of the subject, the fact that tax-exempt funds in very large amounts are spent without public accountability or official supervision of any sort, and that, admittedly, considerable questionable expenditures have been made.

I put this notation at the end of the report with the distinct intention of introducing a resolution to continue the investigation of foundations and their subversive activities in this Congress.

II

So that the Members may be acquainted with what was actually revealed by the investigation of the 82d Congress without reading the voluminous testimony of the hearings, I have prepared the following brief summary of what was disclosed:

First. The evidence presented at the hearings, in this case by sworn testimony, indicated that at least in one case, even some of the trustees of a supposedly legitimate foundation, with over $10 million assets, were Communists.

Second. The hearings disclosed that some officers of large and supposedly legitimate foundations were Communists.

Third. Numerous Communists have received grants from foundations chartered by the Congress of the United States, and in some instances these Communists received grants from more than one foundation.

Fourth. Foundation grants have been given to many organizations designated by the Attorney General of the United States as Communists or exposed by the investigations of committees of the Senate and the House as subversive organizations subject to Communist Party discipline and control. A primary example of this is the Institute of Pacific Relations, exposed by the Senate Internal Security Subcommittee as subject to Communist discipline, which has received more than $2½ million from various foundations.

Unfortunately, I was absent because of illness in my immediate family and did not know all of what went on until after the hearings had been concluded.

Moreover, the work of the committee was inadequate because of lack of time for any serious recommendation to Congress.

It certainly would be unfair to the foundations for anyone to formulate, or even attempt to formulate, changes in the laws now governing these tax-free institutions on the basis of the limited work done by the Committee To Investigate Foundations of the 82d Congress.

III

Because the Congress of the United States is still faced with the obligation to determine the proper status of foundations, the omissions and faults in the work of the committee investigating foundations must be remedied. Among these omissions are the following:

First. The time and facilities given to the Committee To Investigate Foundations in the 82d Congress were completely inadequate to the job which Congress entrusted to it. Actually, this committee had only 4 months to do the work of investigating the activities of several thousand charitable and educational foundations which control several billion dollars in assets and could devote only 17 days to public hearings.

Second. The officers and trustees of foundations were allowed to give the excuse, without being examined as to the reasonableness of their statements, that foundation grants were made to Communist organizations and individuals unwittingly and through ignorance. Nobody asked these officers and trustees who testified to give evidence that they were now aware of the Communist menace and that precautions have been taken so that the practice of making grants to subversives would be stopped. The unawareness of the board of trustees was accepted as an excuse for making grants to Communists; but it is inexcusable that persons who have control of large tax-exempt funds should be ignorant of what they are doing.

Third. The Committee To Investigate Foundations failed to require the officers and trustees of foundations who appeared before it as witnesses, to give their testimony under oath. It did not require the representatives of the foundations to swear to the truth of the information they furnished the committee in answer to its questionnaires. For the sake of the foundations, this error should be rectified. In fact, under this practice, some officers and trustees of foundations used the hearings as a soundingboard for their opinions and views rather than giving sworn testimony regarding questionable activities of their foundations. The only witnesses I can find who were actually sworn and placed under oath were anti-Communists who were testifying regarding the subversive activities of foundations.

Fourth. Representatives of foundations were not asked to explain why they are supporting subversive propaganda inasmuch as their grants are given to organizations, projects, and persons which are promoting special interests or ideologies. Similarly, these representatives were not requested to explain why their foundations were not, in fact, influencing specific legislation inasmuch as the beneficiaries of their grants frequently had an outright political objective rather than an educational one.

Fifth. The committee failed to use much of the documentary evidence that was in its possession. Much of this extensive evidence indicated subversive and un-American propaganda activities on the part of foundations as well as outright political activities which attempted to influence legislation. The new Congress should look into the all-important question of the foundations propaganda activities and direct or indirect influence over legislation, a matter which was completely ignored by the previous committee.

IV

The law now states that because of the legal exemption from income tax enjoyed by these groups they cannot undertake to support enterprises carrying on propaganda or attempting to influence legislation. Apparently, this has been interpreted in some cases as referring only to propaganda and legislation with which the trustees were not in agreement.

Obviously, no foundation should be forced by law to support any idea or position with which its governing body is in disagreement, but that, in my considered judgment, does not permit them to support any idea or position with which they are in agreement when the effects of such support are not in the best interests of the sovereign American people under whose charter the foundations exist.

In its overall deliberations, no committee should allow itself to be influenced by the fact that an overwhelming portion of foundation grants in the educational field for many, many years has been awarded for the propagation of the so-called liberal viewpoint and in some cases an openly communistic point of view.

But it is impossible not to be acutely aware of this fact and also to be alarmed at the lopsided situation that has resulted. It is quite possible that the governing bodies of certain foundations have, in the past, been timid about supporting any educational institutions or groups whose objectives could be classed as conservative and might offend the political administrations that have been in power.

It is also possible that most of the requests from so-called conservatives have been from those institutions whose educational methods, particularly in the adult field, are not sufficiently orthodox to be classed formally as educational institutions.

Whatever the true reasons may be, I deem it a duty of this House to find out what they are and assemble them for the purpose of a detailed and objective examination.

V

Even if the existing situation did not warrant careful investigation of the foundation situation, the future magnitude of the problem makes it imperative.

The present laws governing the transfer and inheritance of property are bringing upon the Nation an avalanche of tax-free foundations whose assets are based on corporation securities.

This means that within a relatively short period of time a problem which may now appear to be a small one could grow to gigantic and dangerous proportions amounting in value to many billions of dollars.

It is not difficult to envision the hazards that could accompany a situation in which the management of a very large segment of American business was under the control of the trustees of a multitude of foundations, such control stemming from the voting stock making up their endowments.

Nor is it hard to envision the tremendous influence, in educational and civic projects, that could be wielded by the handful of men to whom the spending of these funds would be entrusted.

This problem brings to mind the crisis which faced England hundreds of years ago when special laws had to be passed to prevent all property from gravitating into the ownership of the church.

VI

I, therefore, urge that a careful and complete canvass of the problem be made by a special committee of this House, with the purpose of determining whether or not the present law adequately safeguards the people and the public interest and whether through a study of the past we can safeguard the future.

One of the tasks of this committee might be the careful formulation of definitions covering what is loosely referred to as propaganda and subversive activities, also what can properly be termed an educational program.

The Constitution provides that every citizen has a right to speak his mind and to propose and promote any changes in his government as long as legal methods are pursued.

We all agree that this right must never be abridged, but it seems that we should also agree that it must not be abused.

It is unimportant to this House whether or not the admitted abuses of the past were accidental or on purpose.

What is important is a dispassionate analysis of how these abuses occurred and what can be done to prevent recurrence.

VII

These subtly concealed activities are in a sense much more important than overt grants to avowed Communists.

The committee proposed here should have broad jurisdiction to investigate any possible totalitarian predelictions on the part of the people in control of the funds of tax-exempt foundations and their direct or indirect influence on legislation.

Such a committee could devote its entire time to these difficult problems and could undertake extensive research and investigation.

It would have one and a half years available for such research and investigation, for holding public hearings, and for reporting its findings to the Congress.

GENERAL LEAVE TO EXTEND

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

SPECIAL ORDERS GRANTED

Mr. BAILEY asked and was given permission to address the House today for 5 minutes, following any special orders heretofore entered.

Mr. POAGE asked and was given permission to address the House on Wednesday next for 30 minutes, following any orders heretofore entered.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1954

Mr. BUDGE, from the Committee on Appropriations, on behalf of Mr. JENSEN, reported the bill (H. R. 4828) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1954, and for other purposes (Rept. No. 314), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. KIRWAN reserved all points of order on the bill.

NLRB IGNORES CHARGES IN DECISION FAVORING CIO-UAW—CALLS FOR INVESTIGATION

Mr. SHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. SHAFER. Mr. Speaker, I have asked for the time of this House in order to invite and direct the attention of the House and of its appropriate committees to a matter of gravity and immediate urgency. I am sure that my record in the matter of such requests well establishes that I do not impose upon the time of the House for any light or trivial reasons.

In this instance I wish to call to the attention of the House a case which, I am fully convinced, involves a gross and flagrant mishandling of a labor dispute by the National Labor Relations Board.

In order, at the outset, to establish clearly the proper interest and concern of the House in this matter, let me state five reasons for bringing it before the House in this manner:

First. Involved is a matter of elemental justice to constituents of mine in the Third Congressional District of Michigan—these constituents including representatives of both management and labor and of the community at large. It is, moreover, a matter of such elemental justice as to constitute in effect an urgent and rightful petition for redress of grievances.

Second. The matter involves an immediate and serious threat to uninterrupted operation of an industrial plant engaged in the production of highly critical war and defense materials.

Third. The matter to which I refer involves actions of a board created by the Congress and presumed to be functioning under and in accordance with laws enacted by the Congress.

Fourth. The situation I shall describe involves a bold and arrogant challenge of the rights of constituents and of basic principles of law and justice by a powerful international union and, in my judgment, also involves reasonable suspicions of collusion between this international union and the National Labor Relations Board in support of this challenge.

Fifth. Finally, the matter to which I direct the attention of the House has, I believe, a direct and important bearing upon proposed corrective legislation being, or to be, considered by the House and its appropriate committees.

Proceeding now to a statement of the background facts involved, permit me first of all to identify the principals in this matter. Immediately involved are some 500 employees and the management of the Albion Malleable Iron Co. of Albion, Mich.; the International Molders and Foundry Workers Union of North America, A. F. of L., and its local 413, which has been the duly established bargaining agent of the employees since 1937 until the January 16, 1953, representation election now in dispute, and finally the International Union, United Automobile, Aircraft, and Agricultural Implement Workers of America, UAW–CIO, and its local 474. Also involved are Harry Casselman, regional director of the seventh region, NLRB, Detroit; Joseph Kulkis, field examiner for the seventh regional office, NLRB, Detroit; and members of the National Labor Relations Board and counsel's staff in Washington, D. C.

The Albion Malleable Iron Co. was founded in 1888 to produce malleable-iron castings. The company was reorganized and a mechanization program instituted in 1938. Both during and since World War II capacity of the plant was very substantially increased. Its present capacity is approximately 50,000 tons of castings a year.

Present production of the plant includes rear-axle parts, wheel hubs of various sizes, frame and chassis parts, and other castings for automobiles, trucks, and defense vehicles. The plant has also been producing various items for inclusion in artillery shells for Army Ordnance and only last week was awarded additional extremely critical Army Ordnance contracts.

Due to the high degree of mechanization and modern production methods the firm has been acclaimed by Foundry magazine, leading trade journal, as the model of efficient malleable-castings production. As we shall see, the position of leadership in the industry attained by this firm has a direct and important bearing upon the matter here under discussion.

The facts regarding the company's labor representation history may be stated very briefly. From 1888 to 1937 the company operated without any formal employee representation. As already noted, the A. F. of L. union acquired bargaining rights for the employees in 1937, through an election on the issue of A. F. of L. recognition or no union. During the spring and summer of 1950 the UAW–CIO carried on organizing activities, culminating in an election in August 1950. This election resulted in the A. F. of L. retaining bargaining rights.

On or about November 17 of last year, the company received notice that the UAW–CIO claimed it represented a majority of the employees and requested bargaining rights. An election was held on January 16, 1953, under direction of the seventh regional office of NLRB. The developments with which I am here concerned, and to which I call the attention of this House, have arisen in connection with this January 16 election.

These developments may, at this point, be summed up under two headings:

First. The UAW–CIO union, having claimed to have received a 1-vote majority of the votes cast and having claimed entitlement to bargaining rights for the company's employees, the A. F. of L. union filed objections claiming that the election was indecisive, invalid, and should be set aside on grounds of improper activities in connection with the election and on grounds that a legal majority was not received by the UAW–CIO union.

Second. Subsequently the A. F. of L. union filed with NLRB charges of unfair labor practices by UAW–CIO incident to and arising out of the January 16 election. Somewhat later, and acting independently as a result of investigations it conducted, the company also filed with NLRB charges of unfair labor practices by the UAW–CIO incident to and arising out of the January 16 election.

Without going into extensive details, let me now summarize for the record the chronology of events subsequent to and arising from the two actions which I have cited, that is, objections to the election and unfair labor practice charges. All dates refer to the present year:

January 16: Election held, CIO claimed 1-vote majority.

January 23: Timely objection to election filed by A. F. of L. union against UAW–CIO.

February 3: A. F. of L. filed amended objections.

March 12: Report made by NLRB regional director on A. F. of L. objections to election, said report overruling objections.

March 19: A. F. of L. union filed unfair labor practice charges against UAW–CIO.

March 21: A. F. of L. union filed timely exceptions to report of regional director and matter sent to NLRB in Washington for consideration.

March 21: Albion Malleable Iron Co. received copy of A. F. of L. unfair labor practice charges against UAW–CIO, and thereupon began its own independent investigation of such of those charges as appeared to jeopardize the company's very existence if found to be true.

March 31: Albion Malleable Iron Co. filed unfair labor practice charges against UAW–CIO with NLRB and furnished regional board with 90-page document which included pertinent excerpts from 12 hours of tape and wire-recorded testimony substantiating facts set forth in the company's charges against UAW–CIO.

April 1: General counsel for UAW–CIO filed request with NLRB for 15-day extension to permit UAW–CIO to file a brief in reply to A. F. of L. exceptions to the report of the regional NLRB director. So far as I have been able to determine, there was no such brief filed with the board in behalf of UAW–CIO despite apparent approval of such extension.

April 14–17 inclusive: The field examiner for the NLRB regional office conducted investigation of the company's unfair labor charges at the Albion plant. I do not have immediately available the dates of similar investigations of the A. F. of L. union unfair labor charges.

April 20: The NLRB overruled the objections of the A. F. of L. union to the election and certified the UAW–CIO as the exclusive bargaining representative of the employees of the Albion Malleable Iron Co.

April 21: A handbill was circulated by the UAW–CIO in Albion in the proximity of the Albion Malleable Iron Co. plant bearing the statement: "Flash: The UAW–CIO was certified at Albion Malleable today by the NLRB."

Also the Jackson (Mich.) Citizen-Patriot, an afternoon newspaper, carried a newspaper story quoting Harold Marsh, Jackson UAW international representative, as stating that NLRB "has certified the UAW–CIO as bargaining agent for employees of the Albion Malleable Iron Co." The article further stated:

He—

Marsh—

said he had received notice of the certification from the UAW office at Washington, D. C.

Attention of my office was called to the circulation of the aforementioned handbill. Inquiry by my office resulted in confirmation by telephone by Ogden W. Fields, associate executive secretary of NLRB, of the Board's action. Subsequently, and at my request, a copy of the Board's decision and certification of representation was delivered to my office by Mr. Fields.

April 22: Company and A. F. of L. officials received written notification in Albion by regular mail of the NLRB action. I also received a telegram from the president and secretary of A. F. of L. local 413 protesting the fact neither the A. F. of L. nor the company received notification simultaneously with the UAW–CIO, and also requesting that certification of the UAW–CIO be withheld for this reason and until the unfair labor practice charges in the case have been processed. The telegram stated that a copy had also been sent to the chairman of NLRB.

Now, Mr. Speaker, I call the attention of the House to certain highlights in this case. More particularly, I propose to make several specific allegations which, in my judgment, clearly indicate a gross and flagrant mishandling of this entire matter by the National Labor Relations Board.

First. I direct your attention to the fact that NLRB has rendered its decision and issued its certification in this disputed election case even while unfair labor practice charges are pending and that in so doing the Board has flagrantly violated its own established and accepted rules of procedure which the courts and the board itself have ofttimes affirmed and reaffirmed.

In that connection let me further point out that the unfair labor practice charges here involved, charges filed independently by the A. F. of L. union and the company, were charges relating directly to and arising out of the disputed election.

By willfully and flagrantly ignoring these unfair labor charges, still pending, the NLRB has not only violated its own established rules and practices but has committed an act totally repugnant to and violative of every reasonable principle of justice, equity, and right. The Board thereby has been flagrantly indifferent to the rights and interests of all parties to this dispute.

No report had been filed prior to the April 20 action of NLRB by the regional field examiner with respect to these separate and independent unfair labor practice charges. Yet, notwithstanding the fact that these charges, and the investigation of the charges, relate—as I have said—to the disputed election, NLRB by its hasty and improper action has foreclosed upon any consideration of the charges or evidence cited in corroboration of those charges, so far as the Board's decision on the election issue is concerned.

I demand to know, and I believe this House has a right and duty to know, the reasons, real or alleged, for this unprecedented, improper, unlawful, and unjust haste. What motives, what pressures, what interests dictated this irregular action? I demand an answer to these questions not only in behalf of my injured constituents but in behalf of all future litigants, whether representing labor, management or the public, whose interests will be jeopardized if this unholy precedent is permitted to stand unchallenged and uncorrected.

It is not my intention to burden this House with extensive citations establishing the fact that it is the obligation and the accepted procedure of NLRB to hold election certification in abeyance pending decision on election-related unfair labor practice charges. Let me quote just two or three pertinent citations on this all-important point.

In the case of Electrical Workers against Herzog, decided by the United States District Court for the District of Columbia, January 18, 1951, the court stated:

As a consequence of a petition filed in accordance with section 9 (c) the NLRB on July 7, 1949, conducted the election in the plant of the Stewart-Warner Corp. in Chicago, Ill. * * * Subsequently—

And I call the attention of the House to that word "subsequently"—

Subsequently, unfair labor charges were filed with the Board both by rival unions and by employees in the bargaining unit. Because these charges are pending, the Board refuses to certify the plaintiff union in accordance with the procedure under Section 9 (c).

The court sustained the position of the Board in refusing certification while the unfair labor charges were pending and made the following statement:

This interpretation has the effect of continuing in full force under the new act—

That is, the Labor-Management Relations Act, commonly known as the Taft-Hartley Act—

has the effect of continuing in full force under the new act what was regarded as proper procedure under the National Labor Relations Act.

Note that in this case NLRB was sustained by the court in its contention that certification should not issue until a determination had been made in connection with the charge of unfair labor practices, filed subsequent to the election.

Again, in the case of Textile Workers Alliance against Herzog, decided by the United States District Court for the District of Columbia, February 4, 1950, the court cited the action of an NLRB regional director in refusing "to process the representation petition filed by plaintiff, pending disposition of an unfair labor practice charge." The court, speaking of the NLRB's affirmation of the regional director's action, said:

The Board * * * denied the requested leave and affirmed the action of the regional director, in accord with the Board's long-established policy not to proceed with representation matters while there is an unwaived unfair labor practice charge pending.

In still another case, that of NLRB against Minnesota Mining & Manufacturing Co., before the United States Court of Appeals for the Eighth Circuit, decided January 16, 1950, the court considered a fact situation similar to the Albion Malleable Iron Co. case. The court held in this case that when a charge of unfair labor practices was filed subsequent to the report of the regional director on objections to the election, it was proper for the National Labor Relations Board to refuse to act on the question of representation until the unfair labor practice charges had been determined.

I believe this House has a right to an answer to two questions with respect to the flagrant and arbitrary action of the Board on April 20, 1953, in the Albion Malleable Iron Co. case. In rendering a decision and certification in a disputed election while unfair labor charges were pending, was NLRB deviating in this single instance from established policy or was NLRB initiating a new policy? In either case the further question properly arises as to why.

So far as I can see, there is nothing either in the previous decisions of this Board or the courts, or in this particular case, which in any way warrants either

a deviation from established policy in this case or the adoption of completely new policy for all subsequent cases.

Second. Now I come, Mr. Speaker, to the character and scope of the charges of unfair labor practice filed before NLRB. Let me say to this House that in one particular the charge leveled against the UAW–CIO—originally by the A. F. of L. and subsequently in greater detail of allegation and evidence by the company as a result of its own independent investigation—involves an incredibly shocking and appalling situation.

I refer to the charge that it was, and is, the plan and intention of the UAW–CIO, announced by UAW–CIO officials and representatives both in public meetings, at meetings in union headquarters, and at many private gatherings in taverns and other places in the city of Albion to divert work and production away from the Albion Malleable Iron Co. and to distribute this work and production among other foundries in the malleable casting industry.

Think of that.

Here is charged, and the charge is accompanied by corroborative evidence supplied to the NLRB field examiner by both the A. F. of L. union and the company, here is charged a preelection purpose and intent—in event of UAW–CIO victory in that election—to impose a postelection, union-engineered and union-enforced "share the wealth" program upon the company and upon the very employees the UAW–CIO was proposing to represent and serve as sole bargaining agent. Bear in mind that, of course, this UAW–CIO union already has contracts in those other competing plants in the malleable casting industry.

I submit that such a proposition involves an unprecedented violation of both the spirit and letter of the Taft-Hartley Act. It constitutes an advance and anticipatory refusal to bargain in good faith for the best interests of the very employees the union was seeking to represent.

This alleged and documented proposal, plot, promise, threat—you may choose your own designation—amounts to an announced intention on the part of the union, its leaders and representatives, to become dictator and dispenser of jobs and production, of wages and profits, within an entire industry, without so much as a "by your leave" of either workers, management or stockholders.

Upon what meat do such Caesars as these feed?

These, I hasten to remind the House, are among the charges, pending and totally ignored by the National Labor Relations Board, when on April 20, in violation of all established precedent and procedure, it proceeded to certify this union and this leadership to sole and exclusive bargaining rights for the employees of the Albion Malleable Iron Co.

Under those circumstances how conceivably can the Board justify its cavalier proceedings?

The thought occurs, and must remain in the absence of overriding evidence to the contrary, that here was a plan so ambitious and bold, conceived by men so brazen and daring, that—playing for such high stakes of naked power—they brought to bear upon the Board pressure which the Board lacked the courage, fortitude, and even elemental common sense to resist.

This much we know, of record. The Board in this instance, capitulated and deviated completely from its own established and accepted procedures. Why, Mr. Speaker?

Third. Against the background of this major charge, the various other allegations of alleged unfair practices seem dwarfed. Yet for the record they should be cited. These charges include "restraining and coercing the employees of the company in the exercise of the rights guaranteed under section 7—of the Labor-Management Relations Act—by statements, representations of threats of bodily harm and economic injury; by the buying of votes; by making extravagant and unreasonable promises of benefit or gain; by misrepresentations; by the excessive use of intoxicating liquors in their campaign for support; by fraudulent promises and fraudulent allurement."

These, too, are all allegations documented to NLRB by the separate complainants. These are charges pending and ignored by the Board in its decision and certification, notwithstanding that they arise in connection with and incident to the election under dispute and certified by the Board.

Fourth. I am forced to add, Mr. Speaker, that I am convinced the offense of the National Labor Relations Board in this matter is compounded by a direct and overt breach of good faith.

I am informed that the Detroit regional office of the Board, through its director and agents, assured the company, prior to the April 20 decision, that the usual procedure would be followed in this case. I am informed that these assurances included the specific statement that the matter of unfair labor practice charges in this case would be determined prior to a decision by NLRB in regard to certification of the election.

Again, I ask, why were these assurances—fully justified by well-recognized and established procedure—thus ruthlessly, wantonly, and completely violated?

And, in that same conjunction, why was disclosure of the Board's April 20 decision and action made to and through the Washington office of the UAW–CIO, to parties not of record in the proceedings before the National Labor Relations Board, prior to official notification to the attorneys of record?

Mr. Speaker, over the entrance to the marble edifice which faces this Capitol are inscribed the words which embody the basic obligation and ideals of Government in all of its functions and relationships—"Equal justice under law."

My interest in this case which I have detailed—and my sole interest—is the fulfillment of that obligation and the realization of that ideal.

Basic to that fulfillment is the requirement that all parties whose rights are at issue shall have equal opportunity for full and just hearing of their cause.

It is my firm conviction that this requirement has been ignored and violated in the case I have described to this House.

In this instance, it has been violated with respect to citizens of a community in my district, with respect to persons identified with the ranks of labor, of management and of ownership.

If tolerated, if permitted to pass unchallenged, the violation may next extend to citizens of your district.

I am satisfied that the National Labor Relations Board in this case, for reasons known only to itself, has arbitrarily ignored pertinent and shocking allegations and evidence of record. It has arbitrarily imposed its fiat. It has violated good faith and legitimate assurances given to parties affected. And in doing all this, I am convinced that the Board has flouted its own established rules and procedures repeatedly reaffirmed alike by usage and by court decisions.

I do not presume to judge whether these acts of the Board were the acts of subservience and venal collusion, acts of sheer willfulness or careless haste or of incompetence.

I believe that even to the members of the National Labor Relations Board there should be extended the right and privilege which that Board has denied to vitally interested parties in this case—the right and privilege of full and just hearing of their cause.

Accordingly, in the interest of all parties, I respectfully request that the Committee on Education and Labor of this House forthwith summon the Chairman of the NLRB, the General Counsel of NLRB, and such other person or persons as it deems necessary and proper, for questioning and explanation as to the actions of the Board in the case I have described. Such action by the committee is, I believe, abundantly justified alike in the interest of securing the full facts in this case and in the interest of determining the bearing of these facts upon proposed labor legislation now before the committee.

Further, I strongly urge that failure of NLRB officials to give adequate and completely satisfactory explanation for their actions in this case will constitute abundant grounds for resignation of the involved officials forthwith.

Finally, I ask that the committee act expeditiously upon this matter. Not only the interests and rights of workers, management, and owners are urgently involved, but the hope of restoring confidence, stability, and transquillity to a small but typically American community is at stake. What is done, or left undone, in this matter will affect for good or ill the way in which many of my constituents and of your fellow citizens will read, in the future, those noble words: "Equal justice under law."

REPEAL ADMISSION TAXES

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. PHILBIN. Mr. Speaker, the testimony presented at recent hearings concerning the present plight of the moving picture industry before our Ways and

Means Committee indicates, in my opinion, the urgent need for the Congress to take early action extending tax relief to this industry and to the theater-going American public.

It seems to me that a very strong case has been made out for the elimination of current admission taxes. The moving picture industry is a great industry. It is also a vitally important industry to our people. In the past, it has rendered immeasurable public service, not only in serving entertainment and recreational needs of the public, but also along educational lines.

I am convinced that this industry has a great future notwithstanding some current recessions, because it is already engaged in successfully adapting its methods and techniques to newer inventions and newer facilities and with the presentation of interesting, effective pictures, it is bound to continue to grow in public favor and enjoy sustained prosperity for the industry as well as to provide splendid entertainment and recreation for the American people.

I am decidedly an optimist concerning the future of this industry, because it is ably conducted and it is a strong, vigorous efficiently managed business enterprise comprising many outstanding American businessmen, our greatest artists and many fine workers.

No one could doubt for a moment, however, the effect of present admission taxes upon the industry and upon the people. If persons are staying away from the movies because of these taxes that is not only harmful to the industry but to the Government as well since the Government is in effect responsible for setting up a situation taxwise which tends more and more to decrease its own revenues from corporations and persons associated in the industry.

I entertain similar feelings regarding many of the present so-called nuisance taxes. It is my distinct conviction that the Congress can and should immediately move to repeal this present tax on the moving picture industry and thus give the American people a chance which they deserve to attend the movies at reasonable prices without the payment of onerous taxes.

I have urged upon the Ways and Means Committee that it favorably report legislation designed to bring the relief sought by the moving picture industry, and I hope that favorable action will soon be forthcoming in the interest of the industry and the general public about whose tax burdens this Congress must, particularly during this period of extremely high taxes, be vitally concerned, and ready to help in lifting burdens where we can do so without impairing the general national interest, especially where the net result would be equity and justice for a great industry and for the American people.

MARYLAND TOBACCO

Mr. ELLSWORTH, from the Committee on Rules, reported the following privileged resolution (H. Res. 218, Rept. No. 315), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to 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. 1432) to provide price support for the 1952 crop of Maryland tobacco. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

FLOOD CONTROL, COLUMBIA RIVER BASIN

Mr. ELLSWORTH. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 208 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to 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. 4025) authorizing the appropriation of funds to provide for the prosecution of projects in the Columbia River Basin for flood control and other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ELLSWORTH. Mr. Speaker, this resolution makes in order the consideration of the bill H. R. 4025, the purpose of which is to provide needed additional authorization for some projects in the Columbia River Basin which are partially completed. One of these projects is in fact about 90 percent completed. It seems to me the authorization is one that will of necessity be approved by the House, so in my opinion it should not require any extended debate. The explanation of the bill itself will be made, of course, in the Committee of the Whole when it is under general debate.

Mr. Speaker, I now yield 30 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, there are no requests for time on this side on the rule.

Mr. ELLSWORTH. Mr. Speaker, if there are no requests for time on the rule by the minority, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. DONDERO. 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. 4025) authorizing the appropriation of funds to provide for the prosecution of projects in the Columbia River Basin for flood control and other purposes.

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. 4025, with Mr. JUDD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. DONDERO. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill comes to the House with the unanimous vote of the Committee on Public Works.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. McGREGOR. I think the gentleman wants to be fair. It came by unanimous vote, but there was some objection in the committee as to the procedure, of it coming on the floor at this time, when we had dozens and dozens of similar pieces of legislation which had been delayed and had not even been referred to the subcommittees—bills that are really meritorious and badly needed in the area of various Members of Congress. We were willing to yield to the distinguished chairman and others in the area, but some of us, including the gentleman from Ohio, did raise the objection that there were many other projects throughout the United States which were worthy of consideration, and I firmly believe that we should have an omnibus flood-control bill which would allow other projects to be investigated, so the other Members of Congress might have due consideration for their projects—which would give aid to their areas. In other words, bills should be referred to respective subcommittees and hearings held, and the legislation accepted or rejected on its merits or demerits. Some of us do not like the idea of only certain bills being given consideration and other meritorious legislation being killed, just by action of the chairman. If we are going to follow that procedure why have committees or subcommittees?

Mr. DONDERO. Mr. Chairman, of course the gentleman from Ohio proceeded to make a part of my speech. There was reluctance on the part of some Members because the matter came up rather hastily. The request for this legislation came to our committee from the Corps of Army Engineers. The facts are these. There has been $192 million authorized in the Columbia River basin for the construction of these projects. Some $180 odd million of that $192 million has already been appropriated and expended, and the only money left for the Army engineers to continue the work, and especially for the four projects that are mentioned in the report is about $10 million. As has already been stated by the gentleman from Washington, some of these projects are in a state of near

completion and unless this further authorization is granted so that the Committee on Appropriations may include in the budget for this year the necessary funds for the Army engineers to continue the work, the construction of these projects will be stopped. It will cost the Government of the United States more money if the contractor moves away from the job and has to come back some time later to complete the projects. Those are the facts. They were given to us rather hastily, as I said. Certainly when projects are moving toward completion more than 50 percent, and one of them 80 or 85 percent completed, as already indicated, it seems to me just a matter of good business that the projects should be completed and this authorization granted and the money appropriated. In that way the money that has already been invested by the Government of the United States will be protected. The projects will not stand there and deteriorate, but they will be put to good use and will earn money for the Government when completed.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. BOW. Can the gentleman tell us the estimate of the Army engineers for the completion of the projects?

Mr. DONDERO. The total estimate is $364,744,700.

Mr. BOW. Is that the original estimate?

Mr. DONDERO. I cannot answer that at the moment, but of course the whole valley had an estimate of about $1,884,000,000 for the comprehensive program. This only applies to four projects, all of which have already been started and are in various stages of completion, as indicated.

Mr. BOW. Can the gentleman tell us if this deficiency appropriation will be sufficient to complete the projects?

Mr. DONDERO. No sir, it will not.

Mr. BOW. Can the gentleman tell us how much more will be necessary to complete these projects?

Mr. DONDERO. The difference between $364 million and the $75 million that this bill authorizes would be about $285 million.

Mr. BOW. I thank the gentleman.

Mr. HALE. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Maine.

Mr. HALE. Why do we have to take so many bites at this cherry?

Mr. DONDERO. It was thought advisable by some Members, at least, that we take this amount and take another look at this in another year from now.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from New Mexico.

Mr. DEMPSEY. There was a request for $75 million, being the amount that the Army engineers felt they could use in the coming year.

Mr. DONDERO. That is correct.

Mr. DEMPSEY. The Director of the Budget recommended something in excess of $300 million, but the committee felt they should take the lesser amount because that is all that could be used at this time?

Mr. DONDERO. That is all that could be used, according to the Army engineers.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DEMPSEY. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I am sure I will not take the entire 5 minutes, but I would like to ask the distinguished gentleman from Michigan [Mr. DONDERO] if, in consideration of these emergency projects—I understand the ones you are clearing under this $75 million allocation are emergency projects?

Mr. DONDERO. They are.

Mr. BAILEY. They are projects on which the work has already started and has been suspended for lack of funds?

Mr. DONDERO. Or will soon be suspended.

Mr. BAILEY. In considering this did you give any consideration to the Sutton Reservoir, where work was started and one contract completed and practically all of the title to the land to be acquired has been acquired by the Government, and on account of our defense situation it has been lying there for the last 2 years? I am wondering why that could not be included along with these other emergency cases. It seems to me similar to the one the gentleman is talking about.

Mr. DONDERO. The project was not brought to the attention of the committee.

Mr. BAILEY. It has been each year, and I will be frank to tell the gentleman that I did not know there was a move on foot to put through these special projects at this time. I assumed that the situation was standing more or less in status quo, and that there would be no special bills put through. Otherwise, I would have been before your committee. Let me say this to you, it is a part of the project for control of the great Kanawha River Valley. We have put $29 million into the project at Bluestone. The gentleman will remember that project. That was planned as a power project, but until such time as this Sutton Reservoir project is completed, Bluestone is to be continued as a flood-control project, and until we get another project completed before it can be put to the purpose for which it was originally planned, a power project. Let me say to the gentleman, he will recall my previous arguments before his committee, that in this particular project on the Elk River, at its confluence with the great Kanawha River at the capital city of Charleston, W. Va., within a quarter of a mile of the mouth of the Elk River there is an installation of one of the largest chemical plants in the United States, that is engaged in the production of war material, which the Army Engineers' report says that if a flood similar to two floods which have happened within the last 50 years would happen now, it would do $20 million damage to that one chemical plant, engaged in the manufacture of war materials. Yet they try to say it has no connection with the defense effort. Why could not a project of that kind be included, if you are putting through some special projects?

Mr. DONDERO. All I can say to the gentleman is that that matter has not come to the attention of this committee. No other project was proposed and no other money proposed except the four mentioned in this bill and report. There are many other projects that I would like to see brought forward and adopted, but I have not had my wish in the matter either. It will have to be deferred and take its turn.

Mr. BAILEY. I still insist there should have been some general information to the Members of Congress that you were putting through this special appropriation.

Mr. DONDERO. It is an additional authorization. That is what it is.

Mr. BAILEY. The project is already authorized. This is additional authorization of funds?

Mr. DONDERO. That is correct.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from New Mexico.

Mr. DEMPSEY. It was not the intention of the committee to take this matter up. The day we did, the Army engineers made it clear and said that they needed this additional money, and unless they obtained it, the project would suffer. All this money has been expended. He had a budget estimate for over $300 million, and the committee said $75 million.

Mr. BAILEY. I would like to say to the distinguished chairman of the committee and the Members, that if there are going to be any more projects taken up like this before general consideration is given to all projects of the kind, I should like to be advised.

Mr. DEMPSEY. I agree with the gentleman on that score.

Mr. DONDERO. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. MCGREGOR], a member of the committee.

Mr. MCGREGOR. Mr. Chairman, I want to concur in the statement made by our distinguished friend from West Virginia. I went along on this legislation but I think it was vastly unfair to every Member of this Congress who has projects in his or her district or area that have not had and should have consideration. All of us are entitled to the same consideration and treatment. For some reason or other nearly all the bills for flood-control projects referred to the Public Works Committee have never been referred to the Flood Control Subcommittee. I do not think any of the numerous bills have been referred to subcommittee. No hearings have been held on them, and it seems at the present time by the actions of the chairman of Public Works, no hearing will be held. The same situation applies to all subcommittees of the Public Works Committee.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. MCGREGOR. I yield.

Mr. BOW. Have there been other hearings on flood-control projects before your committee?

Mr. MCGREGOR. Only I think on survey problems. I yield to the gentleman from Oregon [Mr. ANGELL] on that,

who I believe is chairman of the subcommittee.

Mr. ANGELL. There have been none this session.

Mr. McGREGOR. There have been none.

Mr. BOW. This is the only one that has been considered.

Mr. McGREGOR. The gentleman is correct. I thank him for his fairness.

Mr. ANGELL. And this is only for authorization to carry on existing projects. The projects to which most gentlemen refer are new projects. The committee has taken up no new projects; this is the only one we have taken up in this category because none other has been requested.

Mr. McGREGOR. The gentleman is correct in his assertion that this is simply an increased authorization for a project. But we have other similar requests for increased authorizations in projects and I reiterate, all should be given equal treatment. We had no hearings; the bill was reported out for an additional expenditure of $75 million. Why delay hearings on other projects and give this one—and I think it is meritorious—the only consideration? I just do not like that kind of practice. It seems to me if that is going to be the practice, why have subcommittees? This kind of procedure makes the chairman absolute dictator over the actions of the committee.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield.

Mr. OLIVER P. BOLTON. Is the gentleman in position to tell the House how many flood-control projects have been started and stopped for lack of money similar to the case which has been put before us?

Mr. McGREGOR. Personally I think there is a tremendous amount of them from the number of times I have been contacted by Members wanting to know when they are going to have a hearing on their flood-control project or some other program that comes under the authority of the Public Works Committee. This same situation exists in all subcommittees under the Public Works Committee; mainly rivers and harbors, roads, and public buildings and grounds.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield.

Mr. SMITH of Virginia. It is $75 million today, but that is on just one phase of the project and it will ultimately amount to $300 million or more.

Mr. McGREGOR. The gentleman is correct. It is something over $300 million. It is true this is an authorization for an increase of $75 million; and I think the project has merit; please do not misunderstand me. But I think it is unfair to come in here at this late hour and ask for this amount on this project and yet have similar projects that certainly are due for consideration, not given consideration. I hope that my distinguished chairman of the Public Works Committee will refer some of these projects to the flood control and rivers and harbors bill—and I am not a member of those subcommittees, but I think those Members who introduce bills on those projects are entitled to be heard—their projects also have merit or they would not have introduced them.

Mr. SHAFER. Mr. Chairman, will the gentleman yield?

Mr. McGREGOR. I yield.

Mr. SHAFER. Answering the gentleman from Ohio as to how many of these projects have been stopped for lack of money, I would say not nearly enough of them.

Mr. McGREGOR. I think that is true. We have too many projects such as the gentleman from Virginia has said, where we keep adding here a little, and there a little, and we never know how close we are to the legislative authorization as established by the Congress, because they keep coming up and getting increases, and of course we all know that a large percent of the construction authorizations are established at a low figure—and I think we know why. But it is time for this Congress to call a halt and make a new survey of what is absolutely necessary and pass appropriations for the necessary ones, and stop the unnecessary ones—and treat all projects with equal consideration.

Mr. DONDERO. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. ANGELL], the ranking member of the committee.

Mr. ANGELL. Mr. Chairman, this bill, H. R. 4025, that we are considering now is a bill that I introduced. Our colleague from Washington [Mr. MACK] introduced a companion bill. We introduced these bills at the suggestion of the Department of the Army and the Corps of Engineers; they are not of our own making. They are merely to provide some additional authorization, that is, authorization for expenditure of funds on three projects. I will say there were four, but only three are involved now, I will say to my chairman. Of the three projects which are now under construction, some are almost completed. It is not a question of selecting a particular project and giving it favorable consideration over other projects that are in the same condition. We have had in our committee no other projects similar to these. These are the only projects in this category that the Committee on Public Works has received.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Will the gentleman name for us these three projects?

Mr. ANGELL. Yes, indeed. The three projects are the Lookout Point Reservoir in Oregon. That is a part of the Willamette Valley Basin development program. The others are the Willamette River Bank protection project, also in Oregon, and the Dalles Reservoir, which is a project between Washington and Oregon on the Columbia River.

Mr. SAYLOR. Has not Congress prior to this time authorized these three projects?

Mr. ANGELL. Oh, yes, indeed; but not the full monetary authorization.

Mr. SAYLOR. In connection with those projects the Congress fixed the amount of money which could be spent for them, is that correct?

Mr. ANGELL. Yes, but the full authorization for expenditure was not made. There was only a partial authorization for appropriations, Congress did not fix the total amount. This is only partial authorization, sufficient to carry on the work during the next fiscal year.

Mr. SAYLOR. Can the gentleman tell us what was the original estimated cost of each one of these three projects? What will it cost to complete them?

Mr. ANGELL. Two of the projects, as I understand it, will be well along toward completion by this appropriation if it is made. The third one, the Dalles Dam, will take the amount that the chairman stated on the floor a moment ago.

Mr. SAYLOR. Does the gentleman know what the original estimated cost by the Army engineers was for these three projects?

Mr. ANGELL. I do not know the estimated cost for the first two, but on the Dalles project, the one that is not so far along as the others, was estimated to cost $348,372,000.

As I say, this bill is not receiving any special consideration by our committee. We are not singling it out from other bills in the same category. There are no others like it. We were asked by the Corps of Army Engineers to present it, the Secretary of the Army has requested it, the Bureau of the Budget has O. K.'d it, it is within the President's program, and unless the authorization is made there can be no appropriation for these subjects.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from West Virginia.

Mr. BAILEY. Do these projects meet the criteria set up by the administration and the Army engineers in qualifying as defense projects?

Mr. ANGELL. I understand they do.

Mr. BAILEY. What would be their connection with the defense effort?

Mr. ANGELL. The major portion of the power produced by these is used for atomic-energy plants and the production of aluminum and other materials which go into the production of airplanes and other war equipment that are essential for national defense.

Mr. BAILEY. I want to remind the gentleman from Oregon that that is exactly why I raised the question, in that this project of mine is needed for production by the critical chemical industry. That valley is the chemical industry center of the United States and I was wondering what the connection was in the matter of defense.

Mr. ANGELL. I will say to the gentleman if his project receives the same approval by the War Department, the Bureau of the Budget, the administration, and is sent up to our committee, as chairman of the Subcommittee on Rivers and Harbors I will do all within my power to see that the project is approved.

Mr. Chairman, that in a nutshell is the situation with reference to these projects. They are not new projects. They are not new starts. This bill is necessary to continue existing projects under construction in a very large area

where 40 percent of the potential hydroelectric power of the Nation is available. They are not just hydroelectric powerplants. The one at The Dalles is for navigation and flood control, although power is a part of it and there is a very large production of power there. There is very little power involved in the other two. They are for flood control and they are well along toward completion.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from Maryland.

Mr. FALLON. I would like to ask the gentleman, a member of the Public Works Committee, if he does not think that on projects of this kind, when the legislation first comes to the House, they should ask for an authorization of all the money at one time, then let the Appropriations Committee, with the Army engineers and the Department of Defense, decide just how much money is needed each year, because some of the Members feel, and I have heard it discussed here before, that when an authorization for a project of some $300 million comes to the House, and you only ask for $75 million in authorization, they feel that is the total cost because it is the only thing that shows in the bill, the $75 million asked to be authorized at that particular time, when the whole cost is $325 million. So, to save a lot of questions on the floor, if the authorization was for the full amount when the legislation was passed, you would save a lot of this difficulty which you are going through right now.

Mr. ANGELL. The gentleman is correct in that statement.

Mr. Chairman, the purpose of the bill is simply to provide authorization for expenditures on projects now under construction for the fiscal year 1954. Without the provisions of this bill there would be no authorization for funds needed to carry on these essential projects during the next fiscal year. The bill provides that paragraph (b) under the title "Columbia River Basin" in section 204 of the Flood Control Act, approved May 17, 1950, is hereby amended by striking out "$75,000,000" and substituting in lieu thereof "$150,000,000." This, as you will note, increases these authorizations by $75 million.

The Public Works Committee approved this bill unanimously as shown by the committee report, No. 270, of the 83d Congress, 1st session, from which I quote, as follows:

The Columbia River, with its tributaries, drains an area of approximately 259,000 square miles on the Pacific slope of the North American Continent, mostly between the Rocky Mountains and the Cascade Range. The Columbia is one of the world's great rivers. Its drainage basin comprising about 7 percent of the area of the United States, contains more than a third of the Nation's potential water power. However, a critical power shortage exists in the Pacific Northwest. Floods of damaging proportions occur annually in one part or another of the basin. Major floods of record having basinwide significance occurred in 1876, 1894, and 1948. Federal improvements for water utilization and control in the Columbia River Basin include projects for flood control, navigation, hydroelectric power, irrigation, drainage, soil and forest conservation, and for conservation of fish and wildlife, and for other purposes.

Congress, in the Flood Control Act of 1938, authorized the comprehensive improvement of the Willamette River Basin in accordance with the recommendations of the Chief of Engineers as set forth in House Document No. 544, 75th Congress. In subsequent acts of Congress the comprehensive plan has been modified to provide for additional projects and increases in the monetary authorization. The Flood Control Act of 1950 authorized the construction of certain projects in the Columbia River Basin, including the Willamette River Basin, in accordance with the recommendations of the Chief of Engineers in House Document No. 531, 81st Congress.

The present total estimated cost of the projects included within the authorized Columbia River Basin program of the Corps of Engineers subject to a monetary limitation, exclusive of a number of projects authorized separately without monetary limitation to their authorization, is $1,884,833,800, of which $545,242,800 is for projects completed or under way, and the balance for projects not yet started. Monetary authorization in the amount of $192,300,000 has been made available by the Congress to date. Funds totaling $181,897,100 have been appropriated through fiscal year 1953, leaving a balance of available authorization of $10,402,900. The present approved budget for fiscal year 1954 included funds in the amount of $80,952,000. This amount is $70,549,100 more than the present monetary authorization; therefore, the authorization provided in H. R. 4025 is necessary. A tabulation showing the status of authorization with relation to appropriations is given below:

Total basin authorization	$192,300,000
Total appropriations through fiscal year 1953	181,897,100
Balance available for appropriation	10,402,900
Approved budget allowance, fiscal year 1954	80,952,000
Deficiency of authorization	−70,549,100

The committee is cognizant of the fact that the water-resources development in the Columbia River Basin must be continued without interruption in order to assure early and well-ordered provision of flood control, power, navigation, and other facilities essential to the needs of the entire Pacific Northwest region. The enactment of this legislation will permit the required appropriation in the fiscal year 1954 for continuation of urgently needed projects now under construction. The increase in the monetary authorization by $75 million is intended to permit continued construction of the Detroit, Lookout Point, and the Dalles Reservoirs, and the Willamette River bank-protection works, substantially in accordance with the report of the Secretary of the Army hereto made a part of this report.

Mr. Chairman, the gentleman from Washington [Mr. MACK] and I introduced these bills at the instance of the Corps of Army Engineers in order that these essential projects now under construction, some of them almost completed, may be continued without interruption. The bill has the approval of the Secretary of the Army, Bureau of the Budget, and is in accordance with the President's program. I include in these remarks the following letter from the Secretary of the Army:

DEPARTMENT OF THE ARMY,
Washington 25, D. C., April 10, 1953.

Hon. JOSEPH W. MARTIN, JR.,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is enclosed herewith draft of a bill authorizing the appropriation of funds to provide for the completion of certain projects for flood control and related purposes in the Columbia River Basin which the Department of the Army recommends be enacted into law. The submission of this legislation is in accordance with procedures approved by the Secretary of Defense.

The purpose of the proposed legislation is to authorize to be appropriated such sums as are required for the completion of the Detroit, Lookout Point, and The Dalles Reservoirs, and the Willamette River bank protection project, in the Columbia River Basin.

These projects and certain others in the Columbia River Basin were authorized by the Flood Control Act approved June 28, 1938, and subsequent acts, and a total authorization for appropriation has been approved by Congress in the amount of approximately $192 million. Appropriations made to date under this monetary authorization total approximately $182 million, leaving a balance of monetary authorization of approximately $10 million. The proposed legislation is necessary in order to permit the required appropriations in the fiscal year 1954 and succeeding years for continuation and completion of these urgently needed projects, all of which are now under construction.

The Bureau of the Budget advises that there is no objection to the submission of the proposed bill.

Sincerely yours,

ROBERT T. STEVENS,
Secretary of the Army.

I also include the following letter received by me from Brig. Gen. C. H. Chorpening, Assistant Chief of Engineers for Civil Works:

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 22, 1953.

Hon. HOMER D. ANGELL,
House of Representatives,
Washington, D. C.

DEAR MR. ANGELL: In response to your recent request, the following information is furnished on the status of projects in the Columbia River Basin on which additional monetary authorization is required.

As you know, the total monetary authorization in the Columbia River Basin, exclusive of projects individually authorized, is approximately $192 million, of which approximately $182 million has been appropriated through the fiscal year 1953, leaving a balance of approximately $10 million available to cover appropriations in fiscal year 1954 and subsequent fiscal years. The revised approved budget estimate recently submitted included funds for fiscal year 1954 for projects in the Columbia Basin coming within the monetary authorization limit as follows: Lookout Point Reservoir, Oreg., $20 million; Willamette River bank protection, Oregon, $330,000; the Dalles Reservoir, Oreg. and Wash., $37,429,000. The total approved construction program for these projects is, therefore, $57,759,000, or including an additional $360,000 for planning on certain other projects in the basin, the total fiscal year 1954 approved budget estimate for the Columbia Basin projects in this category is $58,119,000, which is considerably in excess of the remaining available authorization of $10 million.

Lookout Point Reservoir will be about two-thirds completed with 1953 funds, and the Willamette River bank protection will be about one-half completed. Although construction of the Dalles Reservoir is not so far along, the continuation of its construction is vitally important. Detailed information on the necessity of continuation of work on these three major projects, particularly with respect to the need for additional power to be provided by the Dalles project, is given in the attached statement on needs for increased authorization, Columbia River Basin projects.

If there is any additional information which you need, I shall be glad to furnish it promptly upon your request.

Sincerely yours,

C. H. CHORPENING,
Brigadier General, United States Army, Assistant Chief of Engineers for Civil Works.

STATEMENT OF NEEDS FOR INCREASED AUTHORIZATION FOR COLUMBIA RIVER BASIN PROJECTS

Mr. Chairman, the approved budget for the fiscal year 1954 for projects in the Columbia River Basin now under construction and which are included within the monetary authorization ceiling amounts to approximately $58 million. The total amount of monetary authorization for the projects which come within the authorization ceiling is approximately $192 million, of which approximately $182 million has been appropriated to date, leaving a balance available for future appropriation of $10 million. The approved budget estimate for the fiscal year 1954, therefore, requires additional monetary authorization. The three projects for which construction funds are included in the 1954 budget to carry on work already under way are Lookout Point Reservoir, Oreg.; Willamette River bank protection, Oregon; and The Dalles Reservoir, Oreg. and Wash. Lookout Point Reservoir is about 70 percent completed and the amount allowed in fiscal year 1954 will carry it almost to full completion. Willamette River bank protection is about one-half completed and the amount allowed in 1954 will permit continuation of the work. The amount allowed for The Dalles, together with previous appropriations, will permit continuation of the project on schedule and will result in the first power being on the line in 1957. The only other project within the monetary authorization ceiling on which construction has not been completed is Detroit Reservoir, Oreg., for which funds have not been included in the 1954 budget, but for which additional authorization will be required for future appropriations. The necessity for continuing projects now under construction is discussed in the following paragraphs.

Lookout Point Reservoir, Oreg.: Lookout Point Reservoir, Oreg., is one of the most important units of the comprehensive plan for the development of the water resources of the Willamette River Basin. It is a multiple-purpose reservoir situated at the upper end of the basin and on completion it will provide large average annual flood-control and power benefits in the order of $2,986,000 and $2,900,000; also, other benefits of lesser magnitude aggregating $636,000 for navigation, irrigation, major drainage, pollution abatement, and domestic water supply will be realized. Power is scheduled to be generated at the project in October 1954 and will greatly assist in meeting the power needs of the middle and upper portion of the basin with less transmission losses due to the proximity of the project and the load area to be served. At the end of the present fiscal year the project will be about 70 percent complete. Additional Columbia Basin monetary authorization is necessary to permit completion of Lookout Point Reservoir. Without it, the many useful functions to be served by the reservoir will remain unfilled and the project would stand as an idle, useless monument until completed.

Willamette River bank protection, Oregon: This project is an integral part of the comprehensive plan for flood control and other purposes in the Willamette River Basin. The project has for its primary purposes prevention of bank erosion at critical areas, protection of valuable farmland, and stabilization of those sections of the river channel where work is done. Benefits accrue primarily from the prevention of loss of highly valuable agricultural land through meandering of the channel. Also, benefits accrue from the protection of public highways, bridges, and other improvements, both public and private. The agricultural developments within the Willamette River Basin have been most phenomenal in recent years. The tremendous increase in population in the Willamette Valley has resulted in subdivision of many tracts, and the smaller units are more intensively cultivated. Protection, therefore, is afforded to a greater number of individuals and owners as was the case in former years. It is essential that this phase of the comprehensive program be continued during the coming fiscal year.

The Dalles Dam, Oreg. and Wash.: The Dalles project, a multiple-purpose project on the Columbia River, Wash. and Oreg., is being constructed in the primary interest of navigation and power. The project is located about 3 miles upstream from The Dalles, Oreg., and 193 miles above the mouth of the Columbia River. Construction work was commenced in February 1952. The project as a whole is about 3 percent complete and is scheduled to be 7 percent complete on June 30, 1953.

The Dalles lock and dam is an essential unit in the authorized slack-water development of the lower 360 miles of Columbia River and the lower 140 miles of the Snake River. This inland-waterway system includes a deep-water channel extending from the sea to Vancouver, Wash.; an authorized 27-foot channel improvement from Vancouver to The Dalles, Oreg.; Bonneville Dam; the Dalles lock and dam under construction; John Day lock and dam authorized: McNary lock and dam under construction, with navigation features scheduled for full service by April 1953; and the four authorized dams on lower Snake River.

The Dalles lock and dam will provide 25 miles of slack-water navigation on the Columbia River and will replace 17 miles of the present hazardous open-river navigation channel and the present inadequate 8-mile Dalles-Colilo Canal. As an integral part of the waterway system, the pool formed by the Dalles Dam will serve an estimated 4,600,400 tons of waterborne freight annually, consisting principally of petroleum products, grains, wood products, limestone, ores, farm and manufacturing equipment, and construction materials.

The Dalles project will provide an initial installation of 1,092,000 kilowatts of power-generating capacity—14 units of 78,000 kilowatts each—and an ultimate installation of 1,716,000 kilowatts—22 units. With anticipated funds for construction of required features of the project, two generating units are scheduled for operation in November 1957, with the remaining 12 units scheduled for completion at the rate of 1 every 3 months.

The power which will be made available from the Dalles project, in addition to being of importance to the regional economy, is highly significant from the standpoint of the defense effort. The normal increases in power demands and the heavy demands for power of the defense industries require that generating facilities throughout the Nation be increased substantially. A large share of these increases are logically earmarked for the Pacific Northwest, where 40 percent of the Nation's hydroelectric potential is located. Such defense industries as those for the production of aluminum, magnesium, titanium, steel, and other metals and chemicals require large amounts of power, and the cost of this power directly affects the costs of production. From a national standpoint, the Pacific Northwest is a logical location for a considerable portion of such industries because of the potential low-cost energy which can be made available from waterpower development of the Columbia River and its tributaries. It may be noted in this respect that wholesale rates for the sale of power in 1952 were lower in this region than in any other part of the country.

The 1952–53 power resources in the Pacific Northwest region total approximately 5,774,000 kilowatts—BPA 1952 advance program. Power demands in the region have increased so materially that power shortages are retarding industrial and other developments. The construction programs which agencies of the Federal Government have undertaken in the Northwest have been prepared on the basis of relieving this critical power situation as quickly as possible. If construction of the Dalles project were to be delayed, however, the condition would be prolonged to the detriment of the region and the Nation.

The effects of the shortage of power in the Columbia Northwest was emphasized last winter by the occurrence of low-water flows in the Columbia River and tributaries. Last November power shortage required mandatory and voluntary curtailment of power consumption which seriously affected the output of important defense industries in this area. News report—Electric West, December 1952—indicated that as a result of the curtailment 3 electric furnaces in a Portland steel mill were standing cold 22 hours a week and losses in aluminum production in the Pacific Northwest were amounting to about 1 million pounds daily. Steam generation was utilized to a maximum to partially offset the shortages but at a cost of generation, however, several times that of hydro development. Thus the construction of the Dalles project on schedule is highly important, not only from a defense production standpoint, but in keeping costs of essential metals at a minimum.

Present power prospects are that without the Dalles project coming into service as scheduled in 1957 there would be an ominous situation that year. The

installation at this project in the present plan will go far toward meeting estimated future load requirements. Because the project is so close to the major load centers, particularly Portland, Oreg., and Seattle, Wash., the transmission problem will be relatively simple and transmission losses will be at a minimum and the project is ideally situated to absorb peak variations in the powerload of the area. Initial generation can be accomplished at the Dalles project more rapidly than at any other undeveloped site in the region offering a comparable amount of power.

In addition to primary functions for navigation and power, the Dalles project will benefit agricultural lands adjacent to the pool, now irrigated or to be irrigated by pumping from the Columbia River, by lowering pumping costs through reduction in pumping lifts amounting to as much as 88 feet. Incidental benefits will accrue to the project as a result of public use of the reservoir and adjoining lands.

The Columbia River is the second largest river in the United States and is the greatest in its hydroelectric power potential, having over 40 percent of the power potential of the United States. Only a little over 10 percent has been developed. The Federal power projects in this area are self-liquidating. There is a dearth of hydroelectric power in the area at this time. Much of the power is used for national defense, in the production of aluminum, power for atomic energy plants, electro-metallurgical plants such as magnesium, ferroalloys, phosphorus, abrasives, chemicals, and forest products. During World War II this area made an invaluable contribution to the war effort in the construction of ships which was exceeded only by a few areas in the United States.

The Dalles Dam, which is one of the projects covered by the authorization in the bill, is a strategic one in the development of navigation, flood control, and power in the Columbia River area and it is located closer to the center of power users of any other dam except Bonneville. It can be completed earlier than any other project of like capacity, and is now under construction, and will be some 7 percent completed at the end of this fiscal year. It would be tragic if its construction should be halted.

POWER SITUATION IN THE PACIFIC NORTHWEST

Every region in the United States must have an adequate energy base to support its economy.

The Pacific Northwest is deficient in oil and gas, and so far only a fraction of its coal deposits has been exploited. However, the region fortunately has a tremendous water resource. Thus, hydroelectric power is the region's supreme energy base.

Glacier-fed lakes high in the Canadian Rockies form the headwaters of the Columbia River. The Columbia River system, draining an area of 259,000 square miles—of which 85 percent lies in the United States—possesses characteristics unique among America's major streams. The river has an extremely high annual runoff with a rapid drop of more than 6,000 feet in its westward course to the sea through Canada and the heart of the Pacific Northwest. As a result, the Columbia lends itself readily to development for many purposes—power, irrigation, navigation, flood control, and recreation. It holds within its flow over one-third of the Nation's potential hydroelectric power—34 million kilowatts out of a total potential of 104 million kilowatts for the entire country. It can readily be seen that the Pacific Northwest depends on this unique hydroelectric resource as the energy base in its economy.

To utilize and conserve properly and to the fullest the natural resources of the Columbia River, we have a program for its comprehensive multiple-purpose development.

The maximum amount of power can be derived from a vast river by building run-of-river plants, such as Bonneville, along with power-and-storage dams like Grand Coulee. Operation of these projects independently of the balance of the system produces, in the aggregate, much less power than if they are operated as a unified whole. For this reason each dam planned for the Columbia must be viewed in relation to the system and not as an isolated unit.

Demands for electric energy in the Pacific Northwest have been growing swiftly. The average annual increase in requirements from 1940 through 1951 was 14 percent as compared with a national rate of 9 percent. Growth was particularly rapid in the early part of World War II, when new aluminum plants were built by the Federal Government in the region. Electric energy used in the region jumped from 7 billion kilowatt-hours in 1940 to 17 billion kilowatt-hours at the war peak in 1944. The aluminum industry accounted for most of the upsurge. By 1951 total regional use reached 30 billion kilowatt-hours. Since the war, the major expansion has been in residential and farm use, owing to growth of population, the extension of electric service to nearly every farm and home in the region, and augmented consumption by the average residential and farm customer.

In 1950 the census takers counted 4,700,000 persons in the Pacific Northwest, an increase of 44 percent since 1940, as compared with 14-percent increase for the Nation. By 1960, according to median estimates, the Pacific Northwest will have 5.7 million people. To provide jobs to support a million more people is one of the chief problems faced by the region. Industry, agriculture, and other economic activities must obviously expand in order to absorb the added manpower.

The anticipated growth in the region and greater dependence on electric energy for industrial expansion will require a proportionate expansion of power facilities to meet the demand. Potential power requirements are estimated to be 39 billion kilowatt-hours in 1953, 69 billion kilowatt-hours in 1958, and 93 billion kilowatt-hours in 1962.

Looking at the power development in the region, in 1940 the non-Federal public agencies and privately owned utilities generated approximately 6½ billion kilowatt-hours with an installed plant capacity of about 1.7 million kilowatts, and the Federal Government, primarily from 2 generators at Bonneville Dam, generated nearly one-half million kilowatts. By 1950, with all 10 generators installed at Bonneville and 15 generators at Grand Coulee, representing machine capacity of over 2.1 million kilowatts, the Federal Government generated approximately 14½ billion kilowatt-hours, and the non-Federal utilities, with slightly over 2 million kilowatts of machine capacity, generated approximately 12½ billion kilowatt-hours.

It is an established fact that without the power from Bonneville and Grand Coulee Dams during World War II, this Nation's vast shipbuilding program and the enormous airplane production from aluminum produced from that power, could not have been accomplished. Ever since the beginning of World War II the Northwest has made most significant contributions for the defense of this country. It is a critical defense area with very large military installations including a navy yard, Army camps, huge airfields, the very important Hanford atomic energy plant, electrometallurgical plants such as aluminum, magnesium, ferroalloys, phosphorus, abrasives, chemicals, and the huge forest production industries. Throughout this period the local public and private electric utilities in the region have been building all of the power projects that they could within the available sites and their financial resources. For example, from 1941 through 1946, these non-Federal utilities made capital expenditures totaling over $104 million, from 1947 through 1951 an additional $302 million, or put on a 15-year basis from 1941 to 1956, it is estimated that the non-Federal utilities in the area will have made capital expenditures for power projects totaling over $1 billion—$1,031,260,799. Unfortunately, this growth in power resources is not enough to meet the regional power needs to serve defense production and the national interest generally. The growth in power requirements in the region for the next several years will exceed $500,000 kilowatts each year—the equivalent of a hydroelectric plant the size of Bonneville Dam every year.

Because of the multiple-purpose nature of the development of the Columbia River system, the Federal Government has assumed a partnership and a responsibility to help meet the power needs of the region. The Federal program for generator installations at multipurpose projects contemplated the addition of capacity at times and locations necessary to insure orderly development of an economical power system consistent with the multipurpose development of the river as well as to satisfy total demands.

The existing Federal program consists of Bonneville and Grand Coulee Dams, with power installations completed, and 2 of 4 generators installed at Hungry Horse Dam, installed in the fall of 1952. The two remaining generators at Hungry Horse will be installed by the winter of this year. Projects now under construction are the Detroit, McNary, Big Cliff, Albeni Falls, Lookout Point, Dexter, Chandler, Chief Joseph, Palisades, and the Dalles Dams.

Thus we have, at present, in the Northwest 2,614,900 kilowatts installed

capacity on the Federal system and 2,345,000 kilowatts installed by local public and private utilities. There is now under construction or scheduled on the local utilities systems an additional 1,487,000 kilowatts, with total additional possibilities remaining of 573,000 kilowatts. The Federal program under construction, if the schedules are maintained, will add to the system in the period 1953 to 1957 nearly 2 million kilowatts of capacity. The total capacity for the region by 1957, accordingly, will be 8,392,900 kilowatts of capacity. This entire regional program will barely meet the known requirements in the year 1957.

In September of 1952, the Pacific Northwest experienced a critical power shortage. The shortage was the result of insufficient rainfall in the region during the summer and autumn. Many parts of the region had witnessed the driest period of record. Interruptible power, which is sold on an if and as available basis on the Federal system, was curtailed to its full extent of 383,000 kilowatts. Most of this interruptible power was going to the aluminum plants. Later as the regional power supply became more critical, the Defense Electric Power Administration found it necessary to issue an order providing a quota limitation on power uses by customers using more than 8,000 kilowatt-hours per week. This limitation cut by 10 percent the power use of large industries in order to assure continued service to essential residential and commercial consumers who were customers of utilities having a deficiency of power on their systems. Many other measures of conserving use of electricity, such as brownouts, and so forth, were resorted to in order to alleviate the situation. The total curtailment in both interruptible and firm loads amounted to approximately 500,000 kilowatts, the equivalent of Bonneville Dam. In January of 1953, warm weather and heavy rainfall increased streamflows in the rivers sufficiently so that with the controlled use of water stored behind existing storage dams such as Grand Coulee, along with use of the available steam-electric resources all the loads in the region were able to be carried and the curtailment order was lifted.

If the projects which are now under construction remain on schedule, current estimates of loads and resources indicate that all firm-power requirements of the region can be met, even under critical water conditions, through the 1956–57 winter season, and provide about 120,000 kilowatts to meet new industrial requirements for the region. This is only a fraction of the estimated potential industry that would come to this area by 1956–57 if power were available. It is estimated that 1,200,000 kilowatts of firm power could be sold to expand the industrial economy of the region.

Beyond 1957, however, after the generators in the Dalles project are completely installed, the power-supply picture will again worsen very rapidly unless new projects are constructed. At least 4 or 5 years are usually required from the initiation of construction to complete major multipurpose structures of the type in the Columbia Basin which are needed to provide power in the Northwest.

Some of the projects should be upstream storage plants which will improve the production of plants now in operation and under construction.

Mr. Chairman, it would be a tragic error if this bill providing authorization for necessary projects now under construction does not become a law. Failure to pass the bill would result in the stopping of these essential emergency projects which are so necessary to the national defense effort as well as peacetime development of a great area. I urge my colleagues to vote favorably on this bill.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. DONDERO. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. MACK].

Mr. MACK of Washington. Mr. Chairman, this is not an appropriation bill. It is an authorization bill. This bill does not appropriate a single dollar of taxpayers' money for any of the four projects mentioned in this bill. The authorization bill merely gives the appropriation committee legal authority at some later date—later this year, next year, or in some future year—to appropriate money for these projects up to $75 million.

Unless this bill is passed, the Appropriation Committee cannot legally propose the appropriation of money to continue work on any of the four projects in this bill.

None of these projects are new projects. All of them are old projects. Work has been done on each of them and is still in progress on them.

Unless this authorization bill is passed, work on all of these projects must stop. Contractors will move away the heavy equipment being used on these projects and dismiss the expert crews gathered to carry on this work. This would mean economic loss.

To date more than $140 million has been appropriated and spent in constructing these four projects.

The sooner we get these projects completed, the quicker the power dams will begin producing electricity and paying back to the Federal Government the money which has been invested in these great projects.

The Eisenhower Bureau of the Budget has recommended that $57 million be spent on these four projects during the coming year. We must pass this bill to enable the Appropriation Committee to provide funds for carrying out the work on these projects that the President's Budget Bureau has recommended be done during the coming year.

The Army engineers recommend passage of this bill as necessary to the continuation of construction on these four important projects. The Budget Bureau has given its approval of the bill. The Public Works Committee recommends its passage.

The reason that we need this authorization is this: No river and harbor bill or flood control bill was passed during the 82d Congress. In 1950, Congress authorized $75 million for the work on these projects. That authorization now has just about been used up, so there must be a new authorization if the Committee on Appropriations is to provide anything toward that $57 million of construction work on these projects which the Budget Director of the Eisenhower administration is asking of the Congress.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. MACK of Washington. I yield to the gentleman from Ohio.

Mr. OLIVER P. BOLTON. That same thing would apply to any other flood control or defense project that is not now authorized, is that correct, and therefore it would have to go through, first, an authorization bill similar to this, and then receive an appropriation of money.

Mr. MACK of Washington. The projects in this bill are all authorized now, but there is no monetary authorization. Instead of asking for an authorization to cover the entire cost of these projects from beginning to end we asked just enough for each 2-year period.

Mr. OLIVER P. BOLTON. If this bill is not passed, then this monetary authorization must wait along with all other projects of the same sort, and appear in an omnibus bill; is that not correct?

Mr. MACK of Washington. That would be the normal procedure. However, the Committee on Appropriations, legally cannot make apropriations for these projects unless there is some additional authorization as provided in this bill.

Mr. GAVIN. Mr. Chairman, will the gentleman yield?

Mr. MACK of Washington. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. The gentleman said $57 million had been recommended in this new budget setup. Would not the subcommittee on appropriations handling civil functions pass on that if the recommendation has been made by the Bureau of the Budget for 1954?

Mr. MACK of Washington. The Committee on Appropriations cannot legally propose any appropriations for these projects unless the monetary authorization is there. There is no monetary authorization from which they can make appropriations at the present time. That is why the army engineers and the budget asked that this bill be enacted.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. MACK of Washington. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Can the gentleman tell the committee what was the amount authorized by Congress originally for each one of these projects?

Mr. MACK of Washington. The overall cost was estimated at $524 million on which we have already spent more than $140 million.

Mr. SAYLOR. When Congress authorized each one of them, was there not a specific amount or fraction of that $540 million included in the bill authorizing them?

Mr. MACK of Washington. We authorize just for a year or 2 years at a time, the same is done for highways. It is estimated that to reconstruct the highway of this Nation will cost $32

billion. Congress, usually, authorizes a billion dollars for each 2-year period. It does not authorize the entire $32 billion at one time.

Mr. SAYLOR. When a project is authorized by this Congress the authorization carries with it an amount of money?

Mr. MACK of Washington. Not always.

Mr. SAYLOR. Either that or a blanket authorization.

Mr. MACK of Washington. We authorize the project and then in addition from year to year provide a monetary authorization for each individual project.

Mr. DONDERO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. OLIVER P. BOLTON].

Mr. OLIVER P. BOLTON. Mr. Chairman, I thank the distinguished chairman for giving me this time, because I want to point out that this authorization is in addition to an already authorized project.

In my district there is a harbor, Ashtabula Harbor, where the expansion of defense activity has tripled the need for shipping facilities within that harbor. A project has been authorized by this House for some 5 years for additional construction and dredging within that harbor, but funds have not been obtained for it. That area has recently been called the third most critical defense area in the State of Ohio. It has been called critical because of the need for additional shipping facilities. There are new chemical plants moving into that area. New dockage is now under construction which cannot be made available to the use of the harbor because no dredging has been done. The appropriations by this Congress for that dredging cannot be made unless there is additional authorization this year.

I am informed that there will be no omnibus bill passed this year, and that, therefore, in order to obtain such authorization and appropriations a bill similar to this must be put through. It is the continuation of an important defense effort, in the same way that this is the continuation of an important flood-control effort. Therefore, I am wondering whether the committee would accept an amendment to this bill to the effect that appropriations up to $1 million be authorized for the continuance of the dredging in Ashtabula Harbor.

Mr. DONDERO. I doubt whether that could be done in this bill, because this bill simply covers the four projects recommended by the committee. The matter the gentleman has in mind could of course come up under a separate project or under a rivers and harbors bill later on. I do not know the amount involved. That matter would have to be studied by the committee and hearings held on it.

Mr. OLIVER P. BOLTON. May I inquire if the gentleman knows whether an overall omnibus authorization bill is intended to be brought out this year? I am informed that such a bill is not intended. Am I correct in that assumption?

Mr. DONDERO. The gentleman is correct in that assumption. It is not the intention to bring out an omnibus bill this year.

Mr. OLIVER P. BOLTON. Therefore, those of us who appreciate the need for the continuation of this project in order to save the Government money must, in effect, if we are to fight for the appropriations and for authorizations for the completion of projects in our districts, oppose this measure. Is that correct?

Mr. DONDERO. You do not have to oppose it.

Mr. FALLON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman from Pennsylvania asked a question of several of the speakers who have preceded me and sat down looking as if he were not satisfied with the answer given. Perhaps I can help clarify that just a little bit. I asked the question of the gentleman from Oregon [Mr. ANGELL] whether he thought it would not be better business that when we authorize a project, we also ask for authorization for the total amount of money at the same time rather than to authorize a project for $500 million, and then only ask for $75 million in the same bill. It is confusing to the Members of the House because when you get the bill, it only asks for $75 million, and if you do not read the report, you would not find out that the total cost of the project would be $500 million. So that it would be better business if our Committee on Public Works in authorizing any project, at the same time stipulated the dollars of authorization in that same bill. Then let the Committee on Appropriations, through the advice of the Army engineers and the Department of Defense appropriate money in the ensuing years. Does that clear the gentleman's mind on his question?

Mr. SAYLOR. It does, and I thank the gentleman. I wonder if the gentleman can answer the question which I asked, and if he can tell us the original estimate of the amount of each one of these projects by the Army engineers. The reason I ask that is I am afraid that the system being used by the committee, whether deliberate or otherwise, is a direct attempt to cover up for the Army engineers, who when they get their nose under the tent then never build a project for what they originally estimated.

Mr. FALLON. I have the figures here from the Army engineers—if they are correct. The Dalles project was estimated to cost in July 1952, $348,372,000. The money expended so far is $24,676,000. They are asking this year for $37,409,000.

Mr. SAYLOR. Therefore, the project is less than 10 percent completed.

Mr. FALLON. That is correct. The Lookout Point project is estimated to cost $96,611,000. The appropriations to date have been $66,552,700 and the appropriations asked for this year is $20 million.

The Willamette River Basin is estimated to cost $10,550,000. Already appropriated—$5,092,400 and they ask $330,000 for work this year. You can just subtract that from the original estimate and you will find out what is needed in the future to complete it.

Mr. SAYLOR. But the gentleman from Maryland has pointed out that practically all of the $75 million that is asked is now being asked for the Dalles Dam which is not 10 percent completed.

Mr. FALLON. My figures, as they were given to me, show $37,409,000 is being asked for the Dalles project.

Mr. SMITH of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I yield.

Mr. SMITH of Mississippi. If I may answer the gentleman from Pennsylvania, the money that is being asked in this authorization of $75 million is to meet the request made by the Bureau of the Budget and the President when the request was submitted to the Committee on Appropriations of the Congress on Monday. According to that request, he asked for the Dalles Dam $37 million. So only half of this is being asked for the Dalles Dam. The figures are on page 3323 of the CONGRESSIONAL RECORD, the issue of Monday, and show the items requested by the President in the Columbia River Valley. We are asked here in this bill merely to authorize appropriations for these items along the lines of the request made by the President. I might point out to other Members who have been complaining in regard to the fact that they cannot get authorizations or appropriations for their projects that their complaint is not with our committee, but with the Bureau of Budget.

In other words, their complaint is with the financial leadership of the administration. For good and sufficient reasons, certain items—I would say perhaps good and sufficient reasons—this authorization is carrying out the administration's policy as expressed in the report of the Bureau of the Budget made to the Congress on Monday.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FALLON. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Mississippi. I yield to the gentleman from Ohio.

Mr. BOW. Some statements have been made about the Army engineers' estimates. Could the gentleman tell us how many times the Army engineers have built projects on their original estimates? Do we not always have revised estimates, upward, to finally complete a project? They get their foot in the door and then they apply for more funds.

Mr. ELLSWORTH. Mr. Chairman, will the gentleman yield to me to answer that?

Mr. SMITH of Mississippi. I yield to the gentleman from Oregon.

Mr. ELLSWORTH. The dam listed as the Detroit Dam is practically at completion, and it has been completed about $5,000,000 under the estimate originally made by the Army engineers. I think that answers your question with reference to this bill.

Mr. SMITH of Mississippi. As to the other aspects of the question the gentleman asked me, the record will show that on the first estimates of cost by the Army

engineers during the past 20 years, the costs have exceeded the estimates by a large amount. A thorough detailed study was made by a subcommittee of the House Public Works Committee during the past year, which goes into great detail about how those inaccuracies in the original estimates have resulted. In large part most of the inaccuracy has been due to the rising costs of various items during the period of construction. There are other matters that have led to this increase in costs. We have made suggestions which we hope will eliminate some of those difficulties.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Mississippi. I yield to the gentleman from Ohio.

Mr. McGREGOR. I wish to compliment the gentleman and his subcommittee, known as the Jones committee, for the survey they did make. It was excellent. The only criticism is that we have not had legislation presented to us to carry out the recommendations of that subcommittee. They spent $39,000, and I would like to see your subcommittee draft legislation and present it to this Congress, because it would save hundreds of million of dollars.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. DONDERO. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. ELLSWORTH].

Mr. COON. Mr. Chairman, will the gentleman yield?

Mr. ELLSWORTH. I yield to the gentleman from Oregon.

Mr. COON. I ask unanimous consent, Mr. Chairman, to revise and extend my remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. COON. Mr. Chairman, the bill on the floor today, H. R. 4025, is not to grant money, but is for the purpose of increasing the amount of the monetary authorization for projects in the Columbia River Basin for flood control and other purposes. The present remaining authorization available for appropriation is only $10,402,900, and there is need for this authorization to be increased $75 million in order to permit necessary appropriations in the fiscal year 1954 for continuation of urgently needed projects which have already been started. The projects which are in the budget this year and which are already under construction are Lookout Point Reservoir, Oreg., Willamette River bank protection, Oregon, and the Dalles Reservoir, Oreg. and Wash.

A large part of the construction work on the first two projects has been completed, and the Dalles project is well under way. The amount allowed for the Dalles project in the budget for the 1954 fiscal year, together with previous appropriations, will permit continuation of the project on schedule and will result in the first power being on the line in 1957.

It would be most unwise and very costly to permit a slowdown or stoppage in the construction work on these projects. It is not only good business practice to have the projects continued without interruption, but this will also make the needed power available on schedule. We cannot afford any delay in this.

The Dalles project is located in the district I represent in Oregon. It is 193 miles above the mouth of the Columbia River, and it is an essential unit in the authorized development of the Columbia and Snake Rivers. It will greatly aid in navigation on the Columbia River and will replace miles of present hazardous river channel. In addition, this project will benefit to some extent the irrigation of agricultural lands adjacent to the pool by lowering pumping costs.

The Dalles project will provide an initial installation of 1,092,000 kilowatts of power-generating capacity, and the first 2 units are scheduled for operation in November 1957. This power is greatly needed in the defense effort. The wholesale rates for the sale of power in this area are reasonable, and this low-cost power is needed in our defense program in order to keep the costs to the taxpayers as low as possible. Forty percent of the Nation's hydroelectric potential is in the Pacific Northwest, and defense industries, such as aluminum and other metals, which require large amounts of power at low cost are anxious to have the power from the Dalles project made available to them.

Continued construction of the Dalles project is needed to relieve as quickly as possible the critical power shortage which exists. I understand that initial generation can be obtained from this project more quickly than at any other undeveloped site in the region offering a comparable amount of power.

The Dalles project is so close to the major load centers, particularly Portland, Oreg., and Seattle, Wash., that the transmission problem will be relatively simple and transmission loss will be small. The project is ideally situated.

I think it is both economy and wisdom to proceed with this project and the other projects mentioned above included in this monetary authorization. I urge that this bill be approved by the House today.

Mr. ELLSWORTH. Mr. Chairman, when I, by direction of the Rules Committee, brought up the rule which makes the consideration of this bill H. R. 4025 in order, I stated, with all sincerity at the time, that I felt the consideration of the bill was more or less of a routine matter; that it seemed to me quite obvious that the House, under the circumstances surrounding the legislation, would most certainly routinely approve it. As a result of the debate this afternoon, perhaps some of the membership have become confused. In the first place, this bill would not be here from the Committee on Public Works were it not for the fact that the projects for which this authorization is specifically made are included in the pending budget. The Subcommittee on Civil Functions of the House Committee on Appropriations is about to give final consideration to the appropriations in the budget for that bill. It developed in the course of the consideration of that appropriation bill that there was not sufficient authorization in the previously passed authorization law for these projects to cover the amount which was sought to be appropriated. Therefore, the Committee on Public Works has brought this bill to the floor today so as to complete the authorization necessary for the appropriation for these projects, so that they may be carried on in an orderly way during the coming fiscal year. I do not have any knowledge as to the other projects elsewhere in the United States mentioned this afternoon. I would think that if they qualified under the same set of circumstances as I have just outlined which makes the passage of this bill necessary, the Committee on Public Works would report a bill giving such additional authorization.

Mr. ANGELL. Mr. Chairman, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Mr. ANGELL. I may say to the gentleman that as chairman of the Subcommittee on Rivers and Harbors any project under the jurisdiction of that subcommittee in which the circumstances were such as they were in this case would have the same prompt consideration this bill had.

Mr. ELLSWORTH. The gentleman confirms my impression regarding this matter.

Now, with reference to the fact that there are many other projects over the country which have been approved but which do not have authorization and budget recommendation—there are many of those in the district I represent—my position is no different from that of the gentleman from Ohio and others with reference to approved projects and projects such as he refers to. I would like to see these matters covered. But the authorizations proposed in this bill are of an emergency nature.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Mr. BOW. Do I understand from the gentleman that under present authority which has been granted by the House the Appropriations Committee could now only authorize an additional $10 million?

Mr. ELLSWORTH. That is correct; only an authorization of $10 million on these projects.

Mr. BOW. That is legislative authorization of $10 million.

Mr. ELLSWORTH. That is right.

Mr. BOW. So that the Appropriations Committee could not appropriate more than $10 million.

Mr. ELLSWORTH. That is correct.

Mr. BOW. That is the purpose of this bill. Now that has cleared up one matter in my mind. I think I have expressed to the gentleman in the past my interest in the great Pacific Northwest, and certainly the gentleman from Ohio would not oppose aid to the great Pacific Northwest.

Mr. ELLSWORTH. I thank the gentleman.

Mr. BOW. But I wish to say to the gentleman that I feel the House should be fully advised on the cost of these projects when they come in. I agree with the gentleman from Maryland that if we could have these figures before us this confusion would not arise.

Mr. ELLSWORTH. The gentleman's point is well taken. I am inclined to agree with the gentleman from Maryland regarding this matter of authorization. I think it would be far better, and I think it would be better in the forthcoming omnibus bill which will probably be in the next session of this Congress to put in the entire amount of authorization needed to complete these projects.

So that the House may not have any doubts regarding the soundness of this authorization from a purely business standpoint, I wish to point out that the biggest item of authorization included in this bill is for the Dalles Dam on which $24 million has already been spent. Obviously, if a project of this kind is closed, put on a caretaker basis, the costs will be rather heavy, will undoubtedly go into the hundreds of thousands of dollars a year, not counting all of the deterioration that would take place. But let me point out to you, and with this I conclude, that this dam when completed will bring into the Federal Treasury in the form of revenue from power sold, at least $15 million a year. I think it is pretty good business to push a thing like that to completion when it will bring into the Treasury somewhere between $15 million and $20 million a year in revenue.

So I think from the standpoint of all possible considerations, Mr. Chairman, this bill should be passed.

Mr. NORBLAD. Mr. Chairman, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Mr. NORBLAD. The gentleman from Maryland mentioned three projects. Another is the Detroit Dam on which $63 million has been spent with only $5 million needed to complete the project.

Mr. FALLON. I did not mention that because it is not in this authorization. There is money already in the budget for it.

Mr. AUCHINCLOSS. Mr. Chairman, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Mr. AUCHINCLOSS. Is it not a fact that the income from this project is dedicated to pay off the cost of the project?

Mr. ELLSWORTH. The gentleman asks if the income from this project is not dedicated to pay off the cost of the project; that is correct. But the income from the project does far more than that. After all costs are deducted—and these cost figures include operation, amortization, interest, and depreciation—more than 30 percent goes into the Federal Treasury as net revenue earned by the project.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. FALLON. Mr. Chairman, I yield myself the balance of the time on this time.

Mr. Chairman, I would like to make one remark in closing. There are several Members who spoke on the floor here this afternoon in regard to projects in their own districts. I may say that our committee is made up of Members from about 24 different States and all of them have projects in their districts that have been authorized, too, and would be very anxious to have the projects completed and maybe for the expansion of our economy they should be; but the reason this was treated as an emergency and came with just a few hours hearing is because it had been designated by the Department of Defense and the Army as projects that are necessary and should be completed as soon as possible.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I yield to the gentleman from Ohio.

Mr. McGREGOR. I would like to direct a question to our distinguished chairman of the full committee. Can he give us any assurance that some of these other projects which are started will be given hearings for further authorizations so that other Members of the Congress might be given equal consideration?

Mr. DONDERO. No such request has been made.

Mr. VORYS. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I yield to the gentleman from Ohio.

Mr. VORYS. Am I to understand that this great committee considers this the most important project in the United States?

Mr. FALLON. No. The gentleman misunderstood me.

Mr. VORYS. And that we are not going to have any general bill?

Mr. FALLON. The gentleman misunderstood me. This project has been recommended by the executive department, the Department of Defense, and the Bureau of the Budget. There are $75 million in the budget for these three projects. It was necessary for us to increase this authorization to take care of the $75 million because if they were included in an appropriation bill it would be knocked out on a point of order.

Mr. VORYS. Does this project stand in a unique position with reference to the Bureau of the Budget, the administration, or the national defense, or does it not?

Mr. FALLON. No, I do not think it stands in that category. This is an emergency. We have not thrown further projects to the winds in this Congress. We will be considering projects in all probability until we adjourn some time this year.

Mr. ANGELL. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I yield to the gentleman from Oregon.

Mr. ANGELL. It is true that this is the only project that was referred to us by the Bureau of the Budget and the Army for action?

Mr. FALLON. That is correct.

Mr. ELLSWORTH. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I yield to the gentleman from Oregon.

Mr. ELLSWORTH. I think the gentleman from Ohio and the House know it is the custom of the House Appropriations Committee that is almost never broken to make appropriations only for items in the Budget; therefore authorizations by the yard at this time for other projects would be of little value so far as the House is concerned, if I am not mistaken, regarding the Appropriations Committee.

Mr. SMITH of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I yield to the gentleman from Mississippi.

Mr. SMITH of Mississippi. This definition of what will be submitted to us was not made by the members of this committee, especially not by the Democratic members; it was made by the President and his colleagues who were elected with him.

Mr. REES of Kansas. I am trying to figure out where the emergency is.

Mr. FALLON. We are trying to carry out the policy of the administration in this case.

Mr. DONDERO. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. GEORGE].

Mr. GEORGE. Mr. Chairman, I intend to support the request made by the Members representing the Northwest. I intend to support what our friends from the South ask as well in the way of flood control. In 1951 the State of Kansas suffered a billion-dollar flood loss, and I am sorry to report to this House that the Bureau of the Budget has stricken out every request for dam construction in the State of Kansas for the coming year. I am going along with spending and investing our own money in our own country and protecting our own people in the hope that some day and at some time we may be able to have that good feeling returned to us so that we can all be protected. In our State this is a recurring problem; it happens year after year. We lie between the great Northwest Plains States and the Southwest, and we are subject to severe storms every year; in other words, the gulf-stream air currents come up and meet the north and northwest air currents, and in my district we have a rainfall in the spring of the year that runs as high as 25 and 30 inches. The only way we can control that excessive rainfall in my area is by constructing flood-control or retention dams. I do hope that the Bureau of the Budget at some time will really put in a request that will give us a chance on the floor of the House to adequately provide for and protect the people of southeast Kansas from these severe floods.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. NORBLAD. Mr. Chairman, it seems to me that in the consideration of this further authorization act there is considerable confusion on the part of some of the Members as to its purpose.

This is not an authorization for a new program or project nor is it similar to some of those in other parts of the country which have been here discussed by some of my colleagues. In this case the work is going forward and many millions have already been spent on these dams. If this authorization is not passed it will mean the work which is progressing on a normal and routine basis will be stopped. It will mean that the hundreds of people involved in the construction of the Dalles Dam will eventually have to be laid off. It will mean that heavy construction equipment and ma-

terial on the job or on order will have to be discontinued.

In other words, the stoppage of construction on these projects will be very expensive to the United States Government.

Arguments as to other projects in West Virginia or Ohio form no basis for comparison. There work has not been started or, if started, certain portions of the project have been completed and there is no material necessity of emergency work to complete the balance. In the case of dams it is certainly a waste of money to construct them in part and to then discontinue the program. A partially completed dam is worthless. We here merely ask for the authorization to go ahead with the program and will later make out our case to the Appropriations Committee as to the actual expenditure of funds necessary for the carrying on of this work.

The CHAIRMAN. All time has expired.

The Clerk read as follows:

Be it enacted, etc., That paragraph (b) under the title "Columbia River Basin" in section 204 of the Flood Control Act, approved May 17, 1950, is hereby amended by striking out "$75 million" and substituting in lieu thereof "$150 million."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. JUDD, 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. 4025) authorizing the appropriation of funds to provide for the prosecution of projects in the Columbia River Basin for flood control and other purposes, pursuant to House Resolution 208, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

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.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

THE PRESIDENT'S RECOMMENDATION FOR THE ADMISSION OF 240,000 REFUGEES AND ESCAPEES

Mr. JAVITS. 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 York?

There was no objection.

Mr. JAVITS. Mr. Speaker, it is a privilege to join in the well-nigh universal tribute which should be paid to President Eisenhower for his letters to the congressional majority leadership recommending the inauguration of a special 2-year program to take our fair share of the Iron Curtain refugees and escapees and surplus workers of our friends in Europe. It is my intention to offer implementing legislation and I have no doubt that the Judiciary Committee will take action on the President's recommendation without delay.

It is appropriate to recall that the original DP program was developed and enacted through the 80th Congress. In spite of fears expressed at that time there has been not even a breath of scandal in respect of the admission of 330,000 displaced persons under that program and practically no complaint about the competition created by them for jobs or housing. On the contrary, the displaced persons have settled with honor and credit as excellent Americans in a multitude of communities throughout the country and are on the way to becoming excellent United States citizens as is traditional with our immigrants.

No expressions, no matter how eloquent, of our desire to join in responsibility for the free world's problems and no amount of money is equal to the impact upon the free world of our willingness to take our fair share of today's displaced persons—the refugees, the escapees, and the surplus workers among our friends in Europe. No single thing we could do would be more attractive to those who remain behind the Iron Curtain in whom the spirit of freedom lingers. It is the dream of even the possibility of coming to our country which is the greatest attraction to them. I hope, Mr. Speaker, that we shall do all we can to utilize the opportunity for our national interest which the President's recommendation has presented.

HOSPITALIZATION AND MEDICAL CARE

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, I take this occasion to ask the new Cabinet officer, Mrs. Hobby, to use her influence to persuade the American Medical Association and the doctors of America, wherever they be, to distinguish hospitalization from medical care, especially costwise.

When a person is operated upon and hospitalized, and the cost is, say $1,500, three times more money goes for hospital care and treatment generally, than goes to the doctor. People cannot easily today foot hospital bills with doctors' or surgeons' bills. I should like to ask Mrs. Hobby to do what she can to separate the two issues, so that the doctors can have their free enterprise and the citizens who are in distress may have theirs too, to receive some relief under some sensible hospitalization care plan.

ATOMIC ENERGY BUDGET

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. PRICE] is recognized for 5 minutes.

Mr. PRICE. Mr. Speaker, the Joint Committee on Atomic Energy has been informed that the executive branch is now reviewing the atomic energy budget for fiscal year 1954.

I think such a review can serve a useful purpose. I have never yet seen a budget which did not contain soft spots. There is a good chance that this budgetary review by President Eisenhower and his advisers will uncover items revealing waste, extravagance, and duplication of effort; items which can be eliminated without impairing the integrity of our Nation's atomic program. Waste should never be countenanced, and at times like these, when our taxpayers are hard-pressed to fulfill the demands of minimum security against the Communist threat, waste in any governmental program is a downright danger to the Nation.

But in attempting to cut away any fat which may exist in the atomic budget, let us make sure we are not cutting away at our atomic bone and muscle.

I will fight to the best of my ability against budgetary cuts which would impair the substance of our atomic effort.

The field of atomic weapons is the one and only field in which we now possess decisive superiority over the Soviet Union. Such superiority must not only be maintained, it should be increased. The top secret intelligence reports received by the Joint Committee on Atomic Energy make it abundantly plain that the Kremlin is stepping up the tempo of its atomic effort. Against this background, it would strike me as the sheerest kind of folly to lower our own sights in building up our atomic striking power.

The capability of inflicting instant and terrible atomic reprisal against an aggressor is our best and cheapest insurance against the outbreak of all-out war, and the best guaranty of winning such a war if it is forced upon us. Since V–J Day, the money devoted to the production of atomic weapons has amounted to less than 3 percent of our overall defense spending. With this tiny fraction of our defense dollar, we have amassed—in our stockpile of atomic weapons—defensive power the like of which the world has never seen.

Our atomic strength must be maintained across the board. This applies to our program of the output of fissionable materials and to our program for the development of mobile reactors such as the nuclear-driven airplane and the atom-powered aircraft carrier.

My position on the atomic budget is simply this: I am for every well-advised effort to trim away superfluous spending. I am against every ill-advised effort to slow down the buildup of our atomic strength.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. PRICE. I yield to the distinguished gentleman from California, a member of our joint committee.

Mr. HOLIFIELD. I would like to concur in what the gentleman has said. I too have heard rumors that there are going to be considerable cuts in the atomic-energy budget. We, who are members of this Atomic Energy Committee, which I believe is one of the most nonpartisan committees in the House, and as far as I know there is no

partisan feeling, nor have there been any partisan divisions on the committee on matters which come before the committee. This is an indication of the overwhelming importance of the subject matter that the committee has to concern itself with—as I would say, we, who are on this committee, feel that any cuts in this budget that are not very seriously considered will be to the detriment of the atomic-energy program and a retardation in the development of certain new methods of defense, which the gentleman has referred to. I refer particularly to the completion of the atomic submarine, which, in my opinion, will give to our Nation the most effective naval vessel of offense and defense that the world has ever known. It will also jeopardize the production of fissionable material in the great new plants at Savannah, Ga., and Paducah, Ky. It will jeopardize certain research and development which is now going on in other plants in the atomic-energy program. In my opinion, it will have a tremendous effect upon the security of the free world in the future. Evidence that has been given to the committee shows that Russia considers as one of her major projects—the development of atomic energy for weapons of offense and defense. Certainly if this Nation is going to take a back seat in this program, we will relegate to danger and to possible oblivion the forces of democracy and freedom throughout the world. I compliment the gentleman on making the speech he has made at this time and in bringing this to the attention of the House.

Mr. PRICE. I thank the gentleman from California. I am certain the gentleman joins with me in expressing the hope that there will be no reduction in the budget for the atomic-energy program, which would in any way hamper the present expansion of the program.

Mr. HOLIFIELD. I agree with the gentleman.

ANOTHER OIL SCANDAL

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 5 minutes.

Mr. BAILEY. Mr. Speaker, I wonder if all Members of Congress have seen the Department of Justice statement announcing that a civil suit has been filed against five major oil companies on the grounds that they are conspiring to violate the antitrust laws? I sincerely hope so, because this development is highly pertinent in the consideration of proposed legislation to place a quota limitation on oil imports coming into this country.

Here is a statement in which the Attorney General of the United States confirms a very apparent and long-recognized circumstance—that there has been price fixing and other violations of laws in order to monopolize the fuels markets. The coal industry has been one of the principal victims of this illegal practice, and it is gratifying that the Department of Justice now corroborates what we, whose primary interest is in the well-being of the American people, have said time and again.

Let me quote from the Department of Justice statement:

> Mr. Brownell said the complaint alleges that the defendants and their subsidiaries and affiliated corporations, with other corporations and persons, since 1928 have been engaged in a continuing agreement and concert of action to: (1) Secure and exercise control over foreign production and supplies of petroleum and petroleum products; (2) regulate imports in order to maintain a level of domestic and world prices agreed upon by the defendants; and (3) divide world foreign producing and marketing territories. * * *
>
> The violations charged in the complaint are alleged to have had as direct effect: (1) The unreasonable restraint of interstate and foreign commerce of the United States on petroleum and its products; (2) the exclusion of other United States petroleum companies from operations abroad and the ability to import petroleum into the United States; (3) artificial maintenance and increase of domestic market prices at which the defendants sell petroleum and products imported by them and products made by them from imported petroleum; (4) increase and maintenance at high levels of prices charged by the defendants to agencies of the Federal Government for foreign petroleum and products required for military and defense purposes.

If there is any doubt about the manipulation of domestic-market prices, all that is necessary is to examine the figures showing the price fluctuations for oil products sold at New York Harbor over the past 7 years. Since 1946 light fuel oil has gone up 64.4 percent and diesel oil 70 percent, but the increase on residual oil has risen only 13.6 percent. At the present time, while both light fuel oil and diesel oil are selling at one of their highest levels in history, residual oil is one-third less than its previous high and well below the price level of this time last year.

Does anyone wonder why the coal industry asks Congress to prevent continuance of this trickery to take over coal's markets? Is anyone willing to condone these practices by the selfish oil companies? Eventually, we all hope, the action by the Department of Justice will put a stop to all such scandalous schemes, but meanwhile it is the duty of the Congress to pass legislation that will alleviate some of the harm that is being done to American industry and American workers.

Oh, we are going to get a lot of opposition from these big oil companies and their friends in the State Department. You will hear denials that there is such a thing as an international oil cartel. The big operators will come crying about how legislation to curtail imports is unnecessary. They have already begun to suggest that maybe it would be for the best interests of the country if they cut down on the imports voluntarily. I say let them holler. Let them tell it to the judge when their case comes to trial. Meanwhile let us not delay in giving our people some protection from these giant international corporations. The House Ways and Means Committee begins hearings next week on a bill that includes a provision to limit oil imports, and that provision will give us our first opportunity to do what should have been done long ago to check another oil scandal.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RIEHLMAN, from April 24 to 30, on account of official business on Select Small Business Committee.

Mr. HOSMER, from April 24 to May 1, inclusive, on account of official business in attendance at hearings of the Select Committee on Small Business of which he is a member, being held in various Western States.

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:

Mr. RIEHLMAN.

Mr. OAKMAN and to include an editorial from the Cleveland Plain Dealer in reference to St. Lawrence seaway.

Mr. KEARNS and to include copy of a letter from Mrs. Wells Mears, mother of two children, relative to an article critical of the Committee on Pornographic Material appearing in Harpers magazine for April, written by Bernard DeVoto.

Mr. SHEEHAN in two instances and to include extraneous matter.

Mr. LANE in three instances and to include extraneous matter.

Mr. KLUCZYNSKI and to include extraneous matter.

Mr. THOMPSON of Louisiana and to include an editorial appearing in the Oakdale newspaper.

Mr. MCCARTHY and to include an editorial appearing in the Washington Star.

Mr. DAVIS of Georgia in two instances and to include extraneous matter.

Mr. PRICE in three instances and to include extraneous matter.

Mr. HELLER in four instances and to include extraneous matter.

Mr. SECREST and to include a release on an essay contest winner.

Mr. ENGLE in two instances and to include extraneous matter.

Mr. COUDERT and include extraneous matter.

Mr. SMITH of Wisconsin in two instances and to include extraneous matter.

Mr. JUDD in two instances and to include extraneous matter.

Mr. BEAMER and to include an editorial.

Mr. BYRNES of Wisconsin and to include an editorial.

Mr. THOMPSON of Texas and to include a newspaper article.

Mr. O'HARA of Illinois to revise and extend his remarks made in Committee and include statistical matter.

Mr. SIKES and to include an address by the national commander of the American Legion.

Mr. DODD.

Mr. DONOHUE and to include extraneous matter.

Mr. HARDY to revise and extend the remarks made yesterday in Committee and to include extraneous matter.

Mr. MCDONOUGH.

Mr. NORBLAD to revise and extend his remarks.

Mr. VAN ZANDT (at the request of Mr. ARENDS) in two instances and to include editorials.

Mr. SIEMINSKI.

Mr. ANGELL to revise and extend his remarks made in Committee of the Whole and to include extraneous matter.

ADJOURNMENT

Mr. ARENDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 59 minutes p. m.) the House adjourned until tomorrow, Friday, April 24, 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:

652. A letter from the Director, Legislation and Liaison, Department of the Air Force, transmitting a quarterly report relative to the number of officers that shall be assigned or detailed to permanent duty in the executive element of the Air Force at the seat of government, for the third quarter of fiscal year 1953 (March 31, 1953), pursuant to section 201 (c) of the Air Force Organization Act of 1951, Public Law 150, 82d Congress; to the Committee on Armed Services.

653. A communication from the President of the United States, transmitting recommendations for the enactment of emergency immigration legislation for the special admission of 120,000 immigrants per year for the next 2 years; to the Committee on the Judiciary.

654. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of a proposed bill entitled "A bill to provide for the redemption of District of Columbia tax stamps"; to the Committee on the District of Columbia.

655. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of a bill entitled "A bill to authorize the Commissioners of the District of Columbia to fix certain licensing and registration fees"; to the Committee on the District of Columbia.

656. A letter from the Secretary of Commerce, transmitting a draft of a proposed bill entitled "A bill to permit payment of certain cost-of-living allowances outside the continental United States at rates in excess of 25 percent of the rate of basic compensation"; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. DONDERO: Committee on Public Works. S. 1041. An act to abolish the United States Commission for the construction of a Washington-Lincoln Memorial Gettysburg Boulevard; without amendment (Rept. No. 311). Referred to the Committee of the Whole House on the State of the Union.

Mr. DONDERO: Committee on Public Works. H. R. 2761. A bill to revive and reenact the act of December 21, 1944, authorizing the City of Clinton Bridge Commission to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at or near the cities of Clinton, Iowa, and Fulton, Ill., as amended; without amendment (Rept. No. 312). Referred to the House Calendar.

Mr. DONDERO: Committee on Public Works. H. R. 4779. A bill to authorize the adoption of a report relating to seepage and drainage damages on the Illinois River, Ill.; without amendment (Rept. No. 313). Referred to the Committee of the Whole House on the State of the Union.

Mr. JENSEN: Committee on Appropriations. H. R. 4828. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1954, and for other purposes; without amendment (Rept. No. 314). Referred to the Committee of the Whole House on the State of the Union.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 218. Resolution for consideration of H. R. 1432, a bill to provide price support for the 1952 crop of Maryland tobacco; without amendment (Rept. No. 315). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMPSON of Texas:

H. R. 4817. A bill to repeal certain acts relating to cooperative agricultural extension work and to amend the Smith-Lever Act of May 8, 1914, to provide for cooperative agricultural extension work between the agricultural colleges in the several States, Territories, and possessions receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture; to the Committee on Agriculture.

By Mr. BERRY:

H. R. 4818. A bill to amend the Tariff Act of 1930 so as to impose equalization duties upon imports of certain agricultural commodities and minerals, based upon their parity prices; to the Committee on Ways and Means.

By Mr. BOYKIN:

H. R. 4819. A bill to authorize the attendance of the United States Marine Corps Band at the Confederate Reunion and Sons of Confederate Veterans Convention to be held in Mobile, Ala., June 9 through June 11, 1953; to the Committee on Armed Services.

By Mr. FINO:

H. R. 4820. A bill to give preference in Federal employment to veterans who have been awarded the Congressional Medal of Honor; to the Committee on Post Office and Civil Service.

By Mrs. KEE:

H. R. 4821. A bill to authorize emergency appropriations for the purpose of erecting certain post office and Federal court buildings, and for other purposes; to the Committee on Public Works.

By Mr. KLEIN:

H. R. 4822. 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.

By Mr. RAYBURN:

H. R. 4823. A bill to convey by quitclaim deed certain land to the State of Texas; to the Committee on Public Works.

By Mr. FOGARTY:

H. R. 4824. A bill to amend the Internal Revenue Code to provide that, in the case of machine tools, textile machinery, and other industrial production machinery, the deduction for depreciation shall be based on replacement cost or original cost, whichever is higher; to the Committee on Ways and Means.

By Mr. KELLEY of Pennsylvania:

H. R. 4825. A bill relating to certain inspections and investigations in metallic and nonmetallic mines and quarries (excluding coal and lignite mines) for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes; to the Committee on Education and Labor.

By Mr. METCALF:

H. R. 4826. A bill to provide that the tax on admissions shall not apply in the case of plays presented by community amateur theater groups, where no part of the net earnings inures to the benefit of any private stockholder or individual; to the Committee on Ways and Means.

By Mr. PRESTON:

H. R. 4827. A bill to authorize certain works of improvement for navigation in Savannah Harbor, Ga.; to the Committee on Public Works.

By Mr. JENSEN:

H. R. 4828. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1954, and for other purposes; to the Committee on Appropriations.

By Mr. RIEHLMAN:

H. R. 4829. A bill to promote more efficient and uniform military supply management by amending the National Security Act of 1947; to the Committee on Armed Services.

By Mr. SIMPSON of Illinois:

H. R. 4830. A bill to authorize the Potomac Electric Power Co. to construct, maintain, and operate in the District of Columbia, and to cross Kenilworth Avenue NE., in said District with, certain railroad tracks and related facilities, and for other purposes; to the Committee on the District of Columbia.

By Mr. VAN ZANDT:

H. R. 4831. A bill to repeal those provisions of the Railroad Retirement Act which reduce the annuities and pensions of retired employees, the annuities of spouses, and the annuities of widows and children of deceased employees, by the amount of certain monthly benefits payable under the Social Security Act; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Georgia:

H. J. Res. 246. Joint resolution designating the second Sunday in October of each year as National Grandmothers' Day; to the Committee on the Judiciary.

By Mr. REECE of Tennessee:

H. Res. 217. Resolution creating a special committee to conduct a full and complete investigation and study of educational and philanthropic foundations and other comparable organizations which are exempt from Federal income taxation; to the Committee on Rules.

MEMORIALS

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

By the SPEAKER: Memorial of the Legislature of the State of Missouri, memorializing the President and the Congress of the United States to earmark the taxes collected under the Federal Unemployment Tax Act for the purposes of the employment security program in each State, etc.; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Rhode Island and Providence Plantations, memorializing the President and the Congress of the United States with respect to tariffs as affecting the American standard of living; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BONIN:

H. R. 4832. A bill for the relief of Ali Dawud Abu Ghannam; to the Committee on the Judiciary.

By Mr. BRAY:

H. R. 4833. A bill for the relief of Hormoz Mahmoud; to the Committee on the Judiciary.

By Mr. BUSBEY:

H. R. 4834. A bill for the relief of Danilo Kozarski; to the Committee on the Judiciary.

By Mr. DAWSON of Illinois:

H. R. 4835. A bill for the relief of Antony Timothe Fairchild (Ishida Makoto) and Marie Dolores Fairchild (Shimizu Reiko); to the Committee on the Judiciary.

By Mr. DOYLE:

H. R. 4836. A bill for the relief of Diane Cecilia Barris; to the Committee on the Judiciary.

By Mr. HIESTAND:

H. R. 4837. A bill for the relief of Isabelle Choueiri; to the Committee on the Judiciary.

By Mr. LYLE:

H. R. 4838. A bill for the relief of Carol Elizabeth Stewart; to the Committee on the Judiciary.

By Mr. NORBLAD:

H. R. 4839. A bill for the relief of Alfred Johann Hoinski; to the Committee on the Judiciary.

By Mr. ROONEY:

H. R. 4840. A bill for the relief of Mrs. Vassiliki P. Theodorou; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H. R. 4841. A bill for the relief of Frieda Koppel; 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:

194. By Mr. BEAMER: Petition of 154 persons from Anderson, Ind., and vicinity (Madison County) in support of Senate Joint Resolution No. 1; to the Committee on Foreign Affairs.

195. By Mr. FORAND: Resolution of Mr. Henry R. Nelson, of Pawtucket, R. I., and 37 others relative to the advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

196. By Mr. HART: Joint resolution memorializing Congress to provide care and maintenance of the Twin Navesink Lighthouse at Highlands, N. J.; to the Committee on Interior and Insular Affairs.

197. By the SPEAKER: Petition of Mary Anstett and others, Orlando, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

198. Also, petition of P. C. Harouff and others, West Palm Beach, Fla., requesting passage of H. R. 2446 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

199. Also, petition of Carl W. Burkholder, United States Penitentiary, McNeil Island, Steilacoom, Wash., relative to stating a grievance on being imprisoned, in the case of *United States* v. *Burkholder*, Cause 10766; to the Committee on the Judiciary.

SENATE

FRIDAY, APRIL 24, 1953

(Legislative day of Monday, April 6, 1953)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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

Almighty and everlasting God, at this white altar of peace and quietness where all divisive cries are stilled we bow in reverence and humility, praying for the enthronement of brotherhood in all the earth. May the instrumentalities of justice, mutual understanding, and cooperative endeavor being devised in these anxious, yet hopeful, days be but the channels of Thy providence, bringing to fulfillment at last the ancient prophet's dream: "Violence shall be no more heard in thy lands, wasting nor destruction within thy borders."

Through the lips that speak in this forum of freedom, may there be heard by a listening world the solemn summons to men of good will, of all colors and all nations, to unite in a new commonwealth of all peoples in which power shall be administered as a sacred trust and dedicated to the common good. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 23, 1953, was dispensed with.

ORDER FOR RECESS TO 11 A. M. TOMORROW

Mr. TAFT. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it recess until tomorrow morning at 11 o'clock.

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

Mr. TAFT. For the information of the Senate I may say that it is the intention to have the Senate remain in session tonight until about 10 o'clock. Tomorrow it will continue in session probably until 4 or 5 o'clock in the afternoon.

TITLE TO CERTAIN SUBMERGED LANDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 13) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. HILL], for himself and other Senators, to the amendment offered by the Senator from New Mexico [Mr. ANDERSON], in the nature of a substitute for the committee amendment.

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

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

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

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

Mr. SALTONSTALL. I announce that the Senator from Kentucky [Mr. COOPER], the Senator from Vermont [Mr. FLANDERS], and the Senator from New Jersey [Mr. SMITH] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from Virginia [Mr. BYRD], the Senators from Missouri [Mr. HENNINGS and Mr. SYMINGTON], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. KERR], and the Senator from Louisiana [Mr. LONG] are absent on official business.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], and the Senator from Alabama [Mr. SPARKMAN] are absent by leave of the Senate.

The PRESIDENT pro tempore. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. TAFT. Mr. President, I ask unanimous consent that Senators may be permitted to introduce bills and submit resolutions and transact whatever routine business would be in order during a morning hour, provided that speeches do not exceed 2 minutes.

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

LEAVES OF ABSENCE

On his own request, and by unanimous consent, Mr. THYE was excused from attendance on the sessions of the Senate from 4 o'clock this afternoon until Monday evening of next week.

On request of Mr. CLEMENTS, and by unanimous consent, Mr. EASTLAND was excused from attendance on the sessions of the Senate for the next several days on account of illness in his family.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4025. An act authorizing the appropriation of funds to provide for the prosecution of projects in the Columbia River Basin for flood control and other purposes; and

H. R. 4507. An act to amend and extend the Housing and Rent Act of 1947, and for other purposes.