By Mr. FINO:

H. R. 5045. A bill for the relief of Maria Ruggieri; to the Committee on the Judiciary.

By Mr. KLEIN:

H. R. 5046. A bill for the relief of Jakob Noselis; to the Committee on the Judiciary.

H. R. 5047. A bill for the relief of Ludwig and Helena Landau; to the Committee on the Judiciary.

By Mr. MORANO:

H. R. 5048. A bill for the relief of Julia Telegdy; 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:

232. By the SPEAKER. Petition of the executive director, National Rifle Association of America, Washington, D. C., urging that adequate funds be provided in the 1954 and all future budgets and appropriated to the National Board for the Promotion of Rifle Practice and the office of the director of civilian marksmanship, to enable them to carry out the directives of the National Defense Act in the marksmanship training of those citizens, of whatever age, who may now or in the future be required to serve in the Armed Forces of the United States, to the Committee on Appropriations.

233. Also, petition of Anna H. Russell and others, Miami, Fla., requesting passage of H. R. 2440 and H. R. 2447, social-security legislation known as the Townsend plan; to the Committee on Ways and Means.

234. Also, petition of H. G. Lundquist and others, of Sanford, 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.

235. Also, petition of Polish-American Congress, Inc., Jersey City, N. J., to take immediate action to pass legislation refuting the diplomatic blunders at Potsdam and Yalta, etc.; to the Committee on Foreign Affairs.

SENATE

THURSDAY, MAY 7, 1953

(Legislative day of Wednesday, May 6, 1953)

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

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

Our Father God, help of the ages past, hope for the years to come: In the hush of this moment closing the door of prayer on the outer world with its tumultuous and unpredictable events, in the white light of Thy holiness we know ourselves for what we are, petty and proud creatures who seek their own wills and whims in spite of the polished courtesies and noble professions with which we, alas, sometimes come to Thee.

Cleanse the inner fountains of our hearts from all defiling foulness and from the secret sin of pretense. Fit us, we beseech Thee, faithfully to protect the Republic from outward aggression and from inner selfishness. We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. TAFT, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 6, 1953, was dispensed with.

MESSAGE FROM THE PRESIDENT

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

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 71. An act for the relief of Bernard W. Olson;

S. 100. An act for the relief of the Detroit Automotive Products Co.;

S. 142. An act for the relief of Norman S. MacPhee;

S. 248. An act for the relief of Mary Bouessa Deeb;

S. 255. An act for the relief of Sister Odilia, also known as Maria Hutter;

S. 306. An act for the relief of Waltraut Mies van der Rohe;

S. 365. An act for the relief of Alambert E. Robinson;

S. 522. An act for the relief of George F. Ruckman;

S. 720. An act for the relief of Comdr. John J. O'Donnell, United States Naval Reserve;

S. 811. An act for the relief of George Mauner;

S. 846. An act for the relief of Charles Anthony Desotell;

S. 851. An act for the relief of the estate of Mary M. Mendenhall;

S. 1041. An act to abolish the United States Commission for the construction of a Washington-Lincoln Memorial Gettysburg Boulevard;

H. R. 688. An act for the relief of Takako Niina;

H. R. 720. An act for the relief of Mrs. Muriel J. Shingler, doing business as Shingler's Hatchery;

H. R. 748. An act for the relief of Anneliese Else Hermine Ware (nee Neumann);

H. R. 884. An act for the relief of Stephanie Marie Dorcey;

H. R. 886. An act for the relief of Aspasia Vezertzi;

H. R. 955. An act for the relief of Paula Akiyama:

H. R. 1101. An act for the relief of Daniel Robert Leary;

H. R. 1186. An act for the relief of Astrid Ingeborg Marquez;

H. R. 1193. An act for the relief of Mrs. Helga Josefa Wiley;

H. R. 1451. An act for the relief of Mrs. James W. Tuten, Jr.;

H. R. 1704. An act for the relief of Mrs. Suga Umezaki;

H. R. 1895. An act for the relief of Jack Kamal Samhat;

H. R. 1936. An act authorizing the acceptance, for purposes of Colonial National Historical Park, of school board land in exchange for park land, and for other purposes;

H. R. 2353. An act for the relief of Ema Shelome Lawter;

H. R. 2624. An act for the relief of Paola Boezi Langford;

H. R. 2936. An act authorizing the Secretary of the Interior to convey certain lands to the State of California, for use as a fairground by the 10–A District Agricultural Association, California; and

H. R. 4004. An act to amend section 5210 of the Revised Statutes.

TRIBUTES TO THE LATE FORMER SENATOR WITHERS, OF KENTUCKY

Mr. TAFT. Mr. President, in accordance with a previous understanding, I ask unanimous consent that Senators may address the Senate in eulogy of the late Honorable GARRETT L. WITHERS, a former Senator from Kentucky.

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

Mr. CLEMENTS. Mr. President, today the United States Senate pauses to pay tribute to a former Member of this body, Senator GARRETT LEE WITHERS, of Kentucky, who passed away last Thursday, April 30. As a lifelong admirer and close personal friend, I rise to voice the deep affection and wholehearted respect with which I regarded him, and to express again my profound sorrow over the passing of a great Kentuckian, whose devotion to his fellow men, his community, his State, and his Nation is legend in Kentucky.

The death of GARRETT WITHERS has left an irreparable and permanent void in the lives of those whose privilege it was to know and observe him at close range over the years; whose opportunity it was to evaluate the sturdy character and fine qualities of this wholly unselfish man who was content to cheerfully "live by the side of the road and be a friend to man," seeing each one as he ought to be, rather than as he was. His was the rare gift of keen, but tolerant, discernment, unmixed with the harshness of criticism; of readily recognizing, accepting, and emphasizing the good and praiseworthy in every contact and situation, seemingly ignoring all blemishes and defects, however apparent to others, and still with remarkable precision being able to select the right time and the proper place impersonally and effectively to advance suggestion and counsel, and, if need be, stern warning, when some good, some improvement, or remedy, could be accomplished thereby.

It has been said that "simplicity is the mean between ostentation and rusticity," which somehow defines the personality of GARRETT WITHERS, who so often was described as "homespun," even though in the minds of those who knew him best the memory of the man always will remain luminous. The simple statement that he was a thoroughly good man sums up the life of my friend. Indeed, his exemplary life long influenced and inspired his own and the rising generations around him. Even though he has passed from the scene of his earthly labors, the pattern he wove out of the years allotted to him will continue to be emulated by those sufficiently wise to seek a sane and solid way of life, productive of the good and worth-while satis-

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factions he attained and cherished—contentment, developed and nurtured out of the knowledge of sound achievement through practical application of the Golden Rule. Just such a man as GARRETT WITHERS, Holmes must have known when he wrote—

'Tis said that in his prime
Ere the pruning knife of Time
Cut him down,
Not a better man was found
By the crier on his round
Through the town.

A loving and devoted husband and father, a kindly and sympathetic neighbor, a substantial and civic-minded citizen, an able lawyer, who would have preferred the uninterrupted practice of law to any other endeavor, but whose fine character, splendid ability, independence of thought, and genial personality periodically elevated him to the enviable and almost unique plane where public office sought him, even though only once throughout his entire career did he actively seek such office.

In 1908, GARRETT WITHERS was admitted to the bar. Two years later he was elected as circuit court clerk of Webster County, which single voluntary foray into active politics, I venture to say, was motivated by a desire to prove his mettle and build his way into the consciousness and confidence of his fellow countians. Despite the urging of his friends, he declined to stand for reelection but he sustained a selfless interest in public affairs throughout a period of 40 years, steadily growing in stature and before long recognized throughout Kentucky as a stalwart figure in the Democratic Party and a sage and influential adviser in its councils.

Regardless of his obvious preference and determination to devote his undivided attention to the practice of law, from time to time the call to public service came—in his early years, GARRETT WITHERS served as master commissioner of his county circuit court, as a member of the Kentucky Highway Commission, and as referee in bankruptcy proceedings, but always his chief interest was in his law practice which, as the years rolled on, entailed considerable corporation work, although from beginning to end he found his greatest gratification in solving the legal problems of his friends and neighbors—adjusting their difficulties, arranging their affairs, settling their estates—and respecting their confidences. Long ago I gleaned the impression that GARRETT WITHERS probably knew more and told less than any man in western Kentucky, and that it was with both reason and direction that casually he placed a restraining hand on a shoulder or reached out to give an encouraging pat on the back.

In his later years, twice I was directly responsible for diverting him from his law practice and, as the wheels of fate and politics turned, I may have been a factor, too, in permanently separating him from the profession of his choice. As Governor, I persuaded him to serve as commissioner of the Kentucky Highway Department, in which office he had supervision of some 12,000 employees and sole jurisdiction over the annual expenditure of many millions of dollars of public funds. During my tenure as Governor, I also persuaded him to fill the unexpired term of Kentucky's distinguished senior Senator, Alben W. Barkley, upon his elevation to the high office of Vice President of the United States. With relief, rather than regret, in November 1950, upon completion of his assignment as a Member of the United States Senate, GARRETT WITHERS returned to his home at Dixon, Ky., to resume his law practice, but within the year his homefolk insisted that he go to the State legislature and, when subsequently the untimely death of Representative John A. Whitaker vacated Kentucky's Second District congressional seat, again the call came for GARRETT WITHERS to return to the Halls of Congress to carry on for his district and State. Experience, plus an innate willingness to do his part, had schooled and reconciled him to heeding the call to public service; the demands of the past had taught him to accept—

What each day needs—that, thou shalt ask,
Knowing each day will set its proper task.

So upon the convening of the 83d Congress last January GARRETT WITHERS took his seat as the Representative of the Second Kentucky District.

A week ago yesterday, April 29, the House not being in session, he dropped by my office for a visit; late that afternoon he left his congressional office in his usual good spirits and, seemingly, a well man. Early that evening a telephone call from his sweet and devoted wife conveyed to me the distressing news of his sudden illness. I soon reached his bedside, and arrangements were quickly under way to rush him to the hospital. The night wore on, and dawn found him still conscious, but by noon he sank into a coma, and before dusk the long, deep sleep from which he will not arouse in this world descended upon him. As he had lived—quietly, gently, unafraid, at peace with his God, himself, and his fellow men—so he died.

To his wife, his children, and his grandchildren, GARRETT WITHERS left a proud heritage, wreathed in happy memories of a devoted husband, a loving father, and an affectionate and appreciative grandfather.

His was the good life. Drawn into the folds of eternity, gathered to the bosom of his Maker, serenely he rests.

Mr. HILL. Mr. President, I wish to pay my tribute to GARRETT WITHERS.

I was privileged to serve with him on the Senate Committee on Labor and Public Welfare. He, the Senator from Oregon [Mr. MORSE], and I worked together long and hard as members of a subcommittee of the committee which was considering legislation dealing with what was commonly called overtime on overtime under the Fair Labor Standards Act.

The problems involved in the legislation presented difficult, intricate questions of law. In our services on the subcommittee I was impressed again and again with GARRETT WITHERS' rare common sense, his sound judgment, his fine grasp and understanding of the law, his zeal for justice and fair play, and his devotion to our country and the public welfare.

GARRETT WITHERS was a genial, homespun, kindly man, with a warm smile, a hearty handclasp, and always a helping hand, but he was also a warrior who fought valiantly for the right as he saw it, a patriot who waged battle for his country's cause.

Theodore Roosevelt declared, "There are many qualities which we need alike in private citizen and in public men, but three above all, courage, honesty, and commonsense." Courage, honesty, and commonsense were the qualities that most marked the life, the character, and the services of GARRETT WITHERS. Kentucky, which has given to the Nation so many illustrious sons, may well be proud of GARRETT WITHERS. He brought honor and distinction to her.

Mr. STENNIS. Mr. President, I rise to pay my humble tribute to the memory of our late friend, the great Senator WITHERS, of Kentucky, who exemplified in his life and public service many fine virtues. I endorse everything that has been said of him by the Senator from Kentucky [Mr. CLEMENTS], and the Senator from Alabama [Mr. HILL].

I wish especially to mention the old-fashioned virtues which GARRETT WITHERS so well personified on the floor of the Senate and in committees. I believe that every Senator who served with him on committees during the short time he was here was tremendously impressed with his sincerity, his very fine purposes, and the homely virtues with which he measured everything.

I remember quite well serving with him on a committee when the testimony changed his mind on an important subject. He did not hesitate to announce that change to his people at home and to his associates here.

I like to remember him as the very best type of old-fashioned country lawyer. When I say "country lawyer," I refer to one who lives in a small town or in the country, and who upholds the very finest traditions of the great legal profession, a profession into which inroads have been made in recent years by the so-called business lawyer. GARRETT WITHERS represented the fine old-fashioned virtues which characterize the oldtime country lawyer, whose statement of fact in a courtroom, whether to a jury or to the judge on the bench, can be taken at face value.

I myself have had the responsibility, as a judicial officer, of passing upon questions of an important nature. Lawyers have stood up in court and told me facts which I accepted on their word alone, upon the strength of which judgments involving thousands of dollars were set aside. Likewise, the verdicts of juries have been set aside on the same basis, in cases in which men had been convicted

and were due to be sentenced to the penitentiary.

GARRETT WITHERS was the kind of lawyer, the kind of legislator, and the kind of man who, to the fullest extent, measured up to the standard which I have attempted to describe.

I noticed in one of the news items dealing with his passing he was quoted as having said that he would rather be known as a fairly good country lawyer than to have any other kind of compliment paid him.

I am very glad to salute his memory and his fine record, not only as a great public servant but also as a fine country lawyer, representing the very best and noblest in that great profession.

I believe his public service might well be illustrated by the fact that after he had served in this august body and had served as a commissioner of highways in his home State, still, when he went back home he responded to the call of duty by serving the house of representatives of his own State legislature, which, on the legislative side, is perhaps the highest honor that can come to an American citizen.

We treasure his memory, we admire his courage and his character; his county, State and Nation have benefited greatly by his example. We can best honor him and serve our country by emulating his virtues and his example.

Mr. AIKEN. Mr. President, I cannot let the occasion pass without saying a few words in tribute to the memory of my late good friend GARRETT WITHERS, of Kentucky.

Although we came from different sections of the United States, we became very good friends soon after he entered the Senate. I learned to like him and respect him and admire him very much. He had the qualities which I admire most in a public servant. He was friendly. He instinctively made friends with those with whom he became acquainted, whether they agreed with him on political or other matters.

He was a humble man. He was never swayed by the importance of any office he held. I believe that is best proved by the fact that after he retired from the Senate and went back to his native State of Kentucky he became a member of the State legislature of that State.

That to my mind shows the mark of greatness in the man, namely, that he would serve in whatever capacity the people of his community and of his State saw fit to place him. Later he was elected to the House of Representatives in Washington.

He was conscientious in arriving at his conclusions. He did not run with the herd because it was the popular thing to do. He made up his own mind as to what he ought to do on the various issues which came before him, and when his mind had been made up, it was usually on the basis of the sound judgment that was found there. When he had once decided what he ought to do, he had the courage to do it. Having decided to do it, it was useless for any group or faction or force to try to sway him from the course he had decided to follow as the right course to pursue.

GARRETT WITHERS was a great credit to his State, and in his passing I have lost a friend, and the great State of Kentucky has lost an able legislator.

Mr. TAFT. Mr. President, I wish to say a word in testimony of my great respect and admiration for GARRETT WITHERS.

I served with him for 2 years while he was a Member of the Senate. He was a Member with me of the Committee on Labor and Public Welfare. I can testify to every good thing which has been said about him by other Senators.

He approached every problem from a very fresh point of view and with an abundance of commonsense.

He did not seem to have any prejudices. He simply looked at whatever problem came before him from the point of view of the average man who might come in from the outside, and decided what was the right thing to do.

In reaching his decision he was entirely devoid of prejudice, including political prejudice. Very few men with whom I have served have had greater integrity, greater character, and greater determination to serve the public interest than GARRETT WITHERS.

By his death the State of Kentucky has lost a noble citizen and the Congress of the United States a fine legislator.

Mr. CHAVEZ. Mr. President, I wish to associate myself with what has been said by other Senators with respect to GARRETT WITHERS, his public service, his high character, his unimpeachable integrity. I knew him well; and I am confident that the tributes paid to his memory by the Senators who have preceded me represent the feeling of everyone who knew GARRETT WITHERS well.

He was deeply interested in matters of public works. I do not know of any other Senator who devoted more time and energy and effort to bring about good public roads and to questions affecting flood problems and rivers and harbors, than did GARRETT WITHERS.

I know the House of Representatives has lost a very fine public servant. I am glad those of us who knew him well in the Senate have been afforded an opportunity to express our admiration for Senator GARRETT WITHERS and to extend our condolences to his family.

Mr. COOPER. Mr. President, I wish to join my colleagues in paying tribute to the late GARRETT WITHERS, formerly a Member of the Senate, and a Member of the House of Representatives at the time of his death.

During the past 25 years, I have known nearly all the political figures of both parties who have served Kentucky. I have known few among them who possessed the ability, the integrity, and the humanity which characertized GARRETT WITHERS. He was honored many times by the people of Kentucky, by election to county, State, and national offices.

In his private life he gained success as a farmer, banker, and lawyer. In every position he held, either public or private, he achieved distinction. His service in every position was marked by a high sense of conscience and duty.

But the qualities which endeared GARRETT WITHERS to those who knew him were his devotion to his family and friends, his rugged integrity, his simplicity, his commonsense, and his never-failing sense of humor.

One of the articles which appeared in the Washington newspapers, following his death, described him as "one who took his duty—but never himself—seriously."

Mr. President, I held GARRETT WITHERS in great respect, and I valued his kindness and his friendship.

In this very inadequate way, I wish to express my regard and affection for him, and my deep sympathy for Mrs. Withers, his children, his family, and his friends.

LEAVES OF ABSENCE

On request of Mr. CLEMENTS, and by unanimous consent, Mr. JOHNSON of Texas, Mr. SMATHERS, Mr. LEHMAN, and Mr. MONRONEY were excused from attendance on the sessions of the Senate today and tomorrow.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. TAFT, and by unanimous consent, the Committee on Foreign Relations was authorized to meet this afternoon during the session of the Senate.

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

On request of Mr. AIKEN, and by unanimous consent, the Committee on Agriculture and Forestry was authorized to meet this afternoon during the session of the Senate.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

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

REPEAL OF SECTION 4 OF THE ACT OF OCTOBER 30, 1951, RELATING TO POSTAGE RATES ON BOOKS

A letter from the Postmaster General, transmitting a draft of proposed legislation to repeal section 4 of the act of October 30, 1951, relating to the postage rates on books (with an accompanying paper); to the Committee on Post Office and Civil Service.

GRANTING STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting the applications for permanent residence of certain aliens, together with a statement of the facts

and pertinent provisions of law as to each alien, and the reasons for granting the applications (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

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

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Rafael Garcia-Rodriguez from a report relating to aliens whose deportation had been suspended, transmitted to the Senate on March 17, 1952; to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAMES

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the names of sundry aliens from reports relating to aliens whose deportation had been suspended, heretofore transmitted to the Senate, together with copies of orders entered in each case (with accompanying papers); to the Committee on the Judiciary.

REPORT ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES, FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report on backlog of pending applications and hearing cases in the Federal Communications Commission, as of March 31, 1953 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT ON ADVANCE PLANNING OF NON-FEDERAL PUBLIC WORKS

A letter from the Administrator, Housing and Home Finance Agency, transmitting, pursuant to law, the 13th quarterly report on advance planning of non-Federal public works, for the quarter ended December 31, 1952 (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the Territory of Hawaii; to the Committee on Interior and Insular Affairs:

"Senate Concurrent Resolution 44

"Concurrent resolution requesting the Congress of the United States of America to pass legislation granting to the Territory of Hawaii the sum of $20 million for the purpose of opening land suitable for housekeeping, farming, and pastoral purposes, and developing the water resources of the Territory

"Whereas the future economic well-being of the people of the Territory of Hawaii is largely dependent upon the fullest possible development of the Territory's land and water resources; and

"Whereas there is now an acute shortage of land suitable for houselot, farming, and pastoral purposes, and water therefor; and

"Whereas the government of the Territory is keenly aware of these needs and is desirous of establishing immediately an integrated and forward-looking program for the development of land and water resources within the Territory; and

"Whereas the people of the Territory of Hawaii continue to pay their full share of taxes to the Federal Government, while having only one nonvoting Delegate in the Congress of the United States: Now, therefore, be it

"Resolved by the Senate of the 27th Legislature of the Territory of Hawaii (the house of representatives concurring), That the Congress of the United States of America be, and it hereby is, respectfully requested, through the Delegate to Congress from the Territory of Hawaii, to enact legislation which will grant to the Territory of Hawaii the sum of $20 million, out of Federal tax realizations from the Territory, for the purpose of opening up land in Hawaii suitable for houselot, farming, and pastoral purposes, and developing the water resources of the Territory; and be it further

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

A resolution adopted by the Department of New York, Jewish War Veterans of the United States of America, New York, N. Y., protesting against any curtailment or reduction of Federal funds for the construction of low-income housing in the city and State of New York; to the Committee on Appropriations.

Resolutions adopted by the Alameda County Wine Growers Association, of Livermore, and the San Joaquin Valley Wine Growers Association, of Fresno, both in the State of California, favoring the enactment of the bill (H. R. 4294) to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended; to the Committee on Finance.

A letter from the National Urban League, New York, N. Y., signed by Robert W. Dowling, president, transmitting a petition approved by that league, relating to a study of the South African question; to the Committee on Foreign Relations.

A resolution adopted by the Polish-American Congress, Inc., Jersey City, N. J., favoring the passage of legislation to refute certain diplomatic actions at Potsdam and Yalta; to the Committee on Foreign Relations.

A resolution adopted at a mass meeting commemorating the 162d anniversary of the adoption of the Polish Constitution, at the Polish Home, Lackawanna, N. Y., pledging allegiance to the United States, and so forth; to the Committee on the Judiciary.

A letter in the nature of a petition from the Citizens-Taxpayers Association of Westerly, R. I., and member of the Maine Three-Quarter Century Club, signed by A. Fred Roberts, secretary, favoring the designation of a day to be known as Douglas MacArthur Day; to the Committee on the Judiciary.

A letter in the nature of a petition from J. Joseph Mahoney, Brooklyn, N. Y., relating to the enactment of legislation to provide for a special canceling stamp or postmarking die bearing the words "In God We Trust"; to the Committee on Post Office and Civil Service.

SENATOR FREAR'S POSITION ON KOREAN PRISONER-OF-WAR ISSUE—CONCURRENT RESOLUTION OF DELAWARE LEGISLATURE

Mr. WILLIAMS. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD a concurrent resolution unanimously adopted by the 117th General Assembly of the State of Delaware, commending my colleague, the junior Senator from Delaware [Mr. FREAR], for the position he has taken in regard to having the United States consider with caution any and all Communist proposals for a settlement of the prisoner-of-war issue, or the Korean conflict itself.

The resolution was introduced by State Senator John M. Longbothom, and after its unanimous adoption by both houses of the general assembly, was approved by his excellency, the Governor of Delaware, J. Caleb Boggs.

I am sure the Senate would wish to know of the high regard in which Senator FREAR is held by his fellow citizens of the State legislature in Delaware.

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

Senate Concurrent Resolution 19

Concurrent resolution commending the Honorable J. ALLEN FREAR, junior United States Senator from the State of Delaware, for the position he has taken in regard to having the United States consider with caution any and all Communist proposals for a settlement of the prisoner-of-war issue, or the Korean conflict itself

Whereas our country is involved in a great struggle to preserve freedom; and

Whereas the Communists of the world have yet to prove their sincerity of purpose in connection with peace proposals heretofore made; and

Whereas our illustrious junior Senator from the State of Delaware has seen fit to recognize the apparent difficulties facing this country when dealing with Russia and the satellite countries: Now, therefore, be it

Resolved by the Senate of the 117th General Assembly of the State of Delaware (the House of Representatives concurring therein) as follows:

1. That Senator FREAR be congratulated upon the stand he has taken in urging the United States to proceed with caution in connection with the Communist proposal for a settlement of the prisoner-of-war issue, or the Korean conflict itself.

2. That the 117th General Assembly of the State of Delaware go on record as supporting Senator FREAR in this cautionary attitude.

3. That a copy of this resolution be forwarded to the illustrious Senator from Delaware and a copy made available to the press.

RESOLUTIONS OF GENERAL COURT OF COMMONWEALTH OF MASSACHUSETTS

Mr. KENNEDY. Mr. President, on behalf of myself and my colleague the senior Senator from Massachusetts [Mr. SALTONSTALL], I present for appropriate reference, and ask unanimous consent to

have printed in the RECORD, two resolutions adopted by the General Court of the Commonwealth of Massachusetts, favoring a study of the Taft-Hartley Act, with a view to revising certain portions thereof, and urging immediate action in constructing the Boston lifeboat station at Castle Island, in Boston Harbor.

There being no objection, the resolutions were received, referred, and, under the rule, ordered to be printed in the RECORD, as follows:

To the Committee on Labor and Public welfare:

"Resolutions memorializing the Congress of the United States to cause a study to be made of the Taft-Hartley Act, with a view to revising certain portions thereof

"Resolved, That the Massachusetts Senate hereby urges the Congress of the United States to cause a study to be made of the Taft-Hartley Act, with a view to revising those provisions of said act, if any, that such study may reveal as tending to be detrimental to legitimate aims and interests of labor; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress, and to the members thereof from this Commonwealth."

(The PRESIDENT pro tempore laid before the Senate resolutions of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which were referred to the Committee on Labor and Public Welfare.)

To the Committee on Interstate and Foreign Commerce:

"Resolutions urging immediate action in constructing the Boston lifeboat station at Castle Island in Boston Harbor

"Whereas certain funds have been appropriated by the Congress of the United States, in the fiscal year 1952, and approved by the President for a project in the city of Boston, to wit: The construction and maintenance of a lifeboat station at Castle Island in Boston Harbor to replace the floating lifeboat station, which was established in 1896 and continued in operation until destroyed by storm in 1950; and

"Whereas said project, as authorized in the 1952 fiscal budget has been discontinued in the interest of economy by reason of an executive directive; and

"Whereas this project is of vital importance in protecting and safeguarding the many thousands of bathers, the yachtsmen, and the property in that portion of Boston harbor; and

"Whereas plans have already been completed by the city of Boston to transfer certain land on Castle Island necessary to the establishment of said lifeboat station to the United States; and

"Whereas the Commonwealth of Massachusetts did in June 1952 appropriate $200,000 for the dredging and sheltering of a proposed auxiliary harbor as its contribution to the completion of said project; and

"Whereas the Massachusetts Senate recognizes the immediate need for the establishment of the Boston lifeboat station, which was successfully advocated by the Honorable JOHN W. MCCORMACK, in whose congressional district the proposed station is to be located: Therefore be it

"Resolved, That the Massachusetts Senate hereby urges the President of the United States and the Congress thereof to take immediate action to construct and maintain said lifeboat station; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of the Congress of the United States, to the Members thereof from this Commonwealth, to Vice Adm. Merlin O'Neil, United States Coast Guard, to Rear Adm. Harold G. Bradbury, commander of the Coast Guard, Boston, and to Joseph M. Dodge, Director, Bureau of the Budget."

The PRESIDENT pro tempore laid before the Senate resolutions of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which were referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. MILLIKIN, from the Committee on Finance:

S. 1151. A bill authorizing the transfer to the State of Tennessee of certain lands in the Veterans' Administration Center, Mountain Home, Tenn.; without amendment (Rept. No. 228);

H. R. 1334. A bill for the relief of Helmuth Wolf Gruhl; without amendment (Rept. No. 229); and

H. R. 1563. A bill to amend Veterans Regulation No. 2 (a), as amended, to provide that the amount of certain unnegotiated checks shall be paid as accrued benefits upon the death of the beneficiary-payee, and for other purposes; without amendment (Rept. No. 227).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 7, 1953, he presented to the President of the United States the following enrolled bills:

S. 71. An act for the relief of Bernard W. Olson;

S. 100. An act for the relief of the Detroit Automotive Products Co.;

S. 142. An act for the relief of Norman S. MacPhee;

S. 248. An act for the relief of Mary Bouessa Deeb;

S. 255. An act for the relief of Sister Odilia, also known as Maria Hutter;

S. 306. An act for the relief of Waltraut Mies van de Rohe;

S. 365. An act for the relief of Alambert E. Robinson;

S. 522. An act for the relief of George F. Ruckman;

S. 720. An act for the relief of Comdr. John J. O'Donnell, United States Naval Reserve;

S. 811. An act for the relief of George Mauner;

S. 846. An act for the relief of Charles Anthony Desotell;

S. 851. An act for the relief of the estate of Mary M. Mendenhall; and

S. 1041. An act to abolish the United States Commission for the construction of a Washington-Lincoln Memorial Gettysburg Boulevard.

BILLS INTRODUCED

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

By Mr. FLANDERS:

S. 1849. A bill to authorize the transfer of local board jurisdiction for certain individuals registered pursuant to the provisions of the Universal Military Training and Service Act; to the Committee on Armed Services.

By Mr. MURRAY (for Mr. LEHMAN):

S. 1850. A bill for the relief of Doctor John D. MacLennan; to the Committee on the Judiciary.

S. 1851. A bill to preserve the scenic beauty of Niagara Falls and River and to authorize the construction of certain public works on that river for power and other purposes, to promote the national defense, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. MURRAY when he introduced the last abovementioned bill (for Mr. LEHMAN), which appear under a separate heading.)

By Mr. MILLIKIN:

S. 1852. A bill for the relief of Juan Antonio Gorrono Lajarzabulo and Jesus Maria Ojenola Guernica; and

S. 1853. A bill for the relief of Maria Stela Leitao; to the Committee on the Judiciary.

NIAGARA REDEVELOPMENT ACT OF 1953

Mr. MURRAY. Mr. President, in the absence of the junior Senator of New York, Mr. LEHMAN, who is absent by leave of the Senate, he has asked me to introduce on his behalf for appropriate reference a bill for the public redevelopment of the Niagara. On his behalf I ask unanimous consent that the bill, together with a statement he is issuing today jointly with Representative FRANKLIN D. ROOSEVELT JR., of New York, and an analysis of the bill, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, joint statement, and analysis will be printed in the RECORD.

The bill (S. 1851) to preserve the scenic beauty of Niagara Falls and River and to authorize the construction of certain public works on that river for power and other purposes, to promote the national defense, and for other purposes, introduced by Mr. MURRAY (for Mr. LEHMAN), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That, in order to fulfill the obligation of the United States to preserve and enhance the scenic beauty of the Niagara Falls and river, including the accessibility of the river shore line, and to provide for the most beneficial use of the waters of that river for development of power, navigation, and the control of floods, and to promote the national defense, it is hereby declared to be the policy of the United States that the share of those waters available to the United States for power purposes, pursuant to the treaty between the United States of America and Canada, signed February 27, 1950, which on August 9, 1950, received the advice and consent of the Senate of the United States to its ratification, shall be used to develop power in the public interest by a public agency as hereinafter provided.

SEC. 2. To implement that policy, there are hereby adopted and authorized to be prosecuted, under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, works of improvement for redevelopment of the Niagara River in substantial accordance with the project plans outlined in the report of the Bureau of Power of the Federal Power Commission, dated September 28, 1949, entitled "Possi-

bilities for Redevelopment of Niagara Falls for Power—Niagara River—New York." Such works of improvement (hereinafter referred to as the "project") shall be subject to such modifications not inconsistent with this act as may be found advisable by the Secretary of the Army upon investigation and recommendation by the Chief of Engineers and the Federal Power Commission, and after consultation with the Governors of New York and other interested States and with other interested Federal agencies. The necessary plans, specifications, and preliminary work in connection with such project shall be prosecuted as soon as funds shall be available from appropriations hereinafter authorized, in order to provide for rapid inauguration of a construction program: *Provided,* That the construction of remedial works in accordance with article II of the treaty referred to in the first section of this act shall not be undertaken until the United States of America and Canada have approved the recommendations of the International Joint Commission with respect to the nature and design of such remedial works and the allocation of construction as between the two countries, and that the construction of such remedial works shall be under the supervision of the International Joint Commission.

SEC. 3. (a) The President is authorized and directed to transfer the power facilities of the project to such public agency of the State of New York as its government may designate and properly authorize for that purpose, if the following conditions are satisfied in full before power is available from any generating unit of the project—

(1) an agreement between the United States and the State of New York shall have been negotiated by the President or his designated agent with such agent of the State of New York as its government may designate and authorize for that purpose, and such agreement shall have been approved by the Legislature of the State of New York and the Congress of the United States. The President is hereby authorized and directed to initiate negotiations for such agreement upon the passage and approval of this act; and

(2) the public agency designated and authorized by the government of the State of New York to accept transfer of the power facilities of the project shall have made proper application for, and shall have accepted, a license under the provisions of the Federal Power Act (49 Stat. 838), as amended, which license the Federal Power Commission is hereby authorized and directed to issue after consummation of the agreement referred to in condition (1) above: *Provided,* That, in the event of any conflict between the provisions of this act and of such agreement and the provisions of the Federal Power Act and of the license, the provisions of this act and of such agreement shall govern in respect of the project herein authorized.

(b) The agreement provided for in subsection (a) shall include, but not be limited to, provisions for ultimate repayment of all costs properly allocable to power as determined by the Federal Power Commission after consultation with such agency of the State of New York as its government may designate and authorize for this purpose, and provisions for maintenance and operation of the project in the public interest, including especially the interests of the State of New York and other States within economic transmission distance, and provisions for the maintenance and enhancement of the scenic beauty of the falls, including the accessibility of the river shoreline. Such agreement shall assure, among other things, that—

(1) no part of the United States share of the waters of the Niagara River made available for power purposes to the designated agency of the State of New York shall be diverted by it to any person or private company; nor shall the use of any part of said waters or the rights pertaining thereto be sold, leased, or otherwise alienated by such agency to any person or private company for the generation of hydroelectric power; nor shall the power facilities be sold, leased, pledged, mortgaged, or otherwise alienated to any person or private company: *Provided,* That nothing in this act shall be construed as affecting any valid existing rights under licenses heretofore issued pursuant to the provisions of the Federal Power Act (49 Stat. 838), as amended, or as now or hereafter affecting the applicability of the provisions of that act in the case of waters of the Niagara River presently authorized to be diverted for power purposes under licenses heretofore issued under that act;

(2) full recognition shall be given to the interests of national security as provided in section 15 of the Federal Power Act (16 U. S. C. 809);

(3) in contracting for the disposition of project power, (A) preference shall be given to States, counties, and municipalities, including agencies or instrumentalities of any of them, and to cooperative or other organizations not organized or administered for profit but primarily for the purpose of supplying electric energy to their members as nearly as possible at cost, and to the Department of Defense, and other defense agencies, and on fair and reasonable terms to other Federal agencies and to private enterprises requiring power to fulfill defense contracts, and (B) arrangements shall be made sufficiently flexible so that the foregoing recipients of preference, now or hereafter authorized by law to engage in the distribution of electric energy, may secure a reasonable share of the project power;

(4) such transmission lines and related facilities shall be constructed, or acquired by purchase or other agreement, as may be necessary in order to make project power available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, rural consumers, public bodies, cooperatives, and privately owned companies;

(5) project power shall be sold and distributed primarily for the benefit of the people as consumers, and particularly for the benefit of domestic and rural consumers, to whom it shall be made available at the lowest possible rates and in such manner as to encourage the widest possible use;

(6) in the event project power is sold to any purchaser for resale, contracts for such sale shall include adequate provisions for establishing resale rates which shall be fixed by the seller and which shall not only provide for passing on to the consumer savings in costs of generation, but shall also be promotional in character and designed so far as practicable to result in periodic rate reductions: *Provided,* That such contracts shall be for a period of time not exceeding 20 years;

(7) if and when a northeastern power pool or other agency for the coordinated operation of power facilities in the Northeastern States shall be created or provided for by legislation hereafter enacted by the Congress or pursuant to a compact adopted by the States concerned and approved by the Congress, arrangements shall be made for coordinated operation of the power facilities of the project with those of such pool or other agency; and

(8) in contracting for the disposition of project power, commitments shall be so made as to provide and allow for a determination of disputes as to apportionment of project power among States within economic transmission distance whereby the Governor of any State, believing that his State is or may be denied its fair share, may make complaint to the Federal Power Commission which, after due notice to all States which may have an interest in the availability of project power and opportunity to them for hearing under the Commission's Rules of Practice and Procedure, shall determine reasonable and practicable arrangements whereby and the extent to which project power shall be made available in the public interest to purchasers in States within economic transmission distance of the project: *Provided,* That such determination shall be final and binding in the operation of the project except as it may be thereafter revised in further proceedings before the Federal Power Commission as herein provided;

(9) (A) in order to render financial assistance to those States and counties in which the agency carries on its operations and acquires properties previously subject to State and local taxes, the agency of the State of New York shall pay to such States and counties for each calendar year such amount as the agency deems fair and equitable, taking into account the State and local taxes which would be payable if such operations were carried on by private corporations, but in no event more than percent or less than percent of the gross proceeds derived from the sale of power by the agency for the preceding calendar year, except as hereinafter provided;

(B) the payment for each fiscal year shall be apportioned among such States and counties in the following manner: One-half of such payment shall be apportioned by paying to each State (including payments to counties therein) the percentage thereof which the gross proceeds of the power sales by the agency within such State during the preceding calendar year bears to the total gross proceeds from all power sales by the agency during the preceding calendar year; the remaining one-half of such payment shall be apportioned by paying to each State (including payments to counties therein) the percentage thereof which the book value of the power property held by the agency within such State at the end of the preceding calendar year bears to the total book value of all such property held by the agency on the same date. The book value of power property shall include that portion of the investment allocated or established to be allocable to power: *Provided,* That the minimum annual payment to each State (including payments to counties therein) shall not be less than an amount equal to the 2-year average of the State and local ad valorem property taxes levied against power property purchased and operated by the agency in such State. Such 2-year average shall be calculated for the last 2 tax years during which such property was privately owned and operated or such land was privately owned. The agency shall pay directly to the respective counties the 2-year average of county ad valorem property taxes (including taxes levied by taxing districts within the respective counties) upon power property and reservoir lands allocable to power, determined as above provided, and all payments to any such county within a State shall be deducted from the payment otherwise due to such State under the provisions of this section. The determination of the agency of the amounts due hereunder to the respective States and counties shall be final.

(c) Eighteen months after the enactment of this act, the President is directed to transmit a report to the Congress on the status of negotiations for an agreement as provided for in subsections (a) and (b) hereof.

SEC. 4. When power is available from any generating unit of the project, if transfer of the power facilities of the project shall not have been consummated in accordance with the provisions of subsection (a) hereof, the project shall be maintained and operated, and project power disposed of, by such agency of the Government of the United States as may be hereafter created for such purpose: *Provided,* That, if such agency shall not have been created when construction of the project is complete, it shall be maintained and operated under the direction of

the Secretary of the Army and supervision of the Chief of Engineers, and project power shall be delivered and disposed of in accordance with the provisions of section 5 of the Flood Control Act of 1944 (58 Stat. 890), pending the negotiation and approval of the agreement provided for in subsections (a) and (b) of section 3 of this act or pending further disposition by Congress.

SEC. 5. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this act.

SEC. 6. This act may be cited as the "Niagara Redevelopment Act of 1953."

The joint statement referred to is as follows:

JOINT STATEMENT OF SENATOR LEHMAN AND REPRESENTATIVE FRANKLIN D. ROOSEVELT, JR.

We have today introduced, simultaneously in the Senate and in the House, a bill for the public development of the waters of the Niagara River under the terms of the Canadian-United States Treaty of 1950 and in the spirit of the Senate reservation to that treaty holding that the Niagara power potential made available under the treaty should be developed for the public use and benefit.

The bill we have introduced is very similar to the so-called Lehman-Roosevelt bills introduced in 1950 and again in 1951. Some changes have been made, a summary of which is attached. Our bill has been delayed in introduction this year because we have been working to improve some of these provisions.

We have asked the Committees on Public Works of the House and the Senate to include consideration of this bill in any hearings scheduled on the subject of power development at the Niagara.

The only other bill now pending before the committee is a measure which would authorize the turning over of the Niagara water power potential to private interests. It is inconceivable to us that the Congress would seriously contemplate giving away to private interests the precious resource of the Niagara River, the development of which under public auspices for the public benefit is so clearly indicated as part of our traditional national power policy. These waters were made available for power development by the exercise of the sovereign treatymaking powers of the United States Government. Under the terms of the treaty the Niagara development must have a double purpose: (a) to preserve and enhance the scenic beauties of Niagara Falls, and (b) to develop the hydroelectric potential of the waters made available under the treaty to promote the national security of both Canada and the United States.

In our judgment the turning over of these waters to private enterprise for development as a private power project would be tantamount to a violation of the spirit of the treaty. It would certainly violate the sense of the Senate in approving the treaty when it attached the reservation expressly forbidding the leasing of these waters to private enterprise and calling for congressional action to authorize this development for the public use and benefit.

We very much fear that there may be a concerted effort to ram the private development bill through the Congress without due consideration of the startling implications of such a proposal. It may well be that the power potential at the Niagara is the first prize being sought by national private power interests: That this proposal to turn the Niagara over to private enterprise is the bellweather of a great flock of proposals soon to be made to strip the Nation of all its power projects and power potential and turn them over to private interests. Statements by President Charles E. Wilson, of General Electric, and more recently by former President Herbert Hoover, point unmistakably in this direction.

Under the terms of the 1950 treaty the United States is entitled to use sufficient water to develop 8 billion additional kilowatt hours of electric power annually. Engineering surveys indicate that the additional waters made available justify power facilities with an installed capacity of 1,300,000 kilowatts on the United States side alone.

This great potential belongs to the people. It should be developed for the benefit of the Nation and especially for the benefit of the people of New York and of other States within economic transmission distance of the power site. It should be developed in such a way as to enhance the beauty of the Falls; to promote our national security and provide essential preferences for defense industries, governmental bodies and agencies, rural consumers and rural electrification co-ops.

Our bill carries out these purposes by providing for Federal construction of the Niagara project and for turning over this project to the State of New York under proper safeguards of the national and consumer interests, upon repayment to the Federal Government of the cost of construction.

In the 82d Congress there was a third proposal supported by the New York Power Authority, authorizing the construction of the project by New York State, but without safeguards of the national and consumer interests. We felt that this proposal was a disguised attempt to make the power available to private utilities, at the bus bar, thus robbing the public of the benefit of low-cost hydroelectric power development and the protection of the safeguards already referred to. Now, this year the disguise is thrown away. The New York Power Authority has discarded its pretense of advocating public development of the Niagara power and is lending its tacit support to the pure giveaway of this public resource to private interests.

We will oppose such a proposal to the last ditch. We expect to be joined in this opposition by all those in the Congress who are sensitive to the incredible implications of this plan.

Hundreds of thousands of dollars have been spent by the private utilities for propaganda designed to prove that the proposal to develop the hydroelectric potential at the Niagara under public auspices is creeping socialism. If our proposal is creeping socialism, so is the United States Postal System and so is our system of public highways. Incidentally, official figures show that the private power interests spent more for lobbying in Washington in 1952 than any other single special-interest group in America.

Our proposal attempts to meet the objections of those who fear to vest the control of all our power projects in the Federal Government. Our proposal would vest control of this project in the State of New York, surrounding that grant by proper safeguards. As a result, the private power interests, in this instance, have been forced to discard the disguise of States rights and are fighting the naked battle for private monopoly and usurpation of public resources.

CHANGES MADE IN PROPOSED BILL AS COMPARED TO PREVIOUS LEHMAN-ROOSEVELT BILL, 82D CONGRESS

1. Language to affirm the national defense interest in the proposed project.

2. Terms specifically to authorize the inclusion in the Federal-State agreement of provision for the preservation and enhancement of the scenic beauty of the falls, including the accessibility of the river shorelines.

3. Provision for preferences in the disposition of power, at cost, for all defense agencies, and, on fair and reasonable terms to other Federal agencies and to defense industries requiring the power to fulfill defense contracts.

4. Provision to insure that negotiations for the Federal-State agreement shall commence immediately upon the enactment of the act, rather than after the appropriation of the first funds, and dating the report which the President is called upon to make to the Congress on the status of the negotiations from the time the enactment of this act rather than from the time of the start of construction.

5. Provision to insure that even if negotiation and approval of the Federal-State agreement is not completed by the time the first power is available from the project, the project can be turned over to New York State by subsequent agreement and approval by Congress and the Legislature of New York, or the Congress may make other disposition.

6. Provision authorizing the making of payments to State and local authorities in lieu of taxes, on the model of TVA.

The analysis referred to is as follows:

ANALYSIS OF THE NIAGARA REDEVELOPMENT ACT OF 1953

Section 1: To fulfill the obligation of United States to preserve the beauty of Niagara Falls and beneficial use of water power, it is the policy of the United States to develop its share of Niagara power in the public interest by a public agency.

Section 2: Authorizes works of improvement (power and remedial works) under supervision of United States Engineers in accordance with plans previously approved. Remedial works must have approval of United States and Canada.

Section 3: (a) The President is directed to transfer power facilities to a public agency of New York State if—

1. An agreement between New York State and United States is reached and approved by State legislature and Congress of the United States; and

2. The State agency shall have obtained a Federal Power Commission license to operate the power facility at Niagara.

(b) The agreement shall include provisions for repayment to United States of all power costs; maintenance and operation in the public interests, including the interests of New York and other States within economic transmission distance; maintenance of the Falls, and—

1. No part of United States share of water used for power shall be diverted to any person or private company or leased or sold.

2. There shall be full recognition of interest of national security.

3. When contracting for the disposition of project power, preference shall be given to States, counties, and municipalities or their agents not organized for profit; defense and other Federal agencies.

4. Such transmission lines shall be constructed or acquired as are necessary to bring profit power in wholesale lots to ultimate consumers.

5. Power shall be sold for the benefit of the people as consumers, particularly rural and domestic, at lowest possible rates.

6. Contracts for power sold for resale shall specify that saving will be passed along to ultimate consumer.

7. If a power pool is created, coordinated operation of Niagara power facilities with the pool shall be arranged.

8. Settlement of disputes over distribution of power shall be by the Federal Power Commission.

9. A. To render financial assistance to States and counties, payments in lieu of taxes shall be made by agency of State of New York.

B. Method of apportioning payments in lieu of taxes to States, counties, etc.

(c) Eighteen months after enactment of act, President will transmit to Congress a report on status of negotiations between New York State and Federal Government on transfer of Niagara power project.

Section 4: If New York State has not or does not accept transfer of project upon completion, it will be maintained and operated

by an agency of the United States pending acceptance by New York State.

Section 5: Appropriations authorized.

Section 6: Title section.

TEMPORARY ECONOMIC CONTROLS—AMENDMENT

Mr. BYRD submitted an amendment intended to be proposed by him to the bill (S. 1081) to provide authority for temporary economic controls, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF UNIVERSAL MILITARY TRAINING AND SERVICE ACT, RELATING TO PAY OF PHYSICIANS AND DENTISTS—AMENDMENT

Mr. HUNT. Mr. President, in the past two Congresses, I have endeavored to associate myself with efforts taken by the Congress on behalf of giving to our service men and women the best possible medical attention.

I supported the original bill which authorized the payment to physicians and dentists of a special pay of $100 per month. During the last Congress, serving as a member of the Committee on Armed Services, I reported S. 3019, which extended until July 1, 1953, the authority for the payment of special pay to physicians and dentists.

I note that the expiration date of the extension authorized last year is approaching and that the current amendments to the doctors draft law do not contain any provisions extending the authority to qualify for this special pay.

Mr. President, I submit for appropriate reference an amendment intended to be proposed by me to the bill (S. 1531) to amend the Universal Military Training and Service Act, as amended, so as to provide for special registration, classification, and induction of certain medical, dental, and allied specialist categories, and for other purposes, or to H. R. 4495, the corresponding House bill. The amendment would extend until July 1, 1955, the authority contained in section 203 (a) of the Career Compensation Act of 1949, regarding the special pay to physicians and dentists serving with the Armed Forces. I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was received, referred to the Committee on Armed Services, ordered to be printed, and to be printed in the RECORD, as follows:

Insert at an appropriate place the following new section:

"SEC. —. Section 203 (a) of the Career Compensation Act of 1949, as amended, is further amended by deleting the date 'July 1, 1953', wherever it appears therein, and inserting in lieu thereof the date 'July 1, 1955'."

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. KENNEDY:

Statement by him relating to the 162d anniversary of the Constitution of Poland.

Correspondence between himself and the Secretary of the Treasury relating to the importation into the United States of South American wool tops.

Editorial entitled "Separating Subsidy Payments From Mail-Carrying Earnings," published April 15, 1953, in the Berkshire Eagle of Pittsfield, Mass.

By Mr. POTTER:

Address on Transportation Policies of the Eisenhower Administration, delivered on April 29, 1953, by Hon. Robert B. Murray, Jr., Under Secretary of Commerce for Transportation, to 41st annual meeting of the United States Chamber of Commerce, at Washington, D. C.

By Mr. STENNIS:

Address delivered by 2d Lt. H. K. Twitchell to officers of division faculty, Indiantown Gap Military Reservation, Pa.

By Mr. DOUGLAS:

Prize-winning speech entitled "The Constitution, Guardian of the People's Rights," delivered by Herbert Lassiter in the oratorical contest of the Illinois Department of the American Legion, in Peoria, Ill., on March 20, 1953.

By Mr. BRICKER:

Release prepared by the Subversive Activities Control Board with reference to the swearing in of Thomas J. Herbert as Chairman thereof.

By Mr. FREAR:

Editorial entitled "Today Is Not Mother's Day," published in the Index of April 28, 1953.

Editorial entitled "Operation Prayer," published in the Index of April 28, 1953.

By Mr. GEORGE:

Three articles by Crosby S. Noyes, published in the Washington Star of May 4, May 5, and May 6, 1953, entitled, respectively, "West Berlin in Grave Danger of Economic Strangulation," "Italy—Up by the Bootstraps, With Tug From United States Economy," and "Dollars Purchased a Toehold, Not Guns in Strategic Portugal."

By Mr. GILLETTE:

Article by Soterios Nicholson, entitled "The Youth Problem in America."

Article by Kilsoo K. Haan with reference to conference to negotiate Pacific-Asian pact urged by influential Chinese in the United States.

By Mr. JACKSON:

Editorial in the Spokesman-Review, Spokane, Wash., on the subject of the Libby Dam project, with a statement by the Army engineers on the status of the project.

By Mr. DANIEL:

Editorial from Washington Evening Star entitled "Congress and Tidelands."

By Mr. AIKEN:

Editorial entitled "The St. Lawrence's Critical Year," published in the New York Herald Tribune of April 30, 1953.

By Mr. WELKER:

Two articles by Bing Crosby, one entitled "Bing Crosby Tells About the Way to Peace," published in the Way; the other entitled "On Behalf of Clear Thinking," published in the Freedom Club News.

By Mr. WATKINS:

Article entitled "Benson Ends 100-Day Gantlet," written by Frank Hewlett, and published in the Salt Lake City Tribune of May 3, 1953.

By Mr. SCHOEPPEL:

Article entitled "Domination of Asia Old Policy of Russian Czars," written by Constantine Brown, and published in the Charlotte (N. C.) Observer of May 3, 1953.

By Mr. KEFAUVER:

Editorial in tribute to Paul M. Herzog, recently Chairman of the National Labor Relations Board, published in the Christian Science Monitor of May 5, 1953.

Letter by J. B. Worthy, of White Bluff, Tenn., regarding the future of the TVA, published in the Nashville Tennessean.

By Mr. LANGER:

Editorial entitled "Second Smith Act?" published in the Bangor (Maine) Daily News of January 12, 1953, relating to the bill introduced by Senator SMITH of Maine, to outlaw the Communist Party and similar organizations.

COMMODITY CREDIT CORPORATION'S STOCK POSITION ON FATS AND OILS AND DAIRY PRODUCTS

Mr. AIKEN. Mr. President, on March 17 I addressed a letter to Secretary of Agriculture Benson, requesting certain information regarding the stocks of fats and oils and dairy products which the Commodity Credit Corporation had on hand as of March 31 of this year.

Under date of May 1 I received a reply from Secretary Benson, together with some material in the form of memoranda and charts.

I believe the information is of sufficient importance to be read by as many people as possible, and therefore I ask unanimous consent that it be incorporated in the body of the RECORD at this point.

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

MARCH 17, 1953.

Hon. EZRA TAFT BENSON,
Secretary of Agriculture,
United States Department of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: The Senate Committee on Agriculture and Forestry would like to obtain a full picture of Commodity Credit Corporation holdings. The recent hearings held by this committee presented the general overall situation with respect to holdings at the time the new administration came into office. It is my understanding that the figures cited by Mr. Davis and Mr. Gordon at these hearings were those which were available to you from records acquired prior to your taking office.

I am writing to ask you for some supplemental information. I would appreciate your sending me a rather complete picture of the butter, cheese, and dried-milk holdings of the Commodity Credit Corporation as of March 31, when the old program expires and the new program begins.

Also, I would like a complete picture of the situation with respect to all types of fats and oils held by the Commodity Credit Corporation. Included with this, might well be a presentation of the facts with respect to cotton linters and cottonseed meal.

I would appreciate some analysis as to why current stocks are as large as they are.

In view of the strong probability that excessive carryovers of wheat and cotton will necessitate acreage allotments and marketing quotas next year, I would like to know if the Department of Agriculture has adequate records of farmer plantings during recent years upon which to base the necessary allotments and controls.

Sincerely yours,

GEORGE D. AIKEN,
Chairman.

DEPARTMENT OF AGRICULTURE,
Washington, May 1, 1953.

Hon. GEORGE D. AIKEN,
United States Senate.

DEAR SENATOR AIKEN: In reply to your letter of March 17, 1953, we are enclosing a statement and several tables giving the

March 31, 1953, Commodity Credit Corporation inventory position for cottonseed products, flaxseed, and linseed oil, olive oil, and dairy products, and some of the factors responsible for the present stocks.

The Department does not have adequate data upon which to base individual farm acreage allotments in the event it becomes necessary to proclaim acreage allotments and marketing quotas on wheat and cotton. In applying the statutory factors for the establishment of acreage allotments, it is necessary that the farm acreage history for the past few years be used. Acreage allotments have not been in effect on wheat since 1951 (suspended in January 1951), and acreage allotments and marketing quotas have not been in effect on cotton since 1950. This means that it will be necessary to bring farm history up to date. In the case of cotton, maximum use will be made of available data which have been maintained on acreage planted to cotton in 1951 and 1952.

There has been submitted to the Congress, for its consideration, a proposed supplemental estimate for funds required in formulating and administering acreage allotment and marketing-quota programs on the 1954 crops of wheat and cotton.

Sincerely yours,

E. T. BENSON,
Secretary.

DISCUSSION OF THE COMMODITY CREDIT CORPORATION'S STOCK POSITION FOR COTTONSEED PRODUCTS, FLAXSEED AND LINSEED OIL, OLIVE OIL, AND DAIRY PRODUCTS, UNDER THE PRICE-SUPPORT PROGRAM, AS OF MARCH 31, 1953, AND MAJOR FACTORS CONTRIBUTING TO IT

COTTONSEED OIL, MEAL, AND LINTERS

Commodity Credit Corporation stocks, including purchase commitments, of cottonseed oil, meal, and linters, as indicated in attached table 1, include some stocks of oil and linters carried over from the 1951 cottonseed price-support program. However, the great bulk of these stocks, including purchase commitments, were acquired under the 1952 cottonseed price-support program. Stocks of cottonseed meal held by CCC are entirely from the 1952 crop.

The price-support program for cottonseed: The principal method of supporting the price of cottonseed, considered to be a semiperishable commodity, of the 1951 and 1952 crops has been through a cottonseed products purchase program—although direct loans and purchase agreements for cottonseed have been available to producers. The cottonseed products purchase program provides for the purchase at specified prices, by CCC from participating oil mills, of each of the three products, cottonseed oil, meal, and linters. Participating mills must tender on a package basis, and quantities required to be tendered are the approximate average outturns of the products from a ton of cottonseed. Only products from cottonseed for which producers have been paid the support price are eligible for tender to CCC. The value of the package of cottonseed products from a ton of cottonseed, at acquirement prices for such products under the 1952 support program approximates $90.82, national average basis. Decisions to tender by participating mills are made on the basis of the value of the package both at current market prices and based upon their judgment of future prices, as compared with the package value at program-acquirement prices.

Cottonseed oil: At current market prices cottonseed oil represents slightly more than half the value of all cottonseed products from the outturn of a ton of cottonseed. In determining why CCC's current stocks, including purchase commitments, of cottonseed oil are so high, it seems desirable to review briefly the world edible fats and oils situation including the relationship of the cottonseed price-support program. Prior to World War II the United States was a net importer of edible fats and oils, but in the postwar period it has become the world's major exporter and supplier. Domestic consumption of edible fats and oils tends to remain at about 44 pounds per capita irrespective of price fluctuations. The last two crops, that is, the 1951 and 1952 crops of both cottonseed and soybeans have been supported at 90 percent of parity. Butterfat also has been supported at this level during the past 2 years. The price of lard has not been supported and lard has been selling at an abnormally low price in relation to other fats and oils; surplus lard thus has moved into export channels. Exports, however, have not absorbed the combined surplus production of soybean and cottonseed oils. Cottonseed under present conditions is in a relatively weak competitive position compared with soybeans at the 90 percent of parity support level; a detailed discussion of this point appears later in this text. As a result CCC in effect has been acquiring and holding in the form of butter and cottonseed oil of the United States surplus of edible fats and oils which has not moved into consumption channels at support levels.

World production of edible fats and oils reached an all-time high in the 1951–52 marketing year. This large production became evident and the full weight of it affected the market in 1952 with the price of cottonseed oil falling to a low in April. Consequently, tenderings of cottonseed products from the 1951 crop, mostly from mills in the West, were made relatively late in the 1951–52 cottonseed-crushing season. Approximately 136 million pounds of crude cottonseed oil from the 1951 crop were acquired by CCC (see table 1). The 1952–53 year opened with high world stocks of fats and oils and large prospective United States crops of cottonseed and soybeans. Thus, in spite of a decline in the production of olive oil in the Mediterranean basin, the general price level of edible oils through most of the 1952–53 crushing season has been such as to encourage the tendering of cottonseed products to CCC. The market price for linters remained fairly strong throughout the 1951 season. However, prices declined rapidly in the early part of the 1952 season and by January 1953 chemical grade linters were selling at prices which were about half of the acquirement price under the support program. During March 1953 tenderings to CCC continued heavy even though there was a rise in the market prices of cottonseed oil and linters. The acquisition of considerable quantities of oil in excess of that indicated as surplus to export and domestic needs during this marketing year was due in considerable part to crushers uncertainty as to the future movement of market prices for cottonseed products after March 30, the final tender date. Approximately 50 percent of the anticipated 1952–53 production of oil with comparable quantities of other cottonseed products, meal and linters, have been tendered to the CCC (see table 1). It is anticipated that considerable quantities of CCC's cottonseed oil stocks will be sold back to the trade by next October to fill normal domestic and export requirements. Sales of 1951 and 1952 crop oil have totaled about 18 million pounds to date, including quantities disposed of through the school-lunch program.

Cottonseed linters: At current market prices linters constitute about 12 percent of the cottonseed products value. This is about the same percentage as prevailed during the 10-year period, 1941–50. However, during the 2 years 1949–50 linters constituted over 18 percent of the cottonseed products value. The price of linters relative to the average price in recent years, has declined by one-third. While the acquisition of large stocks of linters by CCC has kept the price of linters at higher levels than would otherwise have resulted, this price weakness has been an important factor in the tendering of large amounts of cottonseed products under the support program. Sales of 1951 and 1952 crop linters have totaled about 117,000 bales to date.

Cottonseed meal: At current market prices meal constitutes about 34 percent of the cottonseed product value. The market price of meal remained relatively high throughout 1952. Since OPS price ceilings were remanded March 17, 1953, prices have weakened substantially. All of the 1951 crop acquisitions of cottonseed meal under the support program have been disposed of. 1952 crop acquisitions through March 21 total about 650,000 short tons, 403,000 of which have been sold. Further deliveries to CCC will be about 500,000 tons. CCC recently reduced its selling price to a competitive level with other meals and is offering its stock for export. Because of probable difficulties in long-term storage of meal every practical effort will be made to dispose of CCC's entire stock as it is delivered to CCC. Cottonseed cake will store better than meal, accordingly efforts will also be made to obtain deliveries of cake to CCC in place of meal.

Factors bearing on prices for cottonseed and soybeans: CCC has acquired the products of about 50 percent of the 1952 cottonseed crop. This compares with a total of loans and purchase agreements—not acquisitions—of 1952 crop soybeans of only about 14 million bushels, or less than 5 percent of the crop. With the strengthening in the current market price of edible oils it is unlikely that CCC will acquire much, if any, of the 14 million bushels.

Major reasons for this contrast in price-support activity for the two commodities, cottonseed, and soybeans, both supported at 90 percent of parity are believed to be—

(1) The higher-than-average price prevailing for oil meals during the past season, coupled with the fact that the average unit outturn of meal from soybeans is almost twice that for cottonseed.

(2) A higher proportion of soybean meal, relative to cottonseed meal, which has been used in mixed feeds, coupled with the strong demand for mixed feeds during the past season.

(3) The price strengthening effect on soybeans attributable to their excellent storability, and to the relative availability of both farm and public storage.

(4) The strengthening effects on the price of soybeans due to (a) a continuing strong foreign demand for beans and (b) a highly competitive domestic bean market.

(5) A weakness of linter prices in relation to those for recent years. Linters, a product of cottonseed, does not have a corresponding counterpart produced from soybeans.

FLAXSEED AND LINSEED OIL

CCC stocks of linseed oil as of March 31, 1953, as shown in attached table 2, approximate 489 million pounds of which 300 million pounds is held for the account of the Secretary of Agriculture as stockpile pursuant to section 304 of the Defense Production Act of 1950. In addition, 5.4 million bushels of flaxseed from the 1952 crop (equivalent to about 108 million pounds of linseed oil) have been placed under price support. In view of both present and prospective prices for linseed oil and meal and the large 1953 crop in prospect based upon farmers' intentions to plant, it seem likely that CCC may acquire substantial quantities of the flaxseed now under price support. Thus, additional acquisitions by CCC of linseed oil are in prospect.

How stocks were acquired: Linseed oil stocks now held by CCC were acquired under the price-support programs of 1948 and 1949. A high support level for flaxseed was in effect for the 1947 and 1948 crops as an inducement to farmers to produce needed requirements of linseed oil. Purpose of the sup-

port program was to free the United States from dependence on uncertain foreign supplies of linseed oil which is a basic industrial oil in the United States economy. The major world supplier at that time was IAPI, the Argentine Government export monopoly. Greatly increased plantings combined with a high yield resulted in a large crop in 1948 and a sizable surplus accrued to CCC under the support program. In 1949 the support price was dropped to 90 percent of the parity price. Although this represented a reduction of about $2 per bushel of flaxseed, nevertheless favorable conditions resulted in another bumper crop and a further buildup of CCC stocks.

All of the flaxseed acquired was crushed by 1951; the linseed meal subsequently was disposed of with the bulk of the linseed oil remaining in inventory. The flaxseed was crushed because (1) linseed oil is cheaper to store than flaxseed, and in general it keeps better, (2) the resultant linseed meal could be made available for feed, and (3) valuable elevator space needed for the storage of bumper crops of grain thus was released.

Disposal problems: On June 21, 1951, 300 million pounds of CCC's inventory of linseed oil were transferred to the account of the Secretary of Agriculture as stockpile pursuant to section 304 of the Defense Production Act of 1950. Through March 31, 1953, CCC has sold for other purposes only 99 million pounds of total quantities acquired.

Principal difficulties involved are discussed as follows:

1. Domestic demand: The domestic demand for drying oils, of which linseed is by far the most important, has been steadily declining since the period of temporary shortage during World War II which provided a strong incentive for the production of synthetic substitutes, a trend which has continued to the present time. In the 1951 marketing year domestic production of flaxseed was slightly greater than domestic disappearance including use for seed, and this situation has continued through the 1952 marketing year when the new crop was somewhat smaller.

2. Foreign demand: The foreign market for linsed oil historically has never depended on United States linseed oil production. Prior to World War II the United States was a net importer of flaxseed and linseed oil, importing about 50 percent of its requirements. During World War II, and for a period afterwards, the price support program assisted the United States in becoming self-sufficient. In June 1949 the duty on flaxseed and linseed oil was increased, and in 1951, under the Defense Production Act of 1950, imports of both linseed oil and flaxseed were embargoed. The support level for the 1950 crop of flaxseed was reduced to 60 percent of the parity price, and this level was continued for the 1951 crop. The level of support was increased to 80 percent of the parity price for the 1952 crop of flaxseed and maintained at this level for the 1953 crop.

While the 1951–52 crop surplus above domestic requirements was exported, largely as flaxseed through commercial channels, CCC during 1952 sold only about 24 million pounds of linseed oil, in spite of an abnormally small flaxseed crop in Argentina last year. Experience has shown that Europe, a major importer of flaxseed and linseed oil, obtains her requirements from other sources, and turns to the United States for supplies only as a last resort to fill essential needs. This is attributable to many factors, including a continuing shortage of dollar exchange, relative prices, and a tendency to trade with historic suppliers through long-established trade channels.

OLIVE OIL

Stocks of olive oil held by CCC on March 31, 1953, consist entirely of acquisitions under the 1951 support program. These stocks, as shown in table 2, amount to about 331,000 gallons, equivalent to about 2.5 million pounds.

Under the 1952 program, price support loans have been made on about 106,000 gallons of olive oil, as of March 31, 1953. Under the provisions of the 1952 support program, stocks covering unredeemed loans and deliveries under purchase agreements, would be acquired by CCC on January 1, 1954.

The level of price support was $2.50 per gallon of olive oil under both the 1951 and the 1952 programs.

How stocks were acquired: The quantity of olive oil acquired largely may be attributable to two factors, (1) a domestic production of all olives substantially in excess of the requirements of the domestic canning industry, for pickling and canning olives, and (2) a low price for olive oil imported from the Mediterranean countries, as a result of their record 1951 crop production. During the latter part of the season the market price was depressed below the support price of $2.50 per gallon.

Outlook for disposal: Production of olive oil in Mediterranean countries in 1952 is estimated at only 43 percent of their previous years' production. If prices remain at or above present levels it is expected that remaining stocks now held by CCC representing a small part of total domestic requirements, will be disposed of without serious difficulty or substantial loss. Under such conditions it is considered unlikely that any large quantity of olive oil will be acquired by CCC under the 1952 support program.

BUTTER, CHEDDAR CHEESE, AND NONFAT DRY MILK SOLIDS

CCC stocks on March 31, 1953, include 122 million pounds of butter, 74 million pounds of American Cheddar cheese, and 169 million pounds of nonfat dry milk solids. A year ago CCC inventories of these commodities, included only 25 million pounds of nonfat dry milk solids.

The price support program for dairy products: The Agricultural Act of 1949 requires the Secretary of Agriculture to support prices of whole milk, butterfat, and their products at such level between 75 and 90 percent of parity as he determines necessary to assure an adequate supply. The act prescribes that such supports shall be carried out through loans on, or purchases of, the products of milk and butterfat.

Pursuant to this requirement, during the marketing year April 1952 through March 1953, prices were supported at $3.85 per hundred pounds of manufacturing milk of 3.95 percent butterfat (yearly average test) and 69.2 cents per pound of butterfat. These prices were equal to 90 percent of the parity equivalent price of manufacturing milk and to 90 percent of the parity price for butterfat, estimated as of the beginning of the marketing year. Support was carried out through offers to purchase carlot quantities of bulk dairy products produced in the United States at the following prices:

	Cents per pound
Butter:	
U. S. Grade A or higher	67.75
U. S. Grade B	65.75
Cheddar cheese, U. S. Grade A or higher, standard moisture basis	38.25
Nonfat dry milk solids, Extra Grade:	
Spray process	17.00
Roller process	15.00

How stocks were acquired: Price-support purchases of dairy products during the 1951–52 marketing year were light, and CCC began the 1952 marketing year on April 1, 1952, with only 25 million pounds of nonfat dry milk solids, and no butter or cheese. The demand for milk and dairy products generally continued relatively strong during the 1952–53 marketing year. Consumption of butter continued the decline of the past several years, but this was offset by increases in the consumption of milk and other dairy products. This demand, coupled with lower production resulting from summer drought conditions, kept prices of dairy products firm during most of 1952. Up to late November CCC purchased no butter, 1.1 million pounds of Cheddar cheese, and 40.5 million pounds of nonfat dry milk solids under the support program. The cheese, purchased in late spring and early summer, was sold back into domestic markets by early fall.

In late 1952 and early 1953 the dairy situation changed quite drastically. Mild winter weather, coupled with improved roughage, a heavy rate of concentrate feeding, and increased cow numbers, resulted in a much smaller than usual seasonal decline in milk production. On an annual rate basis, milk output increased from a level of 110 to 115 billion pounds in the July-September quarter of 1952 to more than 122 billion pounds in the January-March quarter of 1953.

Despite the relatively strong demand for milk and dairy products, the sharp increase in supplies in late 1952 depressed dairy prices to support-purchase levels. CCC made the first purchase of butter under the 1952–53 support program on November 28, and this was followed by increasing purchases of butter, cheese, and nonfat dry milk solids during the next several months. CCC's total purchases, disposition, and stock position of dairy products during the 1952–53 marketing year are as follows:

CCC purchases, sales, and stock position

[In million pounds]

	Butter	Cheese	Nonfat dry milk solids
Stocks Apr. 1, 1952	0	0	25.1
Support program purchases	143.4	75.3	212.1
Sales:			
Domestic trade	0	1.1	10.0
U. S. Army	0	0	5.0
Negotiated exports	0	0	42.4
Sec. 32	20.9	0	10.5
Total sales	20.9	1.1	67.9
Stocks Mar. 31, 1953	122.5	74.2	169.3

With milk production 7 to 8 percent higher than a year earlier, and consumer demand relatively stable, the increased milk beginning in late 1952 was channeled into those products which were being purchased under the support program. Production of butter and cheese increased to a level one-third higher, and nonfat dry-milk solids two-thirds higher, than a year earlier. The resulting large quantities of these products purchased under the price-support program represented the surplus of the entire dairy industry. Total support purchases for the 1952–53 marketing year were the equivalent of about 3 percent of milk production for the year.

Production of milk and dairy products during the remainder of 1953 is expected to continue above a year earlier, although somewhat below recent levels. Milk production for the calendar year 1953 may approximate 118 billion pounds, compared with 115.1 billion pounds in the calendar year 1952. With this level of production, it is expected that support purchases of dairy products will continue at least through the spring and early summer months of seasonally heavy production.

During the past year import controls have been imposed on a number of dairy products under authority of section 104 of the Defense Production Act of 1950. These controls have been tightened during recent months as the dairy situation deteriorated and price-support purchases increased. It appears that controls must be continued long as CCC has in inventory, and is

continuing to acquire, large supplies of commodities under a price-support program.

A continuation of the support program for milk and butterfat at 90 percent of their parity prices for the marketing year beginning April 1, 1953, recently was announced, with the understanding and expectation that the dairy industry would immediately consider and develop a more satisfactory solution to the dairy problem. More than 75 representatives of all segments of the dairy industry recently met with us to begin work on this program. If the dairy industry would join in a united effort to increase consumption of milk and dairy products, it is believed that CCC's holdings could be reduced to more manageable proportions during the coming year. We are working with the dairy industry in the hope that this can be achieved.

TABLE 1.—*Cottonseed price support programs for 1951 and 1952: Commodity Credit Corporation acquisitions of cottonseed products compared with sales and stocks as of Mar. 31, 1953*

Commodity	Unit	Total deliveries under 1951 program (1)	Deliveries and purchase commitments under 1952 program [1] (2)	Total deliveries and purchase commitments under 1951 and 1952 programs (1)+(2) (3)	Sales through Mar. 31, 1953 [2] (4)	CCC stocks including purchase commitments as of Mar. 31, 1953 [1] (3)−(4) (5)
Cottonseed oil (crude basis)	Million pounds	136	875	1,011	18	993
Cottonseed meal	Tons	187,454	1,194,757	1,382,211	590,689	791,522
Linters	Bales, 600 pounds net weight.	134,690	837,500	972,190	116,715	855,475

[1] Notice of tender was required by Mar. 30, 1953. Actual delivery to CCC can be made through Sept. 15, 1953.
[2] Includes sales of both 1951 and 1952 crops, as applicable.

TABLE 2.—*Stocks of selected commodities held by the Commodity Credit Corporation under the price-support program as of Mar. 31, 1953* [1]

Commodity	Unit	Stocks, including purchase commitments, as of Mar. 31, 1953 [1]
Cottonseed oil	Million pounds	[1] 993
Olive oil	1,000 gallons	331
Linseed oil	Million pounds	[2] 489
Cottonseed meal	1,000 tons	[1] 792
Linters	1,000 bales, 600 pounds, net weight.	[1] 855
Butter	Million pounds	122
American cheese	do	74
Nonfat dry milk solids	do	169

[1] Includes purchase commitments of cottonseed oil, cottonseed meal, and linters under the 1952 cottonseed products price support program, for which delivery to CCC can be made through Sept. 15, 1953. Notice of tender was required by Mar. 30, 1953.
[2] Includes 300 million pounds held for the account of the Secretary of Agriculture as stockpile pursuant to sec. 304 of the Defense Production Act of 1950.

NOTE.—Data are operating figures, and are not susceptible to comparison with inventories appearing in the official financial reports of the Commodity Credit Corporation.

Edible fats and oils: Supply and disposition, 1951–52, and estimated, 1952–53

[In millions of pounds fat]

Marketing year beginning Oct. 1	Beginning stocks	Production	Imports	Total supply	Domestic disappearance	Exports	Total disappearance	Ending stocks	CCC stocks Mar. 31
1951:									
Butter (fat content)	91	1,132	[1]	1,223	1,133	1	1,134	89	0
Lard	57	2,951	6	3,014	2,183	688	2,871	143	0
Cottonseed oil	193	1,722		1,915	1,400	123	1,523	392	[3] 26.8
Soybean oil	171	[2] 2,608		2,779	2,151	[2] 434	2,585	194	0
Olive oil	20	4	39	63	57	[1]	57	6	0
All others	35	517		552	457	62	519	33	0
Total	567	8,934	45	9,546	7,381	1,308	8,689	857	
1952 (estimated):									
Butter (fat content)	89	1,260		1,349	1,148	1	1,149	200	[4] 122
Lard	143	2,625		2,768	2,113	575	2,688	80	0
Cottonseed oil	392	1,760		2,152	1,257	75	1,332	820	[5] 993
Soybean oil	194	[2] 2,900		3,094	2,524	[2] 445	2,969	125	0
Olive oil	6	5	50	61	56		56	5	2.5
All others	33	435		468	402	36	438	30	0
Total	857	8,985	50	9,892	7,500	1,132	8,632	1,260	

[1] Negligible.
[2] Includes oil equivalent of soybeans exported.
[3] Official inventory; total deliveries under the 1951 cottonseed products price support program were 136 million pounds, crude basis.
[4] Product weight.
[5] Includes purchase commitments under the 1952 cottonseed products price support program for which delivery to CCC can be made through Sept. 15, 1953. Notice of tender was requested by Mar. 30, 1953.

Oilseeds and meals: United States supply and disposition, 1951–52, and estimated, 1952–53

Commodity and date	Marketing year beginning—	Unit	Beginning stocks (1)	Production (2)	Imports (3)	Total supply (4)	Domestic disappearance (5)	Exports (6)	Total disappearance (7)	Ending stocks (8)	CCC stocks Mar. 31 (9)
1951:											
Cottonseed	Aug. 1	Thousand tons	66	6,286	0	6,352	6,204	11	6,215	137	0
Soybeans	Oct. 1	Million bushels	4.2	282.5	0	286.7	266.0	17.1	283.1	3.6	0.02
Meals:											
Cottonseed	Aug. 1	Thousand tons	72	2,543	147	2,762	2,673	44	2,717	45	[1] 187
Soybean	Oct. 1	do	36	5,702	24	5,762	5,668	42	5,710	52	0
Linseed	July 1	do	39	547	5	591	540	22	562	29	0
1952 (estimated):											
Cottonseed	Aug. 1	Thousand tons	137	6,108	0	6,245	6,137	8	6,145	100	0
Soybeans	Oct. 1	Million bushels	3.6	291.7	0	295.3	261.3	30	291.3	4.0	0
Meals:											
Cottonseed	Aug. 1	Thousand tons	45	2,550	175	2,770	2,630	25	2,655	115	[2] 787
Soybean	Oct. 1	do	52	5,750	40	5,842	5,730	40	5,770	72	0
Linseed	July 1	do	29	500	40	569	530	5	535	34	0

[1] Includes total deliveries under the 1951 cottonseed price support program. See table 1.
[2] Includes deliveries and purchase commitments under the 1952 cottonseed price support program. See table 1.

Cotton linters: United States supply and disposition, 1951–52, and estimated, 1952–53

[In thousands of running bales]

Marketing year beginning Aug. 1	Beginning stocks (1)	Production (2)	Imports (3)	Total supply (4)	Total disappearance (5)	Exports (6)	Total disappearance (7)	Ending stocks (8)
1951	264	1,752	114	2,130	1,424	233	1,657	473
1952 (estimated)	473	1,700	150	2,323	1,250	100	1,350	973

Flaxseed and linseed oil: United States supply and disposition, marketing year beginning July 1, 1951–52, and estimated, 1952–53

Commodity and year	Unit	Beginning stocks (1)	Production: Crop (2)	Production: Crush (3)	Imports (4)	Total supply (5)	Domestic disappearance (6)	Exports (7)	Total disappearance (8)	Ending stocks (9)	CCC stocks Mar. 31 [1] (10)
1951:											
Flaxseed	Million bushels	12.3	34.7			47.0	31.3	4.2	35.5	11.5	.17
Linseed oil	Million pounds	678.8		609.2		1,288.0	585.2	28.2	613.2	674.6	[1] 511.9
Total equivalents: [4]											
Flaxseed	Million bushels	46.0	34.7	30.2		[2] 80.7	[3] 30.2	5.6	35.8	44.9	25.6
Linseed oil	Million pounds	927.8	699.9	609.2		[2] 1,627.7	[3] 609.2	112.9	722.1	905.6	[1] 511.9
1952:											
Flaxseed	Million bushels	11.5	31.0			42.5	29.8	1.0	30.8	11.7	0
Linseed oil	Million pounds	674.6		540.0		1,214.6	575.0	10.0	585.0	629.6	[1] 488.6
Total equivalents: [4]											
Flaxseed	Million bushels	44.9	31.0	27.0		[2] 75.9	[3] 31.5	1.5	33.0	43.2	24.4
Linseed oil	Million pounds	905.6	620.0	540.0		[2] 1,525.6	[3] 630.0	30.0	660.0	865.6	[1] 488.6

[1] Includes 300 million pounds linseed oil held for the account of the Secretary of Agriculture as stockpile pursuant to sec. 304 of the Defense Production Act of 1950.
[2] Beginning stocks plus flaxseed crop.
[3] Disappearance as oil adjusted for seed and other disappearance.
[4] Based on oil outturn of 20.17 for 1951–52, and estimated 20.0 pounds for 1952–53, per bushel of seed.

Butter, American cheese, and nonfat dry milk solids: United States supply and disposition, 1951–52, and estimated, 1952–53

[In millions of pounds]

Marketing year beginning Apr. 1	Beginning stocks (1)	Production (2)	Imports (3)	Total supply (4)	Domestic disappearance (5)	Exports (6)	Total disappearance (7)	Ending stocks (8)	CCC stocks, Apr. 1 (9)
1951:									
Butter	33	1,440		1,473	1,459	7	1,466	7	0
American cheese	131	860	8	999	816	49	865	134	0
Nonfat dry milk solids	59	727	1	787	583	127	710	77	25
1952 (estimated):									
Butter	7	1,510		1,517	1,391	1	1,392	125	122
American cheese	134	915	9	1,058	870	3	873	185	74
Nonfat dry milk solids	77	912		989	697	52	749	240	169

THE NATIONAL GALLERY OF ART

Mr. MARTIN. Mr. President, the 1952 report of the A. W. Mellon Educational and Charitable Trust has just been issued. One of the very fine things which has been done for our country was the establishment by Mr. A. W. Mellon, who was Secretary of the Treasury longer than any other man in the history of our Nation, of the National Gallery of Art. So I think it will be of particular interest to have printed in the body of the RECORD the portion of the report dealing with the National Gallery of Art. The chairman of the board administering the trust is Paul Mellon, the distinguished son of the late Secretary of the Treasury.

Therefore, Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD, as a part of my remarks, the portion of the report relating to the National Gallery of Art.

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

NATIONAL GALLERY OF ART

One of the principal objects of the philanthropy of the donor and the first major project of the trust was the National Gallery of Art in Washington, D. C. Contributions to the National Gallery by the trust amounted to $72,518,532 through 1951.

An endowment fund of $5 million, given in 1942, was earmarked for the special needs of the gallery over and above those provided for by congressional appropriations. By 1952 the great increase in the size of the gallery collections and its facilities to house these collections made it apparent that additional endowment would be necessary to maintain the high standards and quality of the institution. As a result of discussions held with the gallery trustees and officers over several years, the trustees decided to provide the gallery with a larger endowment fund. This was accomplished during 1952 by the transfer of securities which at date of gift had a market value of $5,426,750.

At the time the building was dedicated on March 17, 1941, only about one-half of the space allotted to exhibition galleries was finished, and it was not anticipated that the remaining galleries would be required for many years. Other major art collections were contributed to the gallery in rapid succession, however, and $792,000 was provided by the trust in 1949 and 1950 in order to finish additional galleries to exhibit these new collections. Subsequently, officers of the gallery estimated that $1 million would be required to complete the remaining unfinished space in future years; accordingly, the trust made an additional grant of $1 million to the gallery during 1952 for the purpose of completing all remaining unfinished galleries and other areas.

The trust also contributed $103,600 to the Gallery for urgent miscellaneous purposes during the past year, which added to grants made in previous years for similar purposes, brings the total of such contributions to $772,700. These grants have been for emergency construction, paintings valued in 1947 at $71,100, the authentication and preservation of works of art, publications, and general purposes.

These grants of $6,530,350 during 1952 bring the total contributions from the trust to the National Gallery of Art since its establishment to $79,048,882. They are summarized as follows:

Works of art	$50,000,000
Building, galleries, landscaping	17,849,432
Endowment fund	10,426,750
Miscellaneous	772,700
Total	79,048,882

RESIGNATION OF PAUL M. HERZOG AS CHAIRMAN OF THE NATIONAL LABOR RELATIONS BOARD

Mr. MURRAY. Mr. President, by the resignation of the Honorable Paul M. Herzog as Chairman of the National Labor Relations Board, our country has

lost a distinguished and outstanding public servant.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, in connection with my remarks, two editorials, one appearing in the New York Times of Saturday, May 2, 1953, and the other appearing in the Washington Post of May 7, 1953, both relating to the resignation of Mr. Herzog.

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

[From the New York Times of May 2, 1953]

PAUL HERZOG RESIGNS

Paul M. Herzog, whose resignation as Chairman and member of the National Labor Relations Board has been accepted by President Eisenhower, has always taken the position that the Board is the administrator and trustee of congressional policies, not the advocate of any particular labor policy of its own. As the "swing" man on the five-member board he has had marked success in the difficult task of maintaining a fair balance between differing points of view. His 20 years in public service, which have included 7 years on the New York State Labor Relations Board, and 8 years on the Federal Board, have been characterized by a high degree of competence and integrity. He deserves commendation for a task well done.

[From the Washington Post of May 7, 1953]

MR. HERZOG'S RESIGNATION

In the 8 years that he has served as Chairman of the National Labor Relations Board, Paul M. Herzog has been a frequent target of criticism but he has won and held widespread respect. Avoiding any tag as a conservative or a crusader, he has exhibited in high degree the attitude of a public servant dedicated to the public interest. He has well understood the quasi-judicial nature of his office, as indicated by his recent testimony before the Senate Committee on Labor and Public Welfare. "We appear here," he said, "in the capacity of Congress' trustees for the administration of the Labor Management Relations Act, ready to give a periodic accounting of the Board's trusteeship." His sense of obligation to carry out the policy enacted by Congress, instead of initiating policies of his own, has notably enhanced the standing of the NLRB.

Within the Board Mr. Herzog has been known especially for his attention to administrative details. His persistent drive, his personal industry and skillful management have been large factors in reducing the Board's backlog of cases and in bringing its operations to the highest point of efficiency reached in its 18 years of existence. These are real achivements. Between now and June 30, when Mr. Herzog's resignation becomes effective, we may reasonably assume that there will be much repetition of President Eisenhower's thanks to the NLRB Chairman for his "fine public service." Certainly Mr. Herzog has given the President a high mark to shoot at in selecting the new Chairman.

GIFTS FOR CITIZENS

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD, at this point, an unconscionable letter which I have just received, with the contents of which I wholly disagree, but which I think should be read and placed in the RECORD.

The letter reads as follows:

MAY 2, 1953.

DEAR SENATOR DOUGLAS: I understand that in pursuit of efficiency, economy, integrity, private enterprise, and Americanism, and in a valiant effort to stem the Socialist tide in our country, the Congress is distributing the Federal assets to deserving citizens of the Republic; and I wish you would keep me in mind for my share of those assets. Specifically, I would like to get some oil—I believe my share is about 100 barrels (just have the oil shipped to me by freight or truck)—and a hydroelectric plant and a national park, or, if that is impractical, a national forest, with a reasonable amount of grazing land.

As to the national parks, I do not want a large national park, but only one of modest proportions. My preference would be for Yosemite, Crater Lake, or the Glacier Park. I would not care too much for a park as large as Yellowstone or Grand Canyon, because I doubt if my income would enable me to develop and maintain it, unless you could get me a fairly hydroelectric plant. I would not care too much for a cave park, for I like to be above ground as much as possible, for the benefit of the sunshine on my rheumatism.

If others should beat me to the national parks, I would not complain if I could get a nice national forest—Dixie National Forest in Utah, or the San Juan National Forest in Colorado, or the Kaibab Forest in Arizona—a forest with plenty of trees to cut, some deer and bears to kill, and a good fishing stream. In any case, I should have a few thousand acres of grazing lands near so I could keep a few cows and sheep and goats. Does the Government give away any cows and sheep and goats?

If the Congress decides to distribute Federal buildings, I wish you would try to get the White House for me. I would even to able and glad, if necessary, to pay the same proportion of value that the corporations pay when they buy Federal plants. I would really prefer the White House to the Capitol or the Pentagon, for my wants are simple, being just a farm boy trying to get ahead. My wife could rent out a few rooms for a modest revenue. I really need the White House very badly, but if you can't get it for me, please try to get me an embassy or a good post-office building. I would get by with that, but not very comfortably.

If only the basement remnants of Federal assets are given to Democrats, could you perhaps get me a harbor or a navigable river or a lighthouse, or perhaps a battle cruiser or an airplane carrier? An airplane carrier would be useful for summer vacations. I would not care for a big airplane because I couldn't drive it very well, and I suppose it would be needed in the war.

It is a delicate matter to mention, to a man of your well-known punctiliousness regarding senatorial proprieties, but I will of course be glad to pay—

Then there appear some statements regarding 5 percent and 10 percent which I think for the sake of decorum should not appear in the RECORD.

I read further from the letter:

Now, Senator DOUGLAS, I am really anxious to get a little chunk of Federal property, and am even more anxious to do my full part in stemming the tide of socialism in America. I hope you will be able to help me for the sake of the country and freedom and democracy and private ownership and initiative.

Very sincerely yours.

Mr. President, I am suppressing the name of the writer of the letter, but it is an authentic letter which I have received. I wish to make clear that I disagree with the sentiments expressed in it.

PROPOSED PEACE TERMS FOR KOREA

Mr. FLANDERS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a memorandum which I have prepared dealing with peace terms for Korea. It is a memorandum which I prepared for a high official in the administration, and I should like to have it printed in the RECORD at this point.

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

MAY 7, 1953.

PEACE TERMS FOR KOREA

The following peace terms are suggested to be unilaterally offered the combatants in the present conflict in Korea:

1. Set up a neutral zone along the Yalu River covering also the Siberian frontier. This offers assurance that so long as neutrality is maintained there will be no military action against the Manchurian border. Conversely there can be none against Korea. This meets the only interest in the Korean conflict which the government of Communist China has admitted.

2. Set up a commission composed entirely of Asiatic nationals to inspect and administer neutrality in this zone. This does two things. First, it removes from consideration the idea that we are seeking military advantage in the Korean peninsula. Second, it puts a serious responsibility for the maintenance of peace on the Asiatics themselves.

3. Proceed with the political unification of North and South Korea. The political jurisdiction of the government should extend to the Yalu but military operations would be forbidden within the neutral zone.

4. Rebuild in usable form, though not elaborately, the housing, transportation, and industry of the united country. The two halves belong together—the industrial north cannot exist without other sources of food. The agricultural south needs manufactures from the outside. Together they will support each other in a standard of living that is high for Asiatic nations.

5. After political integration and economic reconstruction, carry out the original United Nations purpose of free elections throughout the entire peninsula to determine the form of government under which the Korean people desire to live.

Some of the advantages of this plan are mentioned in the above five points. In addition, it has the characteristic of being to the greatest possible advantage of the peoples concerned, whether they are soldiers in the two armies, civilians of North Korea, or civilians of South Korea. It would be difficult to change the terms except to the disadvantage of people.

The maximum advantage to people should be the cornerstone of a new diplomacy adapted to the world in which we live.

EXECUTIVE SESSION

Mr. TAFT. Mr. President, I move that the Senate proceed to the consideration of executive business, and that nominations on the Executive Calendar, beginning with new reports, be considered.

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

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting

several nominations, which was referred to the Committee on Armed Services.

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

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. MILLIKIN, from the Committee on Finance:

Carroll L. Meins, of Massachusetts, to be collector of customs for collection district No. 4, with headquarters at Boston, Mass.;

Albert Cole, of Massachusetts, to be comptroller of customs, with headquarters at Boston, Mass.; and

Catherine B. Cleary, of Wisconsin, to be Assistant Treasurer of the United States.

The PRESIDENT pro tempore. The clerk will proceed to state the nominations on the Executive Calendar, beginning with the new reports.

THE ARMY

The legislative clerk proceeded to read sundry new reports nominations in the Army.

Mr. TAFT. Mr. President, I ask unanimous consent that the new reports nominations in the Army be confirmed en bloc.

Mr. WILLIAMS. Mr. President, do these nominations include the first one on the list?

Mr. TAFT. The nominations to which I refer begin with that of Maj. Gen. John Francis O'Ryan—in other words, the new reports.

The PRESIDENT pro tempore. Without objection, the nominations in the Army, beginning with the new reports, are confirmed en bloc.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. TAFT. Mr. President, I ask unanimous consent that the nominations in the Navy be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Navy are confirmed en bloc.

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. TAFT. I ask unanimous consent that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the Marine Corps nominations are confirmed en bloc.

UNITED STATES DISTRICT JUDGE

The legislative clerk read the nomination of Walter Bruchhausen to be United States district judge for the eastern district of New York.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEYS

The legislative clerk read the nomination of Sherman F. Furey, Jr., to be United States attorney for the district of Idaho.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John O. Henderson, to be United States attorney for the western district of New York.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of A. Pratt Kesler to be United States attorney for the district of Utah.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

UNITED STATES MARSHAL

The legislative clerk read the nomination of George W. Beach to be United States marshal for the district of New Mexico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

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

The PRESIDENT pro tempore. Without objection, the President will be notified immediately.

NOMINATIONS LYING ON THE TABLE

The PRESIDENT pro tempore. The Chair has a group of executive nominations concerning which request has been made that they lie on the table and not be printed, because of the expense involved.

Mr. TAFT. Mr. President, since the chairman of the Committee on Armed Services is not present, I prefer to let those nominations remain on the table. May they continue to lie on the table?

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had passed the bill (S. 1739) to provide for continuation of authority for regulation of exports, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 4465) to amend the Export-Import Bank Act of 1945, as amended, in which it requested the concurrence of the Senate.

LEGISLATIVE SESSION

Mr. TAFT. Mr. President, I move that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

CALL OF THE ROLL

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

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

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

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

Mr. TAFT. I announce that the Senator from Nebraska [Mr. BUTLER] is necessarily absent.

The Senator from Indiana [Mr. CAPEHART], the Senator from Indiana [Mr. JENNER], and the Senator from Massachusetts [Mr. SALTONSTALL] are absent on official business.

The Senator from New York [Mr. IVES] and the Senator from Oregon [Mr. MORSE] are absent by leave of the Senate.

Mr. CLEMENTS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senators from Florida [Mr. HOLLAND and Mr. SMATHERS], the Senator from Texas [Mr. JOHNSON], the Senator from New York [Mr. LEHMAN], and the Senator from Oklahoma [Mr. MONRONEY] are absent by leave of the Senate.

The PRESIDING OFFICER (Mr. BUTLER of Maryland in the chair). A quorum is present.

INCREASE IN LIMIT OF EXPENDITURES FOR COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHOEPPEL. Mr. President, if the morning business is concluded, I should like to say that pursuant to the announcement which was made on yesterday, the next order of business will be Calendar No. 159, Senate Resolution 106, increasing the limit of expenditures under Senate Resolution 333, 82d Congress, for the Committee on Rules and Administration.

Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 106.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 106) increasing the limit of expenditures under Senate Resolution 333, 82d Congress, for the Committee on Rules and Administration.

The PRESIDING OFFICER. The question is on agreeing to the motion of

the Senator from Kansas that the Senate proceed to the consideration of Senate Resolution 106.

Mr. HAYDEN. Mr. President, the only suggestion I have to make is that which I stated on yesterday, that at the present time the subcommittee has on hand approximately $58,000, and that so far as I have been able to ascertain, there is no likelihood that any additional sum above and beyond that may be needed for at least some weeks. My understanding is that it is proposed to make a recount of the ballots in one county in New Mexico. If, as a result of the recount, it is decided to examine all the other ballots in the State, probably more than $50,000 would be required.

I should like to inquire of the chairman of the subcommittee just what the situation is at the present time.

Mr. BARRETT. The purpose of the resolution is to provide additional funds to proceed with the investigation of the senatorial election in New Mexico. There has been a preliminary investigation, and about 2 weeks ago the subcommittee unanimously ordered a thorough investigation, including a recount of all the ballots in New Mexico. We are presently trying to carry out that order. We have no way of knowing precisely how much it will cost to carry on the work. We do know, however, that it cost $1,000 in March and $16,000 in April. When the work of recounting the ballots gets under way it will cost approximately $26,000 a month.

We find ourselves in this predicament: We have on hand at the present moment approximately $55,000, and we are going to run out of funds next month. We think the sum requested is a modest amount. The Senate has been very liberal in previous years in allotting funds for similar work. In 1947, $215,000 was provided; in 1948, $41,000; in 1951, $85,000; and in 1952, $175,000.

The work of canvassing the ballots in New Mexico is comparable to similar work in the contest which was conducted in Maryland some 5 or 6 years ago. In the Maryland case there were approximately 220,000 ballots, and there are about the same number in New Mexico.

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

Mr. BARRETT. In a moment.

I may say that the Maryland recount took about 18 months.

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

Mr. BARRETT. I yield.

Mr. HENNINGS. Did I correctly understand the Senator to say that the subcommittee has agreed unanimously upon making a request, through the Committee on Rules and Administration, for $100,000?

Mr. BARRETT. I do not think I said that. I was not in Washington at the time when the members of the subcommittee requested action by the Committee on Rules and Administration. Our original idea was to request $150,000, but, after discussing it with the leadership, the request was pared down to $100,000.

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

Mr. BARRETT. I yield.

Mr. HENNINGS. Is it not contemplated at this time to recount only the ballots in Bernalillo County with a view to determining from such a sample recount what the subcommittee may do as to the ballots in the rest of the State?

Mr. BARRETT. I would say to the Senator that I think he is mistaken. The committee has decided to make a recount of all the ballots in New Mexico.

It is true that the subcommittee has reserved, as I assume any committee with good judgment would reserve, the right to reconsider its action at some point along the line. But I know of no understanding by the committee that the recount shall be stopped after the ballots in Bernalillo County have been recounted. However, it might be that at some time, perhaps during the late fall of this year, after several counties in the State have been canvassed, the committee itself, in its wisdom, might reconsider the question of a full recount.

Mr. HENNINGS. Mr. President, will the Senator from Wyoming, the chairman of the subcommittee, yield further?

Mr. BARRETT. I yield.

Mr. HENNINGS. Do I not recall correctly that it was determined by the subcommittee to take what would be in effect a sample recount, without binding the subcommittee to make a recount of all the ballots in the State, for the purpose of ascertaining whether or not some of the charges were well founded or ill founded, and for the further purpose of determining whether a full recount, so to speak, would in any sense tend to affect the result of the election or justify the Senate in declaring the election a nullity?

Mr. POTTER. Mr. President, will the Senator from Wyoming yield?

Mr. BARRETT. I yield to the Senator from Michigan, who is a member of the subcommittee.

Mr. POTTER. I should like to reply to the distinguished Senator from Missouri. I believe he will recall that it was the consensus of the subcommittee that there would be a recount of the ballots cast in the State of New Mexico, and that the first county to be considered would be the large county of Bernalillo, in which the city of Albuquerque is located. I believe that about 25 percent of the total votes cast in the State of New Mexico are cast in that county. At the time of the decision, I think we were more or less informally agreed that we would take a look to see what we could ascertain in New Mexico. I do not believe there was any commitment that we would do one thing or another after looking into the situation in the one county. However, according to my understanding, the arrangement agreed to by the subcommittee was to have a recount of all the ballots in the State of New Mexico. If at any time during the course of the recount no justification for further action was found, then, in the wisdom of the committee, I am certain the recount would be called off. Is not that the understanding of the Senator from Missouri?

Mr. HENNINGS. I believe there was what might be called a seeming meeting of the minds of the members of the subcommittee. However, I feel certain the subcommittee does not wish to seem to present the spectacle that some members did not understand others. I think I am substantially correct in expressing the understanding that if the results in Bernalillo County do not seem to justify proceeding further in the State, then, in conformity with what the able Senator from Michigan has just stated, there is a possibility that the so-called recount, or extension of what might be termed a preliminary investigation, will stop. Am I substantially wrong in so paraphrasing our understanding?

Mr. BARRETT. I may say to the distinguished Senator from Missouri that no one can foretell with any reasonable degree of certainty what the recount of ballots in Bernalillo County may disclose, but if the recount in that county should reveal that the senior Senator from New Mexico [Mr. CHAVEZ] has gained 5,000 or 10,000 votes, I assume everybody would agree, under those conditions, that the contest should be called off. That is about as nearly as I can come to predicting what the action of the subcommittee might be under those circumstances.

Mr. POTTER. Mr. President, will the Senator from Wyoming yield?

Mr. BARRETT. I yield.

Mr. POTTER. It seems to me that we are making a mountain out of a mole hill. We are talking about what might happen if such and such a situation should develop. In a case of this kind, we have no way of knowing what will transpire.

Certain allegations have been made. On the basis of the findings of the subcommittee's workers in the field, and on the basis of our preliminary investigation, the subcommittee decided that a recount was warranted. Certainly at any time during the course of the investigation and recount the subcommittee could call off its activities, or, I assume, the subcommittee could broaden its work. I am sure that this subcommittee or any subcommittee entrusted with such responsibilities, would take action as determined by existing conditions.

If I may comment further, I understand the question in controversy is whether the committee needs the $100,000 requested in the pending resolution. I understand that approximately $55,000 is on hand. Of course, the subcommittee has no way of knowing what will happen, but it is conservatively estimated that the cost will be about $26,000 a month. We are paying the cost of subsistence of our workers in New Mexico. I should like to have our staff do their job and then go home, so that we shall not continue paying subsistence money. In the long run it would be cheaper to have the subcommittee staff ascertain the facts; then their work would be ended. But if we are to continue the investigation and are hampered by lack of sufficient funds from carrying on a full-scale investigation, which the committee has said it desires to make, then I believe the inquiry will cost more in the long run.

If the committee has $55,000, I assume that money will run out, at the present rate of expenditure, in the middle of next month. I have never heard

of a committee requesting funds for half an investigation. The committee requests funds for what it thinks it might need. Perhaps $100,000 will not be sufficient, but I hope it will be. We know that more than the $55,000 we now have on hand will be needed. I cannot understand the questioning of an appropriation at this time.

Mr. HENNINGS and Mr. SCHOEPPEL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield; and, if so, to whom?

Mr. BARRETT. I yield first to the Senator from Missouri.

Mr. HENNINGS. In the interest of time, and in an attempt to clarify the situation, I should like to say, first, that certainly I, as a member of the subcommittee, and I believe I can speak for a substantial number of Senators on this side of the aisle, do not wish to hamper, impede, obstruct, or, as the able Senator from Michigan has suggested, in any wise delay or do anything whatever to frustrate any investigation or recount, if such it be, that the subcommittee is now engaged in undertaking and considering. The question that arises in my mind relates to the fact that there is now a fund of $55,000 in the control of the subcommittee. The distinguished chairman of the subcommittee has suggested that the recount may be terminated at any point, if it is found that the Senator from New Mexico [Mr. CHAVEZ] has gained as many as 5,000 votes. I do not know that we can fix on an arbitrary criterion as to that.

In any event, if it is shown that in Bernalillo County, upon the ballots being counted, the Senator from New Mexico [Mr. CHAVEZ] is making substantial gains, which would indicate a pattern or which would tend to show that the alleged frauds, improprieties, and failures of the election procedures affected adversely the vote for the Senator from New Mexico rather than the vote for General Hurley, it is entirely conceivable that the committee would order and direct that the recount stop before all the votes in Bernalillo County were tabulated. I think we all agree upon that.

Mr. BARRETT. No. I will say to my colleague that I am sure the majority of the committee do not agree.

Mr. HENNINGS. Apparently we are not agreed on that point. I pass on to another point.

As I recall, it was understood that the so-called recount was to be in the nature of an extension of the investigation of the subcommittee.

Mr. BARRETT. I will say to my colleague that I am sure he is mistaken on that point.

Mr. HENNINGS. I recall distinctly using the word "extension," because in the past few years our committee had the same problem to consider in the Michigan case, and we determined at that time to inaugurate an investigation, if possibly we could obtain the cooperation of the State authorities in conducting a simultaneous recount of the votes for the Senator from Michigan [Mr. POTTER] and the votes for former Senator Moody at the same time the election recount in the Williams-Alger contest which was then contemplated was underway.

If the chairman of the subcommittee will bear with me a moment, without undertaking to burden the Senate with what may be misinterpretation and honest misunderstanding among members of the subcommittee as to the extent, scope, and nature of this investigation, I am certainly willing to suggest, if it can be shown at this time that $100,000 is needed immediately, making a total of $155,000 for the purpose of a recount in one county of New Mexico where it seems to be conceded the recount might stop, that we all go along with the proposal. If we cannot agree, perhaps in 2 or 3 weeks, when we shall have determined just what we are going to do, we can proceed accordingly and request whatever sum of money seems meet and proper.

Mr. BARRETT. In reply to my colleague from Missouri let me say that the only way I can judge how long a time may be required to conduct a recount in one county alone is by referring to the O'Conor case in Maryland, a contest in which approximately the same number of votes were counted. It required 18 months to complete the count of the same number of ballots; namely, 220,000 ballots. So I assume that a count of one-fourth that number would require about 4 months.

We find ourselves in this predicament: We are just about to start a recount in New Mexico, and we have $55,000 available. It will not last beyond next month. We shall run out of money sometime in June. Even though the committee should decide to call off the recount after the recount in 1 county had been completed, we still would not have sufficient money for the recount in 1 county.

In fairness to my colleague from Missouri, I wish to say that it is very clear in my mind that there never was any understanding, agreement, or decision by the subcommittee to call off the investigation after the completion of the count in Bernalillo County.

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

Mr. BARRETT. I yield to my colleague from Michigan.

Mr. POTTER. Mr. President, I believe that the reference by the Senator from Missouri [Mr. HENNINGS] to the continuing investigation was correct. The reason we used the wording calling for a continuing investigation rather than a statewide recount was that investigations were to continue with the recount, based upon findings of the preliminary investigation with respect to irregularities which existed or might exist, that would call for further investigations.

As my distinguished colleague recognizes only too well, service on this subcommittee is not the most pleasant position in the world. I speak as one member of the subcommittee, but I am sure we can say the same for our colleagues on the committee. Certain charges have been made. Allegations were made by one of the contestants. Preliminary investigations were conducted and the subcommittee found that some substance to the allegations did exist. Accordingly, the subcommittee has recommended that a full investigation be conducted.

The only concern we have as a subcommittee is to determine who won the election in New Mexico. We have been given a petition of alleged charges of violations of election laws, but the committee has not acted on that petition. We are interested only in ascertaining the facts and supporting these facts with concrete evidence.

I know we can do this without partisanship. I do not know where the chips may fall in the State of New Mexico as a result of the recount, but I believe it is a mistake for us to haggle at this time over whether we are to proceed with the investigation, or be forced to return 4 weeks from now and go through the same procedure.

After the ballot boxes are opened in New Mexico, political intrigue and political pressures are bound to arise.

Unless we have the necessary funds to complete this investigation, the objective recount which we hope to conduct may be impossible.

It seems foolhardy for us to quibble at this time as to whether the Senate will provide funds to conduct an investigation which the committee said we were to conduct. If the request for funds were made again 4 weeks from now, then we would be confronted with all the bitterness, political intrigue, and political pressures which are bound to develop.

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

Mr. BARRETT. I yield, provided I do not lose the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ANDERSON. Is there any point in any particular Senator holding the floor? As I understand, this subject is open to debate and discussion. I do not object in the slightest to the Senator from Wyoming holding the floor, but I think he can claim it at another time and retain it as long as he desires.

Mr. BARRETT. I have not completed my statement. I should like the opportunity to complete it.

Mr. ANDERSON. I have no objection. I was merely trying to ascertain whether there would be opportunities for other Senators to make statements.

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

The PRESIDING OFFICER. Is there objection to the Senator from Wyoming [Mr. BARRETT] yielding while a quorum call is had? The Chair hears none.

Mr. SCHOEPPEL. I renew my suggestion of 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	Carlson	Dworshak
Anderson	Case	Eastland
Barrett	Chavez	Ellender
Beall	Clements	Ferguson
Bennett	Cooper	Flanders
Bricker	Cordon	Frear
Bridges	Daniel	Fulbright
Bush	Dirksen	George
Butler, Md.	Douglas	Gillette
Byrd	Duff	Goldwater

Gore	Langer	Robertson
Hayden	Long	Russell
Hendrickson	Magnuson	Schoeppel
Hennings	Malone	Smith, Maine
Hickenlooper	Mansfield	Smith, N. J.
Hill	Martin	Smith, N. C.
Hoey	Maybank	Sparkman
Humphrey	McCarran	Stennis
Hunt	McCarthy	Symington
Jackson	McClellan	Taft
Johnson, Colo.	Millikin	Thye
Johnston, S. C.	Mundt	Tobey
Kefauver	Murray	Watkins
Kennedy	Neely	Welker
Kerr	Pastore	Wiley
Kilgore	Payne	Williams
Knowland	Potter	Young
Kuchel	Purtell	

Mr. TAFT. I announce that the Senator from Nebraska [Mr. GRISWOLD] is necessarily absent.

The PRESIDING OFFICER (Mr. BEALL in the chair). A quorum is present.

Mr. BARRETT. Mr. President, as I said earlier, it seems to me it is only common sense that the committee be provided with funds with which to carry on the work that will need to be done to complete the recount in New Mexico. It is not easy to foresee all the expense the committee might encounter; but as nearly as we can tell, if we can make arrangements with the counsel for the contestant and with the counsel for the contestee, to pay them a reasonable sum for their services for their clients, not to exceed $1,000 a month for each side, or at the most an amount equal to the salary of Members of this body, then we think we can conduct the recount at a cost of approximately $28,000 a month. If it is necessary for us to employ other persons for the purpose of tallying the votes and acting as judges for each side, as it will be, then the committee will find that its funds have been exhausted some time during the month of June.

If the Senate agrees with the committee that the grounds for investigation are sound and that the charges made require a thorough study, investigation, and recount of ballots, then the committee should be provided with adequate funds, so it can pursue its work in an orderly manner.

So I hope the resolution will be agreed to.

Mr. HAYDEN. Mr. President, will the Senator from Wyoming yield to me?

Mr. BARRETT. I yield.

Mr. HAYDEN. There seems to be a mistake in the comparison the Senator from Wyoming has made between the situation in New Mexico and the situation which formerly existed in the State of Maryland. I refer in particular to the statement the Senator from Wyoming made to the effect that it took 18 months to complete the total count of 220,000 ballots in Maryland, whereas only one-fifth or one-sixth that number of ballots—those in one county—are involved in the present case in New Mexico.

Mr. BARRETT. What I said was that the number of paper ballots in the State of Maryland was approximately the same as the number of paper ballots in the State of New Mexico.

Mr. HAYDEN. However, it is true that every individual ballot in Maryland was examined, first in the field; and then the disputed ballots were brought to Washington.

Will that be the proceeding in this case?

Mr. BARRETT. Approximately so, I may say to my distinguished colleague from Arizona, although, instead of bringing the disputed ballots to Washington, it is probable that the committee will go to New Mexico and will hold hearings there. That has not been decided, however.

Mr. HAYDEN. My recollection is that it costs about $50 a box to reexamine the ballots.

Mr. BARRETT. I do not know the cost per box; but the committee will also have the expense of paying a reasonable fee to the attorneys for each of the parties, and the expense of paying for the help the parties will need, which has been customary in cases of this sort; and it will cost nearly $30,000 a month.

Mr. HAYDEN. The counting should be finished with the amount of money now available to the committee, I believe. I note that the committee estimates the cost of the counting at approximately $25,000 or $28,000.

Mr. BARRETT. I have no reason to believe that we can complete the recount in Bernalillo County until some time in September or October. In making that estimate I am taking as a guide the record in the case of the committee investigation of the election in Maryland. There is no actual way to tell for certain.

Mr. HAYDEN. I am sure the Senator from Wyoming must be mistaken in his estimate as to the length of time—from May to October to make the count in only one county.

Mr. BARRETT. There are approximately 55,000 ballots to be counted in Bernalillo County, whereas in Maryland 18 months were required to count all the paper ballots, numbering 220,000.

Mr. HAYDEN. There are 50,000 ballots in this one county, I understand.

Mr. BARRETT. There are 55,000 ballots in this one county.

Mr. HAYDEN. That is one-fifth the number of ballots that were counted in Maryland.

Mr. BARRETT. Approximately one-fourth.

Mr. HAYDEN. Well, whatever the proportion may be. Of course, in the field the ballots are examined. If an individual ballot is a clean ballot, and if it is evident that nothing is the matter with it, it is accepted one way or the other; but the disputed ballots are brought to Washington, or are examined by the committee itself in the field.

It seems to me the committee has ample funds with which to carry on for a time, until it determines what it is going to do in Bernalillo County.

Mr. BARRETT. The committee would not have funds sufficient really to carry on the work in that one county; I am sure of that.

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

Mr. BARRETT. I yield to the Senator from Michigan.

Mr. POTTER. In the Maryland contest about 230,000 paper ballots were inspected. In New Mexico there are about 220,000 to be examined. In Maryland approximately 60 percent of the ballots came from voting machines. It required less than a week to count the ballots from the voting machines. So, if we use that as a criterion, I believe we shall be able to speed up our procedure so that we may progress much faster than was possible in Maryland.

But I cannot for the life of me understand the contention of the opposition. The result of the defeat of the resolution would not be to save money. All unexpendable funds of course would be returned to the contingent fund of the Senate. The one thing about which I am most concerned is that, if the additional appropriation is not made, then 4 weeks from now, after the ballot boxes shall have been opened, it will be necessary for the committee to come to the Senate to request additional funds. In that event, and I repeat emphatically, all possible political pressure from the State of New Mexico will be brought to bear on the Senate of the United States.

Mr. President, if Senators desire to back up the committee in its unanimous recommendation for a full investigation, the Senate will supply the funds. Senators who do not want to back up the committee, will, of course, be expected to vote against so doing.

Mr. DIRKSEN and Mr. GILLETTE addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, as every Member of the Senate knows, an investigation of the senatorial contest in New Mexico has been authorized, and the contest was referred to the Subcommittee on Privileges and Elections, which has selected a staff, the staff has gone into the field, and already approximately $40,000 has been spent out of the contingent fund of the Senate.

It has been disclosed that the subcommittee has estimated its workload, it has laid out a policy, and it is prepared to go to work. Because of that situation, there is before the Senate a resolution requesting an increase of $100,000 in the authorization of funds for the investigation. I am advised that, as of this time, there is, roughly, $54,000 or $55,000 in the fund, and the subcommittee will be without funds probably about the end of June.

Mr. President, on many accounts it would be singular, indeed, if the Senate failed to authorize the appropriation requested. Certainly it cannot be said that the $40,000 has been lost. The investigation began in complete good faith. It is a bona fide investigation. It would be a strange and singular reflection upon the Senate of the United States if it should fail to proceed with it.

The point is now made that the subcommittee may request additional funds at some later time. Who shall say what will develop in the course of an investigation of this kind? Leads and suggestions of all kinds develop in the course of an investigation, which could in the instant case conceivably take the subcommittee and its staff into every section of the State of New Mexico, into every county, for that matter.

Suppose the subcommittee were to run out of money in the middle of the investigation. What a fantastic situation that would be, with a staff of perhaps 30 people in New Mexico, waiting upon the caprice and whim of the Senate to vote more money before the subcommittee could continue its oper-

ations. It seems to me such an eventuality would make the Senate a laughing stock among those who have a very primary interest in the matter, namely, the electorate in the great commonwealth of New Mexico. Under circumstances of this kind we cannot send a subcommittee abroad inadequately supplied with money, so that it may run out of money in the middle of its proceedings. What an amazing picture that would present.

But, Mr. President, there is even a larger consideration involved. What will the people in New Mexico say if the Senate fails to vote this money? They will say, "Evidently the Senate is not interested. Evidently, after having initiated the investigation, they will run out their string, so far as available money is concerned, and that will be the end of it."

How are we to expect to get a circumspect and honest investigation under such circumstances? People who may have to be brought before the bar of public opinion would say, "Well, we will be reasonably secure if the money runs out; so let us just sit idly by, wait, twiddle our thumbs, not disclose anything unless it must be disclosed, and the investigation will fall of its own weight."

Why haggle about this matter? If there is any money left over, it will be returned to the contingent fund of the Senate. The funds can be expended for no other purpose than the one specified. We would put the Senate in a sorry light, indeed, in the eyes of the people of the country, and particularly of the voters of New Mexico, if, after the expenditure of $40,000 for the investigation, we became so niggardly at this good hour, as to say, "Well, let the investigators come back."

Mr. President, let me admonish Senators and remind them that a resolution authorizing the appropriation of funds is not a privileged matter under the Senate rules. We shall be deluged with work in the Senate within the next 30, 40, or 50 days because of the consumption of nearly 35 days in the consideration of a legislative proposal which was just concluded on the Senate floor. Let the committee come to the Senate with a resolution and see what difficulty would be met in obtaining action on it. On the call of the Consent Calendar, consideration of such a resolution could be stopped by a single objection from the floor of the Senate. That having been done, it would become necessary to make it the order of business by motion, and it would have to be squeezed into a very heavy schedule.

That would be a fine kettle of fish in which to leave a committee that has been duly authorized, and solemnly authorized, under the rules of the Senate, to go about the business of investigating the purity of an election, to determine who, validly, is entitled to the seat in question. I think the people would look with baleful eyes upon this body if we failed to vote adequate funds for the conduct of the investigation.

There will be no waste of the funds. If in the middle of the investigation it should be decided not to proceed further, all of the money not expended would be returned to the contingent fund of the Senate. I earnestly hope that the Senate will not put itself in so pitiful a light in the contemplation of the people of the country, and I hope earnestly it will not be done through votes on this side. Certainly the investigative committee is simply trying to find the facts. That is the duty of the subcommittee; that is its responsibility.

Mr. President, in view of the petitions which have been regularly filed, there is involved here today a question as to who was elected to the Senate in the State of New Mexico. There are allegations in the petitions which raise the question of the purity of that contest. The Senate would not dare deny the necessary funds.

Let us not compel a committee to come back to the Senate in the middle of its activities, or to toast its toes in Albuquerque or Santa Fe until we in our wisdom, and in good time, if we please, decide to vote the money with which to continue the operations of the committee. That would be a sorry spectacle indeed.

So, Mr. President, I sincerely hope that no Senator, on either side of the aisle, will be willing to help gain for this body a critical attitude of mind on the part of the people of the county, so that we will be put in a bad light. I submit that the authority requested in the resolution ought to be voted unanimously, and without undue delay.

Mr. ELLENDER. Mr. President, on the basis of the colloquy which took place between the chairman of the subcommittee [Mr. BARRETT] and the distinguished Senator from Missouri [Mr. HENNINGS] there does not seem to be any unanimity as to what was done by the subcommittee. There appears to be a question as to whether a decision was reached to count all the ballots throughout New Mexico, or whether it was decided to count the ballots in only one county. Because of that fact, and because of other considerations which I shall subsequently point out, I shall move to recommit the resolution to the Committee on Rules and Administration.

Since the investigation in Maryland has been mentioned on two or three occasions, I wish to refer briefly to that investigation. It was my privilege during the 79th Congress, to be chairman of a special committee that dealt with the investigations in Maryland, Mississippi, and other States.

For the entire 2 years our committee spent $34,000 in conducting hearings in Mississippi, in Montana, and in making a recount of more than 50 percent of the votes in the State of Maryland. At the time the Maryland recount was requested, I, as chairman of the committee, took the position that it would be money wasted to spend the funds necessary to recount all the ballots in that State. Mr. Markey, who was defeated, came before the subcommittee with a petition almost identical to the one filed by General Hurley in the present contest. It was a shotgun petition—one which does not allege anything specific, but merely states in broad and general terms that everything was done wrong. If there was fraud in New Mexico, let me suggest that the present governor was elected in the same election. He is a Republican. The votes cast in New Mexico helped to elect General Eisenhower. If there was fraud in one, there must have been fraud in all contests, since the ballots were cast at the same time.

Mr. President, it strikes me that if the committee wants to consider the petition which was filed it should require General Hurley to be more specific in his allegations as to what fraud was committed, and matters of that kind, otherwise he would be in the same position as he was in 1946 when he appeared before our committee.

It will be recalled that General Hurley was the opponent of the senior Senator from New Mexico [Mr. CHAVEZ] in 1946 also, and he filed with our committee a petition alleging everything generally but nothing specifically as an aftermath of that contest, too.

Mr. POTTER. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. In a moment.

The committee asked him to be specific, to file a petition showing what fraud, if any, occurred, but up to this moment the general has never done so. The committee took no further part in the contest.

In respect to the State of Maryland, Mr. President, the subcommittee in 1947 suggested to General Markey that he present to the committee the results in five counties in which he felt there would be a great change in the number of votes—a sufficient change—which would, if upheld, have elected him to the Senate instead of Senator O'Conor. He agreed to that. In the meantime, the 80th Congress, which was a Republican Congress, came into being, and the subcommittee which I headed had to surrender our authority to the Committee on Rules and Administration, which was then organized under the chairmanship of the then Senator Brooks, of Illinois.

Our committee took the position that the expenditure of the money anticipated in connection with the Maryland election investigation would be a waste of funds. The committee reported that after recounting more than half of the votes cast in that State, there was a difference of only approximately 400 votes. Our statement did not satisfy the new subcommittee, which proceeded to count all the paper ballots in the State of Maryland at a tremendous cost. That recount cost in excess of a quarter of a million dollars.

What was the result, Mr. President? After all the ballots were counted, there was a difference of 608 votes, and, in due course, Senator O'Conor was declared to have been elected a Senator from Maryland.

Mr. President, the 80th Congress in its useless investigation in a West Virginia case, cost the taxpayers $150,350.93.

Mr. POTTER. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield for a question.

Mr. POTTER. Does the Senator know that the action of the subcommittee was not based upon the petition of General Hurley, but upon the findings of a preliminary investigation?

Mr. ELLENDER. But the committee had to have a petition before the investigation started.

Mr. POTTER. I might advise the Senator that it has been the practice of the subcommittee to make preliminary investigations. I well know——

Mr. ELLENDER. Mr. President, I yielded for a question, not for a speech.

Mr. POTTER. I understood that the Senator asked me a question. I do not want to labor the point, but if the Senator will allow me——

Mr. ELLENDER. I yielded for a question.

Mr. POTTER. Does the Senator not know that it has been the practice of the subcommittee to conduct a preliminary investigation? In my own State the Federal Government last year employed men to make a preliminary investigation. It is not an uncommon practice. That is what happened in this case. After a preliminary investigation, the subcommittee unanimously agreed to go ahead with a full investigation. So it is not wholly on the basis of the petition of General Hurley.

Mr. ELLENDER. I am sure the committee did not conduct the investigation on its own motion. It was based on charges which were made by General Hurley. General Hurley has made such charges in every election in New Mexico in which he participated. He started in 1946 against my distinguished friend the senior Senator from New Mexico, and the senior Senator from New Mexico won by 4,000 votes.

In 1948 the junior Senator from New Mexico [Mr. ANDERSON] faced Mr. Hurley. What did Mr. Hurley do then? Although the junior Senator from New Mexico defeated Hurley by 28,000 votes, Hurley made substantially the same charges and asked for a recount.

Mr. ANDERSON. I beg the Senator's pardon. I do not think he made charges.

Mr. ELLENDER. I stand corrected; he made complaints which were investigated by staff members of the Subcommittee on Rules.

Mr. POTTER. Mr. President, will the Senator from Louisiana yield further?

Mr. ELLENDER. I yield.

Mr. POTTER. The question involved is not the relative merits of either General Hurley or the senior Senator from New Mexico. The committee has already acted on the question as to whether there will be an investigation. This resolution pertains to a fund with which to carry out the wishes of the Senate. I am not concerned, and I do not believe the Senate should be concerned, about the charges made by General Hurley. The Senate is acting on an investigation being made by one of its own committees, and on the findings made by that committee. The subcommittee decided unanimously to conduct a full investigation.

Mr. ELLENDER. There seems to be a difference of opinion as to the unanimous action on the part of the subcommittee.

Mr. POTTER. There is no difference of opinion. The Senator from Missouri [Mr. HENNINGS], who is presently in the Chamber, could testify to that.

Mr. HENNINGS. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. HENNINGS. I think the misunderstanding arose over whether the subcommittee had requested, through the Rules and Administration Committee, any given sum of money at this time for the purpose of continuing the investigation. The Senator from Michigan is correct in stating that there was no difference of opinion as to the propriety and desirability of an investigation in the State of New Mexico.

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

Mr. ELLENDER. I yield for a question.

Mr. BARRETT. Does the distinguished Senator from Louisiana know that our subcommittee, after preliminary investigation, unanimously made this finding and report:

> The Subcommittee on Privileges and Elections has carefully considered the report made by its staff as a result of the preliminary investigation, and the committee finds that there is ample evidence to warrant a continuation of the investigation of the senatorial election contest in New Mexico, including a recount of the ballots. It has been impelled to this conclusion because the findings of the staff indicate that—
>
> (a) Failure to supply voting booths in many precincts.
>
> (b) Inadequate registration procedures.
>
> (c) Failure of election officials to observe laws relating to election procedures.
>
> (d) Evidence of unqualified persons voting.
>
> (e) Discrepancies in totalling votes.
>
> (f) Evidence of illegal practices by election officials and others.
>
> (g) Premature burning of ballots.
>
> (h) Coercion and intimidation of certain voters.
>
> The committee feels that in the final analysis the opening of the boxes and examination of the ballots is the only method available to determine the result of this election.

Therefore, I submit to the Senator from Louisiana that the subcommittee itself decided to make a complete recount of all the ballots in New Mexico.

Mr. ELLENDER. I was being guided by the colloquy which took place between the Senator from Missouri [Mr. HENNINGS] and the Senator from Wyoming [Mr. BARRETT]. I feel certain that many other Senators who heard the colloquy likewise would conclude that there seemed to have been a little difference of opinion as to what was contemplated.

Mr. BARRETT. No; I do not think there was any difference of opinion in the subcommittee.

Mr. ELLENDER. I am speaking about what has occurred on the Senate floor. That is where I got my impression that there was a difference of opinion.

Mr. BARRETT. I thought I made it perfectly clear that the subcommittee reserved the right to reconsider its determination at a future date. There was nothing said about stopping at any time after a recount had been made in 1 county, or in 2, 3, 4, or 5 counties, or all of them, for that matter.

While I am on my feet, I wonder if the Senator from Louisiana would be kind enough to yield to me for one more observation.

Mr. ELLENDER. I yield.

Mr. BARRETT. I wish to call the Senator's attention to the fact that the senior Senator from New Mexico [Mr. CHAVEZ], before he was a Member of the Senate, initiated a contest against the late Senator Cutting, who was at that time a Member of this body. After omitting the preliminaries of his petition, I read as follows:

> And I request and petition for a recount and recanvass of the ballots cast and the returns made at the general election held throughout the State of New Mexico on the 6th day of November 1934, and an investigation of the wrongful and unlawful practices and conduct of said Bronson M. Cutting, and his agents and representatives, and by various and sundry persons, associations, corporations, and organizations and election officials in his behalf and with respect to the general election and campaign preceding the same, and the matters incident thereto, and also instances of undue influence, deception, and intimidation of voters, and the unlawful use of money in and about said campaign and election and of fraudulent, wrongful, and unlawful conduct of various and sundry persons who were election judges, clerks, and counting judges, challengers, and party workers in and about said general election.

I submit it is only fair to say that the State of New Mexico has been pressing on this floor for a long period of time the matter of charges and countercharges, so it seems to me it is high time for the Senate to proceed to make an investigation and determine just what the facts are.

Mr. CHAVEZ. Mr. President, it was not my purpose to participate in this discussion whatsoever. However, inasmuch as the junior Senator from Wyoming has seen fit to discuss the petition which was filed on my behalf, I may say to the junior Senator from Wyoming that, contrary to what is being done now by the subcommittee of which he is chairman, in every instance where an allegation was made in the petition a bill of particulars was furnished, indicating names, precincts, counties, and what it was alleged took place.

I ask the Senator from Wyoming if it is not a fact that the attorneys who now represent me have filed a petition with the honorable chairman of the subcommittee, asking for a bill of particulars indicating where there was fraud, who voted wrongfully, who voted who was not entitled to vote, in what precincts, what counties, and in what part of the State? And is it not a fact that up to this moment no opportunity has been given to my attorneys to discuss the matter with the subcommittee which the distinguished Senator heads?

Mr. BARRETT. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I decline to yield.

Mr. BARRETT. Mr. President, since the Senator from New Mexico has made a charge, I think the Senator from Louisiana should yield to me for the purpose of making answer.

The PRESIDING OFFICER (Mr. PURTELL in the chair). Does the Senator from Louisiana yield to the Senator from Wyoming for the purpose of allowing the Senator from Wyoming to answer the Senator from New Mexico?

Mr. ELLENDER. I yield for that purpose.

Mr. BARRETT. The Senator from New Mexico is entirely mistaken about the matter. One of the Senator's attorneys, Mr. Grantham, was in Washington during the last few days, and he came to see me. I asked him then if he desired to appear before the subcommittee and argue the point he had in mind. He said he did not. That is all I know about the matter. I explained the situation to him, saying that I would be glad to call the subcommittee together and give him an opportunity to argue the matter. I said that if the subcommittee then decided to consider the motions made by the Senator's chief counsel, former Governor Hannett, and by the Senator, that would be perfectly agreeable to me. After discussing the matter, Mr. Grantham said he did not wish to have me go to the trouble of calling the subcommittee together.

Mr. HENNINGS. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield to the Senator from Missouri.

Mr. HENNINGS. If the Senator will yield for the purpose of my undertaking to make a clarification, I believe it may enable the Senator to understand that the committee does not feel this is the proper time or place to try the contest in New Mexico. I do not say this by way of criticism of the Senator from Louisiana. I mean that the subcommittee is charged, as we all know, with a quasi-judicial function. Heretofore in our deliberations we have been getting along well. We have tried to act without partisanship. We have undertaken to be objective.

I think my distinguished friend from Louisiana misunderstood what I had to say with respect to the funds required. That is really the issue before us. I did not understand that the subcommittee had ever requested, through the Committee on Rules and Administration, any sum whatsoever. It was also my understanding that we were to recount some of the ballots in one county to determine the trend or pattern. Whether the other members of the committee understood it to be a statewide recount or not would seem to beg the question.

Mr. ELLENDER. Mr. President, am I correct in my assumption that the committee vote was not unanimous?

Mr. HENNINGS. The Senator is entirely correct so far as funds are concerned.

Mr. ELLENDER. Mr. President, before I was interrupted I was giving a little background information with reference to the Maryland election. One of the primary reasons why the committee considered going into the Maryland election contest by way of a recount was that there was no provision in the Maryland law under which a defeated candidate could have obtained a recount. The subcommittee which succeeded the subcommittee which I headed agreed to proceed in the manner that we had first indicated, that is, to count paper ballots in 5 counties instead of 17 in the State of Maryland.

Lo and behold, when that decision was reached, what did Mr. Markey do? Was he agreeable to the recount in five counties? Oh, no. He insisted that the entire 17 counties be counted. That is why this enormous sum was uselessly spent in the State of Maryland.

As I indicated a while ago, after all the ballots were counted, there was a difference of a little more than 600 ballots. That recount in Maryland and the investigation made in West Virginia cost the taxpayers in excess of $350,000.

What is the situation in New Mexico? There is a provision in the New Mexico law which gives the defeated candidate the right to have all the ballots counted again within a prescribed period. Pursuant to that law, Mr. Hurley, the defeated candidate, went to court and asked for a recount. He asked for a recount of the boxes in which he felt he should have received more votes. He made his own selection. He put up the $50 per division required by the canvassing board, so as to have a recount of 222 boxes in New Mexico. What happened? The ballots in those 222 boxes were counted again. It was accomplished under the New Mexico law. Here is the final result, Mr. President. I read from a telegram I received from the Governor of New Mexico, a member of the canvassing board, and who, by the way, is a Republican. He said:

APRIL 28, 1953.

Hon. ALLEN J. ELLENDER,
United States Senator, Senate Office Building, Washington, D. C.:

Re your telegram 25th instant. State canvassing board recounted approximately 222 boxes throughout the State on Hurley's application. Original count for CHAVEZ 49,684 and for Hurley 28,809. Recount shows CHAVEZ 49,799 and for Hurley 28,545. CHAVEZ gained on recount 115 and Hurley lost 264. Net gain for CHAVEZ on recount 379 votes.

STATE CANVASSING BOARD,
EDWIN L. MECHEM, *Chairman.*
EUGENE D. LUJAN, *Member.*
BEATRICE B. ROACH, *Member.*

Here we had a recount by the New Mexico Canvassing Board of a third of the votes cast in that State. This recount was made at the request of Mr. Hurley, a right which was his under the law, and he lost more than 300 votes in the recount.

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

Mr. ELLENDER. He had the opportunity, under New Mexico law, to have a recount of all the boxes in that State. Did he request it? No. He requested a recount of only 222 boxes in connection with which he thought there was fraud, or in which he thought he would show a gain. But he was very much disappointed, in that the recount shows a net loss of over 300 votes.

What is Mr. Hurley trying to do now? He is trying to get the United States Senate into the fight in New Mexico. He is trying to get the taxpayers of the United States to spend half a million dollars to recount all the ballots cast in New Mexico. That will be the amount of the expenditure if we provide as much as my distinguished friend from Wyoming [Mr. BARRETT] says will be necessary. If the cost is to be $28,000 a month, and if 18 months are required to complete the count, the total cost will be half a million dollars. That is what would be required. The result would, I am convinced, be similar to the result in the State of Maryland.

Why do we not depend on the laws of the State of New Mexico in this case? The contestant had his right to go to court, which he did, to obtain the recount. Why should he today impose on the taxpayers of the United States by asking to have all these ballots recounted?

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

Mr. ELLENDER. I do not wish to yield now.

Mr. President, I am pleading with Senators to send this resolution back to the committee, and let the committee further look into the subject. I say let the committee study the petition which has been filed by Mr. Hurley in this case. If the petition, a copy of which I have before me, is the one upon which the committee is depending, I invite attention to the fact that there is not a single allegation in the petition as to any connection with the Senator from New Mexico [Mr. CHAVEZ]. There is only a blanket charge of fraud.

The petition does not even name the precincts in which there was alleged fraud, if any there was. The petition does not name anyone. It strikes me that before the Senate is called upon to put more money into this venture, the committee is dutybound to go into the subject further, in an effort to give the opposition an opportunity to obtain a bill of particulars. That is the process which should be followed before any more money is spent.

During the 81st and 82d Congresses, when the Democrats were in power, the Senate authorized election investigations which cost some $260,000. The entire amount of money was authorized for investigations, during that 4-year period, in Ohio, New York, Nevada, Idaho, North Carolina, South Carolina, Kentucky, Florida, Maryland, Maine, Michigan, and the McCarthy-Benton contest. The entire amount spent was $154,014.67. That is for 2 full sessions of Congress, or 4 years.

As I stated a short time ago, during the 80th Congress, when the Republicans were in power—for the 2 years that they were in power—there was spent $350,153.93.

Now we are confronted with a case in which the Republicans claim they require an expenditure of not $100,000, but probably a half million dollars. Before we get started on any such program it it strikes me that the subcommittee is duty-bound to proceed and hear these pleadings, in order to decide whether or not the attorneys for the Senator from New Mexico [Mr. CHAVEZ] are entitled to a bill of particulars.

The whole matter could perhaps be cleared up in the same way that a similar matter was cleared up in 1946, when a subcommittee, of which I was chairman, requested and demanded a bill of particulars from Mr. Hurley. When he failed to furnish it to the subcommittee, we refused to take action.

Mr. BARRETT and Mr. POTTER addressed the Chair.

The PRESIDING OFFICER (Mr. BEALL in the chair). Does the Senator from Louisiana yield, and, if so, to whom?

Mr. ELLENDER. I do not care to yield at the moment. All I am asking, before we go into a venture which may cost the taxpayers of this country as much as $500,000, is to have the subcommittee look further into the matter, and cause Mr. Hurley to file a bill of particulars. I do not believe that a series of blanket charges justifies the expenditure of a half-million dollars in tax revenues. Blanket charges are the only thing Mr. Hurley has laid before the committee. I remind the Senate of the fact that similar situations arose in every election in which Mr. Hurley was engaged. First it was his election contest against the distinguished Senator from New Mexico [Mr. CHAVEZ], wherein there was a difference of 4,000 votes. Then an investigation was initiated after Mr. Hurley's election contest with the distinguished junior Senator from New Mexico [Mr. ANDERSON]. Now here he is again requesting a recount.

The Senator from New Mexico [Mr. CHAVEZ] has been in Congress since 1930. He is not a newcomer. I believe the Senate and the subcommittee owe it to him to look further into the matter and to provide his attorney with at least the opportunity of obtaining a bill of particulars, so the Senator from New Mexico [Mr. CHAVEZ] may know how to answer Mr. Hurley. I now yield to the Senator from Michigan for a question.

Mr. POTTER. Mr. President, I am sure the distinguished Senator from Louisiana does not mean to imply——

Mr. ELLENDER. Does the Senator from Michigan wish to ask me a question?

Mr. POTTER. Yes.

Mr. ELLENDER. I yield for a question.

Mr. POTTER. I am sure the Senator from Michigan does not mean to imply that the subcommittee's action up to now has been based upon the petition filed by General Hurley. Certainly we are not going to make public in an open session of the Senate 145 pages covering preliminary investigations which have been reported to us by the staff, naming precincts and listing names. It is on the basis of this investigation that the subcommittee recommended a full investigation—not upon anything else.

Mr. ELLENDER. Does not the Senator from Michigan believe that, before any hearings are held or any further steps are taken, the distinguished Senator from New Mexico [Mr. CHAVEZ] ought to be apprised of that fact, and that he ought to be told in advance where the hearings are to be held, so he may prepare his defense? It seems to me the subcommittee is trying to do it all in secret.

Mr. POTTER. I am sure the Senator——

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. ELLENDER. Not at this time.

Mr. POTTER. This is a legislative inquiry.

Mr. ELLENDER. The distinguished Senator can speak on his own time.

The PRESIDING OFFICER. The Senator from Louisiana declines to yield.

Mr. GILLETTE rose.

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

Mr. GILLETTE. Mr. President, I shall request recognition on my own time.

Mr. ELLENDER. Mr. President, the new administration has a chance today to save probably a half million dollars, if only the subcommittee of the Committee on Rules and Administration will look into this matter further before insisting on an immediate canvass of the votes, by finding out, for example, what the attitude of the Republican leadership in New Mexico is with respect to the matter. It may have a bearing on the subject. I understand the leadership is not with General Hurley.

If an effort is made toward a further study, I am satisfied we can probably save a half million dollars. That is all I am asking, Mr. President.

Therefore I renew my motion that the resolution now pending be recommitted.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The motion of the Senator from Louisiana is not in order. The question is on agreeing to the motion to proceed to the consideration of Senate Resolution 106. The Senator's motion is not in order until the pending motion has been disposed of.

Mr. GILLETTE. Mr. President, I rise for the purpose of expressing my interest in and support of the motion to recommit if and when it is made by the Senator from Louisiana.

I wish to address myself very briefly to that subject. The Senator from Louisiana referred to the fact that it was his privilege to act as chairman of a similar subcommittee at one time. That is correct. He served very efficiently, I may say.

It was not my privilege but, rather my very dubious responsibility, to serve as chairman of a similar subcommittee for approximately 6 years. I believe I am in a position to know something about the responsibilities of such a subcommittee.

I do not wish to suggest, Mr. President, that the members of the subcommittee have acted in any improper way whatever. I know what their job is. I know how earnestly and sincerely the members of the subcommittee have undertaken the job.

However, the Senate must act on what is before it, not what the members of the subcommittee hope to do. There is before the Senate at the present time Senate Resolution 106. It is not accompanied by any report from the Committee on Rules and Administration. Of course, there is no requirement that a standing committee shall file a report with the Senate on a resolution under the circumstances. Of course, that is not necessary.

But the fact remains that all the Senate has before it now is Senate Resolution 106, without any report or explanation of any kind.

Let me read the resolution:

Resolved, That the limit of expenditures authorized under Senate Resolution 333, 82d Congress, 2d session, agreed to June 12, 1952 (authorizing the expenditure of funds and the employment of assistants by the Committee on Rules and Administration—

Not the Subcommittee on Privileges and Elections, but 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.

Mr. President, in the resolution there is not one word of suggestion that that sum of money or one nickel of it is to be used in connection with the recount of ballots in the State of New Mexico in connection with the complaint which has been filed with the Committee on Rules and Administration.

If the Senate agrees to the resolution today, every dollar of the $100,000 could be used by the Committee on Rules and Administration, or by any subcommittee thereof, in connection with the duties imposed upon that committee by the Standing Rules of the Senate, from which I read:

(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

That entire area is within the jurisdiction of the Committee on Rules and Administration. That committee as a matter of convenience and practice has set up a Subcommittee on Privileges and Elections, of which these distinguished Senators are members.

Mr. BARRETT. Mr. President, will the Senator from Iowa yield to me?

Mr. GILLETTE. I am glad to yield to the Senator from Wyoming.

Mr. BARRETT. I think the Senator from Iowa. He was present in the Committee on Rules and Administration when this resolution was brought up for consideration, and he knows the resolution was reported unanimously by the Committee on Rules and Administration, and that at that time the understanding was that, although the money would go to the contingent fund of the Committee on Rules and Administration, all the money would be used for the Subcommittee on Privileges and Elections. Is not that true?

Mr. GILLETTE. I reply to the Senator from Wyoming that I would not be willing to take an oath that I was present at the time. Like every other Member of the Senate, I have a number of committees to attend, and I know that many times I have been in and out of the Committee on Rules and Administration and have left that committee to attend other committee meetings.

Let me say to the distinguished Senator from Wyoming that I have no recollection of having been present at the time when this resolution was acted on by the Committee on Rules and Administration. I would not take an oath that I was not there, but I have no recollection whatever of it.

Mr. President, what is before the Senate? A proposal to make a recount in one county in New Mexico, or in any of the counties or in all the counties of New Mexico, or to use the money for any one of 100 different purposes that come with-

in the purview of the Committee on Rules and Administration? I agree with the junior Senator from Illinois that the greatest care must be used in connection with making these funds available. I also agree with him that we should not lightly refuse the request of a committee which requests additional funds. However, when such a request is made, we have a responsibility to meet.

In connection with this matter, let me say there has developed on the part of many efficient attorneys an unjustified conclusion that the Senate stands ready to pay attorneys' fees in the case of attorneys for contestants and attorneys for incumbents, and that a certain amount a day will be paid. It was my unfortunate experience to learn in a number of cases that came before our subcommittee when the distinguished Senator from Kansas [Mr. SCHOEPPEL], who now graces the chair of the majority leader of the Senate, and I served on the Subcommittee on Privileges and Elections, that reputable attorneys who appeared before us would state that it was an accepted practice for a certain sum of money to be paid to such attorneys for each day they served, and that they had a right to expect to be paid a certain amount for each day's service while they represented the persons who employed them, namely, contestants or incumbents. In that respect it seems to me it is time for us to call a halt.

Today, in connection with the matter now under consideration, there is a difference of opinion among the members of the Subcommittee on Privileges and Elections as to what they actually agreed upon. I do not know. I know the three Senators who compose the subcommittee, and I know that not one of them would make an assertion as to what was understood unless in his heart he believed that was the actual understanding.

However, the question now presented is what the Senate will do and determine regarding the matter that is before it. Will the Senate adopt a resolution of this kind, under which not one nickel need be spent in New Mexico or New York or California or anywhere else, if the committee does not see fit to do so?

Mr. BARRETT and Mr. POTTER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield; and if so, to whom?

Mr. GILLETTE. I believe the Senator from Wyoming was first on his feet. Therefore, I yield first to him. Thereafter, I shall be very glad to yield to the distinguished Senator from Michigan.

Mr. POTTER. I thank the Senator from Iowa.

Mr. BARRETT. Mr. President, the distinguished Senator from Iowa must remember distinctly that when this matter was under discussion in the Committee on Rules and Administration, it was decided at that time by the full committee that the Subcommittee on Privileges and Elections should enter into negotiations with the attorneys for both the Senator from New Mexico [Mr. CHAVEZ] and General Hurley, and should arrive at an agreement as to the attorneys' fees, but not to exceed $1,000 a month for each.

Mr. GILLETTE. Mr. President, I reply that although there was a doubt in my mind that I might have been present at the time when this matter was before the Committee on Rules and Administration, I absolutely know that I was not present when there was any discussion of attorneys' fees, because I certainly would have taken an exception, as I do now.

Mr. BARRETT. I understand the position of the Senator from Iowa, and I agree with it, if I am correct in stating it; namely, that he is under the impression that the committee is under no obligation whatsoever to pay the counsel for either party to the contest.

Mr. GILLETTE. Certainly.

Mr. BARRETT. And that regardless of what payments may have been made in the past, the committee is wholly within its rights if it restricts the amount to, let us say, an amount comparable to that received by the Members of this body.

Mr. GILLETTE. Subject, of course, to the action in approval by the Senate itself, for the Committee on Rules and Administration is but an agent of this body; that is all.

Mr. BARRETT. I agree.

Mr. POTTER. Mr. President——

Mr. GILLETTE. I now yield to the Senator from Michigan.

Mr. POTTER. Mr. President, I am a little chagrined to have the distinguished Senator from Iowa take exception to the form of the resolution. It is our understanding, and we have been so advised, that resolutions of this kind have been submitted for many years past without being accompanied by reports, and that that has been the normal procedure.

If a new procedure was to be established, I would say it did not come to our attention, because we adopted the same procedure and the same type of resolution used by the Senate and also by the House of Representatives for many years.

Mr. GILLETTE. I agree that at times this procedure has probably been followed. I do not agree that it is normal. I insist that it is abnormal or subnormal, because it is not the proper procedure under which a body of the dignity of the Senate should proceed. I am aware that such procedure—improper procedure, if I may say so—has been followed in the case of other measures, but no objection was made, and the measures went through.

However, the fact remains that this afternoon on this floor there is a difference of opinion as to what was agreed upon even in the subcommittee. There is no report as to what was agreed upon in the Committee on Rules and Administration.

Mr. SCHOEPPEL. Mr. President, will the Senator from Iowa yield to me?

Mr. GILLETTE. I am glad to yield to the Senator from Kansas.

Mr. SCHOEPPEL. Let me preface my question by remainding the distinguished Senator from Iowa that he alluded to the fact that he and I served on this—at times—most troublesome committee, and some reference was made to attorneys who came before the committee and expected to obtain stated fees and stated sums of money for the services they were alleged to have rendered.

Mr. GILLETTE. Yes.

Mr. SCHOEPPEL. I am sure the Senator from Iowa does not wish to leave the impression with the Senate of the United States that those attorneys actually received what they requested from the committee, upon which the distinguished Senator from Iowa and I served.

Mr. GILLETTE. I am glad the Senator from Kansas has made that point. Thanks to the alertness of the Senator from Kansas and the Senator from Mississippi, who was a member of the committee at that time, those attorneys were informed that they could not demand from the committee what they thought they should have; they were informed that there was no obligation whatever on the part of the Senate of the United States to pay one nickel.

Mr. President, I wish to emphasize that I have no desire to hamper any agency or subagency of the Senate in its work; and, if it is the opinion of the Committee on Rules and Administration, supported by action of the Senate, that a recount ought to be made in New Mexico, Iowa, or in any other State, the investigative agency is entitled to receive the funds necessary to execute its responsibilities properly. But because there is this difference of opinion, because the Senate does not have anything before it except the resolution, I shall support a motion to recommit, if and when such a motion is made.

The PRESIDING OFFICER. The question is on the motion to proceed to the consideration of Senate Joint Resolution 106.

Mr. ANDERSON. Mr. President, the people of my State are very much interested in what the Senate will do this afternoon. I have been trying to ascertain from the newspapers of my home State, exactly what is at issue. I say it is very difficult to ascertain here what is actually going on. The trouble I face now is that I find there have been certain conferences and discussions among the attorneys who are representing the respective sides of the question under investigation, and they are trying to reach a decision as to what they will do with specific ballots.

One of the points raised in connection with the election in New Mexico is whether the ballots of a great many voters should be thrown out because they were marked with an ordinary pencil, rather than with an indelible pencil or pen, as required by law. I know what I used to mark my ballot. I used an ordinary pencil; and my wife, who accompanied me to the election booth, also marked her ballot with an ordinary pencil. I do not think our ballots should be thrown out. We voted with what was available. There was neither an indelible pencil nor pen and ink in the election booth. I feel that my wife and I had a perfect right to vote with whatever was available to us for that purpose. My son and his wife followed us into the election booth. They voted with whatever was available to them. We pay our taxes in the community where we voted. We live on a farm. Our neighbors who were present at the voting booth were mostly farmers, or people who worked in

town and lived on farms. No one questioned my right to vote, no one questioned the right of anyone else to vote.

Mr. President, I submit that if we are to spend a great deal of money in order to recount the votes in the one county, we ought first of all to determine whether the ballots of my wife, of my son and his wife, and my own ballot, are to be thrown out because we marked our ballots with an ordinary pencil. That is a matter to be determined by the courts. I have never known of that question having been tested. We have suggested that it ought to be tested at some time, but until it is tested, I certainly am going to be opposed to somebody's picking up my ballot and saying, "It is marked with an ordinary pencil; therefore it shall be thrown out."

The suggestion has been made frequently that certain people would very much like to examine some of those ballots to see how many of us voted. I should be very happy to have them look at mine. My method of voting has not changed for a great many years. It continues to have one cross at the top of the ballot, and I should be glad to have my ballots examined, as I would others. But I do not believe that is the business of the United States Senate at the present time.

Secondly, a complaint has been made that there were not enough voting booths. The county in which I live has been growing very rapidly. In 1917, afflicted with tuberculosis, I went to the city of Albuquerque. I did not expect to remain there long. But by 1920, when I was perhaps able to leave, the community was beginning to grow. There were 15,000 inhabitants. By 1930 there were 22,000, by 1940 there were 36,000, and by 1950, within the city limits, there were 97,000 residents, with another 50,000 scattered in the community close to our town.

The result was that the election officials, perhaps through no fault of theirs, were not equipped with enough booths. If my ballot is to be thrown out because I voted upon the top of a school desk, I must say I do not think that would be proper. If all the proposed investigation is going to reveal is that we did not have enough voting booths, then I say those responsible in many other parts of the country should plead guilty, because in communities in which there is unusual growth, it is sometimes impossible to keep up with it by providing the proper number of voting booths.

What disturbs me most about the resolution is what I indicated the other day. I should like to have some indication as to how the money is to be spent. I have been trying to have money made available with which to conduct surveys and examinations of the rivers and watersheds of our State. We have been told recently that money is very, very hard to get, and that we may not get any money for our pet projects. Therefore I shall do what I can to keep money from being thrown away on committees unless a program is developed as to what is going to be done.

I am not asserting that the report I am about to give is accurate, because it is based only on a story written by newspapermen upon whom I rely, but it is said that the district attorney in my home county, a young man whom I have known since he first came from law school and began the practice of law, has written a letter saying that, under the law of the State of New Mexico, the recount must be made in the presence of the district judge and the county clerk, or persons designated by them. I do not know whether the Senate committee has a right to count all the ballots in my home county or not, and therefore I think a very simple attempt to find that out in a court of law before we vote to authorize the requested appropriation would be proper.

I must say that, up to the present time, I have not opposed in the slightest way one step which has been taken in the investigation. I have never, by one action on the floor of the Senate, tried to stop or prevent the most complete inquiry into the election if fraud has been charged and people have been accused of doing improper things. But I know of no particular accusation of fraud in the present instance.

The Senator from Louisiana [Mr. ELLENDER] referred to the fact that certain complaint had been made in respect to the 1948 election, in which I was a candidate. The complaint was not with respect to the results of the election, but, immediately preceding the election, a statement was made that the highways of the State were so crowded with Washington bureaucrats who were campaigning for me, that people engaged in ordinary business could not travel up and down the roads of the State.

I regret to say that unfortunately the statement was not true. There were some people in responsible positions in Washington who were not for me, and who, in subsequent years, were not particularly my friends; and they perhaps were willing to do everything they could to bring about what they were hoping would happen to me. Such situations exist frequently in elections.

The accusation was made that certain specified persons were out working for me. I asked for the names of those persons. It was significant that no names were furnished at any time. I found it impossible to ascertain who was supposed to be in my State working for me, so that I might reward them when the election was over.

Finally, Mr. President, there was a report filed, a copy of which I found. That report asserted that various persons were busily at work for me. Some of them may have been, I am happy to say. Others, I regret to say, were not. But, at least, there was a specific charge that a person was doing a particular thing. I would not mind so much the expenditure of $100,000 if we could point our finger at the individual who improperly marked a ballot. I would not mind it so much if an individual voted when he was not registered and qualified to vote. I would not mind it so much if a man voted 3 or 4 or 5 times, particularly if he voted correctly the fifth time.

I should like to have a bill of particulars drawn, and then I should like to have some of the questions of law settled. I should like to know that the Federal Government has a right to count all the ballots in New Mexico. Then I should be perfectly willing that more money be provided.

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

Mr. ANDERSON. I yield.

Mr. TAFT. I have never heard any question raised as to the power of the Senate to do exactly that. This is the first time I ever heard the suggestion that it cannot do that. How could we get a court to determine the question before hand?

Mr. ANDERSON. I recognize that the distinguished majority leader has the advantage of me, because I am not a lawyer, but I invite his attention to the fact that the district attorney in and for the county in which I reside has written a letter challenging the right of the Senate to make such a count. I do not think he is a partisan. I regard him as a very high-grade young man. The fact that he is married to a daughter of one of my friends does not detract from my regard for him. I do not think he would have written the letter if there were no question about the right of the Senate to count all the ballots in my State.

Mr. TAFT. The Senate did that in Maryland.

Mr. ANDERSON. Is it not true that the State of Maryland does not have a law providing for a recount?

Mr. TAFT. I do not think that makes any difference.

Mr. ANDERSON. I say, frankly, that I do not know, but I suggest that the district attorney in my home county, who is a very good public official, ought to know, and he has raised that question.

Another thing which bothers me, Mr. President, is that I read in a newspaper story that the committee was to start early in the Federal Court Building, and that one of the issues to be discussed was the fact that the platoon of lawyers representing both the senior Senator from New Mexico and General Hurley were to have their expenses paid by the Federal Government. The story says, further, that the chief counsel for the senior Senator from New Mexico told Mr. Ware at the opening session last Monday that he would ask a fee of $200 a day, plus expenses, and other lawyers indicated that they would ask for similar fees.

I do not know how many lawyers are going to do that, but I assume that the three attorneys for General Hurley and the three attorneys for the senior Senator from New Mexico could conceivably ask for a substantial sum of money.

I think there should be some restriction on the amount of money to be spent for attorneys.

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

Mr. ANDERSON. I yield.

Mr. TAFT. I think there should be some limitation made in advance as to the fees of the attorneys. I have seen cases in which fees were so settled.

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

Mr. ANDERSON. I yield.

Mr. POTTER. The Senator from New Mexico has referred to a newspaper story with respect to how much the counsel will ask for a fee. What he will ask for

and what he will receive are quite different. I think the question would have to be settled and a reasonable amount agreed upon.

Mr. ANDERSON. I agree with the Senator. I think the question should be settled. There are many more lawyers here than there are insurance agents, and I have found it easier to settle with a lawyer prior to going to court than afterward.

Mr. POTTER. That is what the committee is endeavoring to do.

Mr. ANDERSON. But I do not think it has been done. That is what I am trying to say.

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

Mr. ANDERSON. I yield.

Mr. BARRETT. As I said earlier this afternoon, the committee decided 2 weeks ago that $1,000 a month would be paid to the attorneys on one side, and $1,000 a month to the attorneys on the other side. The staff has been so advised, and, to the best of my knowledge, they have communicated that decision to the attorneys for both parties.

Mr. ANDERSON. I do not question in the slightest the statement made by the distinguished Senator from Wyoming. The staff in New Mexico did not have that information a week ago. If that action was taken 2 weeks ago, the staff is still negotiating on a different basis.

Mr. BARRETT. I think either the Senator or the newspaper is mistaken. I have stated the amount which was agreed upon.

Mr. ANDERSON. All I know is what I read in the newspapers. I am not trying to conduct this case, but I say to the Members of the Senate that in 1924 there was an election in the State of New Mexico, and the man who was certified as governor is the man who is now chief counsel for the senior Senator from New Mexico. His election was challenged by a citizen of my home county of Bernalillo. The contest was started in another county, but the contestants moved into Bernalillo County. The Governor had not been very well pleased with the results in the first county, and he asked me if I would take charge of examinations in my home county of Bernalillo. The contest never got beyond my home county. So many avenues for consideration were opened that the investigation came to an end.

I know that if there is not some time limitation or some salary limitation, such as the Senator from Wyoming suggests there has been, these things can drag on interminably.

I am not trying to charge any member of the subcommittee with the slightest failure adequately to protect the interests of the Government. I have full confidence in the three members of the subcommittee, and I am sure they will try to do a good job. But, experience has taught me that election contests can be long and expensive, and that if a limitation of some kind is provided, it sort of reduces the lucrativeness of the contest and it may close within a shorter period of time.

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

Mr. ANDERSON. I yield.

Mr. POTTER. The Senator from New Mexico realizes, of course, that it is not a pleasant task at best, and that the effort on the part of the subcommittee is to do an impartial job and try to determine the correct outcome of the election. We want to keep out of the political arena as much as possible. What disturbs me is the fact that if we come back a month from now, after the ballot boxes have been opened, we shall be confronted with a far more serious situation than that with which we are faced today. We do not want to bring out a report as the result of our preliminary investigation. The Senator would not want that to be done. We have had to accept the charge that the subcommittee is acting blindly, without knowing what it is doing. That is a little difficult, because I am sure the Senator would not want us to present on the Senate floor the results of a preliminary hearing which was held in executive session and which was the basis for a further investigation.

Mr. ANDERSON. I am only trying to say that I believe that if the committee began to count the ballots in Bernalillo County, and it became apparent that there was a substantial shift from what had been certified as the results of the election, and if that shift were in a direction favorable to General Hurley, the committee would surely be justified in returning and asking for a substantial appropriation, and I hope I might stand on the floor and ask that the committee be granted what it requested.

Mr. POTTER. It would be most difficult for the Senator to do so after the ballot boxes had been opened. The Senator is enough of a realist to know that once ballot boxes are opened, irrespective of the way the trend might be, the situation then becomes most difficult. If the subcommittee is to accomplish its task, nothing will be gained by waiting a month. For example, after the ballots have been counted in 1 county, 2 counties, 5 counties, or half the counties, if we find that none of the charges has been established, and we know that the outcome of the election has not been changed, I feel certain the subcommittee would have enough wisdom to call off the investigation.

Mr. ANDERSON. In answer to what the Senator from Michigan has said, I point out that Bernalillo County has been looked into very carefully. Not all the interest in Bernalillo County centered in the race for the senatorship. There were some red hot races for membership in the State legislature, and some red hot races for county offices. Some of us have put up money for recounts, which gave an opportunity to check the results in those races, and other results, as well.

Let me call attention to what happened. In 117 boxes in Bernalillo County the certified official election returns showed that Senator CHAVEZ received 26,983 votes, while General Hurley received 30,690 votes. The ballots in 39 boxes out of 117 boxes were recounted. The official count of those boxes showed that CHAVEZ received 10,930 votes. When the recount was finished it showed that CHAVEZ received 10,865. The official count showed that in those boxes Hurley received 6,249; the recount showed 5,985. In other words, Senator CHAVEZ lost 65 votes and General Hurley lost 264 votes.

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

Mr. ANDERSON. I yield.

Mr. POTTER. I am reluctant to discuss this matter on the floor of the Senate, but it is my understanding that the Senator refers to a physical count. No effort was made during the so-called recount to determine the validity of the ballots.

Mr. ANDERSON. I think I would agree that that is true; that is, no one opened a ballot to see if it contained a proper number, or any of various other necessary items. Of course, we in New Mexico desire to protect the ballot as much as possible.

Mr. POTTER. That is correct. I am not certain whether the recount the Senator mentioned involved any more than merely going through the boxes and counting the ballots which were marked.

Mr. ANDERSON. No; they were counted name by name.

Mr. POTTER. Were they checked against the poll lists?

Mr. ANDERSON. I shall not answer that question, because I cannot answer it. I will not state something to the Senator that I do not know of my own personal knowledge. I do know that when the recount was in progress the proper officials were present, watching it carefully, and there is no possibility that the figures I have given are not the figures they arrived at as they went through the ballots. I shall not attempt to discuss the question of the validity of the ballots.

Mr. POTTER. I am certain the junior Senator from New Mexico does not desire to have the committee return 4 weeks from now to debate on the floor of the Senate all the charges and counter charges which have been made in the reports of our investigation, which we should like to keep in executive session.

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

Mr. ANDERSON. I ask permission that I may be permitted to yield to my colleague, the senior Senator from New Mexico, to ask a question of the Senator from Michigan.

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

Mr. CHAVEZ. Is it not true that I am now a United States Senator?

Mr. POTTER. Yes.

Mr. CHAVEZ. Is it not true that the reason why I am now a United States Senator is that I was so certified by the people of New Mexico, who had the right to certify that fact?

Mr. POTTER. That is correct.

Mr. CHAVEZ. The Senator from Michigan has spoken about some kind of report he has received from so-called members of a staff. Does not the Senator from Michigan think that a United States Senator who is accused of the things of which I have been accused should be told what the charges are?

Mr. POTTER. I am certain the senior Senator from New Mexico realizes that the subcommittee is charged with a responsibility and, I think, a duty, to keep

the results of our investigation confidential. This is a preliminary investigation. I do not know whether some of the matters contained in the report made by our own staff are completely accurate, and accordingly I would not want these made public.

Mr. CHAVEZ. I understand.

Mr. POTTER. I am certain that you would do likewise if in my position.

Mr. CHAVEZ. Since I am just as much a United States Senator as is the distinguished junior Senator from Michigan, and since charges have been made against me, does not the Senator from Michigan think that I should be entitled at least to satisfy the Senator from Michigan? Does not the Senator from Michigan think that I am entitled to the same kind of treatment he received when his election was under investigation?

Mr. POTTER. The charges made in the petition filed by General Hurley are available to the Senator from New Mexico. What we are now talking about is a preliminary study of the result of an investigation under that petition, which I will not make available to the Senator, and I will not make available to anybody else.

Mr. CHAVEZ. I am becoming tired of the insults being hurled at the people of New Mexico. Soldiers from New Mexico are dying in Korea. Every American cemetery in the world bears the names of soldiers from New Mexico. All we ask is fair play and common, ordinary American decency. I know about the report, and I know who made it. I do not mind the committee—the Senator from Wyoming [Mr. BARRETT], the Senator from Michigan [Mr. POTTER], and the Senator from Missouri [Mr. HENNINGS]—making an investigation. But I know also the members of the staff, and I do not wish to be investigated by members of the staff. I want the United States Senate to decide whether I am entitled to stay in this body or not. I do not want a clerk of a committee to decide that question.

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

Mr. ANDERSON. I yield to the Senator from Michigan to reply to the senior Senator from New Mexico, but I do not wish to yield further. I do not desire to precipitate a discussion between the Senator from Michigan and the senior Senator from New Mexico.

Mr. POTTER. It is most embarrassing and most unfortunate that the very thing has happened which I feared would happen, and which I wished to avoid. I do not know where the chips are going to fall in this matter. If a Senator accepts the responsibility as a member of this committee, a most unpleasant assignment, he must be fair and impartial. As the Senator from New Mexico well knows, no matter what happens, the Senator having such an assignment is chastised. If the committee, acting upon the petition, had said, "We will not take any action," that would have been called a whitewash. So the committee created a staff of workers and made a preliminary investigation. As a result, we found that there were sufficient irregularities to warrant further investigation. That does not mean that charges have been made. It simply means that further investigation was deemed advisable.

I hope the Senator from New Mexico will recognize that the subcommittee is not out to "get" anyone. I sincerely hope the investigation will be completed as soon as possible. That is the reason for the debate which has occurred in the Senate today. If the motion of the Senator from Louisiana prevails, the debate we shall have 4 weeks from now will compound a nasty situation.

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

Mr. ANDERSON. I am happy to yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I have listened with a great deal of interest to the debate. It seems to me that the discussion has taken a rather strange turn. We are debating the issues involved when, as a matter of fact, they are not before us. Four months ago and $40,000 worth—because that is what was spent—we told the committee to go ahead. It has $54,000 left. It asks for $100,000. A very strange issue is raised.

It is said that the resolution is not before us in proper form. At one time I was a member of the Committee on Rules and Administration. This resolution is in the same form as other resolutions which were reported when I was a member of the committee.

Mr. friend from Louisiana [Mr. ELLENDER] discusses the possibility of a motion to recommit. We are prejudging the case on the floor of the Senate. We authorized the Committee on Rules and Administration, and its Subcommittee on Privileges and Elections, to do a job. Should we now be in the unholy position of saying, "You cannot have the money to go ahead and do the job"? How can we tell the committee whether the amount requested is too much or too little? How can we judge? The committee has 150 pages of testimony and evidence and staff data. Can we judge the case here on the floor? Certainly not.

I think we are in a strange and anomalous position, when we undertake to say to the committee, "You shall not have the money." I think it would put the Senate in a bad light before the entire country. This request ought to be approved on both sides.

If my friend from New Mexico will permit one further observation, there is nothing personal about this. I esteem the senior Senator from New Mexico [Mr. CHAVEZ] as a friend. We served in the House of Representatives together. I have served with the junior Senator from New Mexico [Mr. ANDERSON]. This is a case of doing a job which has been entrusted to the Committee on Rules and Administration, and in turn to the Subcommittee on Privileges and Elections. It certainly would be niggardly on our part to say that in a contest which involves many kinds of issues the committee shall not have the money necessary to do the job. That is why the committee was created. It was created to investigate, to evaluate, to go through the entire book and determine what the outcome should be, or is, or was.

I do not think we can determine the substantive issues on the floor of the Senate this afternoon. We should give the committee the money it has requested.

Mr. ANDERSON. Mr. President, I wish only to say that I recognize that the task which is placed upon the junior Senator from Wyoming [Mr. BARRETT], the junior Senator from Michigan [Mr. POTTER], and the senior Senator from Missouri [Mr. HENNINGS] is one of the most difficult and unpleasant tasks that can be imposed upon any Senator.

I have not tried in any way to be critical or harsh in what I have said concerning what the committee has been attempting to do. I do say that the people of my State feel that wholesale recounting, without trying to find out what the recount may show in the first county, is not wise. It might be well to recount ballots in one large county and ascertain what the results are from such a recount. If the committee should then feel that it should go ahead, I should be in favor of giving them additional money.

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

Mr. ANDERSON. I yield.

Mr. TAFT. Do I correctly understand that the only difference between the Senator and the committee is that the committee thinks 4 or 5 counties should be recounted, whereas the Senator from new Mexico thinks only 1 county should be recounted?

Mr. ANDERSON. No. My contention is that the committee has ample funds to make a recount in one county. When it has finished that recount it can come back to the Senate and say, "We need to count the rest of the State." I think the staff will continue to function until all the money has been spent.

Mr. TAFT. I do not quite agree with the Senator that a final determination can be made on the basis of the recounting of one county. So far as fraud cases in Ohio are concerned—of which I have any knowledge—I should say clearly that the great bulk of counties were perfectly straight, but certain other counties might be open to question. It seems to me that in order to enable the committee to obtain sufficient information to decide whether there is any use in continuing the recount, it must recount the ballots in more than one county. If the Senator admits the principle, it seems to me that he ought to agree that the committee should have sufficient money to do the job. After all, only about 10 percent of the ballots cast in the State has been recounted.

No final determination can be made merely on the basis of a charge. There must be an investigation. It is the final determination which answers every question. It seems to me that the committee should be enabled to reach a final determination.

Mr. ANDERSON. The point is that more than 10 percent of the ballots of the State has been recounted, and shows no gain.

Mr. TAFT. But the recount was made on a basis which was questioned by the committee. The recount did not go into the question of the eligibility of voters.

All that was done was to recount the paper ballots.

Mr. ANDERSON. The majority leader is correct. However, in the particular county we are talking about recounting there reside between one-fifth and one-fourth of all the voters in the State.

Mr. TAFT. I do not think that necessarily means that the county is typical. I do not think it proves a thing. If 4 or 5 or 6 typical counties throughout the State were recounted, then it seems to me we would have a fair cross-section.

Mr. ANDERSON. The county referred to is the very one which General Hurley wanted counted. Therefore, I say it would furnish a satisfactory result.

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

Mr. ANDERSON. I shall try to keep going. I have a rather sore throat. I am happy to yield to the Senator.

Mr. BARRETT. Let me say to the distinguished Senator from New Mexico that the committee will be out of funds some time next month, shortly after we are nicely started on recounting the ballots in Bernalillo County. If the Senate wants us to proceed with the job which has been assigned to us, we must have the money available at least 30 days in advance of the time when it is needed.

Mr. ANDERSON. I do not think it should cost $54,000 to recount the ballots in that one county. That is all I am trying to say.

THE NATO STATUS OF FORCES TREATY

Mr. BRICKER. Mr. President, I note that there are pending on the Executive Calendar three agreements submitted to the Senate by the President of the United States. These agreements were largely worked out during the past administration. These treaties involve the very lives and interests of all American soldiers on foreign soil. Today we have on foreign soil some 700,000 or 750,000 American boys.

I wish to discuss these treaties very briefly this afternoon, so that the information may be before Senators when the treaties are taken up next week. I am glad to note that some members of the Foreign Relations Committee are present in the Chamber this afternoon, because my discussion involves a hearing which was recently conducted by the Foreign Relations Committee, which has reported these treaties to the Senate.

The NATO Status of Forces Treaty would subject members of the United States Armed Forces to trial in the courts of NATO countries for nonmilitary offenses committed within those countries. As the Under Secretary of State, Gen. Walter Bedell Smith, conceded at the hearings—record of hearings, page 53—the proposal is "unprecedented." Believing that this unprecedented agreement reflects a callous disregard of the rights of American Armed Forces personnel, I shall propose the following reservation:

The military authorities of the United States as a sending state shall have exclusive jurisdiction over the members of its force or civilian component and their dependents with respect to all offenses committed within the territory of the receiving state and the United States as a receiving state shall, at the request of a sending state, waive any jurisdiction which it might possess over the members of a force or civilian component of a sending state and their dependents with respect to all offenses committed within the territory of the United States.

The proposed reservation affects only the criminal jurisdiction provisions in article VII of the Status of Forces Treaty. In my judgment, the other provisions of that treaty should be approved. In addition, the two companion treaties relating to the status of the North Atlantic Treaty Organization and the NATO military headquarters should be approved by the Senate.

At the outset, I wish to make one fact absolutely clear. Nothing in the proposed constitutional amendment sponsored by 63 other Senators and myself would prevent the United States from becoming a party to a treaty like the NATO Status of Forces Treaty. Senate Joint Resolution 1 is designed to protect only domestic constitutional rights from being undermined by treaty. As I have said many times, Senate Joint Resolution 1, if adopted, will not prevent the making of bad treaties. The NATO Status of Forces Treaty in its present form is one of the worst I have ever seen. My examination of proposed treaties over the past 2 years has not been casual.

To approve the criminal jurisdiction provisions of this treaty would amount to penalizing the American soldier in an effort to please our NATO allies. Of course, I attribute no such motive to the President, to the Secretary of State, or to any Member of the Senate Foreign Relations Committee. Nevertheless, that is the result and effect of the treaty before us.

Moreover, I do not criticize any member of the Foreign Relations Committee for not exercising due care and diligence in reporting this treaty favorably to the Senate. In the light of statements made by Government witnesses at the hearings, the committee's action was sound and logical. Unfortunately—and this is very important—the committee's action was based on false and misleading representations. As to whether the misrepresentations were deliberate or grounded in stupidity, I express no opinion.

They might have been prompted by those who were in the State Department—and who are still there—when these agreements were worked out, as a way of vindication. They might have been suggested, Mr. President, in an effort to cover up the executive agreements already illegally made.

THE FUNDAMENTAL FALLACY

The crux of the matter is what rights can properly be claimed for American servicemen abroad under generally accepted rules of international law. The Senate Foreign Relations Committee was informed by the legal adviser of the State Department, Herman Phleger, as follows:

Now with respect to the statement * * * that as a sovereign nation we are not subject to the sovereignty of any country in which our troops are located, I do not view that as a correct statement of the law.

* * * * * *

Individuals wearing our uniform and part of our military force do not have sovereign immunity, and there is no doctrine which says that a nation which has on its soil representatives of a foreign nation must give immunity to those persons. Immunity is restricted to those which the receiving nation chooses in the handling of its diplomatic affairs to give immunity to, such as Ambassadors, and so forth (record of hearings, p. 49).

Those are the words of Mr. Phleger, who is the legal adviser of the State Department, in his testimony before the Committee on Foreign Relations.

Believing this to be an accurate statement of international law, the Senate Foreign Relations Committee might reasonably have concluded that the Status of Forces Treaty was the best bargain that could have been made under the circumstances. Mr. Phleger, however, was dead wrong. His statement to the committee reveals his total lack of experience in the field of international law.

The rule of international law as laid down by Chief Justice John Marshall and many other later authorities is that troops of a friendly nation stationed within the territory of another are not subject to the local laws of the other country, but are subject only to their own country's laws and regulations for the government of the armed services.

At this point I should like to offer, as a part of my remarks, and to be included in them, an article published in the American Journal of International Law. It is entitled "Jurisdiction Over Friendly Armed Forces" and is written by Mr. Archibald King. It is the most complete review of the subject which has been made in recent years. I wish the article to be made a part of my remarks at this point in the RECORD so that Members of the Senate, particularly members of the Committee on Foreign Relations, may read it, together with the citations given. It shows how clearly erroneous were the remarks of the legal adviser of the State Department.

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

JURISDICTION OVER FRIENDLY FOREIGN ARMED FORCES

(By Archibald King)

There are at present Armed Forces of the United States in England, Northern Ireland, Egypt, Australia, New Zealand, New Guinea, China, India, Iceland, in British possessions in the Western Hemisphere from Newfoundland to British Guiana, and in other friendly countries. There are troops of Great Britain or her dominions in Egypt, Iraq, Iran, and a few of them in the United States. English forces were a few months ago in Greece, and ours in the Dutch East Indies and Burma. There are troops of various exiled governments in England. The armed forces of Germany are in Italy, Libya, Hungary, and Rumania; and those of Japan in French Indochina and Thailand. In every case mentioned, the visiting forces are in the foreign country by invitation, or at least with the consent, of its sovereign or government.

The situation, it may be admitted, is not new. It has occurerd in almost every war in which two nations have been allied. It occurred on a very large scale during the

First World War, when there were millions of American and British soldiers in France and a few divisions in Italy, and no doubt a considerable number of German soldiers in Austria and vice versa. But never before have there been American forces in so many friendly foreign countries. They are likely to increase both in number of men and number of countries. It therefore becomes pertinent and timely to examine the legal status of such forces with respect to the government and people of the country in which they are; and, in particular, the question whether and to what extent that country may exercise jurisdiction over them.

It is elementary that a civilian national of country A, who enters friendly country B, by the mere fact of doing so subjects himself to the laws of B and to the possibility of civil suit and criminal prosecution in its courts. The same is true of an officer or soldier of A's army who enters B unofficially as a visitor or tourist. Is the same true of Captain M and Private N, of the army of A, who enter B as a part of an expeditionary force at the invitation of the government of B? To consider and to attempt to answer that question is the object of this article.

The present writer's father, for many years before his death a member of the American Society of International Law and a contributor to this Journal,[1] used to say that judicial opinions fall into two classes: first, those of Chief Justice Marshall; and second, all others. It is therefore a pleasure to begin with a case in which the opinion is from Marshall's pen. American lawyers are apt to think of him only as the expositor of the Constitution, but to foreigners he is known primarily as America's earliest and one of its greatest authorities on international law.

The case in question is *The Schooner Exchange* v. *McFaddon*,[2] a libel in admiralty in the United States District Court for Pennsylvania against *The Exchange*, in which the libelants, merchants of Baltimore, alleged that that ship had been wrongfully taken from their captain and agent on the high seas by persons acting under orders of Napoleon, Emperor of the French, and was at the date of the libel, August 24, 1811, at Philadelphia; that she had not been condemned by any court of competent jurisdiction; and praying that she be restored to the plaintiffs, her rightful owners. The United States attorney filed a suggestion that the ship libeled was a public vessel of the French Emperor, which, having encountered stress of weather, was obliged to put into Philadelphia for repairs; that, if the ship ever belonged to the libelants, their property had been divested and become vested in the Emperor within a port of his empire according to the laws of France. The United States attorney submitted whether the attachment ought not be be quashed and the libel dismissed.

The case went on appeal to the Supreme Court. The Chief Justice, speaking for the Supreme Court,[3] referred to the "perfect equality and absolute independence of sovereigns," and the "common interest impelling them to mutual intercourse, and an interchange of good offices with each other," which "have given rise to a class of cases in which every sovereign is understood to waive the exercise of a part of that complete exclusive territorial jurisdiction, which has been stated to be the attribute of every Nation." Mentioning first the admitted "exemption of the person of the sovereign from arrest or detention within a foreign territory," and secondly "the immunity which all civilized nations allow to foreign ministers," Chief Justice Marshall proceeded:

"3d. A third case in which a sovereign is understood to cede a portion of his territorial jurisdiction is, where he allows the troops of a foreign prince to pass through his dominions.

"In such case, without any express declaration waiving jurisdiction over the army to which this right of passage has been granted, the sovereign who should attempt to exercise it would certainly be considered as violating his faith. By exercising it, the purpose for which the free passage was granted would be defeated, and a portion of the military force of a foreign independent nation would be diverted from those national objects and duties to which it was applicable, and would be withdrawn from the control of the sovereign whose power and whose safety might greatly depend on retaining the exclusive command and disposition of this force. The grant of a free passage therefore implies a waiver of all jurisdiction over the troops during their passage, and permits the foreign general to use that discipline, and to inflict those punishments which the government of his army may require."

The Chief Justice went on to say that a license for foreign troops to enter a friendly foreign country is never presumed but always express, but that the case is different as to ships; and that, unless particular ports be closed to foreign ships of war, and notice thereof be given, "the ports of a friendly nation are considered as open to the public ships of all powers with whom it is at peace." After mentioning the case of private ships seeking an asylum, but declining to decide what jurisdiction the sovereign of the port might have over them, the Chief Justice continued: [4]

"But in all respects different is the situation of a public armed ship. She constitutes a part of the military force of her nation; acts under the immediate and direct command of the sovereign; is employed by him in national objects. He has many and powerful motives for preventing those objects from being defeated by the interference of a foreign state. Such interference cannot take place without affecting his power and his dignity. The implied license therefore under which such vessel enters a friendly port may reasonably be construed, and it seems to the Court, ought to be construed, as containing an exemption from the jurisdiction of the sovereign, within whose territory she claims the rites of hospitality."

The Supreme Court accordingly held that *The Exchange*, as a public armed vessel of a friendly power, entered Philadelphia upon an implied promise of exemption from the jurisdiction of the local courts, and the Court therefore directed the dismissal of the libel and the release of the vessel.

It is true that the case before the Supreme Court concerned a ship, and our present problem relates to personnel of the Army or Navy, but it does not follow that Marshall's statements about troops are mere dicta. Those statements are an indispensable part of the reasoning which led him to his conclusion and cannot be rejected without rejecting the conclusion as well.

The essence of the decision is not that an armed public vessel, but that any public armed force, whether on land or sea, which enters the territory of another nation with the latter's permission, enjoys an extraterritorial status.[5]

The Supreme Court did not again mention the subject until after the Civil War. In *Coleman* v. *Tennessee*,[6] the Court said:

"It is well settled that a foreign army permitted to march through a friendly country, or to be stationed in it, by permission of its government or sovereign, is exempt from the civil and criminal jurisdiction of the place."

The foregoing is, strictly speaking, a dictum, since the case before the Court involved a hostile and not a friendly occupation. Another statement by the Supreme Court to the same effect, which for the same reason is also a dictum, is found in *Dow* v. *Johnson*.[7] But even dicta of the Supreme Court are entitled to great weight, especially when they concern a matter which only becomes the subject of actual litigation once in a generation, if so often.

In *Tucker* v. *Alexandroff*,[8] the Supreme Court decided, upon the authority of article IX of the treaty of 1832 between this country and Russia, and Revised Statutes, section 5280, that the commanding officer of a detachment of the Russian Navy, sent to the United States with the consent of the Government to man a ship being built for that navy in this country, was entitled to have a deserter arrested and returned to his control. The Court discussed the case of *The Exchange* at length and said of it: [9]

"This case, however, only holds that the public armed vessels of a foreign nation may, upon principles of comity, enter our harbors with the presumed license of the Government, and while there are exempt from the jurisdiction of the local courts; and, by parity of reasoning, that, if foreign troops are permitted to enter, or cross our territory, they are still subject to the control of their officers and exempt from local jurisdiction."

The case amounts to a reaffirmation, at least by way of dictum, of the doctrine laid down in the case of *The Exchange* that the armed forces of one friendly nation within the territory of another by its consent enjoy an extraterritorial status.

In *Chung Chi Cheung* v. *The King* [10] the facts were these: *The Cheung* was a Chinese maritime customs cruiser, a public armed vessel of China. While that ship was in the territorial waters of the British crown colony of Hong Kong, the appellant, a cabin boy, shot and killed her captain and wounded the chief officer and himself. Later the launch of the Hong Kong police came alongside and took the appellant and the chief officer to the hospital. The appellant was tried in Hong Kong for murder "in the waters of this colony," convicted, and sentenced to death. He carried the case on appeal to the Judicial Committee of the Privy Council, and Lord Atkin delivered the judgment. He first referred to the report of the Royal Commission on the reception of fugitive slaves in 1876, in which the extraterritoriality of a public vessel was discussed at length by Chief Justice Cockburn and other distinguished English lawyers.[11]

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[1] George A. King, "French Spoliation Claims," vol. 6 (1912), pp. 359, 629, 830.

[2] 7 Cranch 116.

[3] P. 137 et seq.

[4] P. 144.

[5] Chief Justice Marshall's opinion in the case of *The Exchange* has often been praised. In a letter to the late Albert J. Beveridge, Dr. John Bassett Moore—and surely there is no one better qualified to judge in such a matter—said that that opinion is Marshall's greatest in the realm of international law. (Private letter, Moore to Beveridge, cited by Beveridge, Life of Marshall, IV, p. 121.) Elsewhere Judge Moore called it the basis of international law on the subject with which it deals. (Moore in Dillon, John Marshall: Life, Character, and Judicial Services, as portrayed in the centenary proceedings throughout the United States on Marshall day, 1901, I, 521.)

In England, Brett, L. J., said, in *The Parlement Belge* (L. R. 5 P. D. 197, 208): "The first case to be carefully considered is, and always will be, *The Exchange*."

More recently in *Chung Chi Cheung* v. *The King* (1939 A. C. 160, 168), a case discussed in detail hereafter, Lord Atkin, speaking for the judicial committee of the Privy Council, called Chief Justice Marshall's opinion in the case of *The Exchange* "a judgment which has illumined the jurisprudence of the world."

[6] 97 U. S. 509, 515.

[7] 100 U. S. 158, 165.

[8] 183 U. S. 424.

[9] P. 433.

[10] 1939 A. C. 160.

[11] 1876, Cmd. 1516.

Lord Atkin rejected, as had Chief Justice Cockburn in that report, the theory of "objective extraterritoriality," of a ship being a floating island, a detached piece of the territory of the nation whose flag she flies. He quoted at length and with approval the opinion in *The Exchange*, and concurred fully in the general principle that the armed forces of one power allowed by another to enter its territory enjoy immunity from the local courts, but held that in the case before him the Chinese Government had waived that immunity.

In the Casa Blanca case [12] the Permanent Court of Arbitration at The Hague recognized the general principle of the immunity of troops in a friendly foreign country. On September 25, 1908, 6 deserters from the French Foreign Legion, 3 of whom were Germans, applied for protection to the German consul at Casa Blanca, Morocco. Morocco was nominally an independent country under the rule of its own sultan, but troops of the French Foreign Legion were with his consent camped in and around Casa Blanca. Citizens of the European Powers enjoyed an extraterritorial position and could be tried only by their own consuls. Representatives of the German consul attempted to escort the 6 deserters to the waterfront and place them upon a German vessel about to depart. On the way a detachment of French soldiers forcibly took them from their escort. Germany protested and demanded the restitution to her of the three deserters who were German nationals, and the matter was submitted to the Permanent Court of Arbitration. It will be observed that there was in this case a conflict between two different sorts of extraterritorial immunity: first, that of soldiers in a friendly foreign country subject to the exclusive jurisdiction of their own officers and military tribunals; and, second, that of Europeans in a semicivilized country subject to the exclusive jurisdiction of their own consuls under the regime of capitulations. Among the considerations motivating its decision, the court mentioned the following:

"Whereas under the extraterritorial jurisdiction in force in Morocco the German consular authority as a rule exercises exclusive jurisdiction over all German subjects in that country; and

"Whereas on the other hand, a corps of occupation as a rule also exercises exclusive jurisdiction over all persons belonging to it; and * * *

"Whereas the jurisdiction of the corps of occupation should have the preference in case of a conflict when the persons belonging to this corps have not left the territory which is under the immediate, lasting, and effective control of the armed force."

The court decided, in the first place, that the German consulate was in the wrong in attempting to place on board a German ship deserters from the French Foreign Legion not of German nationality; and, further, that it "did not, under the circumstances of the case, have a right to grant its protection to the deserters of German nationality," but that the French military authorities ought to have respected "as far as possible" the actual protection being granted in the name of the German consulate. The court did not direct the restitution of the deserters to Germany. The award has been severely criticized as obscure and ambiguous;[13] but one fact stands out, that the court recognized the exclusive jurisdiction of the officers and military tribunals of a nation over its own troops in a friendly foreign country.

When we turn from adjudicated cases to authoritative writers on international law, we find the same doctrine stated. Thus Wheaton says:[14]

"A foreign army or fleet, marching through, sailing over, or stationed in the territory of another state, with whom the foreign sovereign to whom they belong is in amity, are also, in like manner, exempt from the civil and criminal jurisdiction of the place."

In section 99, Wheaton adopts as his own a part of the language in Chief Justice Marshall's opinion in the case of *The Exchange*.

Dr. Charles Cheney Hyde says:[15]

"Strong grounds of convenience and necessity prevent the exercise of jurisdiction over a foreign organized military force which, with the consent of the territorial sovereign, enters its domain. Members of the force who there commit offenses are dealt with by the military or other authorities of the State to whose service they belong, unless the offenders are voluntarily given up."

The late Major Birkhimer said:[16]

"It is well settled that a foreign army permitted to march through a friendly country, or to be stationed in it, by permission of its government or sovereign, is exempt from the civil and criminal jurisdiction of the place."

When we turn to England, we find the same doctrines announced. Wheaton's classic work has gone through six English editions, and the several learned editors have never seen fit to question the original text.

An English writer of high authority, the late Professor Westlake, contented himself with quoting with approval the passage already cited herein from Wheaton.[17]

In Hall's International Law [18] it is said:

"Military forces enter the territory of a state in amity with that to which they belong, either when crossing to and fro between the main part of their country and an isolated piece of it, or as allies passing through for the purposes of a campaign, or furnishing garrisons for protection. In cases of the former kind, the passage of soldiers being frequent, it is usual to conclude conventions, specifying the line of road to be followed by them and regulating their transit so as to make it as little onerous as possible to the population among whom they are. Under such conventions offenses committed by soldiers against the inhabitants are dealt with by the military authorities of the state to which the former belong; and as their general object in other respects is simply regulatory of details, it is not necessary to look upon them as intended in any respect to modify the rights of jurisdiction possessed by the parties to them respectively. There can be no question that the concession of jurisdiction over passing troops to the local authorities would be extremely inconvenient; and it is believed that the commanders, not only of forces in transit through a friendly country with which no convention exists, but also of forces stationed there, assert exclusive jurisdiction in principle in respect of offenses committed by persons under their command, although they may be willing as a matter of concession to hand over culprits to the civil power when they have confidence in the courts, and when their stay is likely to be long enough to allow of the case being watched. The existence of a double jurisdiction in a foreign country being scarcely compatible with the discipline of an army, it is evident that there would be some difficulty in carrying out any other arrangement."

Lawrence, another English writer, said: [19]

"The universally recognized rule of modern times is that a state must obtain express permission before its troops can pass through the territory of another state. * * * Permission may be given as a permanent privilege by treaty for such a purpose as sending relief to garrisons, or it may be granted as a special favor for the special occassion on which it is asked. The agreement for passage generally contains provisions for the maintenance of order in the force by its own officers, and makes them, and the state in whose service they are, responsible for the good behavior of the soldiers towards the inhabitants. In the absence of special agreement the troops would not be amenable to the local law, but would be under the jurisdiction and control of their own commanders, as long as they remained within their own lines or were away on duty, but not otherwise."

Another learned British author, Oppenheim, until his death Whewell professor of international law at the University of Cambridge, said: [20]

"Whenever armed forces are on foreign territory in the service of their home state, they are considered exterritorial and remain, therefore, under its jurisdiction. A crime committed on foreign territory by a member of these forces cannot be punished by the local civil or military authorities, but only by the commanding officer of the forces or by other authorities of their home state. This rule, however, applies only in case the crime is committed, either within the place where the force is stationed, or in some place where the criminal was on duty; it does not apply, if, for example, soldiers belonging to a foreign garrison of a fortress leave the rayon of the fortress, not on duty but for recreation and pleasure, and then and there commit a crime. The local authorities are in that case competent to punish them."

French legal writers express the same view. Thus Maitre Clunet in a note on La Présence des Alliés en France et l'Exterritorialité, says: [21]

"En principe, là ou une armée est réunie sous le drapeau national, pour défendre la cause nationale, elle transporte avec elle un pouvoir juridictionnel et les éléments de puissance utiles à sa propre conservation. Par le moyen de ses conseils de guerre et dans l'aire du territoire où ses troupes évoluent encore que ce territoire soit étranger,—l'armée occupante réprime les infractions par les individus, militaires ou non, prévues par la loi militaire."

Mademoiselle Aline Chalufour, in an able thesis, says: [22]

"Le principe dominant en la matière est celui-ci: Une armée opérant sur un territoire étranger est entièrement soustraite à la souveraineté territoriale et possède une juridiction exclusive sur les membres qui la composent. Sur ce point la doctrine, les législations et la pratique sont d'accord, qu'il s'agisse d'occupatio bellica, d'occupation convenue résultant d'un traité, d'occupation de police ou simplement comme dans le cas qui nous occupe, de la présence des troupes sur un territoire dans un but de coopération avec l'armée du pays."

A learned Dutch writer, L. Van Praag, is even more definite and positive. He says: [23]

"Le consentement donné par un état, relativement au séjour sur son territoire de troupes organisées, n'implique pas seulement—on l'admet généralement—en l'absence de conditions mises a l'octroi de ce consentement, la reconnaissance de la compétence de leur propre juge militaire pour exercer la juridiction sur ces troupes; il entraine en même temps pour elles l'immunité

[12] This Journal, vol. 3 (1909), p. 755; Martens, Nouveau Recueil Général, 3d series, II, 19; Wilson, Hague Arbitration Cases, p. 86.

[13] This Journal, ibid., p. 698; Oppenheim, International Law (4th ed.), I, 672, n. 1.

[14] Elements of International Law, Sec. 95.

[15] International Law, I, Sec. 247.

[16] Military Government and Martial Law, Sec. 114.

[17] Westlake, International Law (1910 ed.), pt. I, p. 265.

[18] 7th ed., sec. 56.

[19] Principles of International Law (6th ed.), sec. 107, p. 246.

[20] International Law (4th ed.), vol. I, sec. 445.

[21] Journal du Droit International, vol. 45, pp. 514, 516. An earlier note to the same effect by the same learned author is found in the same journal, vol. 9, pp. 511, 520.

[22] Le Statut Juridique des Troupes Alliées pendant la Guerre 1914–1918, p. 45.

[23] Juridiction et Droit International Public, sec. 246.

de la juridiction locale en affaires pénales, aussi longtemps qu'un lien existe entre l'auteur d'un délit et sa troupe."

Dr. Van Praag appends to the section quoted many citations, especially of continental writers, in support of his statement.

The German statute law, unless it has been changed by the Nazi government since the outbreak of the present war, is and has been for many years that the German Army has the right to try its own personnel in its own courts and under German law, wherever they may be serving.[24] The German forces serving in the territory of their ally, Turkey, during World War I, exercised such jurisdiction to the exclusion of the Turkish courts.[25]

When we turn to Latin America, we find the same view to be held. In *Republic of Panama* v. *Schwartzfinger*, the supreme court of that republic had before it a prosecution of a soldier of the United States Army who, while driving an ambulance on duty in Panama, caused the death of a civilian. The court held: [26]

"It is a principle of international law that an armed force of one state, when crossing the territory of another friendly country, with the acquiescence of the latter, is not subject to the jurisdiction of the territorial sovereign, but to that of the officers and superior authorities of its own command."

The Bustamante Code, annexed to the Convention on Private International Law, adopted at Habana, February 20, 1928,[27] and now in force between most of the states of Latin America, provides as follows:

"ART 299. Nor are the penal laws of the state applicable to offenses committed within the field of military operations when it authorizes the passage of an army of another contracting state through its territory, except offenses not legally connected with said army."

Let us next turn to another continent, Africa. A British soldier driving an automobile on duty in Egypt ran over the plaintiff. The British civil authorities found the driver without blame and refused to make compensation. Thereupon the plaintiff sued Colonel John, the British commander in chief, in the Egyptian courts. In *Amrane* v. *John*,[28] in 1934, the civil tribunal of Alexandria held itself to be without jurisdiction and said that by custom and without formal convention British military personnel had been exempt from process of the local courts.

The foregoing citations show that, according to a principle of international law recognized by British, American, and other authorities, permission by one nation for the troops of another to enter or remain in the former's territory carries with it extraterritoriality, an exemption of the troops in question from the courts of the country and a permission for the operation of the court-martial of the visiting army. The above principle is in truth but an application of a much larger principle, which is expressed in a Latin maxim, "Cuicunque aliquis quid concedit concedere videtur et id sine quo res ipsa esse non potuit." [29] The illustration of this principle, with which Americans are most familiar, is the doctrine of implied powers in constitutional law, laid down by Chief Justice Marshall. With respect to that doctrine, the Supreme Court said in *Marshall* v. *Gordon:* [30]

"The rule of constitutional interpretation announced in *McCulloch* v. *Maryland* (4 Wheat. 316), that that which was reasonably appropriate and relevant to the exercise of a granted power was to be considered as accompanying the grant, has been so universally applied that it suffices merely to state it." [31]

Let the above general principle, enshrined in a maxim, be applied to the present problem. Nation B has invited the troops of Nation A to enter its territory, or at least consented to their entry. That permission would be nugatory if no courts-martial might be held in those forces. Without such courts, discipline could not be maintained and those forces would cease to be an army and would become a mob. Also, the intervention of the courts of a foreign even if friendly country in the discipline of an army would be destructive of that discipline and inconsistent with the control which any sovereign nation must have of its own army.

In nearly every civilized country the carrying of arms and the possession of explosives are forbidden, or at least regulated, by law. Let it be supposed that such is the case in nation B, the host nation. Would the soldiers of nation A, in B by B's invitation or consent, be subject to trial and conviction in the local courts because they had not complied with the law of B on such matters? Clearly, the answer must be in the negative. No one would contend otherwise. Why is this so? Because of the principle above mentioned. B has granted to A permission to land and maintain its troops in B. Even though the grant contains no express authority for them to carry arms or possess explosives, permission to do so is implied, since otherwise they would not be military or naval forces, and could not perform the duties for which they were sent to B. The same is true with respect to the functioning of courts-martial and exemption from the civil courts. If its courts-martial could not function to repress crimes and military offenses, or if the courts of B might concern themselves with the discipline of the army of A, it would lose its discipline and efficiency and cease to be an army worthy the name.

The theory of Chief Justice Marshall's opinion in the case of *The Exchange* and of the other authorities quoted is that there is an agreement between the host nation, B, and nation A, implied from B's consent for A's troops to enter B's territory, that those troops while in B shall be under the exclusive jurisdiction of their own military courts. It is, however, clearly permissible, and in many cases highly desirable, to have an express agreement on the subject, rather than for the matter to be left to implication. It is therefore appropriate to ascertain what, if any, agreements have been made on various occasions. In many instances A's troops have entered B under a general invitation without stipulations as to jurisdiction, and later an agreement on the subject has been made and reduced to writing.

As has already been said, the example of the presence of friendly troops in another country involving the largest number of men occurred during the First World War, French and English troops were in Belgium by invitation of that country from the early days of that war until the armistice. The first argeement between two of the Allied Powers with respect to jurisdiction over troops in a friendly foreign country was between France and Belgium, made August 14, 1914, when the war was less than 2 weeks old. By it, each country recognized the exclusive jurisdiction of the other over the personnel of its own forces.[32] That agreement served as the model for many others which followed it.

During the First World War, millions of soldiers of the United States, the British Empire, and other allied countries were in France by invitation of the Government of that nation. The English were present from the early days of the war in August 1914. There was at first no agreement regarding jurisdiction over them; but on December 15, 1915, nearly a year and a half after the beginning of the war, the two Governments made a joint declaration of which the following is the important paragraph:

"His Britannic Majesty's Government and the Government of the French Republic agree to recognize during the present war the exclusive competence of the tribunals of their respective armies with regard to persons belonging to these armies in whatever territory and of whatever nationality the accused may be." [33]

Mlle. Chalufour mentions [34] the following conventions as recognizing the same immunities in the case of other friendly foreign forces: Franco-Servian, December 14, 1916; Franco-Italian, September 1, 1917; Franco-Portuguese, October 15, 1917; and Franco-Siamese, May 24, 1918.

General Pershing landed in France at the head of the first detachment of the American Expeditionary Forces on June 13, 1917. Brig. Gen. (later Maj. Gen.) Walter A. Bethel, who was judge advocate of those forces during their entire stay in France, said in his final report to their commander in chief, August 19, 1919: [35]

"There had been received from France a bare invitation to send our armies to cooperate with hers without any agreement whatsoever as to the legal relations of the forces and as to the status of an American Army on French soil. On inquiry, however, at the French War Office, upon our arrival in France, it was found that the French view was precisely the same as our own; that under the general principles of international law mem-

[24] Militärstrafgesetzbuch für das Deutsche Reich, June 20, 1872, sec. 7, republished June 16, 1926, in Reichsgesetzblatt, part I, p. 275 et seq.; Militärstrafgerichtsordnung, Dec. 1, 1898, sec. 1. I am indebted for these citations to Dr. George M. Wunderlich.

[25] Die Gerichtsbarkeit der Heeresgruppe Yildirim, by Dr. Georg Wunderlich, Mitteilungen der Deutschen Gesellschaft für Völkerrecht, Heft II, 1932, pp. 79, 87–89.

[26] This journal, vol. 21 (1927), p. 182. The headnote quoted was prepared by the present writer's learned colleague, Col. William C. Rigby, U. S. Army, retired.

[27] Final act of the Sixth International Conference of American States, p. 16.

[28] Journal du Droit International, vol. 62, p. 194.

[29] Broom's Legal Maxims, 8th ed., p. 367. For the benefit of him whose recollection of Latin pronouns has been dimmed by the lapse of years, the foregoing may be translated, "Whoever grants a thing to anyone is deemed also to grant that without which the grant itself would be of no effect."

[30] 243 U. S. 521, 537.

[31] Another and older application of this broad principle is a way by necessity. Blackstone says (2 Commentaries 36): "A right of way may also arise by act and operation of law; for if a man grants me a piece of ground in the middle of his field, he at the same time tacitly and impliedly gives me a way to come at it; and I may cross his land for that purpose without trespass. For when the law doth give any thing to one, it giveth impliedly whatsoever is necessary for enjoying the same."

To the same effect is 19 Corpus Juris: "Easements," sec. 117.

Among the many English cases recognizing and applying the maxim are *Kielley* v. *Carson* (4 Moore, P. C., 63, 87) and *Clarence Railway Company* v. *Great North Railway Company* (13 Meeson and Welsby 706, 719). In the latter case it was held that when an act of Parliament empowered one railway company to carry its line across that of another by a bridge, the former might place temporary scaffolding on the land of the latter without its permission, if that were necessary for constructing the bridge.

[32] Chalufour, op. cit., p. 47.

[33] London Gazette, Dec. 15, 1915; Foreign Relations of the United States, 1918, Supp. 2, p. 735.

[34] Op. cit., p. 51. These conventions were published in the Journal Officiel on the dates mentioned, respectively.

[35] P. 12.

bers of the American Expeditionary Forces were answerable only to American tribunals for such offenses as they might commit in France. As the principle needed a somewhat broader scope, however, than its mere application to our Army in France, it was later agreed between the diplomatic departments of the Governments that each should possess exclusive criminal jurisdiction over its land and sea forces whether in the territory of either nation or on high seas. This agreement was published in Bulletin No. 13, G. H. Q., February 18, 1918."

The agreement to which General Bethel alluded took the form of an exchange of notes between the Secretary of State and the French Ambassador at Washington.[36] The important part of it is in language almost identical with that of the earlier Franco-British agreement. That part reads thus:

"The Government of the United States of America and the Government of the French Republic agree to recognize during the war the exclusive jurisdiction of the tribunals of their respective land and sea forces with regard to persons subject to the jurisdiction of those forces whatever be the territory in which they operate or the nationality of the accused."

There were in France at the date of the armistice about 2,100,000 American soldiers. Their behavior and discipline were generally excellent, but a few of them occasionally misconducted themselves. When they did so, they were arrested by their own officers, their own military police, or French police, whichever might have observed the offense or first caught the offender; but, if the French police made the arrest of an American offender, they invariably turned him over to the American military authorities at the first convenient opportunity, and he was always tried by a court-martial of the United States Army and never by a French court.[37] This was true whether his offense was a purely military one, such as desertion; or a crime against another American, such as larceny from an American fellow soldier; or one against the person or property of a Frenchman, such as assault and battery upon him or burglary of his house; and whether the offense was committed in an American camp or a French village. There were scores of trials of American soldiers before American courts-martial for offenses against French men or women or their property, ranging from cases of street brawls or petty larceny in which a minor penalty was inflicted to a few of rape or murder in which the American court-martial imposed the death penalty and the offenders were hanged. The French civil and military authorities cooperated by summoning any French witnesses who might be needed. If an American soldier was charged with an offense against the person or property of a Frenchman, and the French authorities so desired, they were allowed to have an observer present at the trial. In general, the sentences imposed by American courts-martial were at least as severe as would have been given by French courts for like offenses, and there was no complaint by the French authorities against the working of the American system of military justice.

The case of *Ministre Public* c. *Pratt* [38] illustrates the caution of the French courts in prosecuting an American who might fall within the Franco-American convention. Pratt, formerly a captain in the American Expeditionary Forces, was charged with the fraudulent conversion of property of the French Republic. The court of first instance and the court of appeal held that the French courts were incompetent, and that Pratt was subject only to the American military jurisdiction. Thereafter the American military authorities stated that, because Pratt had been separated from the service, they no longer had power to try him. Nevertheless, it was only after the French Government had certified that there was no objection from the point of view of France's international obligations that the French judiciary would entertain the prosecution.

An agreement in identical language with that between the United States and France was made by exchange of notes between the Secretary of State and the Belgian Ambassador in Washington.[39]

Negotiations on the subject between the Governments of the United States and Great Britain extended over a period of 2 years and a half during the World War.[40] The British Government began those negotiations September 11, 1917, by admitting the extraterritoriality of organized bodies of United States troops in Great Britain "within the limits of the quarters occupied by them," but contended that outside their quarters "they are liable to be dealt with by the English criminal courts for any offenses against the English criminal law but could not be apprehended for any purely military offense (such as desertion, absence without leave, etc.) either by their own or the English military police or by the civil police." The United States Government did not accede to the foregoing; and the British Government, as an interim measure while negotiations were going on, promulgated a regulation under the Defense of the Realm Act, of which the most important paragraph was the following:

"It is hereby declared that the naval and military authority and courts of an Ally may exercise in relation to the members of any naval or military force of that Ally who may for the time being be in the United Kingdom all such powers as are conferred on them by the law of that Ally." [41]

Later the British Government appears not to have pressed the broad claim of jurisdiction which it first made, and submitted a memorandum proposing that a member of the United States forces within British territory should not be tried by a court-martial of the United States if the charge against him were treason or any one of three other offenses, but should be tried by a civil or military court of the United Kingdom.[42] In answer thereto, by its dispatch No. 264, dated July 17, 1918, the Department of State said: [43]

"The note of the British Foreign Office dated April 26 last, with its additional proposals, is regarded by this Government as containing conditions which would create a very dangerous situation as regards the forces of this Government in British territory. The competent authorities of this Government are of the opinion that the result of entering into an agreement such as that proposed in the above-mentioned note would be a partial surrender by the American forces to the British Government of jurisdiction over the military forces of the United States located within British territorial limits for offenses committed on American warships or in American camps and would involve the lack of proper recognition of the character and competency of the existing American military tribunals."

The Department of State went on to suggest that an agreement on the subject be made between the United States and Great Britain like those already concluded between Great Britain and France and between the United States and France, which agreements recognized the exclusive competence of the courts-martial of each country to try members of its own forces. The British Government then withdrew its proposal that American soldiers charged with certain offenses be tried in British courts, and inquired whether the United States would enter into an agreement with it like that with France,[44] and later transmitted a draft of such an agreement; [45] but, as the armistice had been signed and the troops of the United States were being withdrawn from the British Isles, it was never executed.[46] Nevertheless, so far as is recalled by officers of our Army who were in a position to know the facts, no trial of a soldier of the American Expeditionary Forces by a British court actually occurred.

In article 10 of the military agreement subsidiary to the Treaty of Alliance between Great Britain and Iraq of October 10, 1922,[47] it was stipulated that the British Government should exercise military jurisdiction over its British and Indian forces, and that the members of such forces, civilian officials, and "Indian public followers" should be immune from arrest, search, trial, or imprisonment by the civil power in Iraq in respect of criminal offenses, and immune from civil process in respect of any act done in performance of military or official duties. These immunities and privileges in jurisdictional matters were confirmed and continued by article 2 of the annex to the Treaty of Alliance of June 30, 1930, between the same governments.[48]

In 1936, 2 years after the case of *Amrane* v. *John*, *supra*, the British Government recognized the complete sovereignty of the King of Egypt and entered into an alliance with him, one of the conditions of which was a convention concerning the immunities and privileges to be enjoyed by the British forces in Egypt.[49] Article 4 of that convention provided:

"4. No member of the British forces shall be subject to the criminal jurisdiction of the courts of Egypt, nor to the civil jurisdiction of those courts in any matter arising out of his official duties."

Other articles extend judicial immunity also to certain British civil officials and to the wives and children of British military and civil personnel.

After the present war began, but before the United States became a belligerent, by exchange of diplomatic notes of September 2, 1940, in return for the cession of 50 destroyers, the United States obtained from Great Britain the right to lease naval and air bases in Newfoundland, Bermuda, the Bahamas, Antigua, Jamaica, St. Lucia, Trinidad, and British Guiana. The United States Government soon afterward sent a delegation to London, including representatives of the Department of Justice, the Army, and the Navy, to negotiate under the supervision of the American Ambassador at London with the British Government as to various matters concerning those bases. After several months of discussion, an agreement was signed at London on March 27, 1941, article

[36] It is published in Foreign Relations of the United States, 1918, Supp. 2, pp. 735–737.

[37] Final Report of the Judge Advocate, American Expeditionary Forces, p. 13; Foreign Relations of the United States, 1918, Supp. 2, pp. 745–747; sec. I, Bulletin 86, General Headquarters, AEF, Oct. 31, 1918; Chalufour, op. cit., p. 57.

[38] Cour de Cassation, Chambre Criminelle, Aug. 13, 1920; 48 Journal du Droit International, p. 970.

[39] Foreign Relations of the United States, 1918, Supp. 2, pp. 747, 751.

[40] Ibid., pp. 733–760.

[41] Foreign Relations of the United States, 1918, Supp. 2, p. 742; Final Report of the Judge Advocate, A. E. F., p. 12.

[42] Foreign Relations, ibid, p. 745.

[43] Ibid., p. 748.

[44] Foreign Relations of the United States, 1918, supp. 2, pp. 751–752.

[45] Ibid., p. 754.

[46] Ibid., p. 760.

[47] Great Britain, Treaty Series No. 17 (1925), Cmd. 2370.

[48] Ibid, No. 5 (1931).

[49] Ibid, No. 6 (1937), Cmd. 5360; this Journal, Supplement, Vol. 31 (1937), p. 77.

IV of which, quoted in full in the margin, deals with jurisdiction.[50]

That article does not, in so many words, allow to the United States military and naval personnel in the British colonies containing the leased bases that full and complete immunity from jurisdiction of local courts allowed to visiting forces by Marshall in the case of *The Exchange*, by other judges and writers, and by the several conventions already mentioned. It mentions certain classes of offenses, as to which "the United States shall have the absolute right in the first instance to assume and exercise jurisdiction"; but goes on to say that, if the United States does not elect to do so, the offender shall be surrendered to and brought to trial by the appropriate local authorities. Among such are offenses of a military nature, including treason, sabotage, and espionage, which may be committed by members of the United States forces in the colonies in which the bases are located, either within or without the leased areas, and offenses "of any other nature" (which includes the usual common law and statutory felonies and misdemeanors) when committed by "a person other than a British subject" (which, of course, includes members of our Armed Forces) within the leased areas. The agreement is surprisingly silent with respect to jurisdiction over our military and naval personnel in respect of nonmilitary offenses committed by them outside of the leased bases, e. g., a larceny by one of our soldiers of the property of a native in Port-of-Spain, Trinidad, or an assault by a sailor of our Navy on a Newfoundlander in the streets of St. John's. Under our own military law, such offenses are undoubtedly triable by our own Army or Navy courts-martial, as military and naval jurisdiction is personal, not territorial, and follows the soldier or sailor wherever he may go on the face of the earth.[51]

It may be argued that, in view of the silence of the agreement with respect to this class of offenses, the general principle stated by Marshall and so many other authorities applies, namely, that the visiting forces are subject only to their own military tribunals, and not to the local courts. It may also be contended that, as the commission of any crime or offense by a soldier at any time or place, on or off duty, is a breach of discipline, paragraph (5) of the article governs and gives the United States exclusive jurisdiction.

These arguments are not convincing. This appears to be an appropriate occasion for the application of the maxim, expressio unius est exclusio alterius. Article IV mentions certain classes of cases in which the United States is to have a preferential right to exercise jurisdiction. If it had been intended to include the class now under consideration, that class would have been mentioned. Its inclusion would have given the United States a preferential right to try its own soldiers and sailors in all cases; and, if that had been the intention of the negotiators, no enumeration of classes of offenses would have been necessary. The argument based on paragraph (5) may also be answered by calling attention to the fact that the word "discipline" is joined with the words "internal administration," and the latter expression clearly shows that the former is not intended to have so broad a meaning as the argument attributes to it.

It may be concluded, therefore, with respect to offenses of a nonmilitary character committed by our soldiers or sailors outside of the leased bases that article IV contemplates concurrent jurisdiction in the American courts-martial and the local courts. The offender is triable in either tribunal.

This brings us to the present war. The first allied country to which the United States sent a considerable force was Australia. On December 17, 1941, 10 days after the entry of the United States into the present war as a belligerent, but before any United States forces had reached that country, the Government of Australia issued an order in council or statutory rule [52] with respect to courts-martial of foreign forces in that country, which undertook to restrict such courts to matters concerning discipline and internal administration and contemplated the concurrent jurisdiction of local courts over the personnel of such forces. Later, on May 27, 1942, the Government of Australia promulgated an amendment to the foregoing,[53] providing as follows:

"6. (1) Notwithstanding anything contained in regulation 4 of these regulations, where any member of the United States Forces in Australia is arrested or detained on a charge of having committed an offence against the law of the Commonwealth or of any State or Territory of the Commonwealth, the appropriate officer of the United States Forces shall be notified and, if he so requests, the member shall be handed over to him and shall thereupon cease to be subject to the jurisdiction of the criminal courts in Australia, and the appropriate naval or military court constituted in accordance with the law of the United States of America applicable to the United States Forces in Australia may exercise in relation to the member such powers as are conferred upon it by that law."

The above quotation shows that the United States forces in Australia have, in every case in which they care to ask for it, exclusive jurisdiction over their own personnel. From an Associated Press dispatch from Canberra of May 27, 1942,[54] the date of issue of the amendatory order, it appears that the Australian Ministry was questioned about the matter on the floor of the House of Representatives of that Commonwealth; and that Mr. Curtin, the Premier, answered as follows:

"Having regard for the practice we ourselves insisted on for years—that members of the Australian Imperial Force serving in other countries should be adjudged by the law of this land and under the authority of our commanding officer—this regulation is entirely consistent with the development of policy governing the matter."

News dispatches have told of the trial in Melbourne in July by a general court-martial of the United States Army of Private Edward J. Leonski, Signal Corps, United States Army, for the murder of three Australian women, of his conviction, and of the imposition by the court of the death sentence.

There are also American forces in considerable number in the United Kingdom of Great Britain and Northern Ireland. Before the United States entered the war, the British Parliament passed the Allied Forces Act, 1940.[55] Notwithstanding the encomiums of English judges on the opinion of Chief Justice Marshall in the case of *The Exchange, supra*, the draftsman of that act appears to have overlooked or disregarded it, as well as the views of authoritative English writers on international law and the agreement between his own country and France during the World War, all recognizing the exclusive jurisdiction of the courts-martial of visiting forces over the personnel of those forces. The act begins, section 1 (1), as follows:

"1. (1) Where any naval, military, or air forces of any foreign power allied with His Majesty are for the time being present in the United Kingdom or on board any of His Majesty's ships or aircraft, the naval, military, and air-force courts and authorities of that power may, subject to the provisions of this act, exercise within the United Kingdom or on board any such ship or aircraft in relation to members of those forces, in matters concerning discipline and internal administration, all such powers as are conferred upon them by the law of that power."

A mere legislative recognition by the Parliament of Great Britain of the right of courts-martial of foreign forces in Great Britain to function, in accordance with the principle of international law above men-

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[50] Art. IV. Jurisdiction:

(1) In any case in which—

(A) A member of the United States forces, a national of the United States or a person who is not a British subject shall be charged with having committed, either within or without the leased areas, an offense of a military nature, punishable under the law of the United States, including, but not restricted to, treason, an offense relating to sabotage or espionage, or any other offense relating to the security and protection of United States naval and air bases, establishments, equipment, or other property or to operations of the Government of the United States in the territory; or

(B) A British subject shall be charged with having committed any such offense within a leased area and shall be apprehended therein; or

(C) A person other than a British subject shall be charged with having committed an offense of any other nature within a leased area, the United States shall have the absolute right in the first instance to assume and exercise jurisdiction with respect to such offense.

(2) If the United States shall elect not to assume and exercise such jurisdiction the United States authorities shall, where such offense is punishable in virtue of legislation enacted pursuant to article V or otherwise under the law of the territory, so inform the government of the territory and shall, if it shall be agreed between the government of the territory and the United States authorities that the alleged offender should be brought to trial, surrender him to the appropriate authority in the territory for that purpose.

(3) If a British subject shall be charged with having committed within a leased area an offense of the nature described in paragraph (1) (A) of this article, and shall not be apprehended therein, he shall, if in the territory outside the leased areas, be brought to trial before the courts of the territory; or, if the offense is not punishable under the law of the territory, he shall, on the request of the United States authorities, be apprehended and surrendered to the United States authorities and the United States shall have the right to exercise jurisdiction with respect to the alleged offense.

(4) When the United States exercises jurisdiction under this article and the person charged is a British subject, he shall be tried by a United States court sitting in a leased area in the territory.

(5) Nothing in this agreement shall be construed to affect, prejudice, or restrict the full exercise at all times of jurisdiction and control by the United States in matters of discipline and internal administration over members of the United States forces, as conferred by the law of the United States and any regulation made thereafter. (H. Rept. Doc. 158, 77th Cong., 1st sess.; this Journal, supp., vol. 35 (1941), p. 136).

[51] Articles of War, introductory sentence, art. 2, 93, and others; 10 U. S. Code, 1471, 1473, 1565; Digest of Opinions of the Judge Advocate General, U. S. Army, 1912, p. 511, par. VIII B; this author, The Army Court-Martial System, 1941 Wisconsin Law Review, 311, 320; Articles for the Government of the Navy, introductory sentence, 34 U. S. Code, 1200.

[52] No. 302, 1941.

[53] Statutory Rule No. 241, 1942.

[54] Evening Star, Washington, D. C. May 27, 1942.

[55] 3 & 4 Geo. 6, ch. 51.

tioned, would be unobjectionable to any other country and might be advantageous from the British standpoint; but the language of the act shows that subsection 1 (1) is something quite different. That subsection itself, above quoted, says that foreign courts-martial may function in England "subject to the provisions of this act." In other words, the foreign court-martial may function insofar as the British act of Parliament authorizes or allows it to do so.

Subsections 2 (2) and 2 (3) also speak of the courts-martial of the visiting forces having jurisdiction "by virtue of the foregoing section," i. e., section 1, showing that it is the theory of the Allied Forces Act that foreign courts operate in Britain by authority of that act, that it is a delegation of power to them. This view is believed to be unsound. The courts-martial of the armed forces of any nation derive each and all their powers from the laws of that nation, and can accept no grant of power from any other.

Section 2 (1) of the act expressly recognizes the concurrent jurisdiction of British civil courts over the personnel of visiting forces, and is therefore inconsistent with the well-established principle of the exclusive jurisdiction of the courts-martial of the visiting forces. Section 2 (3) of the act says that the courts-martial of visiting forces shall not have jurisdiction of certain cases. No nation can admit that another shall tell it that it may not try its own soldiers before its own courts-martial in certain cases.

It is, therefore, not surprising that, as soon as it was foreseen that United States forces would be sent to the British Isles, negotiations were begun between the two Governments as to the status of those forces. After considerable discussion, the British Government agreed that the United States should have exclusive jurisdiction over the personnel of its own forces, whether on duty or off, and whether within their own quarters or without. That agreement has been embodied in an exchange of diplomatic notes, dated July 27, 1942, and in an act of Parliament approved by the King August 6, 1942.[56] The notes are printed in the schedule annexed to the act. The notes and the act recognize to the fullest degree the exclusive jurisdiction of the courts-martial of the United States over our soldiers and sailors. Section 1 (1) provides:

"1. (1) Subject as hereinafter provided, no criminal proceedings shall be prosecuted in the United Kingdom before any court of the United Kingdom against a member of the military or naval forces of the United States of America: *Provided*, That upon representations made to him on behalf of the Government of the United States of America with respect to any particular case, a Secretary of State may by order direct that the provisions of this subsection shall not apply in that case."

The British note speaks of "the very considerable departure which the above arrangements will involve from the traditional system and practice of the United Kingdom." In the debate in the House of Commons, members referred to the bill as a "striking innovation" and as being "of a completely revolutionary character."[57] The act does not deserve such description. As has been shown, substantially all the authorities and precedents support it, including the precedent of the exclusive jurisdiction exercised by the British Army over its personnel in France during the First World War, and the like exclusive jurisdiction conceded in fact to our forces over their personnel by Great Britain during the First World War, though that concession was not embodied in a formal exchange of notes. Since the passage of the act, the newspapers have carried an account of the trial and acquittal by court-martial of the United States Army of an American soldier tried for rape of an English woman.

It goes without saying that it is the right and duty of the government of the host country to make sure that the persons and property of its nationals are effectively protected against crimes by members of the visiting forces, and that the latter's immunity from prosecution in the local courts is not used as a cloak to enable them to commit such crimes with impunity. In the several expeditionary forces which the United States sent to friendly foreign countries in the First World War and in others, the military and naval officers in command have always been ready to prosecute before their own courts-martial any member of their own forces against whom the local authorities (or any individual national of the host country) presented prima facie evidence of having committed a crime or offense. In his note to the British Secretary of State for Foreign Affairs, dated July 27, 1942, the American Ambassador at London wrote:

"In order to avoid all doubt, I wish to point out that the military and naval authorities will assume the responsibility to try and on conviction to punish all offenses which members of the American forces may be alleged on sufficient evidence to have committed in the United Kingdom."

What does the foregoing survey show to be the legal situation of friendly foreign armed forces? It shows, in the first place, by substantial unanimity of opinion among judges and writers on international law, and according to many international agreements, that the invitation or permission of the host country to enter its territories carries with it, at least unless clearly denied, an implied exemption or immunity of the personnel of visiting forces from the jurisdiction of the local courts and a consent to the functioning of the courts-martial of such forces. In other words, the permission to enter carries with it an implied but nonetheless clear and definite consent to the exclusive jurisdiction over such forces of their own courts-martial.

The only question in doubt is how far such immunity from the local courts extends. In the first place, does it follow the visiting soldier at all times and in all places while he is within the host country, or only part of the time and in some places? In its negotiations with the United States during the First World War, the British Government began by admitting the extraterritoriality of United States troops "within the limits of the quarters occupied by them."[58] Lawrence, in the passage already quoted, says that the visiting troops would not be amenable to local law, but would be under the jurisdiction and control of their own commanders, "as long as they remained within their own lines or were away on duty, but not otherwise." Oppenheim, in the paragraph previously quoted, says that the exemption from the local courts "applies only in case the crime is committed, either within the place where the force is stationed, or in some place where the criminal was on duty; it does not apply, if, for example, soldiers belonging to a foreign garrison of a fortress leave the rayon of the fortress, not on duty but for recreation and pleasure, and then and there commit a crime."

On the other hand, neither the other writers on international law nor Chief Justice Marshall in his opinion in the case of *The Exchange* make any exceptions based upon whether the soldiers are on or off duty, or are within or without their own camps. None of the several international agreements which have been mentioned makes any such distinction, except that between the United States and Great Britain respecting the leased bases in British possessions in the Western Hemisphere.

The objection to the distinction is that, under the conditions of modern warfare, it becomes illusory. There no longer exists such a situation as that of which Professor Oppenheim spoke, of soldiers belonging to a foreign garrison leaving "the rayon of the fortress." There were millions of American and British soldiers in France during the First World War. The majority of them were not in separate camps or reservations, but were quartered in every village, often in the houses of the inhabitants, as this writer was on many occasions. That the situation is substantially the same in the present war is shown by the following quotation from the syndicated column of Ernie Pyle, written from "Somewhere in Northern Ireland":[59]

"There is no such thing over here as an immense camp of thousands and thousands of men like the camps back home. Anything more than a few hundred in one camp is unusual here.

"The troops are dispersed all around Northern Ireland, usually in quarters formerly occupied by the British. Although most of the troops are living in small camps, in Nissen huts, not all of them are. Others live in every conceivable way. They live in old mills, in castles, in barns, in private homes, and what not."

To say that the visiting soldier who lives under such conditions loses his immunity when he steps outside of the house in which he is billeted would make that immunity meaningless and nugatory, and defeat the very purpose which brought it into existence. Nor is the distinction between "on duty" and "off duty" more helpful. In modern warfare, that distinction also fades out. In these days of bombing from the sky, the members of an antiaircraft battery may have to jump to their guns at any moment, the pilot of a plane may be called upon to take off at any time, and the infantryman must always be prepared to repel paratroops or commandos. Any of these things may happen when he is walking in the town square with his girl friend or drinking beer in the inn; and, in a broad but nevertheless accurate sense, he is always on duty.

Let us carry the matter a bit further. Suppose foreign allied troops are in a country where fighting is going on. A column on the march to battle is halted and the men are allowed to break ranks and relax for a few moments. May a soldier who then enters a tavern and gets into a fight with a villager be held by the town constable for trial at the next assizes, because the offense was committed outside of his quarters and when off duty? No captain in any army would permit a man to be taken from his company at such a time for such a reason.

It is noteworthy that, in the one international agreement which accepted the view of Lawrence and Oppenheim, the facts more closely resembled the now obsolete situation which they had in mind. In the bases leased by Great Britain to the United States, our troops are not scattered through the villages and over the countryside, or billeted on the inhabitants. There, there is in substance a foreign garrison of a fortress, to use Oppenheim's expression. In each colony one or more tracts, accurately described by metes and bounds and usually of considerable extent, have been leased to the United States for 99 years. It is within those leased areas only that the soldier or sailor normally performs his duties and is quartered. Furthermore, those bases are so far from the enemy

[56] 5 and 6 Geo. 6, c. 31.

[57] Parliamentary Debates, House of Commons, Official Report, Aug. 4, 1942, vol. 382, pp. 902, 910.

[58] Foreign Relations of the United States, 1918, Supp. 2, p. 733.

[59] Washington News, Aug. 6, 1942.

countries that they are relatively free from danger of bombing or invasion by paratroops or commandos. The soldier or sailor may, therefore, well submit to some change in his status when he leaves the leased area for pleasure.

It may be concluded, however, that in the absence of an agreement providing otherwise, such as that made with respect to the leased bases, the exemption of visiting forces from the jurisdiction of local courts is not limited to offenses committed in their own camps or quarters or when on duty, but exists at all times and in all places within the country which has invited or permitted the foreign troops to enter its borders.

The next question is whether the immunity of the visiting soldier or sailor extends to civil suits. In his opinion in the case of *The Exchange*, already quoted, Chief Justice Marshall referred to a waiver of "all jurisdiction" over visiting troops. In *Coleman* v. *Tennessee*, supra, the Supreme Court said that the soldier in a friendly foreign country is exempt from the "civil and criminal jurisdiction of the place." The above phrase was repeated with approval in *Dow* v. *Johnson*, supra. The view of the Supreme Court of the United States seems clearly to be, therefore, that the visiting soldiers or sailors are exempt from the civil as well as the criminal jurisdiction of the host country, i. e., they may not be sued civilly in its courts. In passages already quoted, Wheaton and Birkhimer refer to exemption from the "civil and criminal jurisdiction of the place." On the other hand, in the quotations hitherto made, Hall and Hyde refer to "offenses," Oppenheim to "crime," Clunet to "conseils de guerre" and "infractions," Van Praag to "affaires pénales," and the Bustamante Code to "penal laws," all expressions indicating that the visiting soldier is exempt from the criminal jurisdiction of the host state; but it is impossible to say whether those learned authors intended to hold that he is not exempt from civil suit, or whether the question of civil liability had not occurred to them.

In the passage already quoted from the agreement made between France and Great Britain during the first World War, the two countries recognized "the exclusive competence of the tribunals of their respective armies." The agreements between the United States and France and between the United States and Belgium use almost identical language. Those expressions standing alone are broad enough to cover civil suits against visiting soldiers; but in each case they are followed by other passages relating to "infringements" (probably an inaccurate translation of the French word "infractions") or "offenses," which indicate that the draftsmen of the agreements had criminal jurisdiction mainly, if not exclusively, in mind. So far as is recalled by the present writer and other officers of the United States Army who were in a position to know of it if that occurred, no civil suit was brought against any member of the American Expeditionary Forces in a British or French court during the first World War.

There is a practical reason against extending immunity so far. As has been said, the government of the host country is entitled to demand that the immunity which its visitors enjoy be not used as a cloak to enable them to commit crimes against its nationals with impunity. This may be easily prevented by prompt and adequate punishment of such offenders by the courts-martial of their own forces. But the government of the host country is also entitled to demand that immunity from civil suit on the part of the members of the visiting forces be not used by them as a cloak to enable them to escape paying their just debts to nationals of the host country. Though the ancient High Court of Chivalry, composed of the Lord High Constable and the Earl Marshal of England, had civil as well as criminal jurisdiction over military men, that court has not sat since the reign of Queen Anne; [60] and modern courts-martial, neither in the British service, nor in our own, nor in any other of which this writer is aware, have any jurisdiction of civil suits against military personnel. The only thing that a court-martial can do in such a matter is to punish a soldier for bringing discredit on the military service by dishonorably failing to pay his debts, in violation of the 96th Article of War; [61] or, if the debtor is an officer, for conduct unbecoming an officer and a gentleman in failing to do so, in violation of the 95th Article.[62] Such action is not infrequently taken, but it benefits the creditor only insofar as the fear that it may be taken impels the debtor to pay up. The court-martial can only impose a sentence; it cannot give a judgment ordering the debtor to pay his creditor, levy on his goods, or attach his pay. And punitive action may be taken only if the debt be undisputed. Neither a court-martial, nor the debtor's commanding officer, nor any other military authority has jurisdiction to decide whether a disputed debt is or is not legally owed; and still less has any of them authority to adjudicate an unliquidated claim sounding either in contract or tort.[63]

An officer or soldier of the visiting forces may make purchases on credit at a store in the town where he is quartered, and fail to pay for them. If his own government does not furnish him quarters and subsistence, but pays him an allowance in lieu thereof and expects him to provide for himself, he may run up a bill with his landlady and fail to pay it. He may negligently or intentionally injure a national of the host state or the national's property. Another class of civil controversy which unfortunately often arises during military occupations is the question of paternity. An unmarried woman of the host country may charge that a soldier of the visiting army is the father of her child and should support him. The alleged debtor or defendant may contend that he has a good defense in each of the cases supposed. If he is clothed with immunity protecting him from civil suit in the local courts, there is no tribunal whatever in which, as a practical matter, he may be sued and the case decided according to law. Such a situation may constitute a serious wrong to the nationals of the host state, of which its government may justly complain.

Is there any way to reconcile the antinomy between the necessity that a military commander in war have complete and exclusive control of his men and the necessity that those men pay their just debts and obligations to the people of the country whose guests they are? Of the litigated cases in which the status of visiting forces has been in issue, *The Exchange*, *Dow* v. *Johnson*, and *Tucker* v. *Alexandroff*, *supra*, were civil and not criminal proceedings. The Casa Blanca case was an international arbitration, which, if it had been before a national and not an international court, would have been a civil and not a criminal proceeding. *The Exchange* case involved the right to control a public armed vessel of a friendly foreign sovereign. The Alexandroff and Casa Blanca cases involved the right to control the person of a visiting sailor or soldier. Dow against Johnson was a suit against an army officer with the object of holding him personally liable for acts done in the line of his official duty. All the cases held that the soldier or sailor concerned was subject to the exclusive control of the officers and tribunals of his own country.

The foregoing cases point a way out of the difficulty. It is believed that, in the first place, the courts of the host country ought not to take jurisdiction of any civil suit tending to control the person of the visiting soldier or sailor. In order that the military duties, to discharge which he came to that country, may be promptly and efficiently performed, his person must at all times be within the exclusive control of his own commanding officer. Fortunately arrest or imprisonment for debt is obsolete in Great Britain, the United States, and in most, if not all, other countries; but a court may still commit for contempt. No such committal ought to be permitted of a member of the visiting forces.

But, further than that, no suit should be entertained which even questions that complete control which the commanding officer ought to have over the persons of the members of his command, such as a petition for habeas corpus. No self-respecting nation would allow the courts of another, even though friendly, country to inquire into the validity of the enlistment or induction of one of its soldiers, or the legality of his confinement in its own guardhouse. Merely to permit such an inquiry to be carried on would be destructive of discipline and an affront to the ally to whose forces the soldier belongs. Our own State courts may not make such an inquiry,[64] and still less ought a foreign court to be allowed to do so.

It goes without saying that the arms and equipment of the visiting soldier or sailor are not subject to the process of the local courts. Usually they are the property of his country, and the property of a friendly foreign nation in the possession of its agents is immune to interference by the courts of the place.[65] Even if any arms or equipment should be the personal property of the soldier, they are required for his use in the public service of his country, and ought to be exempt on the clearest grounds of public policy.

Neither ought the visiting soldier's pay to be subject to attachment or garnishment by a court of the host country. The pay of one of our soldiers or sailors may not be attached by our own courts.[66] A fortiori a foreign court should not be allowed to do so.[67] Such an attachment would in effect be a suit against a friendly foreign nation, and an interference by the court of the host country with money which is the property of another nation and with the official duties which the paymaster is directed by the statutes of his own country and the orders of his superiors to perform. No nation will tolerate such interference. From the standpoint of the soldier's military efficiency, which is the determining consideration in time of war, nothing could be worse than a total stoppage of his pay.

It is also quite clear that no civil suit should be entertained by any court of the host country against an officer, soldier, or

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[60] Winthrop, Military Law and Precedents, original p. 49, reprint p. 46; this author, "The Army Court-Martial System," loc. cit., p. 318.

[61] 10 U. S. Code, 1568; Manual for Courts-Martial, U. S. Army, 1928, par. 152b.

[62] 10 U. S. Code, 1567; Manual for Courts-Martial, U. S. Army, 1928, par. 151.

[63] Manual for Courts-Martial, U. S. Army, par. 152b; Digest of Opinions of The Judge Advocate General, U. S. Army, 1912, p. 510, pars. VIII A 1 and 2.

[64] *Tarble* case (13 Wall. 397).

[65] *Vavasseur* v. *Krupp* (L. R. 9 Ch. D. 351); *The Parlement Belge* (L. R. 5 D. P. 197); *Kingdom of Roumania* v *Guaranty Trust Co.* (250 Fed. 341); *Mason* v. *Intercolonial Ry. Co.* (197 Mass. 349, 83 N. E. 876).

[66] *Buchanan* v. *Alexander* (4 How. 20).

[67] See *Kingdom of Roumania* v. *Guaranty Trust Co.* and *Mason* v. *Intercolonial Railway Co.*, *supra*.

sailor for any act or omission in the line of his duty. The agreements between Great Britain and Iraq and between Great Britain and Egypt, already cited, provide for such immunity. In so acting or failing to act, he is the representative of his country, and the suit would be in substance a suit against it. Congress has passed acts setting up machinery for the payment of claims against the United States by nationals of foreign countries arising out of the operations of our forces therein.[68] If the state to which the visiting forces belong should have no such legislation, or if a particular claim should be outside its scope, the claimant should present his claim through diplomatic channels.

Furthermore, no civil suit against a visiting soldier or sailor should be brought to trial, or a default judgment rendered against him, at a time and place when it is impracticable for the soldier or sailor to appear and defend the same because of his military duties, which in time of war must come first. The members of the visiting forces ought to have the same sort of protection as is afforded to our own personnel by the Soldiers' and Sailors' Civil Relief Act.[69]

Subject to the foregoing exceptions and limitations, it is believed that civil suits against members of the visiting forces ought to be allowed, though no specific authority can be cited in support of that view. To that extent the theory of total immunity of the visiting soldier should yield to the practical necessity for a tribunal which can pass upon disputed civil liabilities of the visiting soldier, and the nation to which the visiting troops belong should waive the exemption to which in strict law they may be entitled.

It may be argued that a right to sue so limited will be valueless. Is that true? At least a forum is provided where the legal existence and validity of the debt may be adjudicated. If the decision is for the plaintiff, the matter becomes res judicata in his favor and he may sue on the judgment in a court of the debtor's home country. But the creditor has a more practical remedy, and one nearer at hand, if the debtor be an American soldier. Our War Department holds that when a debt has been reduced to judgment, it is no longer open to dispute by the soldier debtor; and his continued failure to pay it, insofar as his means allow, constitutes conduct bringing discredit upon the military service, for which he may be tried and punished by court-martial.[70]

In paragraph 7 of his note of July 27, 1942, the British Secretary of State for Foreign Affairs stated that, though the arrangements in regard to American forces in the United Kingdom are not dependent upon a formal grant of reciprocity, it would be agreeable if the American Ambassador were to inform him that the Government of the United States would take all steps in its power to insure to British forces in the United States a like position. The American Ambassador did not answer the foregoing further than to say that "my Government agrees to the several understandings which were raised in your note." There are a few British troops in the United States. The question is therefore presented: What is their legal status? If one of them should commit a crime or misdemeanor, what court would be entitled to try and punish him?

It is submitted that the United States should allow full reciprocity on this subject, that is to say, the United States should concede to Britain the same exclusive criminal jurisdiction over the personnel of British armed forces on United States soil as Britain has conceded to us. From the exchange of notes, it is to be inferred that the Department of State is willing to do so. But the more serious question is, Will American courts, State and Federal, recognize the agreement embodied in the exchange of notes and hold themselves to be without jurisdiction over offenses committed by personnel of British forces who are in this country with the permission of our Government?

If the agreement were in the form of a treaty by which each nation conceded to the other exclusive jurisdiction over that other's military and naval personnel on its soil, there would be no doubt. As treaties are, pursuant to article VI of the Constitution, "the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding," such a treaty would be binding on both the Federal and State courts.[71]

Is a treaty necessary in order that the courts, Federal and State, shall be bound to give up jurisdiction over British military and naval personnel to their own courts-martial? The question should be answered in the negative. The agreement by exchange of notes may not be binding upon our courts, but international law is a part of the law of the United States and is binding upon them.[72]

In the *Schooner Exchange* v. *McFadden, Coleman* v. *Tennessee,* and *Dow* v. *Johnson,* all previously discussed herein, the Supreme Court of the United States said in the most positive language that the courts-martial of foreign troops permitted by the government of the host country to enter its territory have jurisdiction over the personnel of their own forces, to the exclusion of the local courts. Those cases, it will be noted, do not depend upon any treaty or exchange of diplomatic notes, but upon the view that the exemption of friendly foreign troops from the jurisdiction of the courts of the nation in which they are is a principle of the unwritten law of nations. It is of course impossible to foretell with mathematical accuracy how a court will decide any case; nevertheless there can be little doubt that any Federal court, before which the like question should come, would follow three decisions of the Supreme Court of the United States, one of them from the pen of the illustrious Marshall. Unless the court should disregard those opinions, it would be obliged to hold, without regard to the exchange of notes, that British military personnel forming part of an organized force entering the United States with the consent of our Government are exempt from the jurisdiction of the courts of the United States.

A case arising in a State court ought to be decided the same way, and probably would be if the above decisions were brought to the attention of the court. It is, however, possible that one or more judges of inferior courts sitting under the authority of a State, such as city police courts or rural justices of the peace, unskilled in matters of international law, might in the first instance undertake to assert their jurisdiction over such British personnel brought before them charged with an offense, and might even convict and sentence such personnel. If the Department of State should make public announcement that, in its view, the personnel of British armed forces permitted by this Government to enter the United States are subject to the jurisdiction of their own courts-martial only and exempt from that of courts of the United States and the several States; and if the Department of Justice should follow the example set in the case of *The Exchange,* and direct the appropriate United States attorney to file a suggestion, as was done in that case, that the case before the court is within the exclusive competence of a British court-martial, the likelihood of such a conviction would be still further diminished. Even if such a conviction should take place in a police court or before a justice of the peace, it should be reversed and the sentence set aside by the proper appellate court upon such a suggestion by the United States attorney and upon the three cases above mentioned being cited.

It is concluded that the general principle is abundantly established by reason, authority, and precedent, that the personnel of the armed forces of nation A, in nation B by the latter's invitation or consent, are subject to the exclusive jurisdiction of their own courts-martial and exempt from that of the courts of B, unless such exemption be waived. That principle has already been expressly recognized by several of the United Nations. Its recognition by all of them, by means of formal agreement or otherwise, will contribute greatly to the military efficiency of friendly troops on the soil of an ally and will help win the war.

Mr. BRICKER. Mr. President, I also ask unanimous consent that there be included in my remarks at this point an excerpt from the testimony of Mr. George Finch, who is the managing editor of the American Journal of International Law, and one of the recognized authorities on international law and constitutional law in our country.

Mr. Finch gave his testimony before the subcommittee of the Judiciary Committee of the Senate on April 10, and 11, 1953, and the excerpt which I ask to have printed in the RECORD is found at pages 86 through 89 of a booklet entitled "The Erroneous Arguments of the Opponents of a Constitutional Amendment on Treaties and Executive Agreements. An Analysis and Answer." Mr. Finch's testimony also shows how erroneous were the statements and conclusions arrived at by the Legal Adviser to the State Department.

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

A curious criticism was made by representatives of the Association of the Bar of the City of New York in their testimony before this subcommittee on February 19. They envisioned an enemy invading the United States by way of Alaska and a Canadian motorized division being rushed to our aid through United States territory under an agreement with the President.

It was argued that unless and until Congress, under our proposed amendment, if it were adopted, passed a law making the agreement effective in this country, the Canadian Army would be subject to all the State laws forbidding the carrying of firearms, traffic regulations, and so forth.

I must say, Senators, I sat in amazement to listen to such a statement by people claiming to be qualified to testify on the subject.

No situation like that could arise under the rules of international law.

And you must remember in all these subjects of international relations you are not

[68] Acts of Apr. 18, 1918 (5 U. S. Code, 210); July 1, 1918 (34 U. S. Code, 600); Jan. 2, 1942 (55 Stat. 880).

[69] Act of Oct. 17, 1940 (54 Stat. 1178, 50 U. S. Code, 501, et seq.).

[70] Dig. Op. JAG, 1912, p. 879, par. V; ibid., 1912–40, par. 454 (46).

[71] *Ware* v. *Hylton* (3 Dallas, 199, 236); *Worcester* v. *Georgia* (6 Peters 515, 561); *Hauenstein* v. *Lynham* (100 U. S. 483).

[72] *The Paquete Habana* (155 U. S. 677, 700).

only in the field of constitutional law, but you are in the field of international law to which we as a member of the family of nations are obliged to give respect.

Under international law a friendly foreign army passing through this country by official permission would not be subject to either Federal or State jurisdiction unless there were conditions in the treaty or executive agreement to that effect, a highly improbable situation.

The exemption from domestic jurisdiction of a foreign army passing through our territory is in the same category of sovereign immunities as the sovereign himself and his diplomatic representatives while in this country, and of his public ships of war in our waters.

The reasons for these immunities from territorial jurisdiction were stated by Chief Justice Marshall as follows:

"One sovereign being in no respect amenable to another, and being bound by obligations of the highest character not to degrade the dignity of his nation, by placing himself or his sovereign rights within the jurisdiction of another, can be supposed to enter a foreign territory only under an express license, or in the confidence that the immunity depending on his independent sovereign station, though not expressly stipulated, are reserved by implication and will be extended to him."

Mr. Chief Justice Marshall made that statement in the very celebrated *Exchange* v. *McFadden* case.

You will find that case as one of the cases I teach my students in the class of international law at the Georgetown School of Foreign Service.

For further information on this subject and to bring you up to date, those who are interested in the matter should read an article in the American Journal of International Law, published in 1942, volume 36, pages 539 to 567, entitled "Jurisdiction Over Friendly Foreign Armed Forces," by Col. Archibald King, a very distinguished member of the Judge Advocate General's Department of the United States Army.

In this case these gentlemen put up a hypothetical situation that we were being invaded from Alaska and that the President in order to help us get up a quick defense before it could get down here, asked Canada to send us a motorized division in order to help us defend, and this division to get here quicker came down through the United States.

Then this gentleman said if you adopt that amendment you defeat the attempt of the President to defend the United States.

The CHAIRMAN. Your argument is that they are here by official permission?

Mr. FINCH. Yes.

Now Mr. Nash talked about the stationing of troops in the United States under certain of our agreements, under the defense agreements, and foreign troops being sent here for training and what would be the law governing those troops.

Now, I have not had a chance to write a brief on that, but I should say offhand the law would be this: As long as foreign troops are over here as organized bodies under the command of their own officers, this rule cited by Chief Justice Marshall would apply.

If troops are permanently stationed and garrisoned here, and still under the control of their own commanders, the rule would probably also apply.

If they come here as student officers, not under the command of their own people, but going to some of our military colleges, or somewhere else, they would certainly be under the same rules as our own soldiers and officers at those colleges would be governed by.

If Congress passes a law authorizing some foreign cadet to go to West Point, you would not say he carried immunity from our laws there, but he would be governed by the rules governing West Point cadets.

Now it was argued that this amendment of the American Bar Association would prevent the making of agreements changing this rule of international law where it might be desirable to place some of these men under local jurisdiction for certain purposes, that you could not do that under our amendment, because it requires the consent of the States. That is an argument in reverse, because the States, to begin with, do not have this power.

The laws that apply, under Chief Judge Marshall's ruling, are the laws of the United States.

Now if we wish to make agreements, as we probably have made agreements, it is necessary to make agreements for troops to be stationed a long time in order that these friendly troops may not themselves become a cause of friction because of their relation to the local population—the proposition is not to take away from the States any jurisdiction because they do not have it.

The proposition is to confer on the States jurisdiction which they do not have.

So, the gentlemen who made that argument are arguing the question in reverse.

Now, you might say, and this would apply either to a treaty or Executive agreement, the President or the Congress or the treaty-making power wishes to enter into an agreement that troops stationed here shall be subject to certain suits in our civil courts or certain of our criminal courts. That is conferring a power on the State.

It is not taking anything away, because they do not have it to take away.

Can you imagine a State then saying, "We don't want this jurisdiction?"

The only reason why the executive or the Congress would make such an agreement would be because the State wanted it.

I cannot imagine any State where foreign troops were stationed objecting to any agreement made by the Federal Government which would say these troops when they are down here in your territory in certain matters affecting your population shall be subject to your courts, and if the Federal Government agrees to that, that is all you have to do in order to make it legal according to international law.

I just could not understand those arguments, arguments in reverse against our amendment.

They are not only trying to argue that our amendment would take away certain rights of States according to their laws, but they also say you cannot confer any rights on them.

THE SPECIOUS STATES RIGHTS ARGUMENT

Mr. BRICKER. Mr. President, to shore up his case for the criminal jurisdiction provisions of the treaty, Mr. Phleger resorted to a specious States rights argument. For example, he advised the committee:

> Now, when these [treaties] were under consideration the question was, Will the United States surrender its sovereignty? Will the United States agree that if a French soldier goes into the city of Richmond and gets drunk and kills a citizen of Virginia that the court-martial proceeding shall be the exclusive remedy before a French court-martial? We could not conceive, the negotiators, that this Senate or the United States would ratify any such treaty (record of hearings, p. 56).

The Senate Foreign Relations Committee appears to have accepted Mr. Phleger's States rights argument. For example, reference is made on page 15 of the report to the undesirability of depriving State courts of jurisdiction except in certain cases. Here, again, Mr. Phleger was 100 percent wrong. When armed forces of foreign countries are invited to come to the United States it is not a question of depriving the States of jurisdiction over their nonmilitary offenses. The States have no such jurisdiction unless it be conferred by the United States with the consent of the foreign power.

That, again, is clearly outlined in the testimony of Mr. George Finch, which is a part of the record at this time.

A STRANGE QUID PRO QUO

Perhaps the most fantastic argument advanced by Mr. Phleger is that the criminal jurisdiction provisions of the treaty constitute a good bargain. This is Mr. Phleger's statement before the Senate Foreign Relations Committee:

> I have no doubt when these negotiators sat down the objective which the United States negotiators had was to get the maximum of jurisdiction over its own forces while abroad, tempered, however, by the realization that if they acquired that abroad they would have to grant it in the United States, and I cannot see the possibility of the United States Senate agreeing that if a foreign soldier on United States territory, not in the performance of his duty, were to commit a crime, that the foreign military force could try him, and the civilian courts would have no jurisdiction. That, to my mind, cannot be considered (record of hearing, p. 26).

The committee accepted, uncritically I fear, Mr. Phleger's assertion that a hard bargain had been driven. For example, on page 11 of the committee report, this statement appears:

> The committee would not look with favor upon a complete surrender of criminal jurisdiction over foreign troops in the United States to a foreign power.

I ask the question: Why not? Let us refer back to Mr. Phleger's example of the French soldier who gets into trouble in Richmond, Va. It is at least 100 times more likely that an American soldier will get into trouble in France. The hearings disclose that only about 3,000 NATO troops are in the United States at any one time. How can anyone seriously believe that the American people would rather have criminal jurisdiction over foreign troops here than to have 100 times that number of Americans overseas tried by their fellow-Americans under the laws prescribed by their representatives in Congress. Americans in Richmond will gladly turn over the French soldier to his commanding officer when they realize that Americans in Marseilles will thereby be kept out of the court of a Communist judge. To trade a dollar for a penny is not a good bargain, Herman Phleger to the contrary notwithstanding.

Mr. President, other arguments strange to American ears were advanced for this weird bargain. General Smith said that we must "reduce the administrative burden on the troop commander"—record of hearings, page 3.

In my judgment, any good commander knows that the morale of his troops far outweighs the administrative burden of insuring them a fair trial. In addition, Congress has appropriated large sums of money to send officers through law school. Many lawyers have volunteered in the Armed Forces or have been drafted, and are also available. Their services should be utilized to give all members of our Nation's Armed Forces, here and abroad, the best possible type of military justice possible.

Messrs. Smith and Phleger also argued that failure to give foreign countries criminal jurisdiction over American troops would jeopardize the maintenance of friendly foreign relations. That is about the flimsiest argument which could be advanced.

That is hard to believe. American servicemen are stationed in Europe to defend that soil against overwhelming odds. If the host countries cannot find the manpower for their own defense out of a population far greater than ours, if they cannot pay the full cost of maintaining their own forces, if they cannot exact from their forces the same military service we demand of ours, then surely they will not refuse to contribute to the common defense effort by permitting the trial of Americans by Americans. But if their hostility toward America runs so deep, which I doubt, that is an additional reason for not submitting American forces to trial in their courts.

Mr. President, a high official of this Government, only recently returned from abroad, said the hatred toward Americans was increasing, particularly in European countries. In view of that, I, for one, do not wish to have our troops, who have been drafted from our homes and taken to foreign soil, submitted to trial in the courts of those countries, where the feeling against Americans seems to run so high.

As pointed out in the committee report, page 11—

> The United States cannot demand treaty rights for its troops abroad that it is not willing to accord to foreign troops here.

Equality of treatment is provided in the reservation I have proposed, Mr. President. The military authorities of the United States would exercise exclusive criminal jurisdiction over American forces abroad. The same right is recognized with respect to the troops of other NATO countries in the United States. That is the bargain which should have been made originally. It is the only bargain consistent with the legal rights of American servicemen, with generally recognized principles of international law which have stood for 150 years, and with the harsh realities of international relations.

THE SECRET AND ILLEGAL EXECUTIVE AGREEMENTS

Mr. President, at this point I wish to discuss the secret and illegal executive agreements which have been made in connection with this matter. I wish the Chairman of the Foreign Relations Committee, the distinguished senior Senator from Wisconsin [Mr. WILEY], were in the Chamber at this time, because he presided at the meeting when this proposal was made and when an excuse was given by the representatives of the State Department that already the United States has delivered troops to foreign courts, under Executive agreements. If that be true, it is clearly an illegal usurpation of authority by the Executive, in violation of the act of Congress in enacting into law the military code.

Mr. FERGUSON. Mr. President, will the Senator from Ohio yield to me?

Mr. BRICKER. I yield.

Mr. FERGUSON. Does the record show that executive agreements were entered into in regard to the trial of American troops by various courts of other nations?

Mr. BRICKER. The executive agreements were not produced at the committee hearing. The State Department's representatives said those documents were classified, I believe; and I do not know that the members of the committee or even the staff of the committee were permitted to see them. However, that is clearly the situation, and the report shows it.

Mr. FERGUSON. There is no doubt of it.

Mr. BRICKER. The State Department admitted that the troops had been turned over to such courts of foreign countries, under executive agreements illegally made, contrary to the Military Code of the United States.

Mr. FERGUSON. And various sentences have been imposed by foreign courts; the record clearly shows that is the case.

Let me say that, upon my request, those records have been delivered to me; and I should like to have them made a part of the RECORD, if the Senator from Ohio is willing to have me so request at this point.

Mr. BRICKER. I shall be very happy to have them submitted, for printing at this point in the RECORD.

Mr. FERGUSON. Then, Mr. President, I ask unanimous consent that the records may be printed at this point in the RECORD.

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

MEMORANDUM FOR MR. HOLT

APRIL 28, 1953.

In response to your oral query to me of April 23, 1953, inquiring the statistics as to the number of trials in local civilian courts, and sentences imposed, in NATO countries, the Department of Defense has supplied the following information, all dealing with the period since January 1, 1951:

The Department of the Navy reports as follows on cases dealing with Marine personnel:

There were seven cases, involving charges of assault and battery and robbery. There were no acquittals. The average sentence ranged between $30 and $175 fines and sentences of 8 months' confinement. All sentences of confinement were suspended.

Cases involving Navy personnel were as follows:

Fifty-four cases involving assault, theft, and disturbing the peace; 1 case of rape; 3 involving involuntary manslaughter. There were 11 acquittals. The average sentence varied between $30 fine and 12 months' imprisonment. All sentences of confinement were suspended except those involving the 3 manslaughter cases, which were of 18-month terms each.

The Department of the Army reports that in France there were 64 cases involving military personnel and 14 civilians; in Italy, 17 cases involving military personnel and 60 cases involving civilians; in Turkey, 12 cases involving military personnel and 12 cases involving civilians; in the United Kingdom, 3 cases involving military personnel and no cases involving civilians. Negative reports were received from all other European countries. Statistics with regard to Canada not yet received.

The cases in France involved the following: 2 hit-and-run cases, 4 accident cases, 15 serious assault cases, 13 simple assault cases, 3 negligent homicides, 9 larceny cases, 4 cases of use of narcotics, 3 robbery cases, and 25 miscellaneous petty and traffic-violation cases.

The United Kingdom cases all involved minor traffic offenses.

The cases in Italy included 1 case of possession of an unauthorized weapon, 2 cases of housebreaking and attempted larceny, 1 case of reckless driving, 1 case of attempted fraud, and 72 minor traffic offenses.

The cases in Turkey were composed of 2 cases of selling duty-free goods to unauthorized persons, 9 violations of foreign-exchange regulations, 3 cases of assault and battery, 4 cases of involuntary manslaughter, 1 case of aggravated assault, 4 cases of reckless driving, and 1 case of murder in which the defendant was acquitted.

Tentative reports from the Air Force indicate the following: In France there were 43 cases, of which 18 involved minor traffic violations. The others involved serious personal-property offenses, bodily injury, or death.

In Bermuda, in 1951, there was 1 rape case (sentence of 3 years), 1 case of indecent assault (sentence of 5 pounds' fine), 3 cases of assault and battery (fines of 5 pounds each), 3 offenses of misappropriations of a vehicle (sentences of 5, 10, and 20 pounds), 1 case of larceny (sentence of 5 pounds), 1 case of prowling (5 pounds). In 1952 there was 1 case of indecent assault (5 pounds), 3 cases of assault and battery (5 pounds, 5 pounds, and 3 months in prison, respectively), 2 misappropriations of vehicles (one 12-pound fine and one 3-month sentence), 1 case of forgery (3 months). In 1953 there was 1 case of misappropriating a vehicle (10 pounds), 1 case of forgery (4 months), and 1 case of housebreaking (suspended sentence).

Negative reports have been received from the Air Force with respect to Norway, the United Kingdom, Denmark, Italy, Greece, and Newfoundland.

It has been necessary to compile the foregoing information in the field in response to the special request made on April 23. The study is still pending and the responsible field commanders report that the statistics are being completed and will be forwarded as soon as possible, approximately May 4.

The Department of Defense is not advised of any penalties more serious than a prison sentence of 3 years' confinement. As noted above, a 3-year sentence of confinement was applied in 1 case of rape, as well as in 1 case of black marketing. In the latter case the sentence was actually 1 year's imprisonment and $75,000 fine, with the defendant electing to serve a 3-year prison term.

JOSEPH J. WOLF,
Officer in Charge, Political-Military Affairs, Office of European Regional Affairs.

MAY 4, 1953.

MEMORANDUM FOR MR. HOLT

Supplementing my memorandum of April 28, 1953, concerning the number of trials in local civilian courts and sentences imposed in NATO countries, the Department of Defense has supplied the following additional information.

The Department of the Army gives the following as to the nature of sentences imposed in cases involving United States military personnel in France, Italy, and Turkey:

Country	Number of military persons	Offense charged	Sentence
France	28	Assault	1, 40,000-franc fine; 1, 50,000-franc fine; 2, 10,000-franc fine; 1 month confinement suspended; 2, 10,000-franc fine; 4, 30,000-franc fine; 1 month confinement; 1, 1,000-franc fine; 2, 2,000-franc fine; 3, 20,000-franc fine; 3, 5,000-franc fine; 1, 15,000-franc fine; 1, 30,000-franc fine; 1, 1 month confinement suspended; 2, 20,000-franc fine and 2 months' confinement suspended; 1, 15 days confinement suspended; 1, 6 months' confinement; 3, unknown.
	2	Assault with knife	1, 50,000-franc fine; 1, 1 year confinement.
	8	Auto accident	1, 50,000-franc fine plus damages; 1, 10,600-franc fine; 1, 25,000-franc fine; 1, 1,900-franc fine.
		Auto accident	1, 3,000-franc fine and 23,646 francs damages; 1, 40,600 francs damages; 1, 10,000-franc fine; 1, unknown.
	2	Attempted rape	1, 10,000-franc fine for assault, 2 months confinement; 1, acquitted.
	5	Fatal accident	1, 50,000-franc fine; 1, 3,000,000-franc fine and 6 months confinement; 1, 50,000 franc fine, 2 months' confinement and 20,000-franc damages; 1, 50,000-franc fine and 570,000 francs damages; 1, unknown.
	2	Hit and run	1, 20,000-franc fine, 8 days confinement suspended; 1, 1-month confinement suspended and 60,000-franc damages.
	2	Traffic accident	1, 20,000-franc fine; 1, unknown.
	1	Drunk driving	2,700-franc fine.
	1	Public incident	2 months' confinement suspended.
	1	Pimping	6,000-franc fine.
	1	Drunkenness and assault	300-franc fine, 6 weeks' confinement, and 15,000-franc damages.
	6	Larceny	1, 13 months' confinement suspended; 2, 15 days' confinement suspended; 1, 1,000-franc fine and 1 month confinement suspended; 1, 30,000-franc fine and 1 month confinement suspended; 1, 10,000-franc fine.
	2	Robbery	2, 10 months' confinement plus damages.
	2	Unlawful entry	2, 12,000-franc fine.
	3	Narcotics	3, 50,000-franc fine.
	1	Unknown offense	Acquitted and Government appealed.
Italy	1	Possession of unregistered weapon	10 days' confinement, 10,000-lire fine suspended.
	2	Housebreaking and attempted larceny	Each case, 20 months' and 20 days' confinement, 3,000-lire fine (suspended).
	1	Reckless driving and leaving scene	1,000-lire fine and costs for leaving scene only.
	1	Attempted fraud	Acquitted.
	3	Assaulting police	1, acquitted; 1, 7 months' confinement; 1, 6 months' confinement (suspended).
	2	Smuggling gasoline	Pending.
	3	Negligent homicide	Do.
	5	Reckless driving	Do.
Turkey	1	Assault and battery	50 days' confinement (suspended), 100-lire indemnity and costs.
	2	Involuntary manslaughter	1, 10 months' imprisonment; 1, acquitted, but Government appealing.
	1	Failure to report change in civil status	5-lire fine and costs.
	1	Reckless driving	Sentence not reported by civil authorities.

The Air Force reports as follows on sentences in cases in Turkey and in these cases for one air depot wing in France:

Countries	Number of military persons	Offense charged	Sentence
France	5	Theft	1, 15 days, suspended; 1, 8,000-franc fine; 1, 8 days in jail; 1, 4 months, suspended, and 50,000-franc fine; 1 acquittal.
	11	Injury by accident (motor vehicle)	8, 10,000-franc fine each; 1, 30,000-franc fine; 1, 15,000-franc fine; 1, 3,000-franc fine.
	2	Involuntary manslaughter	1, 20 days jail and 9,000-franc fine; 1, 2 months jail (suspended) and 50,000-franc fine.
	1	Carrying concealed weapons	1, 3,000-franc fine.
	4	Assault	1, 1 month jail (suspended) and 15,000-franc fine; 1, 5,000-franc fine; 1, 3,000-franc fine; 1, fine of unknown amount.
Turkey	5	Violations foreign exchange controls	1, 1 year and 13 days confinement and $75,000 fine; 4 acquitted.
	2	Drunk and assault and battery	1 day confinement and 2½ lire fine, each.

In addition to the above, the Air Force states that there have been a number of purely traffic-type cases which have been settled between local authorities and the United States personnel by payment of standard fines and without reference to United States military authorities. No statistics have been maintained on such cases.

The foregoing data, I understand, supercedes the information presented in my previous memorandum with respect to Army cases in France, Italy and Turkey. It will be noted that the new Air Force data is still incomplete, but contains the fullest detail submitted from the field in response to special requests. Although the figures are for only one air depot wing, they constitute a preponderance of the total cases involving United States Air Force personnel in France. I understand that, except in the categories of serious offenses, this type of data is not compiled centrally as part of standing procedure and has had to be pulled together at lowest levels.

JOSEPH J. WOLF,
Officer in Charge, Political-Military Affairs, Bureau of European Regional Affairs.

Mr. BRICKER. Mr. President, I may say to the Senator from Michigan that not only were our troops delivered to such foreign courts in violation of the Military Code of the United States, but it was done contrary to the accepted principles of international law which have prevailed for 150 years, ever since our country has been a sovereign power.

The Constitution of the United States provides that Congress shall have power "to make rules for the government and regulation of the land and naval forces"—Article I, section 8, clause 14. That power applies to forces outside the continental limits of the United States, as well as within the United States.

Congress exercised its constitutional authority. The executive branch of the previous administration flouted the Congress' exercise of its constitutional power by making these secret, executive agreements. Under these agreements, some NATO countries are already trying American servicemen for nonmilitary offenses, according to the reports placed in the RECORD a moment ago by the Senator from Michigan.

Although Mr. Phleger was not responsible for making these secret executive agreements, he defended their legality by citing the President's power as Commander in Chief—record of hearings, page 66.

This is not a case where the President's action, though unauthorized, was not prohibited by the Congress. The executive agreements surrendering American servicemen to the local courts of NATO countries are in direct violation of the congressional exercise of power to make rules for the regulation of the land and naval forces.

As indicated in the report of the Senate Foreign Relations Committee—page 5—the Uniform Code of Military Justice permits any offense against the law of the country where troops are stationed to be treated as an offense against the code. Article 2, paragraph 1, of the code provides that "all persons belonging to a regular component of the Armed Forces" are subject to its provisions. Article 5 provides that the code "shall be applicable in all places," either in the United States or in any foreign countries, wherever our troops may be.

The only exception to extra territorial application of the code is with respect to persons not belonging to a regular component of the Armed Forces, who

serve with, are employed by, or accompany the Armed Forces outside the United States. That exception has to be exercised by means of treaty.

Such persons, except in time of war, and subject to the provisions of a treaty or agreement, may be excluded from the operation of the Uniform Code of Military Justice. What stronger evidence could there be of Congress intent to make the code applicable to every American serviceman wherever stationed? Moreover, I am confident that Congress never intended that civilian components or dependents of the Armed Forces personnel should be turned over to local authorities for trial pursuant to the terms of secret executive agreements, which the Department refused to submit to the Foreign Relations Committee, on their own assumption and their own contention that those documents were classified.

Now we come to the most startling argument of all in favor of the criminal jurisdiction clauses of the Status of Forces Treaty.

Mr. LANGER. Mr. President, will the Senator from Ohio yield to me for a question?

Mr. BRICKER. I am glad to yield to the Senator from North Dakota.

Mr. LANGER. When these treaties came before the Foreign Relations Committee, I first raised this entire question. By the way, as a member of the Foreign Relations Committee, I did not vote for the agreements we are now discussing.

I should like to ask the distinguished Senator from Ohio a question. Contention was made that if we did not go through with the agreements, of course the foreign troops who are in the United States, particularly foreign airmen, who might commit crimes would be tried in foreign countries. As an extreme case, let us suppose that a foreign airman raped an American girl. Certainly the American people would not want that foreigner taken to Yugoslavia, for instance, and tried there. That is the problem that is confusing to me. I wonder whether we can obtain some light on that phase of the question.

Mr. BRICKER. Yes. I discussed it a moment ago when I said that according to the testimony, there are about 3,000 foreign troops in the United States, and they cannot be tried in the United States, anyway, except by treaty giving our courts jurisdiction over them. That has been the situation for 150 years.

Mr. LANGER. Of course, the exact number of troops involved is not of particular importance, because in succeeding years the number might be 40,000 or 50,000.

So I return to my original question, namely, that if we take our troops out of the jurisdiction of foreign courts, then if foreign troops who serve in our country commit crimes against people of the United States, would we permit those troops to be tried in the courts of their own countries?

Mr. BRICKER. They would be tried by court-martial, in the same way that our troops are; and there is no reason why that should not be done. Of course there are 750,000 American troops in the NATO countries, but only a small number of foreign troops in the United States. In that respect, the situation reminds me of the old campaign slogan about having the elephant and the rooster stop stepping on each other's toes.

What I am trying to do is to protect the American boy. The foreign soldiers are not in this country defending the soil of the United States. Their situation is a little bit different from that of American boys who have been drafted, called from their homes, and sent abroad. Foreign soldiers who may be in this country are here more or less voluntarily, contrary to the situation of our boys, who are in foreign countries involuntarily.

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

Mr. BRICKER. I yield.

Mr. LANGER. What the Senator has just said was my reason for raising the question.

Mr. BRICKER. That is the only question that is involved.

For the State Department to contend that that is a fair bargain, simply does not seem to be either sensible or to give proper consideration to the rights of American boys.

An article appeared in last night's newspaper, which the Senator may have read, telling of an American soldier who was incarcerated in a prison in Turkey, I believe it was. If an American soldier is tried by an American court-martial, he has the right of appeal. He may appeal to the President of the United States. The President has before him one such case now, the case of an American soldier who was charged with having committed a grievous crime in Korea.

Mr. LANGER. What I am suggesting is, can the distinguished Senator think of some method whereby foreigners who commit crimes in this country could still be tried by court-martial? Could that be done without involving us in international disputes?

Mr. BRICKER. That matter has been provided for in international law certainly for 150 years, anyway.

Mr. LANGER. I know that treaties have dealt with that subject, and have changed the situation.

Mr. BRICKER. Yes, it has been changed by treaties, because there are approximately 3,000 foreign soldiers in the United States compared to 750,000 American soldiers abroad. The State Department is neglecting the interests of some of our soldiers, in order to try to persuade certain countries that they are giving up something which ought to be reserved to the United States. It is a part of a give-away program with respect to the rights of American soldiers.

I wish to say to the Senator from North Dakota that when this feature was first called to my attention, it was when a certain treaty was before the Judiciary Committee. Judge Orie L. Phillips was asked what he thought of it. He immediately ran through it, picking out very patent flaws, such as the failure to provide the right of trial by jury, the right of appeal, the right to public trial, and all the other rights given by our Constitution to our own soldiers.

Mr. LANGER. Did it include the right to bail?

Mr. BRICKER. It included the right to bail. All of the rights protected by our Constitution would have been violated under the proposed treaty.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield for a question?

Mr. BRICKER. I yield to the Senator from Maryland.

Mr. BUTLER of Maryland. I may point out to the Senator that Judge Phillips, on that occasion, said that one of the most secred rights which was not protected by the treaty was the right to see that a confession, obtained from the accused through inducement or some other irregular method, was not used against him at his trial.

Mr. BRICKER. That is the situation; and that, of course, was one of the first things that attracted my attention to the treaty.

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

Mr. BRICKER. I yield to the Senator from Rhode Island.

Mr. PASTORE. Whose idea was it that a treaty of that sort should be proposed? Who originated it?

Mr. BRICKER. The suggestion was sent to the Senate by President Truman. The treaty was negotiated by Secretary Acheson.

Mr. PASTORE. I mean, so far as the NATO countries are concerned, was it the idea of the NATO countries, or was it America's idea?

Mr. BRICKER. The record does not show.

Mr. PASTORE. Why does the Senator assume that the reason for our being a party to this treaty is that it was the attitude of America that we would inspire the NATO nations with the belief that we were trying to give them something, trying to make a concession?

Mr. BRICKER. The treaty reflects that suggestion. I do not know who inspired it. I suppose it came up in the round-table negotiations. I have no idea. The record does not show.

Mr. PASTORE. It would appear to me to involve a very fundamental question.

Mr. BRICKER. There can be no doubt about that, for it is a reversal of established international law. If the Senator will read the article which I placed in today's RECORD and which will be available tomorrow, he will see that there is a complete reversal of international laws, laws which have been established for centuries.

Mr. PASTORE. We have been talking about the right of trial by jury. So far as the military forces are concerned, they are tried by court martial, are they not?

Mr. BRICKER. That is correct.

Mr. PASTORE. There is no jury trial in such a case, is there?

Mr. BRICKER. They are tried by Americans, by our own American officers. Furthermore, the Congress established the military code, and the procedure. Last night's newspaper carried a story about the Navy's traditional penalty of bread and water, which is ruled out by the United States Court of Appeals, under the Military Code.

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

Mr. BRICKER. I yield.

Mr. PASTORE. Am I correct that the Senator is not raising any constitutional question as to the making of the treaty, but is speaking directly to the treaty itself?

Mr. BRICKER. That is correct; but I do raise the constitutional question as to whether the executive agreements which have already been entered into are legal. I think they are clearly unconstitutional and clearly illegal.

Mr. PASTORE. Let me understand this properly. If the treaty is not ratified, will we still be subject to the same situation, under the executive agreements?

Mr. BRICKER. Yes, under the illegal executive agreements. I am asking the Armed Services Committee to make a complete investigation to discover who entered into them, why they did it, and under what authority it was done. I think the committee will report that the executive agreements are absolutely without authority, are illegal, and in violation, not only of the constitutional power, but also in violation of the express terms of the Military Code enacted by the Congress of the United States.

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

Mr. BRICKER. I yield to the Senator from Rhode Island.

Mr. PASTORE. As a general proposition, law enforcement is always a burden upon the taxpayers. It would occur to me that the NATO countries would not be to willing to assume this responsibility, because it involves arrest, investigation, incarceration, and trial. Under those circumstances, it would occur to me that in all probability the initiative was assumed by America in this connection.

Mr. BRICKER. I do not think we could assume that. There is certainly nothing in the record which shows it.

Mr. PASTORE. Does the Senator not think it ought to have been determined?

Mr. BRICKER. It might very well have been. I think the Foreign Relations Committee should have ascertained all the facts. Nevertheless, the committee simply took the statements of representatives of the State Department, and of the Legal Adviser to the State Department. No one else was called in—no representatives of American boys who today are being tried in foreign courts, where cruel and unusual punishments may be inflicted upon them. No representatives of servicemen's organizations were heard at any time by the Foreign Relations Committee.

Mr. PASTORE. Do I correctly understand that the record does not indicate why we entered into this treaty?

Mr. BRICKER. The record indicates only that it is a better bargain than we had previously.

Mr. PASTORE. What is the bargain we have now?

Mr. BRICKER. The executive agreements, which are illegal, but which turned American boys over to other nations for trial, according to the record presented here a while ago by the Senator from Michigan.

Mr. PASTORE. Does the record not indicate why we entered into the executive agreements in the first place?

Mr. BRICKER. No; it does not. It was merely assumed that there was authority for entering into them. Under those agreements American boys were turned over to foreign courts. Those agreements, Mr. President, were claimed by the State Department to be classified information, and were not even presented to the committee. I do not know why.

Mr. PASTORE. Is it fair for me to assume that it is not beyond the realm of possibility that one of the boys might be tried before a judge who has a communistic inclination?

Mr. BRICKER. I have referred to the fact that an American was tried in a Turkish court, I believe; I am not certain it was in Turkey, it may have been in one of the Balkan States. That was reported in the press last night. The penalty inflicted in some middle eastern countries for theft is that the hand of the offender be cut off. Mr. President, do we want to subject our boys to that kind of cruel and inhuman treatment?

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. BRICKER. I yield to the Senator from Maryland.

Mr. BUTLER of Maryland. The treaty has provisions to cover the more important cases. In a case of importance, we may have the right to have the jurisdiction of the foreign power waived.

Is there anything to indicate what is meant by that language?

Mr. BRICKER. The foreign power could waive it, I presume, under the treaty, but there is no way we can force them to waive it, because we give up jurisdiction. The treaty itself lists those cases in which we have exclusive jurisdiction, those in which there is concurrent jurisdiction between the receiving and defending governments, and those in which there is exclusive jurisdiction in the receiving country.

Mr. BUTLER of Maryland. The treaty itself does not give that right?

Mr. BRICKER. No. The treaty simply takes away our power to ask to have someone returned.

Mr. BUTLER of Maryland. All the foreign government would do would be to give sympathetic consideration to our request, but if they did not want to relinquish it, they would not be obliged to do so.

Mr. BRICKER. That is correct.

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

Mr. BRICKER. I yield.

Mr. LANGER. Is it not a fact that most of our troubles arise because we have joined the United Nations?

Mr. BRICKER. Many of them would not have arisen if we had not, but this is a NATO agreement; it is not a United Nations agreement.

Mr. LANGER. But it goes right back to the United Nations.

Mr. BRICKER. If we had not sent troops to every place in the world it would not be so difficult. There is now an agreement with Japan that as soon as this treaty is entered into, Japan will be enabled to negotiate the same kind of a treaty. I do not know what the law is in Japan.

Mr. PASTORE. Mr. President, will the Senator from Ohio yield?

Mr. BRICKER. I yield.

Mr. PASTORE. Is there any limitation as to the type of crime involved?

Mr. BRICKER. Yes. The treaty sets forth pretty clearly the jurisdiction of the countries sending troops and the countries receiving the troops, with respect to civil crimes or crimes against the receiving country. When the accused man is not on duty the jurisdiction is given exclusively to the foreign country. In such cases American boys are turned over absolutely to jurisdiction of the foreign country.

I am talking only about the criminal section of the law.

Mr. BUTLER of Maryland. Mr. President, will the Senator from Ohio yield?

Mr. BRICKER. I yield.

Mr. BUTLER of Maryland. It does not apply to an offense committed against one of his own countrymen?

Mr. BRICKER. No.

Mr. BUTLER of Maryland. Even though the offender was off duty at the time?

Mr. BRICKER. That is true.

Mr. DIRKSEN. Mr. President, will the Senator from Ohio yield?

Mr. BRICKER. I yield.

Mr. DIRKSEN. The treaty gives a certain status to our military forces with respect to all the 12 NATO countries, does it not?

Mr. BRICKER. It does.

Mr. DIRKSEN. Is it fair to assume, on the basis of what has been developing, that some day there will be a PATO as well as a NATO, and if that precedent is set, and treaties are entered into, the same right will have to be accorded to the countries in the PATO agreement, and in due course we will be under treaty obligation with nearly every country in the world, no matter what their jurisprudence may be, so far as the rights of American soldiers, dependents, and civilian components are concerned? That is a fine kettle of fish, if we think of a soldier as a representative of the sovereign power of this country, and it seems to be rather strange. I remember that during a tour I saw ice cream plants in the Middle East. We built the plants to manufacture ice cream for our soldiers. We built Coca Cola plants. We have virtually sent our civilization abroad in every case in which we have dispatched an army, and it is now proposed that our traditional and constitutional rights will not accompany American soldiers who are sent abroad. The young Americans serving in foreign countries will not like that very much.

Mr. BRICKER. There are 40 nations in which American soldiers are stationed under command of American officers, and if we give this right to one nation we have to give to the others. As I stated a moment ago, we have already agreed with Japan that the same law will be extended to that nation in a matter of 60 or 90 days, possibly, and it will have to be extended to all other countries in the NATO agreement, or, as the Senator from Illinois says, in a PATO agreement.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. BRICKER. I yield.

Mr. BUTLER of Maryland. Is it true that if this treaty should be ratified by us one of our servicemen found guilty of an offense in a NATO country would have to pay the penalty in that country, that is if the sentence was that he be imprisoned he would be incarcerated away from his home, his family, and his friends, and they would have no access to him at all?

Mr. BRICKER. That is correct.

Mr. BUTLER of Maryland. I cannot think of anything more outrageous.

Mr. BRICKER. In many instances not even a soldier in his own unit can be present at the trial if the law of the foreign country prohibits it.

Mr. BUTLER of Maryland. In other words, the mother, wife, or family would have to go abroad to see him?

Mr. BRICKER. Then they could not be at his trial. They could not even see him unless permitted to do so by the country which convicted him.

We now come to the most startling argument in favor of the criminal jurisdiction clause.

According to General Smith, the Senate should approve the treaty because it confers more rights on American servicemen than the secret and illegal executive agreements made by the previous administration—Executive Report No. 1, pages 12, 13. There is more to this bootstrap lifting argument. According to General Smith and Mr. Phleger, if the treaty is not ratified as written, Americans will be turned over to local authorities for trial with even less protection than that provided in the treaty—record of hearings, pages 30, 44 to 45. Never in my experience as a United States Senator have I heard a more brazen challenge to the constitutional authority of the Congress. The Senate is commanded, in effect, to lie down and roll over. I hope that the Senate will not only adopt the reservation I have proposed, but that the Senate Committee on Armed Services will do everything possible to rectify the illegal actions already taken in regard to the trial of American troops abroad.

Mr. President, I now desire to discuss diplomatic immunity for top NATO officials, and double jeopardy for the American GI. Double jeopardy is abhorrent to the common law, as we all know.

It is shocking that the Senate should be asked to approve at this time a treaty—Executive U, 82d Congress—which confers diplomatic immunity on representatives of member states to the North Atlantic Treaty Organization, on members of their official staff, on officials of the Organization, and on experts employed on NATO missions. All these individuals will enjoy varying degrees of immunity from personal arrest or detention. All of them have undertaken their work voluntarily; they receive high salaries; and many of them are exempt from income taxation. Some of the persons who will enjoy diplomatic immunity under the terms of the Organization treaty no doubt helped to draft the criminal jurisdiction provisions of the Status of Forces Treaty.

Contrast the diplomatic immunity conferred under one treaty with the double jeopardy authorized by the other. The average American subject to the Status of Forces Treaty would prefer not to be in military service; is not enjoying any high or tax-free salary; and is not likely to survive if the Soviet Union moves against NATO forces in their present condition of readiness. The discrimination cannot be defended.

Although the committee report refers to safeguards against double jeopardy—page 5—Mr. Phleger conceded that double jeopardy was possible—record of hearings, page 48. On this point, Mr. Phleger is right. Article VII, paragraph 8, of the treaty cannot be interpreted in any other way, except to penalize our soldiers with the possibility of double jeopardy.

Strange to say, the hearings contain no indication whatever of the views of those most directly affected by the criminal jurisdiction provisions. Only Government witnesses were heard.

I do not know whether or not representatives of national veterans' organizations were invited to express their views. Nothing in the hearings, however, indicates that American servicemen favor the criminal jurisdiction provisions of the treaty. In the negotiation of the treaty, it would appear that the American GI was completely forgotten in the pursuit of global abstractions. This colloquy at the hearings is quite illuminating.

I am sorry the Senator from Michigan [Mr. FERGUSON] is not on the floor at this time. He asked this question:

> Do you not think there is a difference between a situation where citizens voluntarily go to a foreign country, and a situation where men are drafted into military service or voluntarily go into military service, and then are sent as an army to a foreign land?
>
> Mr. PHLEGER. I do not see that that distinction, if it is one, is applicable here. (Record of hearings, pp. 55, 56.)

If Mr. Phleger is still unable to see the difference between an American who goes abroad voluntarily for reasons of business or pleasure or an American drafted into the Army and ordered overseas to defend foreign soil, he is not qualified to be the State Department's legal adviser.

Mr. President, this would be a precedent for the benefit of communism, as I shall show.

It is my judgment that United States approval of the criminal jurisdiction article of the Status of Forces Treaty would be of immense benefit to the Communist cause. The reason is that the United States must treat all its partners in the fight against Soviet communism equally as was pointed out a moment ago by the Senator from Illinois. At the same time, it is unthinkable that American lives should be entrusted to the jurisdiction of every nation outside the Iron Curtain.

In his prepared statement before the Senate Foreign Relations Committee, General Smith said, "This is a rather precedent-making request"—record of hearings, page 2. It is indeed, even though General Smith later said the treaty should have been described as unprecedented. It is that too. It is both. General Smith, however, made it abundantly clear that approval of the treaty would establish a precedent, and one which could be broken only at the cost of alienating potential allies in the fight to stem Communist aggression.

No one denies that approval of the treaty would establish a precedent with respect to Japan. The United States is already obligated to surrender the same criminal jurisdiction to Japan that is surrendered to the NATO countries. I doubt that there is a Senator among us who can describe criminal law and procedure as it actually operates in Japan. I doubt that there is a member of the Committee on Foreign Relations who understands it. Certainly there is nothing in the record to show what it is.

On page 53 of the record of hearings, Senators will find a statement by General Smith which disclaims the creation of any precedent, but which proves that fact beyond reasonable doubt. General Smith, quoting Lord Ismay, refers to NATO "as a sort of gentleman's club; you had to demonstrate gentility to the unanimous views of all the other members before you could be admitted." According to newspaper reports, General Smith's unedited statement was that prospective members of NATO had to prove they were "housebroken."

Membership in NATO does not mean that all members recognize the same degree of civil and political liberty. Not even Clarence Streit, head of the Atlantic Union movement, contends that all NATO countries are so alike as to make a political union of all of those countries feasible. He would exclude from Atlantic Union, as not sufficiently housebroken, Greece, Turkey, and several other NATO members.

References were made in the hearings to certain countries in the Middle East where the punishment for theft is to cut off the hand of the offender. For the benefit of the Senator from Rhode Island [Mr. PASTORE], I refer to the Record of Hearings, pages 50, 52. Surely no one wants to subject American servicemen to such cruel and inhuman punishment. But how can that be avoided if the treaty before us is approved without reservation? Is General Smith going to tell countries of the Middle East that they are not genteel, or that their system of justice is inferior to that of the NATO countries? I think not. The Middle East is too important to be thrown into the arms of the Communists. We have no alternative but to treat all nations on the same basis so far as jurisdiction over American troops is concerned.

Not being in the State Department, I have no hesitancy in saying that Marshal Tito is not housebroken. But can General Smith say the same? Of course not. If there is any hope of making Tito a trustworthy ally, the State Department cannot make any invidious comparisions between the Yugoslav and Italian systems of jurisprudence.

At the present time, the United States has military forces stationed in about 40 countries. Are we to tell all but 14 of those nations that they are not genteel, not housebroken? The probability is that rather than alienate their friendship we would subject American boys to their criminal jurisdiction, no matter how bizarre or inhuman according to our standards.

For this dilemma, there is a very simple remedy. The United States can treat all nations alike by standing on the generally accepted principles of international law which it has followed for more than 150 years.

Reference has been made to Americans as being a special, privileged class.

One argument for approval of the Status of Forces Treaty is more disturbing to me than any other. On pages 11 and 12 of the committee report, this statement appears:

> Exclusive criminal jurisdiction, amounting to extraterritoriality, itself creates difficult problems. In the eyes of the local population, it sets Americans apart as a special, privileged class, and this fact acts as a constant irritant. * * * Regardless of how fair and just American courts-martial may be, the existence of exclusive criminal jurisdiction seems to the other country to be an infringement of its sovereignty.

I suppose that has been dated back to the time when extraterritoriality was looked upon as something invidious, as applied to the civilian population. It has been done away with in most places in the world today, and it should be wiped out. But that is an entirely different problem from dealing with troops under the command of the United States.

So long as Americans insist on a higher standard of civil and political rights than their neighbors, they will, to that extent, seem to stand alone as a special, privileged class. Of course, the contrast would not be so great, if Americans were willing to accept European concepts of freedom. Even in trials before courts-martial, Americans are guaranteed the presumption of innocence; protected against cruel and inhuman punishment; convicted only on proof of guilt beyond a reasonable doubt; granted the privilege against self-incrimination; and granted the rights to various appeals, even up to the President of the United States. None of these safeguards for American forces is guaranteed by the Status of Forces Treaty, which will be before the Senate next week.

The proposed treaty does not even give the accused the right to public trial. In fact, such a right is denied by implication in article VII, paragraph 9 (g), providing that the accused shall be entitled:

> To communicate with a representative of the government of the sending state—

That is, our court—

> and, when the rules of the court—

That is, their court—

> permit, to have such a representative at his trial.

Thus, it is clear that under certain circumstances even representatives of the accused's commanding officer may be excluded from the trial. His trial will be secret.

It is true that the Uniform Code of Military Justice does not guarantee any right to a public trial. But the American tried by courts-martial is tried by Americans. He is surrounded by numerous safeguards provided by Congress. In liberalizing court-martial procedure by enacting the Uniform Code, Congress created a Court of Military Appeals, on which three distinguished judges are now serving. Congress has the power to improve the code at any time it sees fit. But if the Status of Forces Treaty is approved without reservation, neither Congress nor the President can correct an injustice done to an American serviceman. The treaty cannot even be denounced until 5 years after ratification.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks an editorial entitled "Navy's Traditional Penalty—Bread and Water—Ruled Out," published in the Washington Post of May 7, 1953. The editorial refers to a decision by the court to which I have been referring.

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

NAVY'S TRADITIONAL PENALTY—BREAD AND WATER—RULED OUT

One of the standbys of Navy justice—bread and water—has run afoul of the United State Court of Military Appeals.

A court-martialed serviceman can be confined on bread-and-water rations only if he's aboard ship and then only for 3 days or less, the highest military tribunal has ruled.

During World War II, sailors and marines who ran into the "rocks and shoals"—as the Articles for the Government of the Navy are called—frequently got 30 days on bread and water. Some of them spent more time on bread and water than they did on ordinary rations.

But the court unanimously struck down the traditional penalty in the case of Marine Pvt. Warren L. Wappler. He pleaded guilty before a court-martial at Camp Pendleton, Calif., to being absent without leave and missing a transfer of his unit through neglect.

He was sentenced to solitary confinement on bread and water for 30 days with a full ration every third day, 60 days at hard labor, forfeiture of $150, and a bad-conduct discharge.

The Navy Judge Advocate General asked the court three questions: Whether a court-martial may impose confinement on bread and water where it also orders a punitive discharge; whether it may impose bread and water where the accused is not "attached to or embarked in a vessel;" and whether it may extend the bread-and-water sentence beyond 3 consecutive days.

The court answered "No" to all three questions and sent the case back for further consideration by a Navy Board of Review.

In limiting bread and water to men attached to ships, the court cited an article of the United States Code which forbids flogging, branding, marking, tattooing or any other cruel or unusual punishment.

The opinion by Judge Paul W. Brosman said bread and water is thus prohibited except when imposed under the 3-day, aboard-ship limitation prescribed by another article of the code.

Following precedent, the court said the code's provisions prevail over the Manual for Courts Martial, which conflicts by allowing bread-and-water sentences up to 30 days.

The court also cited statements by witnesses before a House subcommittee considering the code's provisions. These witnesses called the bread-and-water punishment cruel and barbaric and a relic of earlier days.

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

Mr. BRICKER. I yield to the Senator from South Carolina.

Mr. MAYBANK. I wish to commend the distinguished Senator from Ohio for the words of wisdom he speaks here today.

Mr. BRICKER. I thank the Senator from South Carolina.

Mr. President, it is not enough merely to look at excerpts from the constitutions and laws of other countries. Many fine phrases are qualified by other provisions effective in national emergencies proclaimed by the authorities. There is not one United States Senator—I think I speak advisedly—who really knows the type of trial given to persons accused of crimes in all the NATO countries and Japan. I might add to that the Moslem countries, because soon it will be extended there.

The hearings do not mention how prisoners are treated in NATO countries and in Japan. We know that confinement by our own military authorities takes place under conditions that are humane and sanitary. Will the Senate Foreign Relations Committee certify to the American people that the same conditions prevail in the penal institutions of NATO countries and Japan? We are entitled to know that before we enter into such an agreement as this.

If Americans, by reason of their unique respect for fundamental human rights, are a special or privileged class, they have not shirked their responsibility to people less fortunate. Billions of dollars have, for example, been poured into NATO countries. That contribution would have been impossible without the concept of freedom which distinguishes Americans from other people. Reasonable and honest men may differ in regard to the number of dollars Congress may give away with safety, both with respect to our own economy and with respect to help to others. But to give away the rights of Americans serving in the uniform of their country on foreign soil is unthinkable.

INCREASE IN LIMIT OF EXPENDITURES FOR COMMITTEE ON RULES AND ADMINISTRATION

The Senate resumed the consideration of the resolution (S. Res. 106) increasing the limit of expenditures under Senate Resolution 333, 82d Congress, for the Committee on Rules and Administration.

Mr. TAFT. Mr. President, with the consent of the Senator from Kansas [Mr. SCHOEPPEL] who made the motion to take up the Jenner resolution, Senate Resolution 106, I now withdraw that motion. I give notice that I will renew the motion some time next week, after giving a day or two notice ahead of time as to when I shall make the motion.

The PRESIDING OFFICER. The motion is withdrawn.

AMENDMENT OF EXPORT-IMPORT BANK ACT OF 1945, AS AMENDED

The PRESIDING OFFICER laid before the Senate the bill (H. R. 4465) to amend the Export-Import Bank Act of 1945, as amended, which was read twice by its title.

Mr. TAFT. Mr. President, I move that the Senate proceed to the consid-

eration of Calendar No. 171, Senate bill 1413.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1413) to amend the Export-Import Bank Act of 1945, as amended.

The PRESIDING OFFICER. The corresponding House bill just came over from the House of Representatives.

Mr. TAFT. I understand that; but as a rule we consider the Senate bill first, and then substitute the House bill. That is the usual procedure. If the Senate prefers to discard the Senate bill first, it may do so.

Mr. BUSH. Mr. President, I suggest that we follow the usual procedure.

Mr. TAFT. The printed Senate bill is before us. I do not know whether it is exactly the same as the House bill.

Mr. BUSH. I will deal with that.

Mr. TAFT. Then I renew my motion that the Senate proceed to the consideration of Senate bill 1413.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 1413) to amend the Export-Import Bank Act of 1945, as amended, which had been reported from the Committee on Banking and Currency with an amendment, on page 2, line 4, after the word "is", to strike out "in transit to or", so as to make the bill read:

Be it enacted, etc., That section 2 of the Export-Import Bank Act of 1945, as amended, is hereby amended by inserting the following as subsection (c):

"(c) (1) The Export-Import Bank of Washington is further authorized, in the manner and to the extent herein specified, to provide insurance in an aggregate amount not in excess of $100 million outstanding at any one time for the benefit of citizens of the United States, including corporations, partnerships, and associations organized and existing under the laws of the United States or any State, district, Territory, or possession thereof, against the risks of loss of or damage to tangible personal property of United States origin which is exported from the United States in commercial intercourse and is located in any friendly foreign country, to the extent that such loss or damage results from hostile or warlike action in time of peace or war, including civil war, revolution, rebellion, insurrection, or civil strife arising therefrom, or from an order of any government or public authority confiscating, expropriating, or requisitioning such property and to the extent that such property is owned in whole or in part by the assured or constitutes security for financial obligations owed to the assured.

"(2) Insurance may be provided pursuant to this subsection only to the extent that it cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in any State of the United States and to the extent that it cannot be obtained from any agency of the United States Government providing marine or air war-risk insurance.

"(3) In providing insurance pursuant to this subsection, the Bank may reinsure in whole or in part any company authorized to do an insurance business in any State of the United States or may employ any such company or group of companies to act as its underwriting agent in the issuance of such insurance and the adjustment of claims arising thereunder.

"(4) Subject to the limitations herein provided, the Bank shall from time to time determine the terms and conditions under which it will provide insurance pursuant to this subsection: *Provided, however*, That such insurance shall be based, insofar as practicable, upon consideration of the risk involved: *And provided further*, That the term of coverage of any such insurance shall not exceed 1 year, subject to renewal or extension from time to time for periods of not exceeding 1 year as may be determined by the Bank."

SEC. 2. Section 7 of the Export-Import Bank Act of 1945, as amended, is amended by substituting in lieu of the words "loans and guaranties" the words "loans, guaranties, and insurance."

Mr. BUSH. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. BUSH. Mr. President, by agreement yesterday the consideration of Senate bill 1413 was set for today. Meanwhile, the House has passed House bill 4465. The House bill differs from Senate bill 1413 only in that it contains the four words, "in transit to or" which the Senate Committee on Banking and Currency deleted from the bill, as shown in line 4 on page 2 of Senate bill 1413, as reported.

I therefore ask unanimous consent that the Senate proceed to the consideration of House bill 4465, with the understanding that I shall immediately offer an amendment to delete the words "in transit to or" from the House bill, in order to make it conform to and be identical with the text of Senate bill 1413, as reported by the Senate committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. TAFT. Will the Senator from Connecticut include in his request a request to postpone indefinitely Senate bill 1413?

The PRESIDING OFFICER. That may be done after the House bill is passed.

Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate proceeded to consider the bill (H. R. 4465) to amend the Export-Import Bank Act of 1945, as amended.

Mr. BUSH. Mr. President, I am quite willing to include the suggestion of the majority leader if it is necessary. On the other hand, I do not think it is necessary.

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

Mr. BUSH. I yield.

Mr. MAYBANK. First, I should like to have the privilege of voting on the Senator's amendment before we postpone the Senate bill.

Mr. BUSH. Mr. President, I offer an amendment to strike out the words "in transit to or" from the new subsection (c) (1) proposed to be added to section 2 of the Export-Import Bank Act of 1945, as amended. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. On page 2, line 5, in subsection (c) (1) proposed to be added to section 2 of the Export-Import Bank Act of 1945, as amended, it is proposed to delete the words "in transit to or."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut [Mr. BUSH].

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MAYBANK. Mr. President——

Mr. TAFT. Mr. President, I thought the Senator from Connecticut still had the floor.

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

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

Mr. BUSH. I yield to the Senator from South Carolina.

Mr. MAYBANK. Will my distinguished friend, who has so ably handled this bill, request that the Senate bill be indefinitely postponed?

Mr. BUSH. Mr. President, I ask unanimous consent that Senate bill 1413 be indefinitely postponed. It is now identical with the House bill, the House bill having been amended to conform.

The PRESIDING OFFICER. Without objection, Senate bill 1413 is indefinitely postponed.

Mr. TAFT. Mr. President, does the Senator from Connecticut propose to speak on the bill?

Mr. BUSH. I should like to make a few remarks about the bill.

This bill would amend the Export-Import Bank Act of 1945, as amended, by broadening the authority of the bank to include certain insurance operations. It authorizes the bank to insure, against certain specified risks, tangible personal property of United States origin which is exported from the United States in commercial intercourse and is located in any friendly foreign country, to the extent that such property is owned in whole or in part by citizens of the United States, or constitutes security for financial obligations owed to citizens of the United States. Coverage would be limited to loss or damage resulting from hostile or warlike action in time of peace or war, or from an order of any government or public authority confiscating, expropriating, or requisitioning such property. The total amount of insurance oustanding at any one time could not exceed $100 million. Insurance by the bank would be provided only to the extent that it could not be obtained on reasonable terms and conditions from commercial insurance firms or from any United States Government agency providing marine or air-risk insurance. The bank is authorized to reinsure in whole or in part with commercial insurance companies and to employ such companies to act as its underwriters or for claim adjustment.

The bill simply gives American exporters an opportunity to obtain insurance for goods which have been shipped abroad and are located there. There is no insurance in connection with transportation of the goods, but only insurance which cannot now be provided by private sources for goods which have been landed in ports abroad.

The various agencies of the Government which have been asked to comment on the bill have not objected. Mr. Stassen's department has no objection, and has so advised us. The Treasury Department says the same thing.

The State Department actually supports the objectives of the bill. The Commerce Department has no objection, and in general has expressed itself favorably with respect to the bill.

It has also been supported by the American Farm Bureau Federation, the National Association of Steel Exporters, the National Council of Farmer Cooperatives, the American Cotton Shippers Association, the National Cotton Council, and others.

The very slight opposition to the bill is limited to the Association of Marine Underwriters. I believe the amendment which we have adopted concerning goods in transport takes care of most of that objection. Otherwise, there has been no opposition to the bill of any kind, and the Chairman of the Export-Import Bank has advised the committee that private insurance companies are not at all opposed to the bill. I may say that we have had no opposition to it, with one exception, which I personally do not consider to be very important. I shall be very glad to answer any question which any Senator may wish to ask about the bill.

Mr. TAFT. Mr. President, I wish to state the reasons for my opposition to the bill. I do not expect to defeat the bill. I believe it is an unfortunate development of governmental policy. I think it is out of line with everything which the Republican Party has said it was going to do. I believe it adopts a policy which Democratic Congresses themselves have rejected in recent years. I think it is a very unfortunate extension of Government in business. It is an attempt to put Government in business to the extent of $100 million, a large part of which would be lost to the Government in case of war. Certainly it is generally admitted that the only reason private insurance companies do not today write war-risk insurance is because they know they will lose their shirt if they write such insurance. That is undoubtedly true.

Mr. President, the pending bill provides:

(c) (1) The Export-Import Bank of Washington is further authorized, in the manner and to the extent herein specified, to provide insurance in an aggregate amount not in excess of $100 million outstanding at any one time for the benefit of citizens of the United States, including corporations, partnerships, and associations organized and existing under the laws of the United States or any State, district, Territory, or possession thereof, against the risks of loss of or damage to tangible personal property of United States origin which is exported from the United States in commercial intercourse and is located in any friendly foreign country, to the extent that such loss or damage results from hostile or warlike action in time of peace or war, including civil war, revolution, rebellion, insurrection, or civil strife arising therefrom, or from an order of any government or public authority confiscating, expropriating or requisitioning such property and to the extent that such property is owned in whole or in part by the assured or constitutes security for financial obligations owed to the assured.

Mr. President, not only does the bill cover that kind of insurance, but if the goods are taken abroad and sold to someone and a lien is retained for payment, the foreigner is insured also.

Mr. President, there are a number of reasons why I am opposed to the passage of the bill.

In the first place it puts government into business. I do not believe the Government should go into any business unless the reason is overwhelming. That is reason enough, I believe, a sufficient ground for opposing the bill.

In the second place, it provides insurance particularly against seizure by foreign governments. For the past 6 years, under the point 4 program, we have done exactly that. In the case of plants of all sorts constructed abroad by American investors the Federal Government undertakes to insure them against confiscation by a foreign government.

Previous Congresses have rejected or refused even to consider this kind of proposition. It would substitute the Federal Government as the claimant against a foreign government.

It has always seemed to me to be unwise that in connection with the point 4 program we should undertake to insure against confiscation by a foreign government. Yet now we would do it with all personal property that may be of United States origin. Certainly it would be only another step to insure all American investors abroad in the same manner.

From a peace-and-war standpoint, the bill has two phases. In the first place, it provides war-risk insurance. That is, it provides exporters with insurance against a war occurring. If a war should occur millions of people in the United States would lose their shirts. Because of war millions of people in this country would sustain overwhelming losses, for which they would not be recompensed. Many things may happen.

When we actually get into a war we will try to do what we did before, namely, carefully select the fields in which the Government may properly engage in time of war, such as the field of war-risk insurance.

Mr. MAYBANK. Mr. President, will the Senator from Ohio yield?

Mr. TAFT. I shall be glad to yield after I have concluded my statement.

In previous wars we passed laws making provision against bomb damage, for example. Probably we would do it again if we were engaged in another war.

However, Mr. President, why should we single out exporters and insure them against the possibility of the danger of losses in time of war, when everyone in the United States may suffer from it?

The argument is made that we must do it now in time of peace to provide against insurrection or confiscation, because we are in a kind of emergency situation.

Mr. President, I dislike to see the emergency argument come up again. The condition we are in today, while it is not exactly peace, is nevertheless one that may go on for 10 or 20 years. I believe we must settle down and recognize it as a condition which hardly justifies emergency action. It is not a time in which to change the normal activities and scope of what the Government should do, outside of actual defense operations themselves.

Therefore, I wanted to place on record a statement of my opposition to the bill. It represents a policy which I think is unfortunate, and which we have tried to avoid in the past. I believe it will be regretted and probably cause a large loss to the taxpayers of our country in the event war should occur.

Whatever may happen in time of peace, certainly if war should occur the bill would cost the taxpayers of our country a large part of the $100 million involved.

Mr. BUSH. Mr. President, I regret very much to take issue with my distinguished friend, the Senator from Ohio, on any matter, and I certainly regret that I must take issue with him on this subject. Whether we like it or not, the fact is we are in an emergency. If we were not in an emergency we would not be appropriating $40 or $50 billion for defense. Because we are in an emergency things have been thrown out of gear, and it is impossible to get this kind of insurance with private companies. Private companies have so stated; but they are willing to cooperate with the Export-Import Bank in connection with this matter.

I believe with the Senator from Ohio that it is not proper for the Government to invade the field of private enterprise or business. However, it is the job of the Government to do those things which are necessary in the common interest and which the people cannot do for themselves. That is why we have a government. It goes on up from the local to the State to the Federal level. When private enterprise cannot assume a task of this kind, it is up to the Government to assume it when the Government is in a position to do so, because it is in the interest of the whole country to keep markets open and to keep trade flowing. So long as the insurance will not cost the Government anything, it is the reasonable thing to do. Therefore I strongly urge the passage of the bill.

Mr. MAYBANK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Carolina will state it.

Mr. MAYBANK. I understand the bill has been passed. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MAYBANK. Mr. President, I wish to say that I thoroughly agree with the remarks of the distinguished Senator from Connecticut. With all regard to my appreciation and affection for the distinguished majority leader, I am glad the bill has passed.

Mr. PURTELL subsequently said: Mr. President, I should like to have the RECORD show, in connection with the action taken on Senate bill 1413 and House bill 4465 and the amendment, that since I was not present during the entire de-

bate, I had misunderstood what the action would be; and I desire to go on record as having opposed the bill, which is what I would have done if I had been here at the time when the vote on the bill was taken.

APPOINTMENT OF ADDITIONAL CIRCUIT AND DISTRICT JUDGES

Mr. TAFT. Mr. President, I now move that the Senate proceed to the consideration of Senate bill 15, Calendar No. 225, providing for the appointment of addition circuit and district judges, and for other purposes.

I do not intend to have the discussion of this measure begun tonight; I merely wish to have the bill made the unfinished business.

The PRESIDING OFFICER (Mr. COOPER in the chair). The bill will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 15) to provide for the appointment of additional circuit and district judges, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to, and the Senate proceeded to consider the bill (S. 15) to provide for the appointment of additional circuit and district judges, and for other purposes, which had been reported from the Committee on the Judiciary with amendments.

ORDER OF BUSINESS

Mr. JOHNSTON of South Carolina. Mr. President, for the information of the Senate, I should like to ask the majority leader what measures will be taken up immediately following the disposal of Senate bill 15?

Mr. TAFT. As I said earlier today, the other two measures to be taken up are Senate bill 16, Calendar No. 153, granting immunity to witnesses before either House of Congress or their committees; and Senate bill 922, Calendar No. 142, dealing with regulation of public transportation of passengers by motor vehicle and street railroad within the metropolitan area of Washington, D. C.

Mr. JOHNSTON of South Carolina. I understand that Senate bill 15, providing for the appointment of additional circuit and district judges, will be debated tomorrow. Is my understanding correct?

Mr. TAFT. Yes. That measure is already the unfinished business to be taken up the first thing tomorrow.

SIZE OF THE AIR FORCE

Mr. MAYBANK. Mr. President, I desire to have printed in the RECORD a statement by myself regarding the announcement made today by the Secretary of Defense that he intends to cut down the Air Force from 143 wings.

Previously I discussed in the Senate the intention of former Secretary Johnson to cut down the Air Force, and, of course, he took such action, under the administration of a former President. Today our troops are fighting in Korea.

So I ask unanimous consent to have this statement printed in the body of the RECORD. I intend to speak for hours before the Air Force of the United States is destroyed.

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

STATEMENT BY SENATOR MAYBANK

In my opinion, it is becoming more tragically evident every day that we are not benefiting from the lessons of past errors.

I have in mind the announcement I read in this morning's paper that Defense Secretary Wilson has approved a large cut in production money for the Air Force and the Navy. As I understand this action, it will halt the expansion of the Air Force at 120 wings or less instead of the 143-wing goal. This is an alarming decision at this time.

A man's memory does not have to be exceptional to remember the actions taken shortly after the end of World War II by another Secretary of Defense. The ill-advised use of the economy ax by Secretary Louis Johnson cut the heart out of the Air Force and Navy programs to the extent that we were woefully unprepared to challenge the Communists in Korea. The state of our unpreparedness became more and more apparent as the so-called police action turned into an extended shooting war.

I have fought the battle for an adequate Air Force and an expanded naval air arm for many years. I do not intend to stand by idly this time while we again try to commit national suicide with ill-advised economy measures. There are many ways in which substantial reductions may be made in Federal spending. Our first line of defense is certainly not the place to fulfill a campaign promise.

HAWAIIAN COMPROMISE

Mr. JOHNSTON of South Carolina. Mr. President, for several weeks and months I have been studying the question of Hawaiian statehood, and I have collected some data which I believe will be of assistance to the Senate. At this time I wish to present some of my findings.

Mr. President, on Tuesday, April 14, Joseph Kealalio, a principal figure in the Communist-dominated International Longshoremen's and Warehousemen's Union, issued a direct and threatening challenge to law and order in the United States. In a manner perhaps unprecedented in the history of Anglo-Saxon jurisprudence, Kealalio attempted to coerce and intimidate the Supreme Court of the United States.

The threat by Kealalio, a notorious Communist, was made before the International Longshoremen's and Warehousemen's Union convention in San Francisco. I should like to read to you the report filed by the United Press:

KEALALIO PROPOSES STOPPAGE IF BRIDGES' CONVICTION UPHELD

SAN FRANCISCO, April 14.—Joseph Kealalio, chosen by Harry Bridges as No. 2 "standby" man if Bridges is jailed, told the ILWU convention Thursday that the union should "do anything to see that the leadership stays out of jail."

Kealalio, a delegate from Hawaii, said that if Bridges' pending appeal from his 5-year perjury-conspiracy conviction is denied by the Supreme Court "the ships ought to stop, the plantations ought to stop, and the factories ought to stop."

These are not the words of the United Press. They are the very words of this Hawaiian Communist, voiced in a threatening and intimidating manner toward the Supreme Court of the United States. Listen to them:

The ships ought to stop, the plantations ought to stop, and the factories ought to stop.

Mr. President, every Member of this body is aware of the fact that the Communists in Hawaii exercise a powerful control and domination over the economic life of that Territory. Kealalio's threat is a serious one. For no one will deny that the Communists controlling the ILWU in Hawaii have the power to stop the ships, to stop the factories, and to stop the plantations in the Hawaiian Islands. This is not the first time that the Communists have come to the aid of Harry Bridges in his tangles with the law.

In August 1950 a wave of strikes took place on almost all of the plantations in Hawaii, and basic workers refused to work, in protest against the jailing of ILWU President Harry Bridges. Jack Hall, an avowed Communist and regional director of the ILWU in Hawaii, made it clear at that time that he supported the workers in that strike.

Just last September 1952, Hawaii's 23,000 members of the International Longshoremen's and Warehousemen's Union walked off their jobs on the docks and on the plantations in protest against the Ninth Circuit Court's ruling upholding the perjury conviction of Bridges. The walkout, which began at the Waiahua Agricultural Co., rapidly spread to plantations and to all island docks and, finally, to the strategic United States Naval Base at Pearl Harbor. That strike—called and engineered by the Communists—was the closest thing to a general strike ever staged in the Hawaiian Islands.

No, Mr. President, we, in the United States Senate cannot deny, and we dare not ignore, the seriousness of Kealalio's threat.

Senators will recall that in 1949 we almost lost Hawaii to the Reds. For 178 days in 1949 the American Territory of Hawaii was held a virtual captive by Communists, who control the major labor unions in the islands. Not a freighter could be loaded, or leave a port, or discharge its cargo, except by the grace of Communist Harry Bridges. Not an ounce of food could be imported—and the food supply for Hawaii's people fell to a dangerously low level. Hardly a commercial transaction was carried on with the outside world—with the result that scores of business failures and job losses occurred. That strike cost Hawaii's economy an estimated $100 million. The Communist-dominated ILWU exerted, for more than 6 months, a slow strangulation on the economic life of this American community of more than 500,000 men, women, and children—and it succeeded, for all practical purposes, in isolating the Hawaiian Islands from the rest of the world.

We were warned—at the time—that the next attack could be worse. We may ask ourselves in the United States Senate today whether Kealalio's threat is the signal for that new attack.

Mr. President, hearings we have held in the Subcommittee on Internal Security disclose a threat even more serious to American interests in Hawaii. Evidence reveals, beyond any doubt, that the Communists in Hawaii have gained a strategic voice and influence in Territorial politics and government. We have documentary evidence to prove that:

First. Communists have captured control of the Democratic Party in Hawaii.

Second. Communists have supported, when it suited their own purposes, the Republican Party and candidates in Hawaii.

Third. Communists control, or influence, at the present time a number of the delegates to the Territorial House of Representatives.

Fourth. Communists hold domination over the Mayor of Honolulu, through the aged mayor's administrative assistant, W. K. Bassett, editor and contributor to Communist papers, and friend and counsellor to Harry Bridges and Jack Hall, who are well-known Communists.

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

Mr. JOHNSTON of South Carolina. I yield to my friend and senior colleague, for a question.

Mr. MAYBANK. I wish to congratulate the Senator upon his excellent speech. I merely wanted to say that, in the 1941 and 1942 records of the Senate Committee on Immigration, a committee which existed in 1941, and of which the Senator from Georgia [Mr. RUSSELL] was chairman, statements by General Summerall will be found regarding Hawaii. Anyone who will examine the records of the former Immigration Committee, and will read the statements made by General Summerall, at a time when he was the commanding officer in Hawaii, will observe that General Summerall fully substantiates what my distinguished colleague is saying at the present time. General Summerall, while he was Chief of Staff of the Army, submitted a report to the late Calvin Coolidge, then President of the United States. A copy of that document was also filed with the Senate Committee on Immigration. The report is well worth a study by every American. It will be found to support fully what my distinguished colleague is today stating—though he is stating it even more ably.

Mr. JOHNSTON of South Carolina. I certainly thank my colleague, the senior Senator from South Carolina, for his remarks. I am particularly pleased with his mention of General Summerall. There is no finer military man or finer Christian gentleman in the United States.

Mr. MAYBANK. I may say that my colleague, as a former veteran, is himself very much appreciated by General Summerall.

Mr. SMITH of North Carolina. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield to the Senator from North Carolina, for a question.

Mr. SMITH of North Carolina. I should like to ask the Senator whether the W. K. Bassett, to whom he has referred, is the man who is reported to have given out an interview following a speech by the Senator from Mississippi [Mr. EASTLAND], in which he called the Senator from Mississippi a liar and certain other vile names, for having called Bassett a Communist? Is it the same man?

Mr. JOHNSTON of South Carolina. It is the same man. I started to say, the same gentleman, but I will say, it is the same man.

Mr. SMITH of North Carolina. From his research, has the Senator from South Carolina any doubt that it is the same man, and that he was formerly, and perhaps still is, a Communist?

Mr. JOHNSTON of South Carolina. It is the same man. As I proceed with my speech, I think I shall perhaps have more to say about him.

Mr. SMITH of North Carolina. Mr. President, if the Senator from South Carolina will yield for one more question, does he know whether General Summerall has been called to testify at any of the hearings on the matter of statehood for Hawaii?

Mr. JOHNSTON of South Carolina. If he has been called, I know nothing of it; and, had he been called, I think I would know of it. since he is from my State. I think General Summerall would have come to see me, had he been here.

Mr. SMITH of North Carolina. What prompted the question was, would not the Senator from South Carolina think that General Summerall is the kind of citizen who ought to be asked to testify on the subject of Hawaiian statehood before a congressional committee, if and when the matter comes up?

Mr. JOHNSTON of South Carolina. I am certainly glad the Senator from North Carolina mentioned that. In my opinion, General Summerall is a man who, so far as present conditions are concerned, could throw more light on the subject of Hawaii than any other living man.

Mr. President, before I yielded, I was stating that we have documentary evidence to prove a number of things, four of which I had enumerated. I continue the enumeration.

Fifth. Communists hold the balance of power in political voting through their control of the strategic labor vote, and political candidates of both parties have vied for that vote as a matter of political expediency.

Sixth. Communist Jack Hall, leader of Hawaiian Communists, who is now being tried for conspiring to overthrow the United States Government, has openly boasted about the number of representatives his party is able to elect to the Hawaiian Legislature.

This is but a brief summary of the infiltration of Communists into the political life of Hawaii. Behind this summary is the detailed documentation in the files of the Internal Security Subcommittee.

Mr. President, this evidence is not new to the Senate. In June 1949 and in every subsequent year, the distinguished Senator from Nebraska [Mr. BUTLER] has warned this body of the danger of communism in Hawaii. In a penetrating and authoritative report, the Senator from Nebraska told the Senate in 1949:

> International revolutionary communism at present has a firm grip on the economic, political, and social life of the Territory of Hawaii. Communist strength in Hawaii is far, far greater than in any part of the continental United States. It is so great that it controls the one large labor union there. It has infiltrated and has secured what may be a controlling influence over one of the two major political parties. It has permeated other institutions of the Territory to the point where its influence is felt everywhere.

Mr. EASTLAND. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. EASTLAND. The Senator has quoted the Senator from Nebraska [Mr. BUTLER] as saying that 1 of the 2 major political parties in the islands is controlled by Communists. Is it not a fact that the two major political parties there are practically evenly divided, so that if the Communists control one of them they would have a hand in the political life of the islands?

Mr. JOHNSTON of South Carolina. That is correct. As I remember, in the last election there was a difference of only 10,000 votes between the 2 parties.

Mr. EASTLAND. Is it the Senator's judgment that the Communists would control the policies of the Democratic Party in the islands?

Mr. JOHNSTON of South Carolina. I think that is true, without a doubt.

With regard to our national defenses, the Senator from Nebraska warned:

> There is a large and well-organized fifth column, devoted to the cause of our potential enemies in the Territory that would create for the military a serious security problem in the event of hostilities.

Senator BUTLER's incisive report, entitled, "Communist Penetration of the Hawaiian Islands," concluded that:

> A relative handful of Moscow adherents, operating chiefly through the ILWU, has made the Hawaiian Islands a central operations base and strategic clearinghouse for the Communist campaign against the United States.

The Senator's intensive investigation of Communists in Hawaii caused the present chairman of the Interior and Insular Affairs Committee to recommend to the Senate "without equivocation" that statehood be deferred indefinitely on the ground that:

> Neither Congress nor the American people should risk a permanent league with communism within the structure of the Federal Union.

In May 1951, in minority views expressed in Senate report No. 314, signed by the Senator from Nebraska [Mr. BUTLER], the Senator from Nevada [Mr. MALONE], and the Senator from Florida [Mr. SMATHERS], the case against communism in Hawaii was tersely stated:

> 1. The single really big labor union in Hawaii, the International Longshoremen's and Warehousemen's Union, which controls shipping, loading, and unloading sugar and pineapples, is itself absolutely controlled by known Communists. Communism has also penetrated very deeply into many of the

leading political and social organizations of the islands.

2. International communism, through its firm grip on the ILWU and its influence on the political structure, can completely dominate the economic life of the islands. By strikes or other means it can bring all economic activity in the islands to a dead halt for an indefinite period, and in fact virtually starve them into submission to its demands. Since the allegiance of Communists is to Moscow rather than to the United States Government, this power is likely to be used for political ends rather than for the attainment of economic goals. It undoubtedly can and will be used to hamper the rearmament effort and the conduct of military operations in Korea.

3. It would be a terrible mistake to grant statehood to any Territory whose economic life and policy is so completely dominated by Communists. If statehood should once be granted, under our Constitution, it can never be revoked, no matter how strong an influence Communists may attain in the new State.

The first two propositions given above are based on irrefutable facts which have been developed fully on a number of occasions. * * * The facts have never been challenged or denied by any responsible source.

I have been quoting from the minority views signed by the Senator from Nebraska [Mr. BUTLER], the Senator from Nevada [Mr. MALONE], and the Senator from Florida [Mr. SMATHERS].

Mr. President, despite these authoritative warnings from able and respected Members of this body, I regret to say that the United States Senate has not fully measured up to its responsibility in meeting the issue of communism in Hawaii. To the contrary, the Senate is urged at this time, while Kealalio incites action to intimidate the United States Supreme Court, to admit Hawaii as a State into the Union. The Senate is urged—in the face of the realization that communism and left-wing unionism threaten the freedom of the Hawaiian Territory—to forego or postpone meeting the issue of communism in Hawaii.

At the same time, Mr. President, we are considering making Hawaii a State, we have the FBI running down one little Communist who may want to be only a minor employee of the United States. Think how silly that is, Mr. President, when we are asked to bring in literally thousands of Communists who are residents of Hawaii, by making Hawaii a State.

Mr. EASTLAND. Mr. President, will the Senator from South Carolina yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. EASTLAND. What the Senator from South Carolina has said is certainly correct. Is it the Senator's judgment that if Hawaii were admitted into the Union and had two United States Senators on this floor, the Communist Party in Hawaii would be strong enough to influence the actions of those two Senators?

Mr. JOHNSTON of South Carolina. In my opinion, if we should have two Senators from Hawaii, whoever they might be, the Communists in Hawaii would certainly have a very potent effect upon their views.

Mr. EASTLAND. What the Senator is saying is that Moscow would have influence in the Senate of the United States.

Mr. JOHNSTON of South Carolina. Moscow would have an influence in the United States Senate by reason of our admitting Hawaii into the Union as the 49th State.

Mr. EASTLAND. Would that also be true as to Members of the House?

Mr. JOHNSTON of South Carolina. It would.

Mr. EASTLAND. Would the Senator think, then, that the Communists in Hawaii would try to influence the Government of the United States?

Mr. JOHNSTON of South Carolina. The Communists are very influential in Hawaii, and I see no reason why they would not try to influence the Government.

Mr. EASTLAND. Is it not true that when all these additional officers are elected, the Communist Party in Hawaii, through its control of the labor movement, would be in a much stronger position, and therefore it would have more influence over the political life of the islands than it has at the present time under a territorial form of government?

Mr. JOHNSTON of South Carolina. They would have much more influence.

Mr. EASTLAND. Does the Senator think that admitting Hawaii as a State would increase the Communist influence in the islands?

Mr. JOHNSTON of South Carolina. I think it would increase the influence of the Communists in the islands.

Mr. EASTLAND. The Senator has stated that the Communist Party has tremendous influence in Hawaii. He has also stated that the Communists control nearly half the political life of the islands through their control of the Democratic Party.

If that be true, does not the Communist Party today have more influence in the Hawaiian Islands than the Communist Party had in the average European satellite states when they were taken over by Moscow?

Mr. JOHNSTON of South Carolina. In my humble opinion, the Communists have in Hawaii far more influence than the Communists had in a great many satellite states when they were taken over by Communist governments.

But I say, Mr. President, that the United States Senate cannot, and it must not, blindly ignore the acts of Communists in the economic and political life of Hawaii. We must be sure that communistic elements could not control elections for local, territorial, and congressional posts. We cannot afford to establish Hawaii as a State 2,000 miles distant in the mid-Pacific until that issue is settled.

The New York Times, in dealing with this very question, quotes Mr. Walter F. Dillingham, who represents the third generation of his family in the islands and is conceded to be one of the most influential residents of the Territory. His words are these:

I don't consider this a time to become a State. I don't think we should be a State until we are perfectly sure that through the vote we could control these islands according to the American way of life.

This lifelong resident of Hawaii continued in these significant terms:

We must be sure we hold this place against any infiltration of communism. If we don't, we'll practically nullify the strength of the Army and Navy here. We're subject out here to union dictators, who want to get control of this spot politically, economically, and militarily.

Mr. President, these reasons compel me to urge today that the Committee on Interior and Insular Affairs, or the Internal Security Subcommittee, or the two committees acting jointly, go to Hawaii with expert counsel and investigate the infiltration of Communists into their political, economic, and educational institutions.

Such an investigation should aim, among other things, at ferreting out the facts in these areas:

First. The infiltration of communism into the economic life of Hawaii, including:

(a) The number and identity of Communists, or those subservient to its influences, holding offices in labor organizations.

(b) The degree to which Communists control members of the labor unions in Hawaii, embracing shipping and inland transportation, agriculture, refineries, communications, and United States military installations.

Second. The infiltration and control of Communists in the political institutions and government in Hawaii, including:

(a) The political alinements among political parties and communism.

(b) The number and identity of Communists, or those subservient to its influences, serving as officers of political parties.

(c) The number and identity of Communists, or those subservient to its influences, currently holding elective political offices.

(d) The number and identity of Communists, or those subservient to its influences, currently in appointive public offices.

(e) The extent of the power of the Communists to force block voting among labor groups and their families.

(f) The political compromises which the Communists could force, as a consequence of their voting strength, (1) in electing Senators, Representatives, and a governor, and (2) in effecting compromises on the views and policies of non-Communist officeholders.

Third. The number and identity of Communists, or those subservient to its influence, in the press and radio.

Mr. President, an investigation of Communist infiltration into the political life of Hawaii is basic to any consideration of statehood. Especially is this appreciated when we pinpoint the inroads the Communists have already made.

For example, it is a well-known fact that Mayor John H. Wilson himself was elected mayor of Honolulu with the powerful support of a coalition of Communists and leftwing elements. The mayor's administrative assistant, Mr. W. K. Bassett, is cited by both the House Un-American Activities Committee and the American Legion as the former editor of a Communist newspaper.

Evidence indicates that Mayor Wilson, who is 81 years of age and in ill health, has himself fallen under the influence of these Communist conspirators. For instance, the mayor just recently appeared at a rally to support and organize the defense of Jack Hall and other Communists who are now on trial in a Federal court for overt acts to overthrow by force and violence the Government of the United States. Mayor Wilson appeared voluntarily as a defense witness for Jack Hall, Communist leader of the islands, whose Communist ties are widespread and notorious. Moreover, he has permitted public-school buildings in Honolulu to be used for rallies of the Communists supporting the defense of the indicted Communists. In view of these events, it is difficult to evade the conclusion that Mayor Wilson himself is influenced by the Communist machine in Hawaii.

Particularly is this true when we find that the mayor's top assistant, W. K. Bassett, has been identified with Communist causes for 20 years. Mr. Bassett is a former publisher and editor of the Pacific Weekly. The Pacific Weekly has been identified by numerous official committees, as well as by the American Legion, as an arm of the Communist press. The Committee on Un-American Activities, House of Representatives, includes this citation on page 145 of its report of May 14, 1951:

SUBVERSIVE ORGANIZATIONS AND PUBLICATIONS—PACIFIC WEEKLY

1. This Communist publication was alleged to be a western journal of fact and opinion. It was published at Carmel, Calif. The editor and publisher was W. K. Bassett. Ella Winter, veteran California Communist, was literary editor. (California Committee on Un-American Activities, report, 1948, p. 341.)

As long ago as 1937 the American Legion cited the Pacific Weekly as a Communist journal:

PACIFIC WEEKLY

A western journal of fact and opinion, published every month at Carmel, Calif., postoffice box 1300. W. K. Bassett, editor and publisher; Lincoln Steffens, associate editor; Ella Winter, literary editor.

This citation appears on page 195 of the American Legion's publication Isms, published in 1937, under the caption of "Communist Press."

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

Mr. JOHNSTON of South Carolina. I yield.

Mr. EASTLAND. Is it not a known fact that Lincoln Steffens is one of the most notorious Communists in this country?

Mr. JOHNSTON of South Carolina. That is the information I have.

Mr. EASTLAND. Does not the Senator know that the Subcommittee on Internal Security has received testimony about a radio device in the home of Lincoln Steffens that was used to communicate with Russian ships as they moved along the coastline before entering San Francisco harbor?

Mr. JOHNSTON of South Carolina. Such evidence has been produced.

Mr. EASTLAND. Is it not also true that Lincoln Steffens was one of the editors of Pacific Weekly, of which W. K. Bassett, the man who today actually runs the city of Honolulu, was publisher?

Mr. JOHNSTON of South Carolina. That certainly is a well-known fact.

Mr. President, it may be appropriate at this time for me to read excerpts from a number of Mr. Bassett's articles written while he was editor and publisher of the Pacific Weekly:

If there is one human emotion prevalent in Soviet Russia today, it is hope; if there is one human emotion lacking in America among those who might well be unfavorably compared with the Russian peasant, it is hope. (Vol. 3, No. 11, Monday, September 6, 1935, page 122, signed by W. K. Bassett.)

Another article appearing in the Pacific Weekly and signed by W. K. Bassett, while he was editor and publisher, reads:

I have almost convinced myself that perhaps 20 years from now I will prefer living in Russia to living in the United States.

Mr. SMITH of North Carolina. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. SMITH of North Carolina. Would not that indicate that at that time this man Bassett was planning by some method to get America into the Communist orbit and under the Communist regime, rather than go to Russia himself?

Mr. JOHNSTON of South Carolina. It seems that he was using his pen to try to entice the people to become Communists.

Mr. SMITH of North Carolina. There is no doubt, is there, from what the distinguished Senator has read about this man Bassett, and judging by what he is alleged to have written, that he is a Communist? He could not be anything else.

Mr. JOHNSTON of South Carolina. He speaks like a Communist.

Mr. SMITH of North Carolina. Has the Senator himself any doubt about it?

Mr. JOHNSTON of South Carolina. I have no question about it. The evidence we have gathered establishes it as a fact.

Quoting further:

Twenty years from now, I believe that that ideal will be so nearly realized that Russia will be a far more comfortable place to live than my own country which persists in facing wrong, despite all its own repeated failures; which harbors and fosters an iniquitous system because the beast, then young, tame and harmless, was presented to it by reverenced forefathers.

I believe that the capitalist control of my country is surely driving it into a revolution far more bloody than that Russia has experienced, far more terrible than any of the exaggerated fixtures of Russia provided us by the Hearst press. I know that repeated and persistent trampling on the rights, on the privileges of the workers of this country; repeated and persistent efforts to force down the wages of labor; repeated existence, will some day dash my country into the hell of a terrible revolt and just as I don't want to be in Russia today, I don't want to be here then. (Pacific Weekly, vol. 2, No. 16, Friday, April 19, 1935.)

W. K. Bassett, the mayor's administrative assistant, also wrote these words when he was editor and publisher of the Pacific Wekly:

If Pacific Weekly has a Communist or Socialist tinge, or taint, it is because people of these faiths have something fundamental, essential, thoroughgoing, unsparing, extreme to say and also the ability and the courage to say it. These are times that try men's souls, and a solution for the ills that are upon us must come from somewhere. How better can we find it than by listening to those who believe that they have it; those who by study and training and experience are fitted to voice their expression of opinion and compel attention to their views. (Vol. 2, No. 3, Friday, January 18, 1935.)

Mr. President, other contributors to Pacific Weekly, as well as most of the staff, were Communists. There were Robert Merriman, Lincoln Steffens, Ella Winter, and others.

Since he has joined Mayor Wilson as administrative assistant, Mr. Bassett has contributed articles, under his own name, to the Honolulu Record, also identified as a Communist paper by the House Committee on Un-American Activities—Congressional Committee on Un-American Activities, Report on the Honolulu Record, October 1, 1950. Mr. Bassett has spoken on the same platform with Jack Hall, who is regional director of the ILWU and the Communist leader in Hawaii. In November of last year, when Harry Bridges, the Communist head of the ILWU arrived in Honolulu, Mr. Bassett, the mayor's aide, met him at the airport, placed a lei around the neck of Harry Bridges, who was then convicted of perjury, and escorted him to greet Jack W. Hall, Hawaiian Communist leader. Hall, even at that time, was under indictment for attempting to overthrow the United States Government by force and violence.

No, there can be no serious doubt that Mr. Bassett is a Communist. And, yet, he occupies the position as administrative assistant to the mayor of Honolulu, a city which contains more than half of the population of the Islands. Honolulu is such a dominant part of the Islands that it reaches out to include the island of Palmyra, roughly 900 miles to the southwest. The city of Honolulu controls the economic and political life of the islands. Yet, because of the age and illness of the mayor, who spends a great deal of his time in the hospital, the administrative control of this vast city is in the hands of his administrative assistant, W. K. Bassett, intimate of Communist persons and causes.

Mr. President, Mayor Wilson has not been the only high official who has fallen under the influence and domination of the Communists. Former Federal Judge Delbert E. Metzger has been linked with the Communists in numerous public actions. Senators will recall that it was Judge Metzger, of the United States District Court of Hawaii, who lowered the bail for the 7 Communists in Hawaii from $75,000 to $5,000. Judge Metzger, who is also a member of the Statehood Commission for Hawaii, then traveled about 6,000 miles to New York City to receive an award from the Lawyers' Guild, cited by the House Committee on Un-American Activities as a Communist organization. Yet, Judge

Metzger is still a leading member of the Statehood Commission for Hawaii. Last November Judge Metzger won the nomination for Delegate, with the support of the Communist-controlled ILWU and was defeated in the race for Delegate by Mr. FARRINGTON by a slim lead of only 10,000 votes. Mr. President, the significance of that election is that the Communists came within 10,000 votes of electing a "Communist-captive" as a Delegate from Hawaii to the Congress of the United States.

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

Mr. JOHNSTON of South Carolina. I yield.

Mr. EASTLAND. Is this the same Judge Metzger who is now a member of the Statehood Commission of Hawaii, a governmental agency appointed by the Governor, which is directing the lobbying and the fight for Hawaii's admittance into the American Union?

Mr. JOHNSTON of South Carolina. That is true.

Mr. EASTLAND. The Senator from South Carolina has stated that Judge Metzger is a "Communist captive." Is that correct?

Mr. JOHNSTON of South Carolina. That is correct. Our investigation has produced evidence to that effect. If he were elected with their support, he would certainly listen to them.

Mr. EASTLAND. Does the Senator from South Carolina know that Judge Metzger, in the past few days, has appeared as a character witness for Jack Hall, the Communist leader who is on trial now for conspiring to overthrow the Government of the United States by force and violence, and that Judge Metzger testified to the good character and loyalty of this man Hall?

Mr. JOHNSTON of South Carolina. That is true. He testified in the Smith-Act trial.

We may ask ourselves, "What would have been the outcome of that election had Judge Metzger been opposed by a man of lesser stature, integrity, and vote-getting ability than the distinguished Delegate, Mr. FARRINGTON?"

Speaking of politics, I regret to say that the Communists have in fact infiltrated and now have control of the Democratic Party in Hawaii. The House Un-American Activities Committee found this to be the case in its investigation in April 1950. The situation has not changed since. This does not mean, of course, that the Jefferson-Jackson Democrats in Hawaii are Communists or even left-wingers. But it does mean that the party "label" and the party organization has been captured by communistic elements and the true Democrats have not been able to regain their control. Instead, the control of the party in Hawaii is in the hands of the "reluctant 39," who are the party officers. As Senators know, they are called the "reluctant 39" because they refused to say under oath whether or not they were or had been members of the Communist Party.

Mr. President, the Republican Party has adopted a surprisingly pious attitude about Communists in their own organization in Hawaii. For, while it has not been affected to the extent of the Democratic Party, there is evidence to indicate that the communistic elements support the candidates of the Republican Party when it suits their particular designs and purposes. We have evidence to prove, for example, that the Political Action Committee, a captive organization of the Communist Party in Hawaii, has supported certain prominent Republican candidates in Hawaii during its existence. In fact, I have before me at this time the PAC slate in 1946 which lists prominent Republicans whom the communistic organization supported.

I want to say that this is, by no means, a criticism of the Republican candidates. They are, so far as I know, fine men and able office holders. But I do think I should point out, in appraising the strategic position of the Communists in Hawaiian politics, that the Republican candidates did not rebuff the Communists in their support. They did not go on record as being opposed to communistic support. To the contrary, the evidence is clear that both major political parties compete for the strategic vote represented by the Communist-dominated ILWU in Hawaii. They compete for that vote as a matter of pure political expediency, for they realize that it could mean victory or defeat at the polls.

Mr. FERGUSON. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. FERGUSON. Mr. President, I wish to say in response to what I have heard the Senator from South Carolina say about the Republican Party in Hawaii, that the Republican Party of Michigan and the Republican Party of the United States repudiate any help from the Communists, and always have repudiated such help. We in Michigan will certainly have no part of such help and we want no votes from Communists for sake of expediency or for any other purpose.

Mr. JOHNSTON of South Carolina. I believe the Senator from Michigan is right. I think he will find the same thing to be true in South Carolina.

Mr. FERGUSON. I am sure of that.

Mr. JOHNSTON of South Carolina. I believe the Senator from Michigan will further agree that he will not find that to be true of all the candidates in Hawaii. Not all of them feel that way about it.

Mr. FERGUSON. I am certainly surprised and shocked that any man who would call himself a Republican would accept the aid and support of a Communist for expediency or for any other purpose.

Mr. JOHNSTON of South Carolina. I should like, at this time, to hand to my colleague from Michigan a list issued by the PAC, showing the persons who were indorsed by the PAC as candidates in 1946. The list includes both Democrats and Republicans. That list was put out by the PAC, which, I believe the Senator will agree, was Communist dominated.

Mr. FERGUSON. Such support should have been repudiated immediately by the Republican and Democratic candidates.

Mr. SMITH of North Carolina. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. SMITH of North Carolina. When the Hawaii statehood bill comes before the Senate, would that not be a glorious opportunity for the Republican Members of the Senate, as well as for the Democratic Members of the Senate, to repudiate a plan which, in granting statehood to Hawaii, would result in having two Communists become Members of this body?

Mr. JOHNSTON of South Carolina. That is the way I feel about it. I believe other Senators should feel that way about it too.

Mr. SMITH of North Carolina. I commend the Senator from South Carolina for bringing out these facts, as I also wish to commend the Senator from Mississippi [Mr. EASTLAND] for the statement he made on the subject a few days ago.

In speaking to my constituents within the past week or 10 days I have found that people in my State are waking up to the possibility that while we are fighting the Communists on the war front we are apparently, it would seem from what the distinguished Senator from South Carolina has stated, plus what the distinguished Senator from Mississippi [Mr. EASTLAND] has stated, preparing to admit into this body two representatives of the Communist Party. I think it is time to call attention to that fact, and I am delighted that the distinguished Senator from Michigan said what he did in defense of the Republican Party, as well as what we say in defense of the Democratic Party, because neither party should tolerate for one moment any Communist in this body or in the councils of our respective parties.

Mr. JOHNSTON of South Carolina. I thank the Senator from North Carolina for his statement on this subject.

Mr. President, in my opinion, the Hawaiian Communists will not—under the present Territorial organization—be able to elect the Delegate to Congress. I will admit, however, that they came within 10,000 votes of defeating the highly respected and able Mr. FARRINGTON. And by swinging their strategic support to Mr. Wilson, the communistic elements were able to cast the deciding vote in electing the mayor of Honolulu. Mr. Bassett himself has openly boasted about his determining role in that election. Nevertheless, I do not believe that they have a sufficient majority to elect the Delegate to Congress under the existing Territorial organization.

What the Communists in Hawaii urgently need, therefore, is to gain a bargaining position with the strategic votes they hold. That bargaining opportunity is available in the bill for Hawaiian statehood. The statehood bill, in its present form, is tailormade for political compromise. To wit: the bill provides for the election of 2 members

to the United States House of Representatives and 2 members to the United States Senate.

It takes only a rudimentary knowledge of politics to grasp the fact that, under such an arrangement, the Communists and left-wing elements would trade their huge strategic vote with other groups and, in turn, obtain support in the way of a compromise for at least 1, and maybe other, of the congressional offices. The Communists are able, at the present time, to defeat anti-Communists in the primaries of the Democratic Party in Hawaii. Both political parties in Hawaii now fight for the powerful Communist vote—or labor vote—through the 32,000 members who belong to the Communist-controlled ILWU.

There is, therefore, a real and imminent danger that if Hawaiian statehood is granted under the terms of the present bill, Communists or captives of the Communist Party will be elected and will come to Washington to represent Hawaii in the Senate and the House of Representatives of the United States.

Should there be any doubt as to the validity of that argument, I should like to read what the Communists themselves think of statehood. In the book, Hawaii, the 49th State, Jack Hall, Communist leader of the islands, is quoted as saying:

> We're for statehood—unqualifiedly—at once.

With specific regard to the election of Representatives and Senators to serve in the Congress of the United States, Jack Hall states:

> If Hawaii becomes a State, we can send some good men to Washington from here—not only to represent the majority in the islands but also to strengthen liberal forces in the National Congress.

Mr. President, the acts of economic domination, the growing political infiltration, as well as the recent attempts to intimidate the circuit court of appeals and the Supreme Court of the United States are warnings enough that we in the Senate must assume our full responsibility to protect this country against the admission of a State which harbors a dangerous communistic element. If we fail, the risk is the admission of a Territory not as a free State, not a State like California, Washington, or New Mexico, but a State which would enter this Union as a captive Territory, the captive of a foreign influence, exercising such a control over the area that it could ultimately represent the view of the Kremlin within this Union of ours.

Mr. President, our form of government was established and is dedicated to ideals and principles of orderly processes. It is designed to be immune to group intimidation. It was created to benefit all groups and yet to achieve and protect the freedom of the individual. With new generations, we have not, as the Communists have accused us, fostered our democracy only out of reverence for our forefathers, but we have nourished our democratic concepts and we have breathed new life into them so as to insure meaningful, free, and independent lives for our future generations.

The crossroads of history confront us. We are urged to compromise. But the compromise that is being offered the United States Senate in its deliberation of statehood for Hawaii is a compromise not related to boundaries, to longitudes and latitudes, and not related to the subjugation of a race; but this compromise deals with the subjugation of American ideals and principles in a compromise of political expediency—a compromise with communism.

Is there or can there be in the minds of any a doubt as to the solemn obligation of the United States Senate to prevent such a compromise? The question is: What will the Senate do with this most important matter which is pending before this session of Congress?

PERPETUATION OF FARMER-ELECTED COMMITTEE SYSTEM

Mr. HUMPHREY. Mr. President, yesterday I introduced a bill to preserve and perpetuate the great farmer-elected committee system developed throughout rural America in the last two decades. It is a system through which farmers themselves administer their own farm programs. That bill would require the Secretary of Agriculture in carrying out the provisions of the Soil Conservation and Domestic Allotment Act to continue to utilize the services of local and State committees established under such act, to require that the services of such committees be utilized in carrying out farm-price support and crop-insurance programs, and to provide for the election of such State committees by the members of county committees.

During the past 20 eventful years, farmers have come to a new awareness, that they must make their voices heard if they are to have the kind of program they want and need. They realize more than ever that they must actively participate in guiding these programs along sound and practical lines if the desired results are to be obtained.

Through practical experience over the years, and with the valuable help of sympathetic legislators, farmers have developed the democratically elected farmer-committee system.

This system has proved to be a most effective means for farmers themselves to share in the formulation and administration of farm programs. Regardless of partisan political differences over farm policy or its administration, the principle of farmers running their own farm programs, through farmer-committees they themselves elect from among their own neighbors, has become a proven success.

I have long been convinced that the system of freely elected farmer committeemen is an example of practical working democracy which no other country, and no other branch of American free enterprise, can equal.

This system of farmer participation in the administration of farm programs has been a very real factor in the amazing progress of our agriculture during the past 20 years. In my opinion, and in the opinion of most farmers with whom I have talked, it should certainly be maintained to meet adequately the new challenges to agriculture that still lie ahead.

I am deeply concerned, however, over indications that the Department of Agriculture is now seeking to minimize the participation of such farmer committees in the operation of our farm programs.

There has always been some who, for one reason or another, have objected to farmers having a direct voice in the administration of their farm programs. In the main, the opposition has come from foes of the farm price-support programs who realize the difficulty of undermining those programs, or rendering them useless and ineffective, as long as farmers themselves are responsible for administering them.

The opposition has not come out into the open with frontal attacks upon the right of farmers to have an active voice in their own affairs; rather, it has used more subtle approaches in an attempt to discredit the farmer committees, or to trim their sails by making them only advisory instead of having any real administrative authority.

I regret to say that the new Secretary of Agriculture appears to have been taken in by some of this subtle propaganda. That is my interpretation of the Department of Agriculture's order of March 20, sharply curtailing activities of the farmer-elected committees, and in fact reducing such activities to the bare minimum level possible without action by Congress.

The order requires the farmer-elected county PMA committees—men chosen by their own neighbors, to administer the agricultural conservation, price support, crop insurance, and other programs—to turn over their policy-execution functions to a county office manager. The same order requires the State PMA committees to turn over their policy-execution functions to an executive officer.

I am sure Secretary Benson would disclaim any intent at this time to abolish the farmer-elected committees. Yet, that may well be the eventual effect of his recent order. It decreases, rather than increases, farmer participation in the administration of farm programs. It makes such committees only advisory in fact, with no real functions to give them purpose and no real responsibility to make them any more than figureheads.

Such a move at this time assumes much greater significance in view of the increased authority requested for the Secretary of Agriculture under Reorganization Plan No. 2, now before the Congress. If Reorganization Plan No. 2 is approved, it would give the Secretary of Agriculture full authority to complete the job of emasculating the committees, transferring from the control of such farmer committees the agricultural conservation program and other programs now assigned to them under existing law.

That is exactly what my bill seeks to prevent.

It is entirely in accord with the spirit and the letter of pledges made to American farmers by President Eisenhower during his campaign.

Repeatedly, President Eisenhower assured farmers he would let them run their own farm programs.

At Kasson, Minn., he said:

I pledge you that the Republican Party is going forward with positive, aggressive, farmer-run farm programs. * * * Our goal will be sound, farmer-run programs that safeguard agriculture * * * the programs must be transferred into genuinely farmer-run operations.

At Columbia, S. C., President Eisenhower, at that time candidate of the Republican Party, said:

Management and direction of the farm program, * * * Federally financed though it will be * * * must be turned over to the farmer.

At St. Cloud, Minn.:

At Kasson, I had the opportunity to outline a part of the farm program that the Republicans will support and urge and operate. * * * There was another part of it; that every kind of program adopted for the future would be farmer run, locally run.

At New Orleans:

What we need is to start from here and build a better program based on more farmer participation.

At Memphis:

I pledge you an administration that will cleanse all farm programs of partisan politics, that will decentralize their administration, that will increase farmer participation in their own programs.

And, in a televised interview on October 28, President Eisenhower firmly pledged:

We want farmer-built policies, with farmer-run programs.

Mr. President, I submit that today we are being herded along the opposite course. The recent action of Secretary Benson in regard to farmer committees is directly contrary to President Eisenhower's campaign pledges.

The big commercial farmers, the big processing and trade groups and economists, are all represented in the new administration, but the voice of the average farmer is in danger of being lost.

The middleman seems to have replaced the farmer as the key adviser in the Department of Agriculture these days. Meat buyers are invited in for a discussion about whether cattle prices are falling too low. Big city bankers are called to Washington to discuss whether or not farmers have enough credit available. Food dealers and processors are named to various advisory committees, and fewer and fewer farmers are evident, real farmers who must make their living by their farming enterprises.

Let me cite but one example.

Many of us are seriously concerned with the depressed situation in the dairy industry. Our concern is with the plight of dairy farmers—the milk producers. After repeated insistence that he assert some leadership toward improving conditions for dairy farmers, Secretary Benson called a dairy conference in April to discuss the formulation of some new program for dairying. It was announced at that time that analysis and coordination of the various recommendations by a smaller "task force" committee would be necessary. He has now named that "task force" to write and make public the dairy industry's suggestions, and here is how it is constituted: 3, out of 20 members, represent dairy production; 3 represent fluid-milk distribution; 6 represent manufactured dairy products; 4 represent wholesaling and distribution firms; 2 represent retail stores and restaurants; and 2 represent the realms of research, education, and promotion.

The classifications are Secretary Benson's, not my own.

I am sure we all welcome any contribution any of these dairy distributors, processors, wholesalers, or retailers can make; but I am sure too that many dairy farmers are going to be skeptical about such a group being primarily concerned with the producers' welfare. And here I make note again of the fact that, out of the group of 20, only 3 represent dairy production.

Secretary Benson says "We are here to help—not dictate." The question beginning to arise is, "Help whom?" It has always been my understanding that the primary responsibility of the Department of Agriculture was to the agricultural producers—the farmers. Now, it seems, a new concept is arising.

Under Secretary of Agriculture True D. Morse, addressing the annual meeting of the National Cheese Institute in Chicago April 28, had this to say:

Agriculture must be dealt with as a total industry, taking in all those who produce, store, finance, sell, process, and otherwise work with farmers and farm products. The narrow view is to consider only the 16 percent of the population now living on farms. Such a limited approach will restrict agricultural progress.

Is the voice of big business going to squeeze out the voice of agriculture—in the Agriculture Department itself?

I am sure we hope not. Yet I am disturbed at the extent to which those whose primary concern is not about the welfare of the individual farmer, are suddenly emerging in the forefront of attempts to make over our farm policies. I do not like seeing Wall Street farmers—businessmen and speculators who farm the farmers—attempting to dictate farm policy for this country.

I do not mean to attack processors and buyers and middlemen handling farm products. I wish them well; I want them to be successful and to make a profit. But I do not want them to be manipulating farm policies to protect their own interests at the expense of the farmers. If they are going to be given such a friendly ear in the Department of Agriculture, I want to make sure the farmer is not forgotten either. I want to make sure the farmer is not lost in the shuffle.

That is why I am asking the Congress to enact the bill I introduced yesterday to establish by statute the functions of the farmer-committee system, to assure the farmers they will not entirely lose a voice in what should be their own department of government.

I realize there has been a great deal of talk by Secretary Benson and his aides about the extensive use they are making of advisory groups. I have tried to illustrate how far outvoted the farmer is on one such group. It is just as true of other groups. But even when farmer members are included on such committees, there is good reason to question how closely they represent the average farmer.

Let me state why. When the Department of Agriculture felt in need of special consultations with farm people in the past, it invited representatives in from various areas of the country, and paid their expenses so they could come. Secretary Benson has changed all that. He has invoked new rules. Members of such advisory committees must meet their own expenses.

This creates no problem for agricultural business firms sending representatives. They pay the expenses, and deduct it from income taxes. It is no problem for trade groups maintaining professional lobbying staffs here for just such purposes. But it is quite a problem for the average farmer. How many average-family farmers do we suppose are in a position to drop their work and run to Washington at their own expense, to try and make their voice heard against the voices of processors and other middlemen?

Let us remember this, when we hear about the advisory committees. The kind of committees I want to see representing agriculture are farmer committees, chosen by the farmers themselves. That is why I want to see the farmer-committee system written into law where it cannot be tampered with.

Let me explain the bill I have introduced.

It merely requires the Secretary of Agriculture, in carrying out provisions of the Soil Conservation and Domestic Allotment Act, to continue to utilize the services of local and State committees established under that act; it requires that the services of such committees be utilized in carrying out farm price support and crop-insurance programs; and it provides for the election of State committees by members of county committees.

The statutes now provide for the agricultural conservation program to be carried out by such committees. All this bill does is to assure that the provision remains in effect regardless of any reorganizational proposal.

Price-support programs and crop-insurance programs have in the past been administered by these committees, and successfully so. All this bill does is to make that accepted practice a statutory requirement—to prevent any change from the farmer-run administration of programs now in existence.

The only new proposal in my bill is for the election of State committees by members of county committees, instead of appointment by the Secretary of Agriculture. I believe such a change is the real way to end, once and for all, the various charges that the farmer-committees are being used for partisan political purposes.

The Republican Party talked much during the campaign about taking agriculture out of politics. Here is a chance to do it. Farmers now elect their own community and county committees, following truly democratic processes. My proposal is that members of the farmer-elected county committees, in turn, should themselves elect the State committees.

Farmers have frequently expressed the hope that the principle of democratically elected committees could be carried to its logical conclusion, by leaving the choice of State as well as county committees up to the farmers themselves, rather than risk its becoming a plaything of political patronage.

Mr. President, we have heard many times on this floor charges of politics hurled at the PMA committees. I have never concurred in such charges, because I know that I had nothing to say about the appointment of the State PMA committees in Minnesota; it was not chosen as a matter of patronage, it was chosen from farmers out of the ranks of county committeemen and fieldmen.

There is cause to question whether that policy is still being followed. When a new PMA chairman was chosen for my State, newspapers reported he had been cleared through the Republican organization from Minnesota.

If the administration meant what it pledged about keeping patronage out of the Department of Agriculture's field organization, I would welcome some evidence of it by support for my proposal.

My bill is concerned only with the local administration of farm programs out in the States and counties, not with the internal supervisory structure of the Department of Agriculture in Washington. It will not interfere with structural reorganization of the Department, unless it is the Department's intent by such reorganization to abolish the use of farmer-elected committees.

My bill requires the use of such committees and assigns them specific functions, but does not label the farmer-committees as belonging under the Production and Marketing Administration or any other individual agency of the Department. My concern is with protecting the farmer's voice in these programs, not with what any agency is called in any reorganization shuffle.

I believe the bill I am proposing is a constructive one entitled to widespread support. In view of President Eisenhower's determined pledges to strengthen, rather than weaken, the principle of farmer-run programs, I see no reason why this bill should not be welcomed by many of my colleagues from farm areas on the other side of the aisle. They know, I am sure, that farmers want to preserve their right to help shape and administer the farm programs through their own direct participation in choosing county committees. They know, as a general rule, farmers are not as concerned with partisan politics as they are with agricultural politics; they just want a fair break for agriculture, and they seek the support of both parties.

I would offer just one more thought for my colleagues in the Senate in regard to politics in our farm programs.

I pose this question to experienced, practical politicians: If you were trying to build a political machine, which would be more useful and more easily controlled, a corps of new Federal employees appointed outside civil-service regulations, covering every rural county in every State in the country, or a group of farmer-committees elected by the local farmers themselves over which there is no appointive or disciplinary power?

I think the answer is very obvious, Mr. President, that an appointed group of Federal employees on a patronage basis, outside the civil-service regulations, would indeed be equal to a nationwide political machine, and that what is needed is a truly objective and a truly honorable organization for the benefit of the farmers.

I want the Senate to think that over, in view of the Benson plan for substituting appointive county managers for elected farmer committees in every PMA office in the country.

Let me briefly contrast the new administration's apparent patronage approach to agriculture's field organization with a description of what I feel the real role of farmer committees should be.

I want to quote that description from an address by former Under Secretary of Agriculture Clarence J. McCormick, last September 24, at the annual State meeting of PMA county committeemen in Indianapolis, Ind.:

> Your responsibility, as farmer committeemen, is to provide the grassroots leadership in maintaining and conserving our productive resources.
>
> It is your responsibility to help inspire the kind of teamwork that will be needed to get the job done.
>
> That responsibility is not owed to the Department of Agriculture, or to the Government. Instead, your responsibility is to your fellow farmers who have chosen you for your work as committeemen; your responsibility is to agriculture, and agriculture's responsibility is to all the people of the Nation.
>
> And, by the same token, that is where the Department of Agriculture's responsibility belongs, and that is where those of us who have come up through your ranks to posts of leadership in the Department are constantly striving to keep it.

Mr. President, I submit that that is an honorable statement of a fine and honorable program by a great public servant.

That is what the farmer-committee system means to American agriculture, and that is the kind of leadership it produces from its own ranks.

It is becoming increasingly clear that agriculture now needs, more than ever, the watchdog protection of the farmer-elected committees.

When some among us sought to sound a note of warning about falling farm prices earlier this year, we were at first scoffed at. Then, when it became apparent that was not enough of an answer for farmers, the line was switched to how long ago the decline in prices started. Farmers finally made it rather clear they were not interested in wrangling about when things started going to pot; they were concerned with what is happening to farm prices right now—today.

So the Department of Agriculture waved a wand and announced prices were stabilized, the drop had been halted in cattle prices, and that everything would be all right from now on. That was more than a month ago. But everything has not been all right. Cattle markets must not have seen the Department's press release, prices have continued to fall. For the month ending April 15, according to a Bureau of Agricultural Economics announcement last week, the index of all farm prices fell 5 more points or 2 percent. The parity ratio, which was 100 up to the November election, is now down to 93.

I make note that during January and February the cash receipts from marketing livestock and livestock products in the State of Minnesota were down $21,420,000 as compared with the same 2 months of last year. That is why farmers in the area which I represent are deeply concerned about the fall in farm prices.

Farmers are still disturbed over the uncertain future of our farm programs. Crippling budget slashes indicate a desire to wipe out some of the programs through the back door of appropriations, if it cannot be done directly and more aboveboard by specific legislation.

We still have very little assurance of what kind of price support farmers are going to get after next year—if any. Several bills have been introduced to improve the price-support legislation, among them one of my own. I have been unable to learn, however, of any plans to hold hearings on these price-support bills.

In view of all these uncertainties facing the farmer, in view of repeated pledges that he was going to get a bigger voice in farm affairs rather than be squeezed out of the picture, I suggest that the very least we can do is to save the farmer-committee system from destruction through the measure I have proposed, to give that accepted principle permanent status of law.

Perhaps this will bring a showdown on where the farmer stands with the new administration.

I have been told repeatedly that the basis of the Benson plan for agriculture is that farmers should shift for themselves.

Now perhaps we can learn if the Benson plan contemplates letting farmers have any voice at all in the future conduct of their affairs.

In my opinion the farmer has a right to know.

Mr. President, I desire now to refer to another subject.

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

THREAT OF FAMINE IN PAKISTAN

Mr. HUMPHREY. Mr. President, I wish to comment for a moment upon a measure which I introduced in the Senate a few days ago, namely, a bill to provide economic assistance to the people of Pakistan by a loan for the purchase of wheat.

Mr. President, the threat of a famine to the people of Pakistan is serious for the whole free world. We cannot allow that country, a bastion of democracy in Asia, to suffer while we have plenty; nor can we allow it to face a political crisis as a result of the natural catastrophe which has hit it.

On April 14, therefore, I wrote Secretary of State Dulles, Secretary of Agriculture Benson, and Mutual Security Administrator Stassen, urging the United States to offer assistance from our abundant wheat reserves to avoid famine in

Pakistan. Members of the Senate are also aware that I subsequently introduced a bill, S. 1782, authorizing an emergency wheat loan program to Pakistan through MSA.

In recent days I have received replies to my letters from the Department of Agriculture through Under Secretary Secretary True B. Morse, and from the State Department through Assistant Secretary Thruston B. Morton. Those replies indicate that both Departments share my concern over Pakistan's plight.

I was interested to learn from Mr. Morton's letter that the Government of Pakistan has formerly requested our assistance in providing 1 million tons of wheat by late fall. I was pleased that the State Department responded to that request by sending a three-man commission to Pakistan to study the situation. That mission is expected to submit a report by the end of May. It is my hope that immediately following that report the State Department will make a firm recommendation to the Congress as to the amount of wheat Pakistan will require to escape mass starvation.

I have written the Senator from Wisconsin [Mr. WILEY], chairman of the Foreign Relations Committee, requesting that this question be placed on the agenda of our next committee meeting.

I ask unanimous consent that the letters from the Department of State and Agriculture which I received be published in the body of the RECORD at this point.

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

DEPARTMENT OF STATE,
Washington, April 30, 1953.

The Honorable HUBERT H. HUMPHREY,
United States Senate.

DEAR SENATOR HUMPHREY: Reference is made to your letter of April 14, 1953, and to the Department's interim telephone acknowledgment of April 17, concerning the serious food situation in Pakistan.

The Department is deeply concerned over the aforesaid severe wheat deficit in drought-stricken Pakistan, and is taking steps to determine the form and extent of any United States assistance which may be requested from the Congress. An interdepartmental working group has gathered and studied facts on the situation, and the facts currently available indicate that Pakistan will again need to import substantial quantities of wheat equaling or exceeding its imports during the May 1952–April 1953 food year of well over 800,000 tons.

Pakistani officials have discussed the Pakistan wheat situation with officers of the Department, in the course of which the former mentioned the figure of 1.5 million tons as their estimated total import need in the food year beginning May 1, 1953, and have formally requested United States assistance in providing 1 million tons by late fall of this year. The wheat crop now being harvested (April–May) in Pakistan is expected to meet the country's requirements for the months immediately ahead and to largely determine the extent of the anticipated sharp deficit, which would begin to be felt directly this fall in the absence of adequate imports.

The Secretary of State and the Director for Mutual Security are sending Dr. Harry Reed, dean of the College of Agriculture at Purdue University, to head a three-man mission to Pakistan for an on-the-spot survey of the wheat situation. It is hoped that Dr. Reed will have a first-hand report ready in May. It will greatly assist in reaching a decision on Pakistan's request for United States aid.

I appreciate having your expression of concern in this matter, and hope that the foregoing comments will be of interest to you.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary
(For the Secretary of State).

DEPARTMENT OF AGRICULTURE,
Washington, D. C., May 1, 1953.

Hon. HUBERT H. HUMPHREY,
United States Senate.

DEAR SENATOR HUMPHREY: This is in response to your letter of April 14, in which you voiced concern over the food situation in Pakistan and expressed the hope that the Department of Agriculture would make available to Pakistan some of the surplus food supplies in the United States.

I assure you that I share your conviction that no nation like ours with an abundance of food should stand idly by while a less fortunate nation starves. The people of the United States have a tradition of generosity toward their fellow men in other countries which precludes such a possibility.

The Department of Agriculture for several months has been aware of a possible food shortage developing this year in Pakistan. A member of the Department has served on an informal committee composed of members from several interested agencies of the Government in an effort to determine the magnitude of the wheat shortage in Pakistan and in trying to determine to what extent and in what manner the United States Government could best be of assistance if a real crisis developed.

In normal years Pakistan is about self-sufficient in food supplies with a small surplus of food grains available for export, but for the second successive year drought at planting time and a shortage of canal water has reduced Pakistan's wheat crop. Last year's crop was about 900,000 long tons (33,597,000 bushels), of 16 percent, below the 1949–50 to 1951–52 average. Pakistan will have imported an estimated 800,000 tons (30 million bushels) of food grains during the 12 months ending May 1. Of this amount about 162,000 tons (6 million bushels) were purchased in the United States with funds provided by an Export-Import Bank loan. Data on the annual carryover of foodgrains are not available, but we may safely assume that these are largely exhausted at the present time. The present food grain shortage is due to the second successive short wheat crop in West Pakistan. The wheat harvest in West Pakistan is just getting under way and will be largely completed by the end of next month. The latest estimate by our agricultural attaché in Karachi places the current crop at 2,900,000 to 3,000,000 long tons (108 million to 112 million bushels), which is about 1 million tons below the 1949–50 to 1951–52 average. A reduction of this size in the wheat crop may require food grain imports of 1 million tons (37,330,000 bushels) if normal consumption levels are to be maintained. Most other food grain crops, not yet planted, will be harvested beginning in August.

Since Pakistan's wheat harvest is currently in progress, a supply of domestic wheat is assured for the time being. The real need for imported wheat probably will not be felt until October or November. However, unless the Government of Pakistan can announce at an early date that arrangements have been completed to meet the deficit, local hoarding and high prices of food may develop in the near future.

If the Government of Pakistan formalizes its announced intention to request a wheat loan from the United States, the formal request will be made through regular diplomatic channels. If such formal request is made, the Congress probably will be giving consideration to the use of United States funds for a wheat loan. The Department of State and the Mutual Security Agency are aware that our wheat stocks are sufficient to take care of Pakistan's needs.

If the Congress decides to make funds available, this Department will assist in every way it can to insure the people of Pakistan against suffering for lack of food.

Sincerely yours,

TRUE D. MORSE,
Under Secretary.

Mr. HUMPHREY. Mr. President, I make note that on an earlier date I presented for the RECORD and had incorporated in the body of the RECORD the letters which I wrote to the Department of Agriculture and to the State Department.

RECESS

Mr. FERGUSON. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until tomorrow, Friday, May 8, 1953, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 7 (legislative day of May 6), 1953:

IN THE AIR FORCE

Gen. Nathan Farragut Twining, 10A (major general, Regular Air Force), United States Air Force, for appointment as Chief of Staff, United States Air Force, with the rank of general, for a period of 2 years beginning from date of appointment, under the provisions of section 202 of the Air Force Organization Act of 1951.

Lt. Gen. Thomas Dresser White, 22A (major general, Regular Air Force), United States Air Force, for appointment as Vice Chief of Staff, United States Air Force, with the rank of general, under the provisions of section 504 of the Officer Personnel Act of 1947.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 7 (legislative day of May 6), 1953:

UNITED STATES DISTRICT JUDGE

Walter Bruchhausen to be United States district judge for the eastern district of New York.

UNITED STATES ATTORNEYS

Sherman F. Furey, Jr., to be United States attorney for the district of Idaho.

John O. Henderson to be United States attorney for the western district of New York.

A. Pratt Kesler to be United States attorney for the district of Utah.

UNITED STATES MARSHAL

George W. Beach to be United States marshal for the district of New Mexico.

IN THE ARMY

The officers named herein for appointment as Reserve commissioned officers of the Army under the provisions of section 224, the Armed Forces Reserve Act (Public Law 476, 82d Cong.):

To be major generals

Maj. Gen. John Francis O'Ryan, O135904.
Maj. Gen. Walter Perry Story, O171629.

To be brigadier generals

Brig. Gen. Frayne Baker, O134923.
Brig. Gen. Stanhope Bayne-Jones, O170753.

Brig. Gen. George Harris Cosby, Jr., O167827.

Brig. Gen. Clyde Emerson Dougherty, O190855.

Brig Gen. Charles Merville Spofford, O919215.

IN THE NAVY

Rear Adm. John W. Roper, United States Navy, when retired, to be placed on the retired list with the rank of vice admiral.

The following-named officers of the Navy for permanent appointment to the grade of rear admiral:

To be rear admirals, line

Bernard E. Manseau	Burton Davis
Logan McKee	Murr E. Arnold
Ralph Earle, Jr.	John B. Moss
George A. Holderness, Jr.	Irving T. Duke
	Truman J. Hedding
Selden B. Spangler	Chester C. Wood
Joseph N. Wenger	Clarence E. Ekstrom
Neil K. Dietrich	Rufus E. Rose
Frederick Moosbrugger	Charles W. Wilkins
Francis M. Hughes	

To be rear admirals, Medical Corps

Sterling S. Cook	Winfred P. Dana
Charles F. Behrens	Robert M. Gillett

To be rear admirals, Supply Corps

Walter W. Honaker
Frederick L. Hetter
Frederic W. Hesser

To be rear admiral, Civil Engineer Corps

Joseph F. Jelley, Jr.

IN THE MARINE CORPS

The following-named officers for permanent appointment to the grades indicated:

To be major general

Vernon E. Megee

To be brigadier general

Albert D. Cooley

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 7, 1953

The House met at 12 o'clock noon.

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

Almighty God, we are again turning our thoughts toward Thee in supplication and petition, for Thou alone canst give wisdom to guide, strength to sustain, and hope to cheer us in these troublous days.

Grant that we may yield ourselves more completely to the sovereign will of Thy divine spirit in order that our own finite spirits may be taught by Thee and touched to finer issues.

We pray that, in our desires to find and fulfill the meaning and mission of life and have a worthy place in the annals of history, we may be ambitious without being unscrupulous, high-minded without being supercilious, venturesome without being foolhardy and presumptuous.

Show us how we may help all mankind achieve a larger measure of happiness and relief from life's burdens and struggles and worries.

Inspire us to hasten the fulfillment of the day when peace and good will shall prevail among men and nations.

Hear us in the name of the Prince of Peace. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 688. An act for the relief of Takako Niina;

H. R. 720. An act for the relief of Mrs. Muriel J. Shingler, doing business as Shingler's Hatchery;

H. R. 748. An act for the relief of Anneliese Else Hermine Ware (nee Neumann);

H. R. 884. An act for the relief of Stephanie Marie Dorcey;

H. R. 886. An act for the relief of Aspasia Vezertzi;

H. R. 955. An act for the relief of Paula Akiyama;

H. R. 1101. An act for the relief of Daniel Robert Leary;

H. R. 1186. An act for the relief of Astrid Ingeborg Marquez;

H. R. 1193. An act for the relief of Mrs. Helga Josefa Wiley;

H. R. 1451. An act for the relief of Mrs. James M. Tuten, Jr.;

H. R. 1704. An act for the relief of Mrs. Suga Umezaki;

H. R. 1895. An act for the relief of Jack Kamal Samhat;

H. R. 1936. An act authorizing the acceptance, for purposes of Colonial National Historical Park, of school board land in exchange for park land, and for other purposes;

H. R. 2353. An act for the relief of Ema Shelome Lawter;

H. R. 2624. An act for the relief of Paola Boezi Langford;

H. R. 2936. An act authorizing the Secretary of the Interior to convey certain lands to the State of California for use as a fairground by the 10–A District Agricultural Association, California; and

H. R. 4004. An act to amend section 5210 of the Revised Statutes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and concurrent resolutions of the House of the following titles:

H. R. 731. An act for the relief of James Rennick Moffett;

H. R. 4198. An act 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 and the resources of the outer Continental Shelf;

H. Con. Res. 29. Concurrent resolution favoring the granting of the status of permanent residence to certain aliens; and

H. Con. Res. 73. Concurrent resolution favoring the granting of the status of permanent residence to certain aliens.

The message also announced that the Senate had passed bills, joint resolutions, and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 18. An act to amend the Administrative Procedure Act, and eliminate certain exemptions therefrom;

S. 30. An act to provide for jury trials in condemnation proceedings in United States district courts;

S. 39. An act to further implement the full faith and credit clause of the Constitution;

S. 52. An act for the relief of Anny Del Curto;

S. 106. An act for the establishment of a Commission on Governmental Operations;

S. 117. An act to amend section 7 of the Flood Control Act of 1941 relating to the apportionment of moneys received on account of the leasing of lands acquired by the United States for flood control purposes;

S. 193. An act for the relief of Toni Anne Simmons (Hitomi Urasaki);

S. 207. An act for the relief of Jimy Okuda;

S. 226. An act for the relief of Keiko Tashiro;

S. 228. An act for the relief of Irene Ezitis;

S. 252. An act to permit all civil actions against the United States for recovery of taxes erroneously or illegally assessed or collected to be brought in the district courts with right of trial by jury;

S. 275. An act to further define the national transportation policy;

S. 371. An act for the relief of Georgia Andrews;

S. 380. An act to authorize the sale or lease by the State of Kansas of certain lands situated near Garden City, Kans.;

S. 383. An act for the relief of Francisca Egurrola;

S. 448. An act for the relief of William Junior Jami and Sachiko Suwa;

S. 484. An act conferring jurisdiction upon the United States District Court for the District of Colorado to hear, determine, and render judgment upon the claim of J. Don Alexander against the United States;

S. 607. An act for the relief of Thomas Dale Fawcett (George Yamamoto);

S. 639. An act to provide for the abandonment of a certain part of the Federal project for the Broadkill River in Delaware;

S. 674. An act for the relief of Kikue Tsurukawa;

S. 712. An act for the relief of William R. Jackson;

S. 1143. An act for the relief of Teresa Lee Tipton (Kinuko Sakai);

S. 1147. An act for the relief of Karen Ruth Bauman;

S. 1228. An act for the relief of Patric Dorian Patterson;

S. 1292. An act 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;

S. 1307. An act to amend the act of December 23, 1944, authorizing certain transactions by disbursing officers of the United States, and for other purposes;

S. 1334. An act for the relief of Rev. A. E. Smith;

S. 1376. An act to amend section 503 of the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended;

S. 1389. An act for the relief of Ami Hanada (Margaret Ami McClung);

S. 1390. An act for the relief of Ann Marie Longworth and John Francis Longworth;

S. 1418. An act for the relief of Linda Marlene Kolachny (Mariko Furue);

S. 1448. An act to amend the act of June 25, 1942, relating to the making of photographs and sketches of properties of the Military Establishment, to continue in effect the provisions thereof until 6 months after the present emergency;

S. 1514. An act to establish a Commission on Intergovernmental Relations;

S. 1524. An act to authorize the Secretary of the Navy to furnish certain supplies and services to foreign naval vessels on a reimbursable basis, and for other purposes;

S. 1525. An act 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.;

S. 1527. An act to amend section 40b of the National Defense Act, as amended (41 Stat. 759, 777); to remove the limitation upon the detail of officers upon the active