for the Congress to act in this important matter.

Sixth. Division 5 of the ICC, the Division which handles motor carrier matters, and which by reason of experience is most familiar with the problems of the motor carrier industry, did not favor the inclusion of a 30-day lease limitation. In fact, the rules recommended by Division 5 did not include the 30-day lease requirement, or the requirement that compensation must be on a basis other than a division of revenues. H. R. 3203 does not prohibit in any way any of the rules recommended by Division 5 when this matter was formally considered by that Division, prior to action by the full commission. Certainly the Commission's Division 5, whose membership then was made up of Commissioners with years of experience in these matters did not make a recommendation which would undermine the motor rate structure or recreate the confusion which prevailed prior to the passage of the Motor Carrier Act in 1935. It is important to note that John L. Rogers, the first Director of the Bureau of Motor Carriers, ICC, was a member of Division 5 when that Division recommended against the adoption of a 30-day limitation on truck leases.

There are other reasons which support the early passage of H. R. 3203. The above points, however, are believed sufficient to establish the weakness of the position of the ICC in this matter and to show the merits of the position of those who are advocating the passage of this bill by the Senate.

Elmer A. Rogers

EXTENSION OF REMARKS
OF
HON. ARTHUR G. KLEIN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 23, 1954

Mr. KLEIN. Mr. Speaker, the New York Society for the City of New York was organized June 20, 1914, to promote friendly social relations among those born within the limits of the Greater City of New York; to cultivate a proper civic pride; to cherish and perpetuate the memories and traditions of our city; to preserve its good name at home and abroad; and to promote the welfare of the members. At its recent election, Elmer A. Rogers was reelected president.

Mr. Rogers was born in New York City on December 9, 1900, and received his education in the New York City public schools, the College of the City of New York, New York University, and New York Law School. He received his doctor of laws degree in 1922, and thereafter took postgraduate courses in government; admitted to practice of law in New York, 1927; United States District Court, Southern District of New York, 1929; United States District Court, Eastern District of New York, 1932; United States Treasury Department, 1924; Tax Court of the United States, 1948; United States Supreme Court, 1949; United States Customs Court and Federal Communications Commission, 1950; assistant to late Supreme Court Justice Henry L. Sherman in New York State senatorial contest before Senate Committee on Privileges and Elections, 1928; special deputy assistant attorney general, 1931–32; member George Washington Bicentennial Commission, 1932; chairman, national committee on Americanism, Improved Order of Red Men, 1933; member of committee, Citizens Reconstruction Organization—the President's anti-hoarding campaign—1932; counsel to special committee, Washington Heights Taxpayers Association To Investigate Public Utilities, 1933; deputy great sachem, Improved Order of Red Men, 1931–37; member special panel of arbitrators, American Arbitration Association, 1939; assistant secretary of City Title Insurance Co., 1941; president, the First National Bank of Ardsley, 1943; national panel of arbitrators, American Arbitration Association, 1941; director of purchasing department of the Greater New York Civilian Defense Volunteer Office, 1943; served in the United States Coast Guard Reserve, 1944–45; member of the advisory planning board of the New York City Planning Commission, 1946–51; member of the mayor's committee for the celebration of the golden anniversary of the city of New York, 1948.

Author of All-Purpose Real-Estate Contract and Improved Form of Direct-Reduction Mortgage, 1941; Embezzlement: Its Income-Tax Problems, 1948; Federal Income-Tax Discussion of Illegal and Unlawful Gains, 1949; Comprehensive Mortgage, 1954.

Biography published in Who's Who in Law, Who's Who in the East, and Who's Who in New York.

Member of the following professional societies, clubs, and organizations: New York County Lawyers Association, formerly member of the membership committee and committee on professional economics; Federal Bar Association of New York, New Jersey, and Connecticut, formerly member of OPA committee and chairman of committee on unlawful practice of the law; American Bar Association; Munn Lodge, No. 190, F. & A. M.; the Consistory of New York City; Detectives Endowment Association, honorary member; National Democratic Club; Grand Street Boys' Association; Academy of Political Science; New York Society for the City of New York; Tammany Society or Columbian Order; Army and Navy Union, Alexander Blasius Garrison, No. 868, past chief of staff and honorary life member New York County Council; American Legion, Grand Street Boys' Post, No. 1025, past commander, chairman of committee on school awards for Americanism; Greater New York Civic Center Association, Inc., member of board of directors; Society of American Military Engineers; Welfare League for Retarded Children, general counsel; Stuyvesant Training Corps, organizer, 1915.

The New York Society for the City of New York was organized by such men as Hon. Samuel Ecker, and the late Hon. Frederick De Witt Wells, Hon. John J. Dietz, Hon. Frank Buckley, Hon. James J. Archer, Hon. John R. Davies, Hon. Seth Low, Hon. Alfred E. Smith, and Hon. James W. Gerard.

SENATE

WEDNESDAY, FEBRUARY 24, 1954

(Legislative day of Monday, February 8, 1954)

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

Rev. Kenneth G. Phifer, minister, Old Presbyterian Meeting House, Alexandria, Va., offered the following prayer:

Almighty and ever blessed God, in whom is our hope and from whom is our salvation, look Thou upon us with Thy good favor as we pursue the tasks of this day. We are all too often inadequate to our responsibilities and all too often indifferent to our inadequacies. Make us ever aware of our need for a strength beyond our own, a wisdom higher than ours, and a confidence which comes from our having explored the deep sources of life. Give us honesty in our evaluation of ourselves, courage in our reactions to the pressures of this day, and loyalty to our own best selves. In this week set aside to remind us of our brotherhood with other men may we examine our lives earnestly and concretely in the light of our obligations to our neighbors. Bless our Nation to the end that her mission on earth may be fulfilled in service unto mankind and in compassion to all who are in need. We make our prayer in the spirit of the Elder Brother of us all, even Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., February 24, 1954.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. J. GLENN BEALL, a Senator from the State of Maryland, to perform the duties of the Chair during my absence.

STYLES BRIDGES,
President pro tempore.

Mr. BEALL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, February 23, 1954, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its

clerks, announced that the House had passed a bill (H. R. 7996) making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes, in which it requested the concurrence of the Senate.

COMMITTEE MEETING DURING SENATE SESSION

Mr. GEORGE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate this afternoon, or so much of the afternoon as may be necessary to complete the hearing now in progress. I am making the request at the suggestion of the chairman of the committee, the Senator from Colorado [Mr. MILLIKIN].

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

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

CALL OF THE ROLL

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

The ACTING PRESIDENT pro tempore. The Secretary will call the roll.

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

Aiken	George	Lennon
Barrett	Gillette	Mansfield
Beall	Goldwater	Murray
Bricker	Gore	Pastore
Burke	Green	Purtell
Bush	Griswold	Schoeppel
Butler, Nebr.	Hayden	Smith, N. J.
Capehart	Holland	Stennis
Carlson	Humphrey	Thye
Case	Ives	Upton
Flanders	Johnson, Tex.	Young
Frear	Knowland	
Fulbright	Lehman	

Mr. SALTONSTALL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent by leave of the Senate on official business of the Senate.

Mr. CLEMENTS. I announce that the Senator from Nevada [Mr. MCCARRAN] is absent on official business.

The Senator from Missouri [Mr. SYMINGTON] is absent by leave of the Senate on official business of the Senate.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. KNOWLAND. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of the absent Senators.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ANDERSON, Mr. BENNETT, Mr. BUTLER of Maryland, Mr. BYRD, Mr. CHAVEZ, Mr. CLEMENTS, Mr. COOPER, Mr. CORDON, Mr. DANIEL, Mr. DIRKSEN, Mr. DOUGLAS, Mr. DUFF, Mr. DWORSHAK, Mr. EASTLAND, Mr. ELLENDER, Mr. FERGUSON, Mr. HENDRICKSON, Mr. HENNINGS, Mr. HICKENLOOPER, Mr. HILL, Mr. HOEY, Mr. HUNT, Mr. JACKSON, Mr. JENNER, Mr. JOHNSON of Colorado, Mr. JOHNSTON of South Carolina, Mr. KEFAUVER, Mr. KENNEDY, Mr. KERR, Mr. KILGORE, Mr. KUCHEL, Mr. LANGER, Mr. LONG, Mr. MAGNUSON, Mr. MALONE, Mr. MARTIN, Mr. MAYBANK, Mr. MCCARTHY, Mr. MCCLELLAN, Mr. MILLIKIN, Mr. MONRONEY, Mr. MORSE, Mr. MUNDT, Mr. NEELY, Mr. PAYNE, Mr. POTTER, Mr. ROBERTSON, Mr. RUSSELL, Mr. SALTONSTALL, Mr. SMATHERS, Mrs. SMITH of Maine, Mr. SPARKMAN, Mr. WATKINS, Mr. WELKER, Mr. WILEY, and Mr. WILLIAMS entered the Chamber and answered to their names.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation "Retired Pay, Department of Defense" for the fiscal year 1954, had been reapportioned on a basis which indicates a necessity for a supplemental estimate of appropriation (with an accompanying paper); to the Committee on Appropriations.

REPORT ON SURPLUS PROPERTY DISPOSAL IN TOKYO, JAPAN

A letter from the Secretary of Commerce, reporting, pursuant to law, that during the past year, $1,020 worth of surplus property had been disposed of in Tokyo, Japan, by the Department of Commerce, Maritime Administration; to the Committee on Government Operations.

REPORT ON RESERVATION FROM APPROPRIATIONS CERTAIN LANDS WITHIN INDIAN RESERVATIONS

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that during the calendar year 1953, no reservations from appropriations had been made of lands within Indian reservations valuable for power or reservoir sites or necessary for use in connection with irrigation projects; to the Committee on Interior and Insular Affairs.

PUBLICATION ENTITLED "FEDERAL POWER COMMISSION REPORTS, VOLUME 10"

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of its newly issued publication entitled "Federal Power Commission Reports, Volume 10" (with an accompanying document); to the Committee on Interstate and Foreign Commerce.

REPORT ON CLAIMS SETTLED UNDER MILITARY PERSONNEL CLAIMS ACT

A letter from the Secretary, Department of Health, Education, and Welfare, reporting, pursuant to law, that under the Military Personnel Claims Act of 1945, as amended, the claim of W. C. Parker had been settled in the amount of $346, during the calendar year 1953; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A resolution of the House of Delegates of the State of Maryland; to the Committee on Appropriations:

"House Resolution 18

"House resolution requesting the Congress of the United States of America to appropriate sufficient funds for the proper and efficient administration of the unemployment compensation law of the State of Maryland

"Whereas the attention of the members of the General Assembly of Maryland has been called to the critical condition existing in the administration of the unemployment compensation law of the State of Maryland, which condition exists because of the serious lack of administrative funds supplied by the Federal Government; and

"Whereas these matters may be corrected by the appropriation of necessary funds by the Congress of the United States of America; and

"Whereas it is the desire of the general assembly to call these problems to the attention of the Congress of the United States of America; and

"Whereas one of the matters which has been forcefully brought to the attention of the members of the general assembly is the inconvenience to persons having business in the Baltimore office, being forced to stand outside in all kinds of weather for considerable periods of time waiting in line; and

"Whereas in many cities the work of the employment security organization is spread over a number of branch offices, so that the number of applicants at any one office is kept at a minimum, and the separate offices can more effectively handle the workloads; and

"Whereas the experience in the Baltimore office and elsewhere during the period of heavy layoffs demonstrates the need for a reserve appropriation from which the employment security board might draw in order to employ extra help in these times of unusual workloads; and

"Whereas the members of the house of delegates are informed that the Baltimore office alone needs for proper operation of required services at least 60 more employees in order to expedite the proper administration of its work in the face of these greatly expanded demands for service: Now, therefore, be it

"*Resolved by the House of Delegates of Maryland*, That the Congress of the United States of America be requested to make the funds available for the proper and efficient administration of the unemployment compensation law of the State of Maryland herein referred to; and be it further

"*Resolved*, That the chief clerk of the house of delegates be instructed to send a copy of this resolution to the Employment Security Board, a copy to the Department of Labor, a copy to each Member of the Maryland delegation in the Congress of the United States, a copy to the Speaker of the House of Representatives of the United States of America, and a copy to the President of the Senate of the United States of America.

"By the house of delegates, February 12, 1954.

"JOHN C. LUBER,
"*Speaker of the House of Delegates.*"

A resolution of the House of Delegates of the State of Maryland; to the Committee on Post Office and Civil Service:

"House Resolution 10

"House resolution requesting the United States Post Office Department to issue a commemorative stamp on the occasion of the 200th anniversary of the founding of Fort Cumberland

"Whereas the date of January 26, 1955, will be the 200th anniversary of the founding of Fort Cumberland on the site of the present city of Cumberland in Allegany County, Md.; and

"Whereas this fort was completed on January 26, 1755, and immediately became of outstanding importance as a frontier outpost of eighteenth century civilization, serving as a base for General Braddock's campaign during the French and Indian War and as a protection for the colonists against the depredations of Indians; and

"Whereas in 1756 and again in 1758 the fort was under the personal command of George Washington, then acting as commander-in-chief of the Virginia military forces; and

"Whereas during the ensuing years the city of Cumberland served as a focal point for much of the development of the great areas of the Middle West, being in the early years of the nineteenth century the starting point for the famous Cumberland Road, sometimes known as the Old National Pike, the western terminus of the famous Chesapeake & Ohio Canal, and an important part of the far-flung Baltimore & Ohio Railroad; and

"Whereas Fort Cumberland and the city of Cumberland itself have been the center of such important developments in the history of Maryland and of the entire United States as fully to warrant the issue of a commemorative stamp in honor of the 200th anniversary of the founding of Fort Cumberland: Now, therefore, be it

"*Resolved by the House of Delegates of Maryland*, That the Post Office Department of the United States be requested to give earnest consideration to the issue of a commemorative stamp, to mark the 200th anniversary of the founding of Fort Cumberland, on January 26, 1955; and be it further

"*Resolved*, That the chief clerk of the house be instructed to send copies of this resolution to the President of the United States, the Postmaster General of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each Member of the Maryland delegation in the Congress of the United States, the Cumberland Free Public Library, and the Allegany County Historical Society.

"By the house of delegates, February 10, 1954.

"JOHN C. LUBER,
"*Speaker of the House of Delegates.*"

A resolution of the General Assembly of the State of Rhode Island, relating to a continuance of the present tariff rates on lace imports; to the Committee on Finance.

(See resolution printed in full when presented by Mr. GREEN (for himself and Mr. PASTORE) on February 23, 1954, p. 2098, CONGRESSIONAL RECORD.)

Resolutions adopted by the Central Labor Council of Astoria, and the Central Labor Council of Klamath Falls, both in the State of Oregon, protesting against any special exemption on income derived from dividends; to the Committee on Finance.

A resolution adopted by the Baltimore Association of Commerce, Baltimore, Md., favoring the elimination of the capital gains tax; to the Committee on Finance.

A resolution adopted by the Los Angeles District, California Federation of Women's Clubs, favoring the elimination of all Federal supervision and control over Indian affairs and Indian reservations; to the Committee on Interior and Insular Affairs.

A resolution adopted by the City Council of the City of Chicago, Ill., favoring the prohibition of the shipment of fireworks into States where the sale of fireworks is prohibited; to the Committee on the Judiciary.

A resolution adopted by the Napa Post Office Employees Association, Napa, Calif., favoring a salary adjustment for post office employees; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JENNER, from the Committee on Rules and Administration:

S. Res. 196. Resolution increasing the limit of expenditures by the Committee on Interior and Insular Affairs; without amendment; and

S. Con. Res. 57. Concurrent resolution to print the proceedings in connection with the placing of the statue of Marcus Whitman in the Capitol; without amendment.

By Mr. LANGER, from the Committee on the Judiciary, without amendment:

S. 58. A bill for the relief of Suzanne Jacquet (Rept. No. 991);

S. 233. A bill for the relief of Jeno Cseplo (Rept. No. 992);

S. 428. A bill for the relief of Dr. Chih Chiang Teng (Rept. No. 993);

S. 455. A bill for the relief of Johan Gerhard Faber, Dagma Anna Faber, Hilke Faber, and Frauke Faber (Rept. No. 994);

S. 487. A bill for the relief of Dr. Theodore A. Balourdas (Rept. No. 995);

S. 490. A bill for the relief of Josephine Reigl (Rept. No. 996);

S. 518. A bill for the relief of Sister Marie Therese De Galzain (Rept. No. 997);

S. 520. A bill for the relief of Mr. and Mrs. Ivan S. Aylesworth (Rept. No. 998);

S. 552. A bill for the relief of Anna Urwicz (Rept. No. 999);

S. 740. A bill for the relief of Santa Maciaccia (Sister Maria Fridiana), Teresa Saragaglia (Sister Maria Eutropia), and Caterina Isonni (Sister Maria Giovita) (Rept. No. 1000);

S. 747. A bill for the relief of Jacek Von Henneberg (Rept. No. 1001);

S. 795. A bill for the relief of Josef Radziwill (Rept. No. 1002);

S. 924. A bill for the relief of Sofia B. Panagoulopoulos (Rept. No. 1003);

S. 946. A bill for the relief of Mona Lisbet Kofoed Nicolaisen, Leif Martin Borglum Nicolaisen, and Ian Alan Kofoed Nicolaisen (Rept. No. 1004);

S. 997. A bill for the relief of Chuan Hua Lowe and his wife (Rept. No. 1005);

S. 1517. A bill for the relief of Helen Knight Waters and Arnold Elzey Waters, Jr. (Rept. No. 1006);

S. 1937. A bill for the relief of Rev. Francis T. Dwyer and Rev. Thomas Morrissey (Rept. No. 1007);

H. R. 687. A bill for the relief of Sister Walfreda (Anna Nelles), and Sister Amaltrudis (Gertrude Schneider) (Rept. No. 1008);

H. R. 749. A bill for the relief of Shui-Fook Fung (Rept. No. 1009);

H. R. 1346. A bill for the relief of Zia Edin Taheri and Frances Hakimzadeh Taheri (Rept. No. 1010);

H. R. 2507. A bill for the relief of Alfonso Gatti (Rept. No. 1011);

H. R. 2817. A bill for the relief of George A. Ferris (Rept. No. 1012);

H. R. 3005. A bill for the relief of Charles Sabah (Rept. No. 1013);

H. R. 3236. A bill for the relief of Constantin and Lucia (Bercescu) Turcano (Rept. No. 1014); and

H. R. 3455. A bill for the relief of Jalal Rashtian (Rept. No. 1015).

By Mr. LANGER, from the Committee on the Judiciary, with an amendment:

S. 98. A bill for the relief of (Mrs.) Betty Thornton or Jozefne Toth (Rept. No. 1016);

S. 208. A bill for the relief of Sister Constantina (Teresia Kakonyi) (Rept. No. 1017);

S. 327. A bill for the relief of Tarik S. Kaynor (Rept. No. 1018);

S. 584. A bill for the relief of Rosa Euler and her minor child (Rept. No. 1019);

S. 937. A bill for the relief of Virginia Grande (Rept. No. 1020);

S. 1138. A bill for the relief of John Soudas (Rept. No. 1021);

S. 1689. A bill for the relief of Mrs. Cacila Gotthardt Gange (Rept. No. 1022);

S. 1863. A bill for the relief of Leo A. Ribitzki, Mrs. Charlotte Ribitzki, and Marion A. Ribitzki (Rept. No. 1023);

S. 2166. A bill for the relief of Gertrude Rena Carlson (Rept. No. 1024); and

H. R. 2214. A bill for the relief of Jaroslav, Bozena Yvonka, and Jarka Ondricek (Rept. No. 1025).

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

S. 474. A bill for the relief of Maria Yutriago (Rept. No. 1026).

By Mr. MILLIKIN, from the Committee on Finance, with amendments.

H. R. 2984. A bill to prohibit reduction of any rating of total disability or permanent total disability for compensation or pension purposes which has been in effect for 20 or more years (Rept. No. 1027).

STATEHOOD FOR ALASKA—REPORT OF A COMMITTEE

Mr. BUTLER of Nebraska. Mr. President, on behalf of the Committee on Interior and Insular Affairs, I am authorized and directed to report favorably to the Senate a committee bill to enable the richly endowed and strategic American Territory of Alaska to qualify for statehood and to be admitted into the Union on a free and equal basis with the present 48 States, and I submit a report (No. 1028) thereon.

The committee bill is in the form of an amendment in the nature of a substitute for S. 50, introduced on Jan. 7, 1953, by the distinguished senior Senator from Montana [Mr. MURRAY] for himself and 14 other Senators.

Mr. President, Members of the Senate will be interested in the fact that this bill represents a considerable departure from the original bill and any previous Alaska statehood bills in its treatment of the resources and lands of the proposed new State. In the past it has been a common criticism of Alaska statehood bills that they pretended to make Alaska a State, while at the same time reserving to the Federal Government all the valuable land and resources of the Territory. The bill we present to you today attempts to give Alaska real statehood, so that it may grow and develop. It also proposes a measure of financial aid to the new State during a brief transition period following statehood.

Speaking again for the committee, I think we may take some pride in the improvements that have been made in this

bill. Six members of the committee including myself visited Alaska last summer and held careful prolonged hearings at which everyone was given a chance to present his views. Then at the beginning of this session an exhaustive study of the problem of Federal land holdings and Federal control was conducted by a subcommittee under the chairmanship of the distinguished senior Senator from Oregon [Mr. CORDON].

While I do not contend that this bill is perfect, I believe it is a bill under which Alaska can survive and grow. I hope the changes made by the committee will recommend themselves to the Senate.

It should be stated that the vote in committee on reporting the bill was 14 for and 1 against. A number of those voting to report the bill, however, reserved the right to oppose the measure on the floor.

We do not have the formal report ready today but hope to have it within a few days.

I respectfully commend the provisions of the committee's amendment to S. 50 to the consideration of the Members of the Senate.

The ACTING PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar.

Mr. ANDERSON. Mr. President, will the Senator from Nebraska yield?

Mr. BUTLER of Nebraska. I yield.

Mr. ANDERSON. Mr. President, I merely want to compliment the Senator from Nebraska upon submitting the report and to state that I think the hearings which were conducted in Alaska were very beneficial to the entire question of the status of Alaska. The bill has received the most careful consideration that an Alaskan statehood bill could have. I conducted hearings on Alaska statehood in the 81st Congress, and participated in the visit to Alaska during the past summer. I know a great deal of work has been done in the past few weeks. I pay tribute not only to the distinguished Senator from Nebraska but also to the distinguished Senator from Oregon [Mr. CORDON] for the very fine job done in drafting the bill. We spent Saturday on it until after 6 o'clock, and we worked on it again on Washington's Birthday and on the following morning. The Senator from Oregon has devoted a tremendous amount of service in that endeavor.

I thank the chairman of the committee and his colleagues for the very fine job which I think has been done.

Mr. BUTLER of Nebraska. I may say that no member of the committee, other than the chairman of the subcommittee, the distinguished senior Senator from Oregon [Mr. CORDON], has been more faithful in attendance or has done more work on the bill than has the distinguished junior Senator from New Mexico [Mr. ANDERSON].

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. BUTLER of Nebraska. I yield.

Mr. JOHNSON of Texas. I heard the Senator from Nebraska say something about the report. Will the Senator repeat what he said with respect to when the report will be available?

Mr. BUTLER of Nebraska. The report itself should be available by next Monday, if not before. The committee is working on it. It is pretty well prepared, but has not been completed so that it could be submitted today.

Mr. JOHNSON of Texas. When was the bill reported?

Mr. BUTLER of Nebraska. The committee voted to report the bill. That has been done.

Mr. JOHNSON of Texas. When was that done?

Mr. BUTLER of Nebraska. That was done several days ago. As I recall it was on February 4. We have endeavored to prepare the details of the bill in conformity with the desires of various members of the committee.

Mr. JOHNSON of Texas. I have been desirous of having the Alaskan statehood bill considered together with the Hawaiian statehood bill. I had hoped that the committee would report not only the Hawaiian bill, but also the Alaskan bill. In view of the fact that the Alaskan bill was reported by the committee on February 4, or was ordered to be reported, it seems to me that a reasonable time has elapsed, and I hope the distinguished chairman of the Committee on Interior and Insular Affairs will do everything he can to have the report submitted at the earliest possible date.

Mr. BUTLER of Nebraska. I promise the distinguished minority leader that the report will be submitted promptly, and that it will be before the Senate by the time the Hawaiian statehood bill is ready for consideration.

Mr. JOHNSON of Texas. I thank the distinguished chairman for that assurance.

INVESTIGATION OF JUVENILE DELINQUENCY—EXTENSION OF TIME TO SUBMIT REPORT

Mr. HENDRICKSON. Mr. President, from the Committee on the Judiciary, I report an original resolution granting additional time for the filing of a preliminary report by the Committee on the Judiciary on the investigation of juvenile delinquency.

The resolution (S. Res. 215) was received and placed on the calendar, as follows:

Resolved, That section 3 of Senate Resolution 89, 83d Congress, agreed to June 1, 1953 (authorizing the Committee on the Judiciary to make a study of juvenile delinquency in the United States), as amended by Senate Resolution 190, 83d Congress, agreed to January 27, 1954, is amended by striking out "February 28, 1954" and inserting in lieu thereof "March 15, 1954."

BILLS INTRODUCED

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

By Mr. JOHNSON of Texas:

S. 3001. A bill to convey by quitclaim deed certain land to the State of Texas; to the Committee on Public Works.

By Mr. SCHOEPPEL:

S. 3002. A bill for the relief of Han Hendrika Timmers Wingate; to the Committee on the Judiciary.

By Mr. HUNT:

S. 3003. A bill for the relief of Lieselotte Brodzinski Gettman; to the Committee on the Judiciary.

By Mr. CORDON:

S. 3004. A bill to provide for a preliminary examination and survey of streams emptying into Coos Bay, Oreg., for flood control and allied purposes; to the Committee on Public Works.

By Mr. WATKINS:

S. 3005. A bill to amend the Refugee Relief Act of 1953; to the Committee on the Judiciary.

HOUSE BILL REFERRED

The bill (H. R. 7996) making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

NOTICE OF HEARINGS ON THE PRESIDENT'S HEALTH RECOMMENDATIONS

Mr. SMITH of New Jersey. Mr. President, on behalf of the Committee on Labor and Public Welfare, I desire to give notice that a series of public hearings has been scheduled to begin Wednesday, March 17, 1954, at 10 a. m., in room P–63—old Supreme Court room—of the Capitol Building, on the President's health recommendations. The hearings will concentrate first on S. 2758, which embodies the President's recommendations for expanding the scope of the Hospital Survey and Construction Act; second, on S. 2759, which extends and improves vocational rehabilitation services; third, on S. 2778, which extends and improves the use of Federal grants for public-health purposes; and finally, on the President's recommendation for the establishment of a Federal reinsurance service to encourage broader coverage and protection through private and nonprofit health-insurance plans. I expect shortly to introduce a bill designed to implement the latter recommendation in order that an administration bill may be before the Senate and the committee in sufficient time for its consideration in this series of hearings.

Organizations desiring to be heard should notify the committee promptly in order that the schedule of witnesses may be completed. These hearings will be opened by the Subcommittee on Health of the Committee on Labor and Public Welfare, consisting of the Senator from Connecticut [Mr. PURTELL] as chairman, the Senator from Arizona [Mr. GOLDWATER], the Senator from Kentucky [Mr. COOPER], the Senator from Alabama [Mr. HILL], and the Senator from New York [Mr. LEHMAN].

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senator messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. CARLSON, from the Committee on Post Office and Civil Service:

One hundred and fifty-six postmasters.

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

Earl Warren, of California, to be Chief Justice of the United States;

Walter H. Hodge, of Alaska, to be United States district judge for division No. 2, district of Alaska, vice Joseph W. Kehoe, resigned;

J. Leonard Walker, of Kentucky, to be United States attorney for the western district of Kentucky;

Maurice Paul Bois, of New Hampshire, to be United States attorney for the district of New Hampshire, vice John J. Sheehan, resigned;

Clarence Edwin Luckey, of Oregon, to be United States attorney for the district of Oregon, vice Henry L. Hess, resigned;

Robert E. Hauberg, of Mississippi, to be United States attorney for the southern district of Mississippi;

Theodore F. Bowes, of New York, to be United States attorney for the northern district of New York;

Sumner Canary, of Ohio, to be United States attorney for the northern district of Ohio, vice Donald C. Miller, resigned;

Heard L. Floore, of Texas, to be United States attorney for the northern district of Texas;

Julian T. Gaskill, of North Carolina, to be United States attorney for the eastern district of North Carolina;

Jack D. H. Hays, of Arizona, to be United States attorney for the district of Arizona;

Donald R. Ross, of Nebraska, to be United States attorney for the district of Nebraska;

Louis Gorman Whitcomb, of Vermont, to be United States attorney for the district of Vermont;

Malcolm R. Wilkey, of Texas, to be United States attorney for the southern district of Texas, vice Brian S. Odem, resigned;

Donald A. Fraser, of Connecticut, to be United States marshal for the district of Connecticut;

J. Bradbury German, Jr., of New York, to be United States marshal for the northern district of New York;

George M. Glasser, of New York, to be United States marshal for the western district of New York, vice Raymond A. Morgan;

Tom Kimball, of Colorado, to be United States marshal for the district of Colorado, vice Maurice T. Smith, removed;

Peter Auburn Richmond, of Virginia, to be United States marshal for the western district of Virginia;

Dewey Howard Perry, of Vermont, to be United States marshal for the district of Vermont, vice Edward L. Burke;

Edward John Petibon, of Louisiana, to be United States marshal for the eastern district of Louisiana, vice Louis F. Knop, Jr.;

Billy Elza Carlisle, of Georgia, to be United States marshal for the middle district of Georgia, vice Edward B. Doyle, retired;

Xavier North, of Ohio, to be United States marshal for the northern district of Ohio;

Louis O. Aleksich, of Montana, to be United States marshal for the district of Montana;

Eugene Levi Kemper, of Kansas, to be United States marshal for the district of Kansas;

Fred S. Williamson, of Alaska, to be United States marshal for division No. 3, district of Alaska;

Claire A. Wilder, of Alaska, to be United States marshal for division No. 1, district of Alaska; and

Albert Fuller Dorsh, Jr., of Alaska, to be United States marshal for division No. 4, district of Alaska.

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

Vernon Woods, of Illinois, to be United States marshal for the eastern district of Illinois, vice Carl J. Werner, resigned.

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

Frank Quarles, of Tennessee, to be United States marshal for the eastern district of Tennessee; and

John Overall Anderson, of Tennessee, to be United States marshal for the middle district of Tennessee.

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

Osro Cobb, of Arkansas, to be United States attorney for the eastern district of Arkansas; and

Cooper Hudspeth, of Arkansas, to be United States marshal for the western district of Arkansas.

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

George Edward Rapp, of Wisconsin, to be United States attorney for the western district of Wisconsin.

NOTICE OF CONSIDERATION OF NOMINATION OF DAVID McK. KEY TO BE ASSISTANT SECRETARY OF STATE

Mr. WILEY. Mr. President, the nomination of David McK. Key, of Connecticut, to be an Assistant Secretary of State, to which office he was appointed during the last recess of the Senate, was received today from the White House. I wish to give notice that this nomination will be considered by the Committee on Foreign Relations at the expiration of 6 days.

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

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

By Mr. WILEY:

Statement prepared by him relating to the problems of the legitimate theater, together with an address delivered by Ralph E. Becker at the annual convention of the Theater Library Association and other organizations, on December 27, 1953.

THIRTY-SIXTH ANNIVERSARY OF ESTONIAN INDEPENDENCE DAY

Mr. IVES. Mr. President, to those of us who can observe Estonian Independence Day in a free land, this is an occasion of profound significance. We who live in freedom may well wonder how and why human liberties were ever permitted to perish in the great area dominated by communism.

But we know that these freedoms, which have temporarily disappeared, must inevitably be restored. The people of Estonia have kept the fire of Estonian independence alive. No force on earth, whether it be communism or any other, can forever oppose man's determination to be free under God. This knowledge continues to inspire the land of Estonia as her people look toward a brighter future with the assurance that the day will soon come when independence will be a reality.

Mr. LEHMAN. Mr. President, I am very pleased to take note of the 36th anniversary of the independence of the Republic of Estonia on February 24, 1954.

The history and traditions of the Estonian people and the Estonian nation are filled with many great events and heroic episodes.

Today, when the aspirations of all people of Estonian birth and descent in our country and throughout the world are focused on their desire to free Estonia from the oppressive grip of Communist imperialism, it is of the utmost importance that the citizens of the United States hold fast to the purpose of advancing the day when liberty and self-government will again be instituted in that ravished country.

The full facts regarding the ruthless seizure of this great Baltic State must continually be brought before our people. We must work for the achievement of a world under law so that nations will no longer live in constant fear of aggression and of crimes of murder committed against entire peoples. To this end I continue to hope for the ratification by the United States Senate of the Genocide Convention.

We must be resolved that the hideous crime of genocide will be forever outlawed. We know that this can only be accomplished by full cooperation and participation of the United States in the provisions of the Genocide Convention.

On this occasion I wish to extend my sincere greetings to all Americans of Estonian birth and descent, and to all those Estonians who are not American citizens, but who have found haven and refuge in the United States. May they act as couriers of a message of freedom and hope to their friends and relatives abroad. I trust and pray that the day of liberation when Estonia will again join the family of free nations is not far distant.

On this historic day, celebrating the rebirth of the Estonian nation 36 years ago, let us renew our determination that Estonia will soon have another independence day—another occasion to celebrate Estonia reborn.

REVISION OF THE UNITED NATIONS CHARTER

Mr. MANSFIELD. Mr. President, on Lincoln's birthday anniversary, a subcommittee of the Committee on Foreign Relations, under the chairmanship of the Senator from Wisconsin [Mr. WILEY] held a hearing at Akron, Ohio, on the subject of proposed revisions of the United Nations Charter. This was the first time that a subcommittee of the Committee on Foreign Relations went to the people of the country to ascertain their views on a particular subject.

I ask unanimous consent to have printed in the body of the RECORD at this point an article entitled "Problems of U. N. Charter Aired at Impressive Akron Meeting," published in the Trainmen's News of February 22, 1954.

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

PROBLEMS OF U. N. CHARTER AIRED AT IMPRESSIVE AKRON MEETING

AKRON, OHIO.—On Lincoln's birthday, this community experienced a quite realistic

application of Lincoln's ideal of "Government of the people, for the people and by the people." For the first time in American history, a United States Senate Foreign Relations subcommittee went out into the hinterlands and held formal Senate hearings, to obtain the views of the American people. Additional hearings in other parts of the Nation are planned.

These hearings were conducted by Senator ALEXANDER F. WILEY, Republican, of Wisconsin, chairman of Senate Foreign Relations Committee, and Senator MIKE MANSFIELD, Democrat, of Montana, a member of that committee. Senator WILEY is also chairman of a special Senate committee of 8 Senators (4 Republicans and 4 Democrats) to study and report back to the Senate on problems of United Nations Charter review, the subject of the Akron hearings. The U. N. Charter provides for a revision in 1955.

Notices were carried to the people in Akron newspapers and by other methods of mass communication that if they wished to testify before the Senate subcommittee they need only make their wishes known. As is the case in testifying before all congressional committees, copies of the written testimony were requested to be submitted in advance. One witness who complained, although he had done nothing to request time before the committee, was given opportunity to testify, and did so. Senator WILEY'S anxious desire to be fair to all was apparent to everyone. In the advance announcement of the hearings, WILEY said:

"We want to hear from the ordinary citizen who strives in all humbleness to find the answer which we are seeking—a better way to preserve and strengthen our country, and to establish a world at peace."

The Akron hearings should be an inspiration to every devoted American. Sixteen witnesses appeared before the committee. They represented churches, business and industry, labor, schools, and various professions. College professors and college students, library clerks, and substitute teachers, corporation officials and labor union officials all made their appearances.

Both Senators and audience received genuine satisfaction from several witnesses who began their testimony:

"Now, I don't represent anyone but myself."

It might be added that those witnesses gave some of the best testimony. The Senators must have found it a refreshing experience to depart from the lobbyists of the interests in Washington, to commune with the lobbyists of the individual grass roots people.

FOREIGN POLICY MADE INTERESTING

Normally one would not consider the subject of foreign policy of general interest and appeal, but the 100 or so people who attended both afternoon and evening sessions of the Akron Senate hearings were genuinely interested and happily entertained. With few exceptions, there was no name-calling—just two earnest and sincere Senators, a Republican and a Democrat, listening to many equally earnest and sincere fellow-citizens, all with a determination to make a better world wherein man's hopes and deepest desires for peace and progress might be guarded by international governmental machinery.

Senator WILEY'S rich sense of humor, never allowing the hearings to become boring; Senator MANSFIELD'S generous commendation of each witness for his contribution; nervous, quaking witnesses, making their first appearances before a Senate committee, witnesses whose love of truth, and determination to search for it, gave them the strength and poise that produced effective testimony; all this made a dramatic portrayal of free, democratic America at her best.

May there be many more such portrayals.

UNITED NATIONS OVERWHELMINGLY SUPPORTED

Of the 16 witnesses who appeared before the committee, only 3 opposed the U. N. and 1 of them admitted the U. N. had already accomplished much good. The hearings effectively demonstrated that the American people are determined to live in peace with their fellow citizens of the world; that they are conscious of the lessons of 4,000 years of recorded history, namely, that military force will not keep the peace; that universal enforceable disarmament in this atomic age is desperately necessary to the very existence of the human race; that Secretary of State John Foster Dulles is right when he insists that a system of world law must precede world disarmament. As a witness before the committee, Joseph G. Miller, Akron attorney, stated it:

"The heavy burden imposed on the American people to pay for past, present, and future wars cannot be reduced until a foolproof system of disarmament under the United Nations can be evolved. Certainly, the United States should not disarm unilaterally. Disarmament can only be achieved effectively through a foolproof system of inspection and policing by the United Nations."

All agree—strengthen U. N.

To this end, both Senators and witnesses were agreed that the U. N. should be revised to give it the strength to accomplish the high purposes for which it was instituted. Said Senator MANSFIELD:

"The United Nations has been required to assume responsibilities that were not present at the time it was established. Before these responsibilities it has been like a babe in swaddling clothes."

Witness Miller testified:

"I think that the men who drafted the present charter were wise in providing for the question of a charter review conference to appear on the agenda automatically at the end of 10 years. It would seem that ordinary prudence would dictate that the question of the workability of the charter be reviewed at a later date in light of new developments.

"Even our own Federal Constitution has been amended over 20 times, and our Constitution has been referred to as man's best example of a good basic document. So we should accept the necessity of review as being part of the normal process of civilization's development."

UNIVERSALITY FAVORED

Contrary to the isolationist name-calling and the nervous tensions that prevail in Washington and among politicians, witnesses in the Akron hearings seemed to be living nearer to basic American concepts and, therefore, feeling a greater courage and urge to express them. Chester G. Wise, an attorney speaking for the Akron Bar Association, recognizing the simple truth that government is needed mostly because of criminals and aggressors, rather than just for good people, demanded that Russia be kept in the U. N.

"Keep her in so we can watch her," said Wise. "If she's out, there's no telling where she'll ramble."

U. N. IS A PROTECTION

A refreshing contrast to the raucous, isolationist, fear-hate-suspicion-breeding cry of "Get the U. S. out of the U. N. and the U. N. out of the U. S.," was a dominant impression of the Akron hearings. There was a distinct feeling that a strengthened U. N. is needed to protect humanity. It was well voiced by Witness Thomas G. MacGowan, director of marketing research, Firestone Tire & Rubber Co., and a representative of Akron chapter of United World Federalists, Inc. Said MacGowan:

"I believe you will discover that the people at the grass roots know more about the need for the United Nations, about its workings and about its strong and weak points than we are sometimes given credit for knowing. In recent years there have been growing efforts in this country not only to discredit the United Nations but to suggest that the American people are opposed to it and wish our country to withdraw from it. I feel sure that as this subcommittee visits communities throughout the country it will learn that the people everywhere support the United Nations strongly, want it to survive, and want it to move forward."

* * * * *

"I believe that the people at the grass roots in this country feel as I do, that the United Nations can reach the point where it will provide a solid assurance of continuing peace under a system of world law and order."

BRT PIONEERS

This feeling for the need of a strengthened U. N. and for adequate government at the international level has long prevailed among members and representatives of the Brotherhood of Railroad Trainmen. The BRT was represented by its then national legislative representative, Martin H. Miller, at the original international conference at which the United Nations was born, held in San Francisco, April–May–June 1945. At its 1950 quadrennial convention, BRT delegates from almost every community in Canada and the United States adopted two resolutions urging the strengthening of the United Nations into a limited world government with powers strictly limited to prevention of war and maintenance of peace.

DEATH OF LT. GEORGE G. JEFFRIES

Mr. BEALL. Mr. President, my hometown of Frostburg was recently saddened by the tragic death of one of the finest young men our community has ever produced. At the same time we experienced a sense of pride because this young man gave his life, when he could have saved it, in order to spare others.

I knew Lt. George G. Jeffries and had the pleasure of appointing him to the United States Naval Academy. His record at the academy and after being commissioned fully justified the confidence his family and friends had in him.

Lieutenant Jeffries had an outstanding career and successfully completed a number of combat missions, but his great decision did not come in dramatic conflict with the enemy, but during a routine flight within the continental United States. The decision he made was an unselfish one. He chose to stay with his plane rather than endanger the lives of residents in Lake Charles, La.

Lieutenant Jeffries, by his unselfish decision, has shown us all how a hero dies.

I ask unanimous consent to have printed in the RECORD at this point an editorial which appeared in the Baltimore Sun of February 22, 1954.

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

A HERO DIES IN LOUISIANA

Once in a while, a man must make a great moral decision which is also a decision for life or death. For Lt. George G. Jeffries, of Frostburg, the decision came in a Navy airplane over Lake Charles, La. The plane was falling, and threatened to crash into a thickly populated residential section of the city. Lieutenant Jeffries could have bailed out and saved his own life. He didn't have much time to decide; but then, men

who can make the right decision in crises like this don't need much time to decide. Lieutenant Jeffries stayed with his plane, cleared the city with it and died as it crashed in a ricefield. His family, in their loss, can know that he died for others, and can be very proud of him. The Navy and the Nation are proud of him, too.

THIRTY-SIXTH ANNIVERSARY OF THE FOUNDING OF LITHUANIA

Mr. BEALL. Mr. President, last week many Americans of Lithuanian origin celebrated the 36th anniversary of the founding of the Republic of Lithuania. For several years now Lithuania and other Baltic States have been in the grip of Soviet aggression, but in commemorating this 36th anniversary the Council of Lithuanian Societies gave hope to their relatives and friends who remain under Soviet oppression.

At the anniversary meeting in Baltimore the Council of Lithuanian Societies adopted a resolution which pledges their support of this Government's efforts to secure peace in the world, and calls upon this Government to exert every effort to abolish the fruits of past Soviet aggressions.

Mr. President, I ask unanimous consent to have the text of the resolution printed in the RECORD at this point in my remarks.

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

At the annual banquet, commemorating the 36th anniversary of the founding of the Republic of Lithuania, sponsored by the Council of Lithuanian Societies of Baltimore, Md., held on February 16, 1954, at the Lithuanian Auditorium, 851 Hollins Street, the following resolution was unanimously adopted:

"Whereas Soviet Russia, in utter violation of the international treaties and her solemn obligations, occupied the territory of the Republic of Lithuania and imposed upon the population the ruthless regime of a police state; and

"Whereas despite the condemnation of these Soviet acts of aggression by the great powers of the free world, including the United States, Lithuania, as well as the other Baltic countries, is still subjected to the unscrupulous Kremlin rule of terror, murder, and deportations; and

"Whereas since the seizure of the Baltic States, the Soviet Union managed to take over many other independent countries and now represents the greatest menace to the civilization, culture, and religion of mankind the history has ever known; and

"Whereas the precautionary steps which the free nations have so far undertaken to avert this menace did not prove effective, in many cases, to impress the Kremlin masters: Therefore be it

"Resolved, That the Lithuanian Americans of Maryland, pledging their wholehearted support to the Government of the United States in its efforts to secure peace and stability in the world and to promote the cause of freedom and justice for all nations, express their sincerest thanks to President Dwight D. Eisenhower, Secretary of State John Foster Dulles, the distinguished leaders and Members of the United States Congress and both Republican and Democratic parties for their continued support of the national aspirations of the Lithuanian people and, especially, for creation of the House Baltic Committee to document and establish the pattern of aggression and enslavement followed by the Kremlin rulers against the free peoples of the world; be it further

"Resolved, That the Lithuanian Americans of Maryland, appeal to the highest authorities of their beloved United States of America to exert, to the fullest, the American leadership in the fight for peace, justice, and freedom by inaugurating a positive and dynamic program of foreign policy to thwart the evil Communist designs for world domination and to abolish the fruits of all past Soviet aggressions; and be it finally

"Resolved, That copies of this resolution be forwarded to the President of the United States, the Secretary of State, Members of the Senate Foreign Relations Committee, Maryland Members of both Houses of Congress, the United States representatives in the United Nations, the Governor of the State of Maryland, the mayor of Baltimore City, the diplomatic and consular representatives of Lithuania, Latvia, and Estonia in the United States, and the press."

ANTHONY J. MICEIKA,
President.
MATAS BRAZAUSKAS,
Secretary.

AMENDMENT TO THE CONSTITUTION RELATING TO TREATIES AND EXECUTIVE AGREEMENTS

The PRESIDING OFFICER (Mr. CARLSON in the chair). The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. BRICKER], to insert a new section on page 3, after line 9.

Mr. WILEY. Mr. President, I have several times commented upon the dangerous ambiguities of amendments to the Bricker amendment which the Senate has approved to date.

I send to the desk now the text of a memorandum prepared by Mr. Dana C. Backus, in which he points out several of these dangers. I ask unanimous consent that the statement be printed at this point in the body of the RECORD.

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

PROBLEMS POSED BY THE KNOWLAND-FERGUSON SUBSTITUTE FOR THE BRICKER AMENDMENT

(By Dana C. Backus)

The "pursuance" clause and the "conflicts" clause in the Knowland-Ferguson amendment present certain legal problems. The difficulty in a declaratory amendment is to add language without changing meaning. The President put it very well in a press release, pointing out that it is strange to change things to keep them the same.

But to change things twice—in the "conflicts" clause and in the "pursuance" clause—in order to keep them the same gives rise to constitutional stuttering of a high order. The danger is that at the political level it will be argued that a hidden change exists in the double negative.

If the "conflicts" clause trims off all unconstitutional treaty provisions, then what is there for the "pursuance" clause to operate on? Thus, there is set up the argument that the "pursuance" clause must change something.

At the judicial level the courts may be expected to make a dispassionate approach to reach a correct result, but there is no reason for promoting an amendment which will raise the question of giving a new twist to the 10th amendment, or altering other established interpretations. A perfect example of the evils of incorrect legislative construction is found in Senator FERGUSON's speech in favor of the "pursuance" clause (CONGRESSIONAL RECORD, Feb. 16, 1954, pp. 1790–91). He is a cosponsor and he said, and repeated for emphasis: "The amendment would prevent the delegation of executive, legislative or judicial power to an international organization." Thus, he says that the "pursuance" clause is the same as the old section 2 of Senate Joint Resolution 130, which was subsequently revised by Senator BRICKER (sec. 2 of S. J. Res. 1, January 1953 version) and then dropped by the Judiciary Committee for good reason. The arguments of the Attorney General and the Secretary of State and other witnesses against the original section 2 of Senate Joint Resolution 1 are set out in the Senate Judiciary Subcommittee hearings (see 1953 hearings, pp. 827, 913–918, 191 et seq.). In the 1952 report of the Association of the Bar of the City of New York (see 1953 hearings, p. 235, 241 et seq.), the evils of the original section 2 of Senate Joint Resolution 130 are pointed out. The construction urged by Senator FERGUSON could outlaw the Baruch plan for the control of the atomic bomb, invalidate the jurisdiction of the International Court of Justice in many important respects, and destroy the command structure of NATO.

Such a record gives ground for political misconstruction of the "pursuance" clause, and gives the basis for the possibility that there might even be urged upon a court a judicial misconstruction. The country should not be asked to adopt an amendment which means so many different things to so many different people.

Even the "conflicts" clause, standing alone, carries the severe risk of legislative misunderstanding. In 1905, it was argued in the Senate that Mr. Hays' proposed arbitration treaties were in conflict with the Constitution. The treaties were never ratified. (Vol. I, Willoughby on the Constitution, pp. 473–5.) Happily, this view has not prevailed subsequently, but it exemplifies the type of political opposition which is invited by the attempt to write a declaratory amendment.

There have been some hints that the "conflicts" clause contains a hidden "which" clause (majority report No. 412, Senate Judiciary Committee, pp. 3–8). A recent example of misinterpretation of the "conflicts" clause is in the article of Mr. Hatch in the September 1953 A. B. A. Journal, page 811, where he states that the "conflicts" clause (BRICKER, sec. 1, which KNOWLAND-FERGUSON carry over) would invalidate the Baruch plan.

An incorrect construction of the Knowland-Ferguson amendment at the legislative level is a hazard which would have to be faced at every turn. This could be fatal in impeding desirable action. There can be more confidence in a proper judicial construction than in a proper legislative construction, but restrictive senatorial construction could smother desirable agreements which would never reach the courts.

The only solution is to keep the Constitution unamended. This result is a legally sound one, and every day that passes indicates that it is the course which the people will reward at the polls. Just this week the Queens County Bar Association in Republican Queens County, New York City, went on record opposing any amendment of the Constitution, and the Topeka Bar Association in Kansas recorded its opposition to either the Bricker amendment or the Knowland substitute amendment.

Let's leave the Constitution alone.

Mr. WILEY. Mr. President, I send to the desk the text of a telegram which I have received from Mr. Raymond Pitcairn, a Pennsylvania attorney. I ask unanimous consent that it be printed at this point in the body of the RECORD.

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

BRYN ATHYN, PA., *February 21, 1954.*
Hon. ALEXANDER B. WILEY,
Senate Office Building,
Washington, D. C.:

It is now apparent to all thoughtful citizens interested in the Constitution that passage of the Bricker amendment or of any compromise is impossible, even the compromise requiring merely that treaties must be made in pursuance of this Constitution rather than under the authority of the United States, as the Constitution now provides, was carried by a majority of but 1 vote—14 votes less than the two-thirds majority needed to pass. To further prolong debate will waste the time of the Senate and jeopardize a constructive legislative program. Let's preserve the Constitution as it is.

RAYMOND PITCAIRN.

PRICE SUPPORTS ON DAIRY PRODUCTS

Mr. HUMPHREY. Mr. President, over the past weekend I returned to my home State and found, as I expected, Minnesota's dairy farmers shocked and indignant over Secretary Benson's drastic action in announcing that dairy price supports would be slashed to the absolute minimum of 75 percent of parity on April 1. Our dairy leaders are protesting, and in no uncertain terms.

Twice before I have spoken at some length on this floor in protest against the Secretary's action. I want to repeat what I have said before. This body shall continue to hear my voice raised in vigorous protest until this administration reverses itself and shows some real concern for the dairy industry, or the Congress takes the situation into its own hands and does something about it.

I desire to emphasize that the protest from the dairy industry crosses party lines entirely; it is an economic protest, not a partisan protest. It is a cry for simple justice, a protest against being singled out and discriminated against. It is a protest that comes from members of all farm organizations, not just anyone. And it is a protest, I find, that includes many in its ranks who previously favored some degree of flexible price supports, but now have had exposed to them the ruthlessness with which this administration violates its promises about gradual adjustments.

Mr. President, these protests come from men of such stature as Frank Stone, general manager of Land O' Lakes Creameries, Inc., and George N. Pederson, general manager of the Twin City Milk Producers Association.

Even James L. Morton, president of the Minnesota Farm Bureau Federation which had asked Secretary Benson to lower dairy supports to some degree, expressed surprise that Benson had gone as far as he did in lowering price supports.

Mr. President, even before Secretary Benson's action I had received indications that not all Farm Bureau groups in our State agreed with the national viewpoint of lower price supports.

I ask at this time unanimous consent that a letter from the Acoma Township Farm Bureau be printed in the body of the RECORD at this point in my remarks, showing they are on record to continue with 90 percent of parity.

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

HUTCHINSON, MINN., *February 9, 1954.*
The Honorable HUBERT HUMPHREY,
Washington, D. C.

DEAR SIR: The Acoma Township Farm Bureau consisting of 33 members discussed "parities" at our last meeting. It was the decision of the group to continue with 90 percent parity.

We would appreciate you giving this your sincere consideration.

Sincerely,
O. C. ATHMANN,
President.
Mrs. FRED BERNHAGEN,
Secretary.

Mr. HUMPHREY. Mr. President, because I believe the Senate should know the reaction of Secretary Benson's action from a great dairying State, I also ask unanimous consent to have appear at this point in my remarks an article from the Minneapolis Star of February 16, entitled "Dairymen Rap Cut in Support—See 35 Million Loss of Income in Minnesota," and starting off:

Minnesota dairymen and farm leaders expressed surprise and indignation today at Secretary of Agriculture Benson's announcement Monday that dairy price supports would be lowered from 90 to 75 percent of parity April 1.

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

DAIRYMEN RAP CUT IN SUPPORTS—SEE 35 MILLION LOSS OF INCOME IN MINNESOTA

(By Randall Hobart)

Minnesota dairymen and farm leaders expressed surprise and indignation today at Secretary of Agriculture Benson's announcement Monday that dairy price supports would be lowered from 90 to 75 percent of parity April 1.

Spokesmen for the industry, which last year accounted for 19.6 percent of the cash income of Minnesota farmers, viewed the action as a violation of President Eisenhower's promise that the conversion to a flexible system of price supports would be gradual.

On the basis of last year's production of roughly 290 million pounds of butter, the lower support rate could mean the loss of more than $20 million from this product alone.

Russel Schwandt, secretary of the Minnesota Farmers Union, upped this estimate to $35 million when income from all dairy products produced in the State is considered.

Schwandt said his organization would appeal to Congress for a reversal of Secretary Benson's decision.

Frank Stone, general manager of Land O' Lakes Creameries, Inc., said he thinks it is unfair that dairymen were singled out for such a drastic reduction while the six basic crops are guaranteed 90 percent of parity support for another year.

He said the dairy industry is willing to go along with a gradual conversion to flexible supports but had not expected a reduction of more than 5 percent a year.

George N. Pederson, general manager of the Twin City Milk Producers Association, said the drop to 75 percent of parity support "comes as quite a shock."

Dairy farmers, he said, are going to find it difficult to understand why they were singled out to receive "75 percent of what is supposed to be a fair price" for their products.

James L. Morton, president of the Minnesota Farm Bureau Federation, expressed surprise that Benson had gone as far as he did in lowering price supports. The Farm Bureau, he pointed out, had asked that the reduction be limited from 5 to 10 percent this year.

Morton said, however, that the lower prices on dairy products, particularly butter, should mean increased sales to consumers.

If surpluses in Government hands March 31 are kept off the market, he added, prices may move up from 75 percent of parity very soon.

Less optimistic about increased butter sales is E. Fred Koller, University of Minnesota professor of agricultural economics.

"I don't believe reducing the price of butter 8 cents a pound is going to affect consumption very much," he said. "Demand is very inelastic and it must be remembered that the price will still be high in relation to oleomargarine."

There is hope, though, that the lower price of butterfat will result in more sales of fluid milk, ice cream and some other dairy products, he said.

(In Washington the Agriculture Department listed the areas under Federal milk marketing orders where fluid milk prices are expected to drop 1 cent a quart April 1. Included were the Duluth-Superior, Wis., the Minneapolis-St. Paul, and the Sioux Falls-Mitchell, S. Dak., areas.)

While some farm leaders insist lower price supports will mean higher production, Koller doesn't think this will happen.

There is some possibility, he said, that marginal producers will be discouraged and shift out of the dairy business.

"Perhaps the most hopeful possibility, though, is that others who are not now in the dairy business will be discouraged from entering it," he said.

Koller, a close student of the dairy situation in Minnesota, has advocated temporary direct payments to dairy producers during a transition period from wartime price supports to free market price levels.

For consumers, the consequences of lower price supports appeared bright, but industry spokesmen agreed that supply channels may dry up completely just before the changeover April 1.

Frank Stone of Land O' Lakes said it is a foregone conclusion that manufacturers of butter will sell every pound to the Government right up to the deadline.

"No one who plans to produce 100,000 pounds of butter in that period, for example, is going to risk losing $8,000 by holding it himself," he said.

Stone also said there is a possibility that the drastic lowering of supports might eventually bring about a shortage of dairy products as discouraged farmers quit the business.

This, he said, would defeat the purpose of the price-support law, which is to insure an adequate supply for American consumers. He pointed out that the present butter surplus is only a 2½-month supply.

All of the comment reflected concern about Secretary Benson's plans for disposal of surplus dairy products now owned by the Government. Although he has said he will try to keep them out of the normal domestic market, he has also said he doesn't intend to let stocks spoil in storage.

The importance of the Secretary's forthcoming decision to Minnesotans is indicated by last year's farm-income statistics. They showed cash receipts of $241 million for dairy products, more than from beef cattle and

sheep, and more than two-thirds as much as receipts from all field crops.

Last month Minnesota farmers produced more milk than in any previous January in history, according to the State Federal crop and livestock reporting service. The total was 751 million pounds, an increase of 4 percent over January 1952 and 2 percent above the record set in January 1943.

Mr. HUMPHREY. Mr. President, I call attention to the fact that the article referred to points out that the dairy industry last year accounted for 19.6 percent of the cash income of Minnesota farmers.

The Minneapolis Sunday Tribune of February 21 estimated, and I might add very conservatively, that the change in support levels means a loss of $2,500,000 per month to Minnesota farmers.

Mr. President, what good is going to be accomplished by this blow to the dairy industry?

I challenge the Department of Agriculture to produce any real evidence to refute the doubts of E. Fred Koller, professor of agricultural economics at the University of Minnesota, that this move is going to have any substantial effect on increasing consumption of dairy products.

I point out, Mr. President, that Dr. Koller is one of our most eminent professors of agricultural economics. At the time the Secretary of Agriculture announced this price support reduction as a means of stimulating consumption, one of the most learned men in the country contradicted the Secretary's prediction.

I further want to make clear my conviction that rather than solve any problems, I believe this latest move by Secretary Benson is going to create new problems.

While the lowering of support may well force to the wall many small dairy operators with limited financial resources, it may at the same time force others to expand production to make up the loss in total income.

I ask consent to have printed in my remarks at this point a letter to the editor of the Northfield (Minn.) News of February 18, from Joel H. Schilling, a director of the Twin Cities Milk Producers Association, indicating that such is his reaction.

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

PREDICTS MORE DAIRY PRODUCTS SURPLUSES

To the EDITOR:

It seems to me that Secretary of Agriculture Benson broke faith with the dairy industry and the dairy farmer in his pronouncement lowering dairy products support price to 75 percent of parity as of April 1.

Shortly after becoming Secretary, he told dairy interests of the country that they had to come up with a self-help program by April 1 or else he would take it into his own hands. Three months ago such a proposal was given him by the National Milk Producers Federation, the voice of half a million dairy farmers, and he has chosen not to heed their suggestions on handling surpluses and stabilizing dairy prices.

His 75 percent of parity will in the long run defeat the very purpose for which it was meant. By reducing butter prices to the consumer approximately 8 cents a pound, it will no doubt clear out some of the Government's holdings. And what butter manufacturing plant is going to hold as much as 1 pound from now until the first of April?

But let's look at it from the dairy farmer's angle.

His take-home pay has been cut 15 percent while still feeding feeds supported at 90 percent of parity to produce a cheaper product. What is he going to do to meet past-due bills, ever-increasing taxes and rising overhead in quality control equipment?

He's going to put in 2 or 3 more cows, step up his volume so that, his 75 percent of parity product brings him the same return as a lesser volume under 90 percent.

The probable net result: much more milk, more butter, more surpluses.

I, as a dairyman, feel that this singling out of dairying for a reduced support program is unjustified at this time in view of the ever-increasing sales promotion program by the American Dairy Association and surplus disposal as outlined in the National Milk Producers Federation proposal.

Furthermore, the adoption of these proposals would give us a prospect of realizing a fair price for our product without Federal control of every dairy farm in the country.

JOEL H. SCHILLING,
Director, TCMPA.

Mr. HUMPHREY. Mr. President, all the slide rules in the Department of Agriculture cannot take into consideration the human element involved in this setback for family farmers depending primarily on dairy products for income.

Fortunately some people have concern for human values as well as statistics.

Such is the letter I have here from Rev. Allen G. Hagstrom, pastor of the Foxhome Lutheran Church at Foxhome, Minn., asking me to continue the fight I am making against this blow to the dairy industry. I ask unanimous consent that the letter be printed in the RECORD at this point in my remarks.

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

FOXHOME LUTHERAN CHURCH,
Foxhome, Minn., February 17, 1954.

The Honorable HUBERT HUMPHREY,
United States Senate,
Washington, D. C.

DEAR SIR: In my humble opinion, Secretary Benson's decision to drop the support to 75 percent on dairy products is going to work a terrific hardship on the small farmers of this community. The drop seems to be too drastic.

Please continue to fight against this move against the dairy industry.

Respectfully,

Rev. ALLEN G. HAGSTROM.

Mr. HUMPHREY. Mr. President, perhaps one of the finest editorials I have seen on this entire subject appeared in last week's issue of the Grand Rapids Herald-Review, of Grand Rapids, Minn., of which Larry Rossman is the fine and humane editor.

He very rightly looks at this problem through the eyes of human beings—hard-working men and women, who are having a lifetime of work destroyed.

Mr. President, there are cut-over areas of northern Minnesota where an entire generation has been spent in back-breaking toil clearing stumps and brush to convert wasted land into productive small-family farms. Dairy farming has been found to be the most advisable form of farming in these areas, and our extension agents and university experts have guided these people into dairying as the most efficient use of their limited resources. Yet they are the very people who will be hit hardest by this change. They are the ones some people callously write off as "marginal farmers," and say they will simply have to go out of business. What does Secretary Benson propose they do for a livelihood?

This problem is effectively analyzed in Mr. Rossman's editorial entitled "A Tragedy for Minnesota," which I ask unanimous consent to have printed in the RECORD at this point in my remarks.

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

A TRAGEDY FOR MINNESOTA

Any reduction in the price supports for dairy products will be a high economic crime against agriculture in Minnesota and, particularly, northeastern Minnesota. That statement is not based upon provincial selfishness which believes that controls should be applied to other areas, products, and industries and not applied to these parts and their people. There are basic and good reasons why dairy production should always be encouraged. Discouragement will be a blow and, perhaps, a disaster.

Take a little look at the past and the present in this neck of the woods. This was the land of the pine and the big trees. The pine was cut. Stumps which constantly became harder remained. Brush and smaller trees took over where the logger had made his way. Then came those who would convert stumps and brush into farms. They made great strides in that task by the most heroic form of agriculture that exists. They cut out the stumps with axe and grubhoe, smoothed their fields with their arms and backs and made homes and homesteads by the most slow and difficult processes.

As these farms developed, their place in the scheme of agriculture became very apparent. These smaller fields are not adaptable to commercial growth of grains. The climate does not permit a sure corn crop and several factors limit the area in hog and beef production. The potato was, and still is, a staple root crop but small fields in this area are finding competition in the great fields of the Red River valley where planting and cultivation is most efficient and disease may be treated from the air. As the timbered area of Minnesota has grown it has become evident that the principal agricultural production must be in the form of milk and butterfat, that the cow must produce and enrich the land on which she lives.

The process of bringing the dairy production to its present level has taken a long, hard generation. Not only were the fields to be cleared and the barns built, but the area had to come to the realization that the cow was the basis of its farm life. It takes a long time to build dairy herds and a long time to make a generation of frontier farmers into capable dairymen. Nor does it take time to make any kind of a dairy herd but it takes a much longer time to build a profitable herd, to equip the farm as it should be made ready and develop the markets, near or far. The process of building a strong dairy industry in northeastern Minnesota has been brave, intelligent, and slow. To discourage that which is still building will strike not only at the pocketbook but the heart and the spirit of this great area.

Northeastern Minnesota is making some great economic progress. There is great employment in mines and the vast new plants which mark a new day in iron. Employment is marked by a high general wage level and increasing earnings based upon skill. Business in the communities is prosperous. By what line of reasoning should a great industrial area buy its milk, butter, and cheese at a price which will discourage, and perhaps

destroy, the neighboring farmers who produce these things? Of course that question strikes to the whole theory of partity prices, an issue too long for a column.

If there is too much wheat, the acreage of wheat can be reduced and should surpluses disappear those acres are ready and willing to go to work. The corn crop can be reduced and expanded almost at will. This is more true of pork than of beef. The dairy herd can be reduced and its production discouraged and decreased. Within a year or two the Nation might not have the milk that it needs and the damage of one thoughtless year can be overcome only through long years of slow restoration of the dairy herds. The dairy industry is a precious and sensitive thing. The belief that it can be put into the same economic straitjacket as corn and cotton is not even sensible. The willingness to milk cows and to manage dairy herds requires time and discipline. A lack of confidence that hard work will not be repaid will do damage beyond repair.

There are still other considerations. If there is too much wheat, people of the Nation will not eat it. Surplus potatoes will spoil. But America has never seen the day in which it had more milk than it could consume. There are millions of children who do not have the milk they need. There are millions of homes without butter and cheese. There are ways to sell things.

The automobile makers sell their cars. The boozemakers sell their alcohol. The merchant with too many winter clothes in a warm fall sells his surplus, and when his inventories are down he is back in the market. The encouraging thing about dairy products is that there is a vast and unsatisfied market; and if the Government wishes to dispose of a surplus, it can do so by the rapid process of reducing prices and the slower process of stimulating basic demand. In the process of establishing a fair price for dairy production there may be times of temporary surplus, a condition greatly to be preferred over a contingency of long-continued shortage. The children of America can grow stronger with the use of more milk. The cost of having that blessing is but pennies compared to the dollars that the United States spends for bombers and cruel devices maintained to destroy other lands and create greater hunger throughout the world.

Mr. HUMPHREY. Mr. President, I should like to make one or two observations with reference to the editorial in the Grand Rapids Herald-Review and to read some passages from it:

Take a little look at the past and the present in this neck of the woods. This was the land of the pine and the big trees. The pine was cut. Stumps which constantly became harder remained. Brush and smaller trees took over where the logger had made his way. Then came those who would convert stumps and brush into farms. They made great strides in that task by the most heroic form of agriculture that exists. They cut out the stumps with ax and grubhoe, smoothed their fields with their arms and backs, and made homes and homesteads by the most slow and difficult processes.

As these farms developed, their place in the scheme of agriculture became very apparent. These smaller fields are not adaptable to commercial growth of grains. The climate does not permit a sure corn crop and several factors limit the area in hog and beef production. The potato was, and still is, a staple root crop but small fields in this area are finding competition in the great fields of the Red River Valley where planting and cultivation is most efficient and disease may be treated from the air. As the timbered area of Minnesota has grown it has become evident that the principal agricultural production must be in the form of milk and butterfat, that the cow must produce and enrich the land on which she lives.

The process of bringing the dairy production to its present level has taken a long, hard, generation. Not only were the fields to be cleared and the barns built, but the area has to come to the realization that the cow was the basis of its farm life. It takes a long time to build dairy herds and a long time to make a generation of frontier farmers into capable dairymen. Not only does it take time to make any kind of a dairy herd, but it takes a much longer time to build a profitable herd, to equip the farm as it should be made ready and develop the markets, near or far. The process of building a strong dairy industry in northeastern Minnesota has been brave, intelligent, and slow. To discourage that which is still building will strike not only at the pocketbook, but at the heart and the spirit of this great area.

Northeastern Minnesota is making some great economic progress. There is great employment in mines and the vast new plants which mark a new day in iron. Employment is marked by a high general wage level and increasing earnings based upon skill. Business in the communities is prosperous. By what line of reasoning should a great industrial area buy its milk, butter, and cheese at a price which will discourage and perhaps destroy the neighboring farmers who produce these things? Of course that question strikes at the whole theory of parity prices, an issue too long for a column.

If there is too much wheat, the acreage of wheat can be reduced and should surpluses disappear those acres are ready and willing to go to work. The corn crop can be reduced and expanded almost at will. This is more true of pork than of beef. The dairy herd can be reduced and its production discouraged and decreased. Within a year or two the Nation might not have the milk that it needs and the damage of one thoughtless year—

I emphasize what Mr. Rossman says in his editorial—

Within a year or two the Nation might not have the milk that it needs and the damage of 1 thoughtless year can be overcome only through long years of slow restoration of the dairy herds. The dairy industry is a precious and sensitive thing. The belief that it can be put into the same economic straitjacket as corn and cotton is not even sensible. The willingness to milk cows and to manage dairy herds requires time and discipline. A lack of confidence that hard work will not be repaid will do damage beyond repair.

Mr. President, I have read portions of the editorial. I commend the entire editorial to the reading of every Member of this body. It is one of the finest editorials I have ever read on the subject. Not only does it cite solid economic facts but also great humanitarian motivations.

Mr. President, many of our dairy farmers are meeting today in the Glencoe area of Minnesota, trying to decide where to turn in the face of the disastrous blow against them by a Department supposedly devoted to protecting the interests of agriculture.

They called this meeting, Mr. President, before Secretary Benson announced the full extent of the proposed drop in dairy supports. They called it in protest to what they expected would be only a drop to 85 or 80 percent. I can well imagine their feelings today, as they are faced with only 75 percent support.

They feel, and very rightly, that Secretary Benson has failed them.

I have here a copy of a letter to Secretary Benson from John F. Albrecht, a veteran Glencoe dairy farmer, setting forth such views.

I wish to read the covering note he sent me, which accompanied the copy to me of the letter he wrote to Secretary Benson:

DEAR SENATOR HUMPHREY: My first personal contact with you was out at Lake Marion, at our McLeod County Farm Bureau picnic while you were still mayor of Minneapolis. Much has happened since that time—some good, some bad. The last time I saw you we were on the same stack of winter wheat at Montgomery, where we visited and pitched bundles. Keep up the battle for the Midwest, and I am sure the people will back you up.

JOHN F. ALBRECHT.

GLENCOE, MINN.

If any of my colleagues do not know what it is like to pitch bundles of wheat, I invite them to Minnesota to try it. They would have a little higher regard for the farmer, I am sure.

Mr. President, because it so well expresses the overwhelming sentiment of Minnesota farmers I ask unanimous consent to have Mr. Albrecht's letter to Secretary Benson printed in the RECORD at this point in my remarks, together with my wired reply.

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

GLENCOE, MINN., *February 15, 1954.*

The Honorable EZRA TAFT BENSON,
Secretary of Agriculture,
Washington, D. C.

DEAR SIR: Inasmuch as the annual meeting of the Glencoe Butter & Produce Association will be held soon, being chairman of this organization, I feel that I should write to you in regard to the many problems that seem to be uppermost in the minds of many of our patrons.

It has always been my understanding that the Department of Agriculture, as represented by the Federal Government of which you are Secretary, should be the best friend of agriculture and the dairy farmer. From the statements of press and over the radio, it appears that we do not have a sympathetic and understanding view presented of our problem. We would expect that men who have no direct interest in agriculture would be critical and unsympathetic. For example, in a recent Dairy Record issue, of which we receive a copy in our plant, a writer stated that as far as he is concerned and for the farmers, it would be perfectly all right if butter did go down to 15 cents a pound. Without a doubt, this means that the income and his financial status is such that he would not be very much upset if the dairy farmers of the Midwest area were put through the wringer. We all know of a statement which you are credited with having made, that in order to get Congress to approve that of which you wish to carry out, you would be willing to take it to the 140 million consumers. Certainly we have enough adverse publicity and criticism of the dairy industry particularly as it refers to the dairy farmers. It seems to me that those with whom you have surrounded yourself with, and who are advising you as how to carry out this new farm program, particularly as it deals with the dairy products—specifically butter—do not have a true picture of the situation.

We here in the Midwest are in the area that, by reason of its location, must sell our milk and cream for manufacturing purposes. We are not so fortunate as those men who happen to live in the protected area of the thickly populated seacoast, southern, and

central areas of the United States. Therefore, the amount that we receive per hundred weight for our production on the supposed-to-be of 90 percent of parity—which was the support up until this time but is actually only 84 percent—does not compare at all with those more favorably located. I feel that it is very unfortunate that we don't get more sympathetic hearing from your office.

I have gone through the period of time after the First World War, when I started farming, when the break in farm prices of 1921–22 almost wiped me out. I also survived the break of 1932 although there were times in that period when I could not make my interest payments and it was a very severe jolt. As far as I am concerned, my most productive years are past. I have managed to survive these other breaks but I am very much concerned about the young men who have been encouraged by GI loans and some assistance from home to venture into farming, particularly dairying in this county where 55 percent of our total net income is derived from dairy products. Certainly if the trend that you seem to be advocating from your Office and the unfavorable publicity which we get each day from all sources—what can I tell these young men will be the future of the dairy industry?

The only fair publicity that the Twin City press (mainly the Star Journal) ever gave agriculture was when my friend, John Brandt, gave to them as a paid advertisement, a picture with a full page cut of what the dairy farmer is able to earn and what his total pay is for each hour's work that he does as a good dairy farmer. In that statement, John Brandt stated that the better dairy farmer was receiving 54 cents an hour for his labor in his dairy, and since that time there have been 6 increases in freight rates and 3 major increases in salary of all nonagricultural workers. Since his death, it would appear that we have no one to present our cause to the public. I wonder if you appreciate what a 70-percent increase in freight rates and how it affects a small dairy plant as they buy equipment and supplies and ship their products to the eastern markets, how big a cut it makes in the rates that we get, and how great has been the increase in cost of equipment because of the high labor and freight charges that are made against these materials.

Inasmuch as we would like to help ourselves through advertising, and ADA, and when you in your office appear to be very critical and not too much concerned about our problem by saying that butter is too high priced, how can we overcome all adverse publicity from the many papers and over the radio? Does 54 cents an hour seem unreasonable pay for a dairy farmer? In spite of the fact that you plan to cut dairy supports to 80 percent (and perhaps lower, I suppose, if Congress had not established a 75 to 90 percent parity basis) you would even be tempted to cut it lower and thereby you hope to get more butter on the tables of the consumer at a lower price.

I have noticed that certain products which we as farmers have to sell, have been cut rather drastically in price in the last year. I have also noted, and I have tried to follow this very carefully, that instead of those products being sold cheaper to the consumer, that immediately the increased cost of labor and perhaps a little wider margin for the wholesaler and the retailer who handle these products has absorbed the decrease that was noted in the farm product and when it was sold, it still did not reflect 10 percent of the actual cut that we received on our products.

If this is true in butter, cheese, and other dairy products, regardless of where you finally stabilize it, you have so embittered the average consumer by constant talk of high-cost of butter in relation to the other things that we also as consumers must buy, it has not been fair or justified. The question remains in my mind as to whether the consumer will benefit and really use these dairy products that you are hoping to dispose of.

I wish you could be present with us at our meeting on March 3 as we shall endeavor to discuss our mutual problems as dairy farmers, that you could have lunch with us; and that you could tell us what your plans are and perhaps give us some assurance that we yet have a sympathetic and understanding leadership at the head of the Department of Agriculture. However, with the press of your duties and many engagements, I suppose this would be impossible, but I am hopeful that you will answer this letter so that I may have your answer to be read at our annual meeting.

I am very thankful that we have some men in Congress and otherwise who yet will stand up to defend us in this area. I am particularly thinking of Senators Ed Thye, and Hubert Humphrey, Representatives J. P. O'Hara, and August Andresen, and like Ancher Nelsen, the national REA administrator, who is willing to stand up against Fred Aandahl, Assistant Secretary of Interior, who appears to be very much opposed to our REA cooperatives, and I believe to all our cooperators, and our now deceased friend, John Brandt, who perhaps was agriculture's best voice, and who knew and understood what our needs were and who so often came to Washington to give a picture of what our problems were here in the Midwest.

I am sending a copy of this letter to Land O' Lakes because of the great work he did; Senators Thye and Humphrey; Representatives J. P. O'Hara and August Andresen; and Ancher Nelsen. These men are my personal friends and I value their friendship.

Sincerely yours,

JOHN F. ALBRECHT.

SENATE OFFICE BUILDING,
Washington, D. C., February 22, 1954.

JOHN F. ALBRECHT,
Glencoe, Minn.:

Congratulations on your fine letter to Secretary Benson. Please inform your dairy friends at their meeting Wednesday that I shall be carrying on my fight for their protection on the Senate floor, as I plan speaking on the dairy problem Wednesday in the Senate. I will call your letter to the attention of the Senate. I am cosponsoring with Senator THYE a bill to prevent the drastic slash proposed by Secretary Benson on April 1.

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, protest against Secretary Benson's move is not enough to avoid this devastating blow.

We need action, and we need it quick.

On February 16, in speaking at length in protest of Secretary Benson's action, I presented to this body a copy of an amendment proposed by the National Milk Producers Federation to prevent such a drastic decline, and urged its favorable consideration by the Agriculture Committee.

On February 17, my colleague, the distinguished senior Senator from Minnesota [Mr. THYE], a member of the Committee on Agriculture and Forestry, introduced that amendment in bill form.

On February 18, I commended his action, and associated myself as cosponsor of the bill, S. 2962.

The same measure has been introduced in the House by several Representatives.

Mr. President, I sincerely believe it is a moderate backstop proposal to protect the dairy industry upon which this Congress can agree.

While not in itself resolving the future support level, it would prevent dairy supports from being dropped more than 5 percent in any 1 year, and would provide that dairy products be treated the same as other basic commodities rather than be discriminated against.

I today urge immediate action on the part of the Committee on Agriculture and Forestry toward holding hearings and reporting this bill in advance of broader general farm legislation upon which the committee is diligently working.

There has been some talk of holding this proposal in abeyance until a new farm bill is reported to the Senate for action.

Being realistic, I do not see how the Committee on Agriculture and Forestry will have such new legislation ready for us to act upon before April 1.

I wish to call attention of this body to the fact that April 1 is the deadline for the drop in dairy prices proposed by Secretary Benson. I urge as vigorously as I know how that we push for enactment of Senate bill 2962 prior to that date so as to avoid a welter of confusion in our dairy markets.

Giving priority to this bill would merely require the Secretary to hold in abeyance any lowering of the dairy support price until the Congress has reached a considered judgment on what to do about all basic commodities, and then to stipulate that any reduction be not more than 5 percent a year.

I appeal to the Committee on Agriculture and Forestry at least to give the dairy industry that much consideration—to act now to avert the course Secretary Benson proposes, until the Committee and the Congress have had time to reach a sound and wise decision on the future course of our farm policies.

In fact, I digress to say, I appeal to the Secretary of Agriculture to repudiate the action he has taken, to reverse his field, and to come back to a sensible program of dairy price supports. Surely by now he must have heard the voice of American farm people. Surely, by now he must know that the course he has set himself upon can lead only to economic difficulty. I hope our President will call the Secretary of Agriculture to his office, to remind the Secretary of his obligations to the American agricultural community.

As I have previously pointed out in the Senate, I had earlier urged Secretary Benson to adopt that course voluntarily—to hold up any adverse action until the Congress itself had made important decisions which must be made, decisions not only on support levels but on surplus disposal.

In all fairness, it must be recognized that the entire foundation upon which Secretary Benson made his decision might well be changed by programs this Congress could well enact for surplus disposal, and for wiser use of our abundance.

A few days ago I commented upon the press release of the Secretary of Agriculture, when he announced the drastic reduction in price-support levels. I want the Senate to know that the Secretary then said that our surplus stocks of dairy products were in good shape;

they were not spoiling. I ask the Senate to remember, and if they will refer to the RECORD, they will see, the exact words the Secretary of Agriculture used in giving the reason for the surpluses today. The reason was primarily, twofold:

First, the unusual weather conditions for two winters had encouraged increased dairy production.

Second, beef prices had been so low that farmers had not culled their herds and had not sold many of their dairy cows, which they would ordinarily have sold. The reason why they have not sold them is that when one can obtain only $5 or $6 a hundred pounds for a good dairy cow, it is not a sale; it is an outright giveaway of a great farm asset.

The Secretary of Agriculture continued by pointing out that for 4 years there has been a 90-percent price support on dairy products, and that in each of the 4 years up to to last year the demand and the supply had been relatively in balance. By his own words in the press release he has taken this precipitate action because of two factors: first, because beef prices are down; second, the weather has been unusual. I say that if the Secretary of Agriculture intends to make economic decisions based on the nature of the weather in the wintertime, America will have a very unpredictable agricultural economy.

Until we have had time to consider and act on such programs, therefore, I urge immediate hearings and action on Senate bill 2962 as at least temporary protection for the dairy industry.

As further justification for deferring any change in dairy-support prices until action has been taken on various surplus disposal and use programs, I ask at this time to have printed in the RECORD a communication from the National Milk Producers Federation, accompanying an outline of one such constructive proposal.

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

NATIONAL MILK PRODUCERS FEDERATION,
Washington, D. C., February 11, 1954.

Hon. HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HUMPHREY: You are well aware of the adverse publicity which the dairy industry receives daily through cartoons, editorials, and columnist comments. Butter is being used as the whipping-boy in reporting on the stocks of dairy products held by the Commodity Credit Corporation. As a matter of fact, the current inventory of CCC butter represents only about 2½ months' supply. However, serious consideration must be given to the problem of its disposal.

The National Milk Producers Federation has a proposal which we are confident will move butter to the consuming public. A brief explanation is attached. We hope it merits your support.

Very truly yours,

E. M. NORTON,
Executive Director, National Milk Producers Federation.

SURPLUS BUTTER DISPOSAL AS PROPOSED BY NATIONAL MILK PRODUCERS FEDERATION

A sound and feasible proposal was submitted to the United States Department of Agriculture many weeks ago by the National Milk Producers Federation. In spite of the acute situation created by the butter surplus and the need for prompt action, no steps have been taken to put the proposal into effect.

In brief, the proposal contemplates the releasing by Commodity Credit Corporation of its stocks of butter into the domestic channels of trade at a reduced price which will reflect a lower price to the ultimate consumer.

The CCC will sell its bulk butter stocks to printers (commercial packagers) of butter at a price which, when averaged with the market price (approximately the support price), will move CCC butter out of storage. It is recommended that CCC start its program at a price level which would involve as little loss as possible on Government stocks. This price level can gradually be lowered until the consumer acceptance price is reached. As the stocks move and become short, this level could be raised so as to keep CCC losses at a minimum. The quantity of CCC butter to be made available to each printer would be a percentage of the quantity of butter handled by him in the regular channels of trade during a base period selected by the Department of Agriculture.

To illustrate:

	Per pound
CCC price to printers (may be higher or lower)	$0.30
Market price paid by printer	.65
Total	.95
Average	.47½

The $0.47½ per pound would be the price printers of butter would charge for all the butter handled, both CCC stock and regular commercial stock.

With an approximate $0.10 per pound markup, the price to the ultimate consumer would be $0.57½ per pound, or $0.17½ less than the present retail price of about $0.75 per pound.

FEBRUARY 10, 1954.

Mr. HUMPHREY. We need answers to some of these proposals, Mr. President, before we can make a wise determination on support levels.

I have endeavored to report as fairly as I know how the sentiment of the dairy industry in Minnesota against Secretary Benson's action.

I spoke to more than 3,500 good farmers at Moorhead, Minn., on Monday of this week, and spent more than 2½ hours visiting with them. They spoke to me about their unhappiness and their feeling of being let down by the proposals of the Department of Agriculture.

I would be remiss in objective reporting, however, if I did not also state, with profound regret, that our largest newspaper, the Minneapolis Star, has chosen to side with Secretary Benson against the dairy interest of our own State.

My views of the constructive rather than negative role that great newspaper should and could be occupying at this time are set forth in a letter to the editor of the Star, which I shall presently read to the Senate.

Again, I say, Mr. President, that I shall return to this subject again and again. The Senate will continue to hear about milk and dairy products until it acts constructively in the dairy industry's behalf.

If the Republican committeemen who so delight in reporting to my State the costs required to publish my remarks in the RECORD desire to do so on this subject, they are welcome to do it. The costs, which would be unnecessary if the administration would take proper care of the problems confronting our country, are picayune compared to the $2,500,000 monthly loss now threatened to our State's dairy industry.

At this time I desire to read into the RECORD my letter of February 22, 1954, to the editor of the Minneapolis Star:

FEBRUARY 22, 1954.

The EDITOR,
The Minneapolis Star,
Minneapolis, Minn.

DEAR MR. EDITOR: Now, if ever, every newspaper in Minnesota should rise above partisan considerations and assert their influence and leadership in behalf of the economic welfare of our State by coming to the defense of the dairy industry. It is discouraging and shocking to see the largest newspaper in the Midwest turn its back on our own economic interest as well as ignore the human considerations involved.

Minnesota's congressional delegation, on the whole, has put partisanship aside in fighting to protect our agricultural economy. It has particularly done so on the crucial dairy issue now before us. Senator THYE and I are standing shoulder to shoulder against the drastic cut of dairy supports to 75 percent of parity; we are cosponsoring an amendment to prevent that from happening. Every Member of the Minnesota delegation except one is against this drastic slash in dairy support; why am I alone selected for critical treatment in your editorials? We should be entitled to your support, rather than your opposition, for such unity in behalf of Minnesota's interests.

Your two recent editorials, Farmers Should Back Cut in Dairy Supports (February 16), and Better Plan, Senator? (February 18) are a distinct disservice to Minnesota's dairy industry, Minnesota's economy, and Minnesota's progress. They are misleading. They are factually wrong.

They are a blow against Minnesota's entire dairy industry. They reflect unfavorably on the sound judgment and reasonable views of the most experienced spokesmen for the dairy industry in our State. They challenge without foundation the views of the National Milk Producers Federation, the National Creameries Association, the Dairy Cooperative Institute, and many other such groups which are appealing for constructive help, not a stab in the back for the great industry they serve.

Farmers have a right to expect your help, not your opposition. This is not just a political issue. It is more than even just an economic issue, even though I do not see how you can so easily write off an estimated drop of $600 million in dairy income, a sizable amount of which would be right in our own State. By your own conservative estimates, Minnesota's loss in dairy income will amount to at least $2,500,000 a month.

When you talk rather callously about "some marginal farmers may be forced out of business," you are talking about hard-working people, human beings, and their life's work.

May I ask what you intend doing with the family farmers up in our cutover areas of northern Minnesota who "may be forced out of business?" What do you suggest these people, who have devoted a generation to converting old stump land into productive small operations of family dairy farms, do for a livelihood? Do you ask them to write-off as a readjustment their back-breaking toil of making formerly wasteland useful, and abandon it to brush once more?

I respectfully call your attention to a statesmanlike editorial written by editor Larry Rossman in the Grand Rapids Herald-Review of February 18—an editorial entitled to your thoughtful consideration, and one which I believe should be brought to the

attention of all Minnesota people not fully understanding all that is involved in this dairy issue.

You have been great champions of soil conservation; yet no pattern of farming is more conducive to good conservation than dairy farming. Are you now encouraging Minnesota farmers to turn instead to only soil-depleting crops to make a living?

Both the facts and the assumptions of your editorials are open to serious question. You say support was kept at too high a level a year ago, and that a drop in support even then would have curtailed production and brought more consumer sales.

Even Secretary Benson doesn't agree with you. He says that when he fixed support level a year ago, and I quote him: "CCC stocks of dairy products were relatively low. Production of milk and butterfat had been about equal to demand during the previous four years when prices of milk and butterfat had been supported."

Secretary Benson says factors other than price brought excess production. Again I quote: "Among the factors that affected production during the past year were a repetition of mild winter weather which brought abundant pastures and increased off-season dairy production. In addition, drought forced beef cattle sales and a drop in prices which resulted in the holding in northern areas of cows which otherwise would have been culled from dairy herds."

Professor Koller, in your own columns, disputes your contention that the reduction in support level will lead to increased consumption.

You are factually wrong in saying that "No other real plan other than what is being followed has been proposed."

In good faith, the National Milk Producers Federation accepted Secretary Benson's invitation to come up with a new program. It did so. After long study it adopted a constructive dairy self-help plan at Houston last November, and submitted it to Secretary Benson—a plan proposed by a half million dairy producers, embodying the aims long fought for by Minnesota's own great John Brandt.

Secretary Benson rejected that proposal, and recommended instead that we keep the law as it now stands—then used that law to pull the rug out from under the industry to the maximum extent he could.

The National Milk Producers Federation went further, and recommended a specific domestic surplus disposal program—not the dumping overseas to which you so surprisingly refer, after your endorsement of plans to subsidize the butter for Russia.

Again, no action has been taken on surplus disposal—when that job should have been tackled before even considering the support level for the future.

Plenty of other plans, and sound plans, were advanced for Mr. Benson's consideration. The National Creameries Association recommended use of some form of compensatory payment, to protect the producer while permitting free market prices to the consumer. The dairy industry has stepped up its own sales promotion and advertising; producers have contributed willingly to such efforts. You are unfair to intimate the industry has not sought, constructively, to meet its own problems.

So you see there were other plans, both before Secretary Benson and before the Congress.

Because Congress has some of these other plans under consideration, I felt and still feel Secretary Benson acted prematurely in announcing the extreme reduction in support prices before the Agriculture Committees of Congress had completed their hearings and reached some decision.

Rather than just attack Secretary Benson after lowering the support level, as you infer, I had appealed to him in advance, for the sake of our dairy industry, not to change the dairy support level until Congress had determined what future policies and programs for agriculture should be.

Spokesmen for the dairy trade now confirm my warning to Secretary Benson that any advance announcement of intent to drop the support level would only lead to mass dumping of private inventories of butter onto the Government, from which they will be able to buy it back cheaper after April 1.

You wind up your editorial with a personal challenge, saying if I have a better plan than the administration's I should announce it.

May I remind you that the responsibility is with the administration which asked the people of America to put that responsibility in its hands? I remind you to look back at your own headline of Saturday, September 6, 1952, saying "Eisenhower Calls for 100 Percent of Parity," on an article starting:

"Dwight D. Eisenhower made his bid for the important farm vote today with a plan which he said would guarantee present price supports for another 2 years and then would lead to higher prices for the farmers.

"He called for a wider range of farm crop supports including greater protection for producers of perishable products such as meat, milk, eggs, fruits, and vegetables."

May I remind you further that Candidate Eisenhower in speaking specifically of perishables such as milk at Kasson said: "We can and will find a sound way to do the job."

I did not know, Mr. Editor, that the administration was waiting for a "Humphrey plan."

Yet, contrary to your partisan attacks, I have approached this problem constructively. Rather than just criticize, I have offered specific suggestions—to the Congress, to the Agricultural Committee, to Secretary Benson. I am sure if you were as devoted to reporting my activities in the Congress as you are to searching for ways to criticize my efforts you would be more familiar with my repeated recommendations that are now gaining increased support.

In introducing a price-support bill a year ago to carry out the recommendations of the Minnesota State Legislature, I specifically called for the Secretary to make use of a series of alternative methods of support which I outlined to avoid sole dependence on Government purchase and storage.

Rather than risk the kind of harmful overseas dumping of any of our surplus commodities to which you refer, I cosponsored a resolution calling for creation of international food reserves through the United Nations—a proposal subsequently given considerable support by the U. N. Food and Agricultural Organization.

Further, I emphasized that the dairy problem should be first approached from the standpoint of developing new outlets for dairy products—and offered specific means for doing so. I refer you to the CONGRESSIONAL RECORD of August 1, 1953, outlining my dairy diet dividend recommendations for increasing consumption of butter and milk among our aged people and dependent children. I refer you further to my cosponsorship with Senator AIKEN of a food stamp plan to put surplus commodities into the hands of low-income families.

Unfortunately, for a newspaper so free with its critical comments, you seem surprisingly uninformed on the constructive proposals that are before the Congress for meeting some of our serious agricultural problems.

It would be more encouraging if your own record was as constructive in proposing positive ways and means of meeting our problems.

For example, I would certainly welcome your support in opposing the $15 million slash in our school lunch program the administration now proposes. We should be expanding rather than limiting the opportunities for use of health-giving dairy products in the diets of our future citizens.

Do you really believe, Mr. Editor, that every American boy and girl is getting all the milk he or she wants, or should have?

If not, don't you think it would be more constructive on your part to use your influence toward seeing they get such an opportunity, rather than suggest that it's time to force some of our small dairy producers out of business?

Minnesota's dairy industry needs your help, not your hindrance.

Minnesota is recognized nationwide as a great dairy State. Our dairy industry deserves united support. We need the kind of unity in its behalf we have shown toward creating the new taconite industry. Won't you help provide the leadership for that unity?

Instead of your present negative approach, why doesn't the Star and its associated publishing interests throw the full weight of its resources and influence into a campaign for expanding the school-lunch program, providing milk and other dairy products to the aged and needy as a supplement to their meager public-assistance aid, increasing the dried-milk content of bread and other bakery products, and otherwise increasing the uses and outlets for our great dairy resources?

Until the Star awakens to the need for greater concern about the Midwest's agricultural economy, however, I assure you I shall fight on as vigorously as I know how to protect the interests of our great State, alone, if need be, but welcoming your help if you will give it.

Sincerely,

HUBERT H. HUMPHREY.

Finally, I wish to call the attention of the Senate to the fact that we now have less than a month and a half in which to take some remedial action. I hope that the Senate will at least stay the order of the Secretary of Agriculture in order to give the Congress time to review the basic legislation and the effect of the Secretary's order and also give time for producers to be heard and to bring their views to the attention of the appropriate committees of the Congress.

AMENDMENT TO THE CONSTITUTION RELATING TO TREATIES AND EXECUTIVE AGREEMENTS

The Senate resumed the consideration of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio [Mr. BRICKER] inserting, on page 3, after line 9, a new section.

Mr. KNOWLAND. Mr. President, I do not intend to delay the Senate for any extended period of time because already there has been lengthy debate on the proposed amendment of the Constitution. I do, however, wish to call the attention of the Senate once again to the fact that the amendment proposed by the Senator from Ohio makes a substantial change in the present treatymaking provisions of the Constitution.

Article VI of the Constitution now reads, in part:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or

which shall be made, under the authority of the United States, shall be 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.

Then, in article II, section 2, which deals with the powers of the President of the United States, the following is provided:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors.

In addition to that, section 10 of article I of the Constitution provides:

No State shall enter into any treaty, alliance, or confederation.

Taken in conjunction with those provisions, the following language in the 10th amendment to the Constitution, the last amendment of the so-called Bill of Rights, I think, makes it very clear where the treatymaking power rests:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

It seems to me to be very clear that the treatymaking power was specifically intended to rest in the Federal Government, that the States were to be denied the treatymaking power, and that the framers of the Constitution felt that, with the necessity for ratification by a two-thirds vote of the Senate, adequate safeguards would be provided.

What I believe has caused concern in recent years has been the unusual wording of article VI of the Constitution. It was for that reason that the proposal was made, after widespread discussion, regarding the necessity of making a change in article VI. It is said that the provision, "This Constitution, and the laws of the United States which shall be made in pursuance thereof," correctly indicates that the framers of the Constitution expected that every treaty would have to be measured within the general outlines of the Constitution; and that if a treaty did not conform with the Constitution, the treaty could be struck down by the courts.

However, when the framers of the Constitution proceeded to deal with treaties, they did not follow the same language, by saying that treaties had to be made in pursuance of the Constitution; but they stated that—

All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

Certainly we can now understand—and that is particularly true of those who have read the debates in the Constitutional Convention—that this particular language was made necessary because of the fact that prior to the adoption of the Constitution itself, the Government of the United States had entered into certain treaties with Great Britain and with France, which obviously would not have been made in pursuance of the Constitution, since at that time there was no Constitution.

Mr. President, I am frank to say that it seems almost impossible to believe that the framers of the Constitution themselves considered there was any loophole in the Constitution which would permit a treaty to upset the Constitution or to cut across it. However, later court decisions and the passage of time and some of the developments which have occurred in the world at least make it reasonable to believe that at some future time the provision relative to treaties might constitute a very material loophole in the Constitution.

It seems to me that if we, as prudent citizens of the United States, and having responsibilities as Senators of the United States, believe there is such a danger, we should forthwith proceed to eliminate that potential. The Senate has already done that by the vote which already has been taken regarding the amendment to article VI of the Constitution.

Mr. GRISWOLD. Mr. President, will the Senator from California yield for a question?

The ACTING PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Nebraska?

Mr. KNOWLAND. I yield.

Mr. GRISWOLD. There has been much discussion in this general field, to the effect that if something is not stated in the Constitution, there must be some reason why it was not stated there.

In reading article VI, I note in the last part of the second paragraph this statement:

And all treaties * * * shall be the supreme law of the land * * * anything in the Constitution or laws of any State to the contrary notwithstanding.

Does not my colleague feel that if the framers of the Constitution had intended that nothing in the Constitution of the United States should stand in the way of a treaty, they would have so stated? In other words, is it not proper to infer that the framers of the Constitution believed the Constitution would be supreme over a treaty, for the Constitution specifically provides, in article VI, that "anything in the Constitution or laws of any State to the contrary notwithstanding."

In other words, they provided that nothing in the constitution or laws of any State should stand in the way of a treaty. So if they had intended treaties to override the Constitution, would not they have so stated at that point?

Mr. KNOWLAND. I think they would have. But the other argument might also be made, namely, that in dealing with the constitutions or laws of the States they expected that the State constitutions or State laws would be laid aside if they conflicted with the supreme law of the land.

Of course "the supreme law of the land," as I have understood it to be, does not mean that a treaty is supreme in the sense that it is supreme and above the Constitution; but the meaning is that a treaty is to be a part of the supreme law of the land, of which the Constitution—at least, to me—is the first and superior part; and then come laws made pursuant to the Constitution. So, it seems to me to follow logically that treaties must also be made pursuant to the Constitution, or otherwise the safeguards with respect to constitutional amendments provided by requiring a two-thirds vote of each House of Congress and ratification by the several States would seem to me to almost be no protection at all, because the States would be, in fact, deprived of the opportunity of voting on an amendment to the Constitution, if a treaty in and of itself could amend the Constitution merely by being negotiated by the Executive and approved by the Senate. In effect, that would short-cut the provisions for amending the Constitution.

In article VI the framers of the Constitution provided that—

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be 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.

That provision does not close what many persons feel to be a very real and material loophole in the Constitution.

Mr. GRISWOLD. Yes.

It has seemed to me that the framers of the Constitution intended that it should be supreme over all treaties. However, since that time there have been court decisions which place some cloud upon that construction.

Mr. KNOWLAND. I think the Senator from Nebraska is absolutely correct.

Mr. GRISWOLD. I thank my colleague.

Mr. KNOWLAND. Certainly the framers of the Constitution—at least, in my judgment; of course, we cannot know everything that was passing through their minds—would not have provided the very difficult standards for amending the Constitution and then have worked out a short circuit by which, in a much easier way, it would still be possible to amend the Constitution, by having action taken by only the Executive and the Senate.

Mr. President, a problem now facing us arises from the fact that the distinguished senior Senator from Ohio [Mr. BRICKER] has proposed to the so-called George amendment a provision that a treaty or other international agreement shall become effective as internal law in the United States only by legislation of the Congress. However, the Senator from Ohio provided further:

Unless in advising and consenting to a treaty, the Senate, by a vote of two-thirds of the Senators present and voting, shall provide that such treaty may become effective as internal law without legislation by the Congress.

Mr. President, such a provision for the first time would, in effect, bring the House of Representatives into the exercise of the treatymaking power. I have great doubt about the wisdom of so doing.

Mr. BRICKER. Mr. President, will the Senator from California yield to me at this time?

Mr. KNOWLAND. I shall yield to my colleague in a moment.

Mr. President, the framers of the Constitution gave certain duties and responsibilities to each of the two Houses of Congress. For instance, in the case of revenue legislation, the Constitution provides that such legislation can originate only in the House of Representa-

tives. No matter how much a Member of the Senate may believe there should be a particular type of tax law, no tax bill can originate in this body, by introduction, in the way that proposed legislation is normally introduced in the Senate, and then go to the Finance Committee of the Senate, and subsequently be reported from that committee and be passed by the Senate and then go to the House of Representatives. Instead, the Constitution definitely cuts off the Senate from the initiation of any tax legislation. There are good and historic reasons for so doing. It is true that when the House of Representatives originates a tax bill and sends it to the Senate, the Senate has full power of amendment of the bill. Nevertheless, that procedure was established in the Constitution.

In the case of impeachments, the House of Representatives itself must take the first action. The Senate must thereafter act as a court of impeachment. There are very valid reasons for the taking of that step and the making of that provision.

So, in connection with the treatymaking provisions of the Constitution, I believe that the framers of the Constitution very wisely concluded that the treaty power should be vested in the President, with the advice and consent of two-thirds of the Senate, and they deliberately, and after due consideration and discussion, vested that power in the President of the United States and in the Senate.

Mr. President, I now yield to the Senator from Ohio.

Mr. BRICKER. Does the Senator from California agree that the debates in the Constitutional Convention and the articles written by Alexander Hamilton in order to get the Constitution ratified, show definitely that it was never contemplated that treaties should make domestic law for the people of the United States?

Mr. KNOWLAND. That brings up the question of precisely what is domestic law. That question has been discussed on the floor of this body for a long period of time. I think the Constitution itself and the discussions in the Constitutional Convention make it clear, first, that the founders of the Constitution expected the treatymaking power to be vested in the Federal Government; and, secondly, that in the ratification of a treaty they intended the Senate, representing on a basis of equality each of the States, to be the branch of the legislature whose concurrence would have to be sought.

Mr. BRICKER. I agree entirely with the Senator. There is nothing in my amendment which would change that situation in any way. The President would still negotiate treaties and the Senate would ratify them; but they would not become internal law, as they have been made in recent years by decisions of the Supreme Court, until the Congress, which is the sole legislative authority under the Constitution, acted upon them after thorough debate, publicity, and so forth.

Originally treaties were approved by secret vote of the Senate, and could still be so approved. I do not think it was ever contemplated by the Founding Fathers—certainly it is not so indicated in the writings of Hamilton—that that should be the situation. It was not contemplated that secret treaties could make law for the people of the United States.

It will be remembered that Jefferson, in discussing the Constitution and the Bill of Rights, said that certainly the Senate and the President were never intended to do what the whole Congress was interdicted from doing in the Constitution itself, that is, to make law contrary to the terms of the Constitution. I think the Senator will agree to that.

Mr. KNOWLAND. I think that is quite correct. Then we get into the whole argument, of course, as to what is contrary to the Constitution.

Mr. BRICKER. The only effect which the amendment I have offered would have upon the treatymaking power would be to make treaties non-self-executing unless otherwise decided by a vote of two-thirds of the Senate. That might be said to be an adequate protection. I do not so consider it. But, evidently, it is the sense of the Senate that we should not go beyond that point, that treaties should become internal law only by act of the Congress, that the President and the Senate should not legislate for the people of our country, and certainly should not legislate contrary to the provisions of the Constitution or in violation of them. Of course, an amendment has already been agreed to to take care of the latter situation. The amendment of the Senator from Ohio is directed toward the other point, relating to the self-executing features.

Mr. KNOWLAND. Let me say at this point what I had intended to say earlier. The Senator from Ohio was not present in the Chamber when I began my remarks, although he came in very shortly thereafter. In my judgment the distinguished Senator from Ohio is to be commended for having brought this very important issue before the country, not only this year, but 2 years ago, and for having pursued the question so that it would become a subject of discussion and debate not only in the Senate, but throughout the country.

I think some very real questions have been raised as a result of this amendment having been presented. The Senate of the United States has already—at least in a preliminary way—indicated that it believes that there should be a constitutional amendment. However, we are still discussing the precise form which such constitutional amendment should take.

I do not agree with the Senator from Ohio in all particulars with respect to the amendment which was reported by the Senate Judiciary Committee. But I feel that he has performed a useful service to the country, and personally I am glad that he has done so. I wish to commend him both in my capacity as an individual Senator and in my capacity as majority leader of the Senate.

Mr. BRICKER. I thank the Senator from California.

Let me add that already much has been accomplished by the amendments which have been agreed to, although they do not by any means reach the entire question.

As serious as the treatymaking section which I have proposed is the section included in my amendment, and also included in the George substitute, with respect to the question of executive agreements, which, by the decision of the Supreme Court, have been elevated to the dignity and importance of treaties. The President can attach to a treaty any matter of related concern. The case which I mentioned dealt specifically with the recognition of ambassadors to the United States. In this way he can make domestic law. Does the Senator agree with the Senator from Ohio that that is a very dangerous situation? A President, by recognizing a foreign minister or a foreign power can amend or nullify the Constitution and the laws of the United States.

Mr. KNOWLAND. I was about to reach that subject.

Mr. BRICKER. Then I shall withhold further questions until later.

Mr. KNOWLAND. I had been discussing the treatymaking provison, so far as the amendment of the Senator from Ohio was concerned, which takes his proposed modifying amendment a considerable distance beyond the amendment presented by the distinguished Senator from Georgia [Mr. GEORGE].

When we turn to the field of executive agreements, I say quite frankly that I am greatly concerned by the distance we have been carried by the courts in relation to such agreements. I will say to the distinguished Senator from Ohio that I think this is a matter which needs the prompt attention of the Senate and of the entire Congress, for that matter, as well as the American people. The problem is how to find a way to draw a line of differentiation between a treaty and an executive agreement.

Of course, I speak only as a layman, and not as a distinguished lawyer, as do the Senator from Ohio and other Members of this body. However, as I have read some of the decisions and listened to the debate, I have been impressed with the fact that in a sense the courts have more or less scrambled treaties and executive agreements, so that the line of demarcation is no longer very clear. While under the treatymaking power there is the protection of a requirement for a two-thirds vote of the Senate, in the field of the executive agreement that safeguard does not apply.

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

Mr. KNOWLAND. If the Senator will permit me to do so, I should like to read into the RECORD at this point a letter which I addressed to Hon. Walter Bedell Smith, Under Secretary of State, on February 1, 1954. I addressed it to him because the Secretary of State, Mr. Dulles, was out of the country at the time attending the Berlin Conference. The letter reads as follows:

FEBRUARY 1, 1954.

HON. WALTER BEDELL SMITH,
Under Secretary of State,
Washington, D. C.

DEAR MR. SECRETARY: During the discussions on Senate Joint Resolution 1, there has been a difference of opinion expressed as to the number of executive agreements involved in any constitutional provision that in order

for such agreements to have the effect of internal law congressional action would be required.

Article I of the Constitution states: "All legislative powers herein granted shall be vested in a Congress of the United States."

The Constitution also gives the Congress power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Please furnish me with information showing for each year 1943 to 1953 inclusive the number of executive agreements entered into with foreign governments or international organizations and the number of such agreements which have the effect of internal law. Also list those agreements affecting internal law which were based on prior or subsequent congressional action and those which had no congressional authorization.

I believe that it is essential that such information be made available prior to the submission to the States of the proposed constitutional amendment. Your early reply will be appreciated.

It is also my intention to introduce a Senate resolution requesting the Senate Foreign Relations Committee to make a complete study of this question. It is my belief that in the past the executive department has used executive agreements when the Constitution intended the treatymaking power to be used, with the advice and consent of the Senate.

Sincerely yours,

WILLIAM F. KNOWLAND.

I have before me the Acting Secretary's reply, which I should like to read before I yield to the Senator from Ohio. The letter reads:

DEPARTMENT OF STATE,
Washington, February 2, 1954.

Hon. WILLIAM F. KNOWLAND,
United States Senate.

MY DEAR SENATOR KNOWLAND: I have received your letter of February 1, 1954, in which you request information showing for each year 1943 to 1953, inclusive, the number of "executive agreements entered into with foreign governments or international organizations" and the number of such agreements which "have the effect of internal law." You ask also that there be listed those agreements affecting internal law which were based on prior or subsequent congressional action and those which had no congressional authorization.

The Department of State will endeavor to furnish you, at the earliest possible moment, the information which you request.

I am sure you will appreciate the fact that this necessarily involves studies of a highly analytical character. There would seem to be no well-defined rule by which many agreements may be said to have or not have "the effect of internal law." It is assumed that the task involves a determination as to which agreements have or might have an effectiveness that would be recognized by courts within the United States in determining cases which rely to any extent on the existence of such agreements (a reciprocal-trade agreement being one of the simpler examples). On that assumption, it would seem that the task will require an extended period of time on the part of our staff. It has been roughly estimated that the completion of the task may take a considerable period, 6 months as a minimum.

Sincerely,

WALTER B. SMITH,
Acting Secretary.

After I received the letter from the Acting Secretary of State, I reached him by telephone and requested him to proceed with the study covering the 10-year period, but that in the meantime, in order not to delay unnecessarily the Senate and the House, to send me a list of all executive agreements, entered into during the past 2 or 3 years, which would have the effect of internal law, because I felt the principle could very well be followed through and such remedial action as Congress might care to take could then be taken. I now yield to the Senator from Ohio.

Mr. BRICKER. Has the Senator from California received a reply?

Mr. KNOWLAND. I have not received a reply, except that the Assistant Secretary told me verbally that he has ordered an addition to the longer list, which obviously would take a longer period of time, and that the shorter study would be made as rapidly as possible.

Mr. BRICKER. The State Department evidently has made a study, because the Attorney General, in the brief to which I referred, stated that in the judgment of the State Department approximately 200 executive agreements had either modified or repealed internal law.

The Attorney General did not list them. However, it seems to me, if the number can be stated that closely, that a study has been made and that a list should be submitted to the Senate.

I have also written to the State Department asking it to explain the meaning of the Attorney General's brief with reference to the executive agreements which had become internal law. Does the Senator from California agree that it is a very dangerous situation?

Mr. KNOWLAND. On that point, I fully agree with the Senator from Ohio and with the Senator from Georgia [Mr. GEORGE] that it is a very dangerous situation. I am not referring to President Eisenhower or to President Truman.

Mr. BRICKER. No; it is a question of power.

Mr. KNOWLAND. It is purely impersonal with me. It is a question of power. It is a question of how far that power should go with reference to the effect of executive agreements on internal law in the United States. The only question I raise at this time in connection with this very important matter is as to remedial steps which the Senate and the House, when the pending joint resolution goes to the House, as I hope it will, may feel it desirable to take or may wish to take under the circumstances.

Mr. BRICKER. Does the Senator from California agree that under my amendment, if it were adopted, the Senate could ratify a treaty, and it would be effective in its international aspects, but that it would become effective as internal law only when acted upon by both Houses of Congress? Does he not also agree that there would be no danger that an executive agreement—and many such agreements are entered into in secret and it is very difficult to find out about them, as the Senator from California now learns from the Secretary of State—would have any effect as internal law until it was made public and the courts had an opportunity to pass on it, while it would be effective so far as our international relations are concerned?

Mr. KNOWLAND. I should like to keep treaties and executive agreements separated for the moment, although I have already stated to the Senator from Ohio that, as he well knows, in some court decisions a very fine line of distinction has been made between certain effects which an executive agreement can have and those a treaty can have. So far as the treatymaking provision is concerned, if the Senate in its judgment desires to require congressional action, that can be had without the provision offered by the distinguished Senator from Ohio being added to the Constitution.

Mr. BRICKER. Is not the great difficulty that we do not know what the Supreme Court will ultimately say about whether a treaty is self-executing or executory in character? There is no way of anticipating that. Is that not correct?

Mr. KNOWLAND. That is correct. However, the Senator from Ohio will agree that there are certain treaties—I do not want to put him in the position of having to agree with what I shall say, because he may not agree with me—such as the Korean Treaty, which was ratified by the Senate, which do not have application to the internal affairs of the United States; whereas other treaties, which deal with commerce and navigation and friendship, clearly do have applicability to domestic matters in the United States.

Mr. BRICKER. The Korean Treaty would not in any way be affected by my amendment, of course.

Mr. KNOWLAND. That is correct. I might say that in order to have the situation clarified in Congress and among the people of the country we should make it clear that the amendment offered by the distinguished Senator from Ohio—and I believe this applies also to the amendment offered by the Senator from Georgia—relates only to such executive agreements as affect internal law.

Mr. BRICKER. That is correct. Internal law only. That is all. It has been very difficult to get that point across, namely, that we are dealing only with laws within the United States, affecting the people of the United States.

Mr. KNOWLAND. That is correct. I believe that point should be made clear. What we are trying to do in this debate is to throw light, not heat, on the subject; we are trying to clarify, not confuse, the general situation, and, therefore, we should try to make that point as clear before the Senate and the country as it is possible to make it.

Mr. BRICKER. I might say to the Senator from California that there has been no thought in the mind of the Senator from Ohio to interfere in any way with the international relations of the United States, or with the power of the President to act in foreign affairs. My effort is directed only to the segment of internal law or domestic law which we have been discussing. Of course, the word was changed from "domestic" to "internal" because of the State Department's propaganda to the effect that there is no longer any distinction between the two, and that when a matter

of domestic law becomes the subject of a treaty it is international in character. Therefore, it was very difficult to face a situation of that kind and to draft language which would affect what we wanted it to affect.

Mr. KNOWLAND. I fully agree with the Senator from Ohio. I would not attempt to speak for the Senator from Georgia [Mr. GEORGE], but in the discussions which have gone on in the past several weeks, or for even a longer period of time, it has been made perfectly clear that in none of the situations has there been any desire to foreclose the President of the United States in his handling of international relations through the medium of executive agreements which have to be entered into, perhaps only for the period of a year, and which deal with various matters, such as the Berlin airlift, for instance, in connection with which letters or cablegrams are exchanged between our ambassador in a foreign country and the foreign government on a more or less routine matter.

I do not believe it was the intention, and I am sure it is not the intention—although both the Senator from Ohio and the Senator from Georgia can speak much better for themselves—to interfere in any way with the President's conduct of our foreign policy in relation to agreements which have external effect only and do not affect internal law, whatever that term may mean, in the United States.

Mr. BRICKER. The Senator from California is exactly correct. In spite of the propaganda which the opposition has broadcast over the country, there was never any intention in any draft that has been submitted to or considered by the Committee on Foreign Relations to affect the President's power in foreign policy in any manner, shape, or form, or to interfere with the exercise of his power internationally. We certainly would not want to do so.

Mr. KNOWLAND. I think that is true with respect to executive agreements. When we consider the treaty provision, I would not want to go quite so far as does the distinguished Senator from Ohio, because there is an honest difference of opinion as to whether a treaty, following the normal process of negotiation and ratification by two-third of the Senate, can have the effect of internal law without action by the Congress. There is a very honest difference of opinion on the treaty provision, but we are now speaking about the executive-agreement provision.

Mr. BRICKER. Does the Senator agree with me to this extent, that originally the treaty power was interpreted as the relationship of one nation to another, and the executive agreement, or contract, or whatever we want to call it, was a gradual growth because of our expanding and more or less complicated international relationship, until the time came that a Mr. McClure in the State Department said there was no longer any real distinction between them, and that hereafter the treaty power would be used with reference to those things on which there was no dispute whatever, and the executive agreement would be used as to those things as to which there are important differences of a controversial nature? It was at least confusing. The Senate did not exercise the power to determine whether an instrument was a treaty or an executive agreement, and, finally, we reached the point where the President, himself, was making agreements without congressional action of any kind or character, and such an agreement had the dignity of a treaty.

Mr. KNOWLAND. I do not know precisely when this happened. I think it has been a steady growth over the years.

Mr. BRICKER. It has been a gradual development.

Mr. KNOWLAND. Perhaps it has been accelerated in more recent years because of court decisions. I think it possibly may have come about because of the fact that at times the Senate has been called the graveyard of treaties, and to get a two-thirds vote of this body has many times been difficult. I think there may have been persons who were thinking of shortcuts to avoid the necessity of having to get a two-thirds vote of the Senate of the United States. That may itself have inspired the seeking of other ways to achieve what undoubtedly was considered a desirable objective.

Mr. BRICKER. The Senator has referred to the phrase "graveyard of treaties." Does the Senator realize that only 1.4 percent of the treaties which have been submitted to the Senate have been turned down?

Mr. KNOWLAND. I think the Senate certainly has been discharging its constitutional obligation. We have taken an oath to support the Constitution, which is no less sacred to us or binding upon us than is the oath which the President takes to support the Constitution.

Mr. BRICKER. Generally, there is debate on the ratification of more or less important treaties, so that the public does have some understanding of the situation. We have had no treaties entered into in secret session for many years. So the situation is not so serious as it is with regard to executive agreements.

Mr. KNOWLAND. I think the Senator is correct. I know the Senator is using a relative term when he refers to important treaties. The Senate has indicated that even as to relatively unimportant treaties there should be a yea-and-nay vote so that the question would have more public attention and that there would be more individual responsibility of Senators in voting on treaties of lesser importance as well as those of major importance.

Mr. BRICKER. I think a great deal of the concern in the country has come about by the fact that too many treaties have been presented on the Senate floor without an adequate hearing, with no witnesses in opposition—the only witnesses appearing being from the State Department or the Army or from the administration—and without much publicity being given to the fact that the treaty was pending. When a treaty comes to the floor there may be only a few Senators present, so that the country has no understanding of what is being done. Oftentimes Members of the Senate have not appreciated the full import of a treaty. Language was written which, 20 years from today, may be declared by the courts as making the document self-executing, to the detriment of American citizens. It is that danger which has alerted the American people. They are alerted, I assure the Senator, to the need of some kind of an amendment to prevent arbitrary action.

Mr. KNOWLAND. I merely wanted to point out at this time the difference between the amendment offered by the Senator from Ohio and that offered by the Senator from Georgia, that offered by the Senator from Georgia dealing only with executive agreements, and that offered by the Senator from Ohio dealing with both treaties and executive agreements.

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

Mr. KNOWLAND. I yield.

Mr. BARRETT. In this discussion it seems to me there are two questions which have bothered us all. One is to delineate between a treaty and an executive agreement, and the other is to reach a definition of the terms "domestic law" or "internal law," or whatever terms may be used.

It seems to me that in article VI the writers of the Constitution were especially trying to protect the provisions of the Constitution and the laws of the several States, and they provided that they could be overridden only by a treaty under the authority of the United States, written by the President and approved by two-thirds of the Senate. Could we not define the terms "internal law" and "domestic law," and could we not differentiate between a treaty and an executive agreement by saying that anything which is contrary—and I would take the words from the existing Constitution—to the constitution or laws of any State shall be considered a treaty and must be presented to the Senate of the United States in the form of a treaty and be approved by a two-thirds vote of the Senate?

Mr. KNOWLAND. Mr. President, I think the Senator has raised the very vital point which I was next coming to in the discussion, as to how and in what way we could distinguish between treaties and executive agreements. While I think I recognize the danger as fully as do the Senator from Ohio and the Senator from Georgia relative to executive agreements being used in a way to affect internal law and used, perhaps, in lieu of a treaty in that regard, the thing which disturbs me about both amendments—and it is a very real concern that I have—is that the language of the amendment as now written provides a method of short-circuiting the treaty-making power of the Senate of the United States, because getting a two-thirds vote in the Senate where each State is on a basis of equality and where each Senator has a great responsibility, may be—and I say "may be" advisedly—far more difficult at some point in the future than getting a bare majority of a quorum in each of the two Houses of the Congress. Certainly in this body it is much easier to get a bare majority than a two-thirds majority. I speak feelingly, as a majority leader without

a majority, in saying that getting a bare majority is a much different thing than getting a two-thirds vote. Certainly, getting a bare majority in the other Chamber, which does not have quite the freedom of debate that prevails in this Chamber, is quite different from getting a two-thirds vote in the Senate of the United States.

What we are proposing is, of course, entirely impersonal, because what we do will live after us, and it is not meant to apply to any particular President of the United States. I think the President himself fully understands that, in any position he has taken. It is not a question of personal viewpoint at all.

But what disturbs me is that we might be furnishing a readymade, short-circuiting method to get around the treatymaking power and responsibilities of the Senate of the United States. I plead most earnestly with the distinguished Senator from Georgia [Mr. GEORGE] and the distinguished Senator from Ohio [Mr. BRICKER] to give further consideration to that point.

I have given considerable thought to how we might logically draw a line to differentiate between treaties and executive agreements. It seems to me that one line of demarcation might be to say that an executive agreement could affect only the period in which the President who made the executive agreement was in office and, perhaps, an additional period of 6 months, until the new administration or the new Congress could consider the matter. Such a procedure would permit anything of a short term nature to be handled by way of the executive agreement route, whereas anything of a long term nature, meant to bind the country over a period of years, would have to be handled by way of the treaty route.

It seems to me that that might, once again, channel back into our constitutional processes what I believe was a very real desire on the part of the framers of the Constitution to make certain that the Senate, by a two-thirds vote, would have a check and a balance on the treatymaking provisions.

That would not, naturally, meet the problem which the Senator from Ohio and the Senator from Georgia have raised, because even in, let us say, the 4-year period in which a President might be in office, he might enter into two types of executive agreements, one dealing with foreign policy alone, on which we would have no debate in the Senate—I think we are all in general, substantial agreement as to that—and the other of a type that might have the effect of internal law.

So even if the line of demarcation were to be drawn on the long term and short term bases, the problem raised by the Senator from Nebraska [Mr. GRISWOLD] would not yet have been solved. In that regard, we might very well divide along the line the Senator from Nebraska has suggested: That an instrument which might upset State constitutions or State laws would be considered one affecting internal law, therefore, even though it were an executive agreement it would have to take the same route and go through the same processes as are required for the ratification of a treaty, namely, the securing of the approval of two-thirds of the Senate. Frankly, I should be inclined to view such a proposal with much greater approval than I do the proposals which have been made and I know they have been made with the utmost devotion to public duty and concern for the public welfare by either the Senator from Ohio or the Senator from Georgia, because I do not think any of us should wish to furnish, readymade, to any future Executive of the United States an easy way to short-circuit the treatymaking provisions of the Constitution of the United States.

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

Mr. KNOWLAND. I yield.

Mr. GEORGE. I may say to the Senator from California that the point he is now discussing has been one to which I have given a great deal of thought. I have thought of it for several years, since first I read the case of Missouri against Holland, then the Belmont case, and particularly the Pink case, as we have come on down through the years.

Mr. KNOWLAND. And the Capps case.

Mr. GEORGE. And the Capps case. But I very frankly say that the only way to distinguish between an executive agreement and an international agreement which is handled by the President and his State Department and some foreign power, and a treaty, is to be found in the connotations of the document itself, and not in the denomination that we in the Senate may give it. In other words, it is necessary to see what the Executive has built on. I think we can arrive at a traditional or a historic determination or definition of a treaty as distinguished from an executive agreement in that way; but in no other way, in my judgment, can we do so.

I have thought of providing precisely what the Senator from California has suggested, that all executive agreements and all international agreements be lumped together and placed under the supremacy clause of the Constitution. Before they could become the supreme law of the land, they would have to be made in pursuance of the Constitution and would have to be concurred in by a two-thirds vote of the Senate. But think of the meaning of that. We would throw upon the Executive an impossible obligation, under conditions that now exist. We would throw upon the Senate, I think, an impossible duty, because the President probably makes in these times many hundreds of international agreements. All of them would have to come before the Senate, if any one of them came, for a two-thirds vote. That would entail such a cumbersome process that, in my judgment, it would not be workable.

The Senator from California is quite right in saying that many agreements are purely executive in character, but we would have to look at every one of the international agreements to determine from the connotation, from the object, from the purpose, from the subject matter, to see whether it was an executive agreement. In my judgment, in many, many instances there would be no dividing line; we could not distinguish one from another.

As I conceive the situation, it is a part of the proper function of the Chief Executive of this Nation himself to determine whether he shall proceed in all cases by formal treaty, or whether the matter is one which can properly be handled by executive agreement. I think that is just as much beyond the power of Congress, without a constitutional amendment, as are other powers which have been mentioned here.

I appreciate the concern of the Senator from California about the amendment, but the purpose, I can assure him, of the distinguished Senator from Ohio and of myself is not to short-circuit the treatymaking power, but, rather, to encourage the sending of treaties to the Senate when they should be sent here, because once they are made, we do not necessarily have to have, as I take it, any further action by Congress.

I do not desire to interrupt the Senator from California longer, but I should like to say that I think even Hamilton, in the Federalist Papers, contemplated that all treaties, while contracts between sovereigns, would carry with them sufficient power to put into operation the obligations of the treaty and, to that extent, might invade the field of domestic law.

I think it is necessary to start with the assumption that treaties, and frequently international agreements, must invade the field of domestic law, and what the Senator from Ohio and I are concerned about is to make certain that, if an agreement invades the domestic law or the internal law, then there shall be some formal approval of such agreement by the regular lawmaking processes of the Government.

So I do not believe it would mean short circuiting. I think there would be a choice between letting the President act alone, unsupervised, or having the executive agreement submitted to Congress, and letting both Houses of Congress decide whether it should become domestic law. That is my position.

Mr. KNOWLAND. I know the distinguished Senator from Georgia has given great thought to the question. He is one of the great constitutional lawyers of the country. I can say, without any mental reservations whatever, that there is not a Senator in this body whom I hold in higher regard for his ability and his service than the distinguished Senator from Georgia.

Mr. GEORGE. I thank the Senator from California.

Mr. KNOWLAND. I am happy to discuss the matter with him, because he is an eminent and distinguished lawyer; I just happen to be a newspaperman. But these problems have also worried some of us who are not attorneys. I think they are very real problems.

It appears to me that there is an alternative, although the Senate, in its judgment, may not take it. It seems rather apparent that we do not as yet have all the factual information we need to devise an amendment relating to executive agreements, as we do have, I feel, in the field relating to the treatymaking

provision. Therefore, it seems to me that we are on much sounder ground with respect to the procedures that have been taken to date, dealing with the closing of any loophole in the treaty-making provisions, than we are in the field of executive agreements. So far as executive agreements are concerned, not only the Senator from California, but the Senator from Ohio and undoubtedly many other Senators have been in communication with the Department of State, in an attempt to get the facts as to the number of executive agreements which have been entered into, and the number which, in the judgment of the Department of State, would have the effect of internal law.

As I have previously pointed out, I have requested, from the Department of State, information on the subject relating to the last 10 years. We could perhaps expedite the matter by getting the information covering a shorter period of time. However, no communication on the subject has yet been received.

I still most respectfully say to the distinguished Senator from Georgia that, while there is great merit in what he says, the difficulty in drawing the line is that perhaps each treaty or each executive agreement would have to be viewed individually in order to know which route it should take.

Nevertheless, it seems to me that once provision has been written into the Constitution for such a procedure, a President may always find it easier to get what he wants through support in the two Houses of Congress by a bare majority of a quorum, than to get a two-thirds vote in the Senate, and thus the Senate, whether or not it is its desire, will have destroyed the power of the Senate. I think such action would be most unwise, because by such an amendment an opening would be provided as wide as a barn door. Why should any President, who in the future might enter into agreements which, in his own conscience, he felt were for the best interests of this country, have to run the gauntlet of getting a two-thirds vote in the Senate, when it had been provided by an amendment to the Constitution that all the President need obtain in the way of support would be a bare majority in the two Houses of Congress? The Senate ought to consider that possibility most carefully before it makes such a basic decision.

Mr. GEORGE and Mr. BRICKER addressed the Chair.

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

Mr. KNOWLAND. I yield to the distinguished Senator from Georgia.

Mr. GEORGE. If, when the two Houses of the Congress were asked to pass on such an international agreement as internal or domestic law, that is, law which would be enforcible in our own courts, and which would be as extensive as the jurisdiction of those courts in point of territory, and so forth, it was discovered that the subject matter was one which properly ought to have been dealt with by treaty and in a treaty, that in itself would be a good and sufficient reason for the Senate to reject it; and I have no doubt it would.

The Senator overlooks one fact with which we are now face to face. That is the hard and cold proposition that the international agreement which is made by the President alone, without any assistance of the Senate, is not passed on by any one else. The adoption of the amendment proposed by me, as well as the one proposed by the distinguished Senator from Ohio, would provide for the passage of a law by the Congress through application of the ordinary lawmaking processes. I believe such a provision would afford more protection than the making of an international agreement by the President alone, or by the Department of State.

I grant to the Senator there is one weakness in my proposal, a weakness which I would have liked to overcome if it had been possible. The weakness is one which the Senator was discussing a while ago, that my proposed amendment, and the amendment of the distinguished Senator from Ohio, would perpetuate the perhaps illogical distinction between executive agreements, one of which is a treaty, and the other one of which is properly an executive agreement. However, in order not to perpetuate that illogical thesis, all international agreements would have to come before this body for consideration. If the latter should occur, the Senate would have adopted such a cumbersome process that the President himself and the Senate itself probably could not operate as they should. That is the real reason why I was forced to provide for the treatment of executive agreements as legislative matters. I think properly they are legislative matters, because there is only one aspect of them subject to ratification, and that is the domestic or internal law aspect.

Mr. KNOWLAND. I may say to the distinguished Senator from Georgia that I do not fully agree with him as to that aspect of the problem, although there is great validity in all the points he has raised. In the first place, there are undoubtedly literally hundreds of executive agreements entered into. For instance, in the Reciprocal Trade Agreements Act, which was passed by the Congress, the Congress has delegated certain powers, which it has constitutionally, to the Executive to negotiate and make agreements. Certainly no one would say such agreements affected internal law without approval of the Congress.

Mr. GEORGE. No, because Congress has consented to them.

Mr. KNOWLAND. There are a great many other types of agreements which have been entered into by the Executive, such as that relating to the Berlin airlift, and undoubtedly many dealing with the exchange of prisoners of war in Korea, which would not, in the normal course of events, affect internal law. Until we get the breakdown from the Department of State, we shall not know what the situation is.

Mr. GEORGE. I believe it is impossible to break them down.

Mr. KNOWLAND. The Senator may be correct.

Mr. GEORGE. I do not see any way of breaking them down.

Mr. KNOWLAND. Because this is such a far-reaching subject, I merely desire to say that it seems to me that until the Supreme Court finally determines the case of United States against Capps we must admit that the decision of Judge Parker, unanimously concurred in by the other judges of the Circuit Court of Appeals in upholding the Federal district court, at least goes a long way toward making clear that the President does not have unlimited power in the field of executive agreements, but, to the contrary, is kept within due constitutional bounds when he deals in matters which are clearly within the power of the Congress.

I shall not put the decision in the RECORD again, because it is rather lengthy, but I refer to the opinion in the case of *U. S.* v. *Guy W. Capps, Inc.* (No. 6541, U. S. Court of Appeals, fourth district), argued on March 18, 1953, and decided on April 15, 1953, which appears in 204th Federal Reporter, 2d series, beginning at page 655 and running through to page 661.

In that decision Judge Parker quotes from the rule of Mr. Justice Jackson in the concurring opinion in "the case last cited," which was the one just preceding that in the decision, and he said:

> When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.

There are many other portions of the decision of Judge Parker which I think would, if sustained by the Supreme Court, give us some guideposts and landmarks which, up to this time, at least, apparently are lacking.

Pending that, it seems to me that the Senate, through its Judiciary Committee and its Foreign Relations Committee, might very well, and properly, press to get all such information—information which we now admit is lacking—by way of a constitutional amendment, making a provision which will, I respectfully say, permit future Executives to shortcut the treatymaking power of the Senate, in regard to the very important matter we are discussing.

In the meantime we would have proceeded. After all, Rome was not built in a day. Even the framers of the Constitution had no sooner put the Constitution into shape to be submitted to the then 13 States, than they themselves realized it was necessary and desirable to submit the first 10 amendments. So we cannot solve all these problems in one amendment at this particular time.

I think we shall have made great progress by making clear that at least the treatymaking provision of the Constitution should not leave the loophole which many of us fear exists in the Constitution, insofar as the treatymaking power is concerned.

This debate has brought out the very real danger which exists in the field of executive agreements, which may permit—particularly if the courts do not decide differently—the President of the United States to make domestic or internal law without the approval of two-thirds of the Senate. So at least we shall have made that much progress.

Thereafter, as a result of the studies to be made, and perhaps dependent upon what happens in the Supreme Court in the Capps case, we shall be in a better position, perhaps at the next session of Congress, to meet in a forthright and well-studied manner the entire question of executive agreements. It seems to me that would be a logical and more sound approach to the entire problem.

Mr. HENNINGS and Mr. BRICKER addressed the Chair.

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

Mr. KNOWLAND. I yield first to the Senator from Missouri, who was first on his feet. Thereafter, I shall yield to the Senator from Ohio.

Mr. HENNINGS. I thank the majority leader.

Mr. President, I am sorry I was detained in a meeting of the Judiciary Committee all this morning and considerable part of the afternoon, and thus could not be in the Chamber to hear very much of the argument which has been submitted today. I see present at this time two of my colleagues who also were in attendance upon that committee.

Let me inquire whether I correctly understand that the distinguished majority leader is opposed to any further amendments or substitutes.

Mr. KNOWLAND. In reply, let me say to the Senator from Missouri—who was not in the Chamber at the time when I commenced my remarks—that, of course, I do not wish to repeat all the statement I have already made——

Mr. HENNINGS. Let me say to my friend, the majority leader, that according to statements which have appeared in the newspapers, memoranda have been submitted, conferences have been held, and an effort now has been made by the Attorney General to devise something which will constitute an improvement over the work of the Founding Fathers, and we are told it may be sent to us by way of a compromise. Of course, some of us are not privy to these high-level consultations. We are just on the fringe, trying to defend the Constitution and to support the power of the Presidency and to uphold the administration.

However, I am sure my friend, the majority leader, can appreciate the fact that, without wishing to obtrude upon the sanctity of the Presidential office or upon the office of the Attorney General, it would be of great interest to some of us to know whether the position of the President or of the Attorney General or of the majority leader—who, most helpfully, indicated last week that it was the administration's position that it was opposed to all substitutes and amendments now before the Senate—has changed.

Mr. KNOWLAND. In speaking today, I did not purport to speak for the President of the United States or for the Attorney General. I was expressing, on my own responsibility as a Senator of the United States, the very real misgivings I have both as to the amendment of the distinguished Senator from Ohio [Mr. BRICKER] and as to the approach proposed by the distinguished senior Senator from Georgia [Mr. GEORGE], although I recognize the sincerity with which those proposals have been submitted to this body.

Mr. HENNINGS. Yes.

Mr. KNOWLAND. Because of the reasons I stated while the Senator from Missouri was not in the Chamber, I do not expect to vote for either of these amendments in their present form.

I recognize that both of them seek to meet a problem which I recognize as a very real one; and I believe it is a problem which the Senate and the House of Representatives will have to meet; I do not think it can be left as it is or brushed aside.

However, I do not believe we should open a door whereby a future President of the United States could completely bypass the Senate's power in regard to approving treaties. That is what I am afraid could be done under both these amendments.

I realize in my own heart that both the Senator from Georgia and the Senator from Ohio recognize that great danger. However, there is the quite logical argument: While that is true, yet at the present time, based on certain court decisions, the President can make internal law without the taking of action by even one House of Congress. So, although perhaps the proposed alternative is not the best possible one, it is better than what is now confronting the country.

As clearly as I can express it, I believe that is the basic problem now confronting us.

Mr. HENNINGS. If I may, I shall detain the distinguished majority leader for only another moment. Let me say I do not wish to interfere with the presentation of his argument, which is being made most ably; in fact, it impresses anyone—either one who is versed in the law or one who is not versed in it—as a most lawyerlike and able presentation. The Senator from California often disclaims being a lawyer; but in his manner of address and in his scholarly presentation, he belies his frequent disclaimer.

Mr. KNOWLAND. I thank the Senator from Missouri.

Mr. WILEY. The Senator from California should have been a lawyer.

Mr. HENNINGS. Be that as it may, the argument has been made a number of times—I, among others, have made it—that the substitute amendment of the distinguished Senator from Georgia means many things to many men. Without at this time going further into that point, let me inquire whether I correctly understand that the distinguished majority leader has not received any memorandum or has not been given, in any way, any information——

Mr. WILEY. Or a green light——

Mr. HENNINGS. No; I was not going to be that blunt about it.

I will ask my distinguished colleague whether he has been given any enlightenment, from either the White House or the Attorney General of the United States, which would cause him to change the opinion he has heretofore expressed.

Mr. KNOWLAND. No; I say quite frankly to the distinguished Senator from Missouri, in response to his question, that the position I have heretofore announced has not been changed since I have talked with him.

Mr. HENNINGS. I am carefully refraining from asking the distinguished majority leader to quote the President or to quote anyone else; I am trying to observe the proprieties.

Mr. KNOWLAND. Regardless of any memoranda which may have been presented, I have not quoted from them or have not used them in my argument, because I do not necessarily agree with every position the Attorney General of the United States may take. When I became majority leader, I did not consider that I surrendered my responsibility as a Senator of the United States or surrendered my right to use my own judgment on this matter or on other matters. I shall always try to make clear, in the course of debate, if the pending matter is one on which the administration has expressed its views, what those views are; but I have not in any way surrendered my own responsibilities as a Senator of the United States.

Mr. HENNINGS. Of course, I am sure the majority leader will never do that.

Then may we take it as expressive of what the administration's position seems to be at this time—if the distinguished majority leader is in a sense a conduit between the administration and the party he has the honor of leading in this Chamber—that the administration's position has not changed from its position, as we understood it, of last week?

Mr. KNOWLAND. The Senator from Missouri is correct.

Mr. HENNINGS. If I may ask a further question, I shall no longer detain my distinguished friend and colleague, whom I thank for his tolerance.

Does the Senator understand that the President of the United States himself makes the executive agreements which we have been discussing on the floor of the Senate this afternoon? I believe I heard the distinguished Senator from Georgia [Mr. GEORGE] say that the President himself reads, signs, and enters into executive agreements.

Mr. KNOWLAND. No. I do not believe that the Senator from Georgia, the Senator from Ohio, or the Senator from California has said that executive agreements are all made personally by the President of the United States. There are excutive agreements which are made pursuant, for instance, to the action of the American Ambassador in Ottawa and the Canadian Foreign Minister.

Mr. HENNINGS. They are made by many agents all over the world.

Mr. KNOWLAND. That is correct.

Mr. HENNINGS. I entered the Chamber some time after the Senator had begun his discussion.

Mr. KNOWLAND. That is what makes the problem so difficult, as the

Senator from Georgia has so well pointed out.

Mr. HENNINGS. And as we have undertaken to say during the course of the debate.

Mr. KNOWLAND. I think the Senator is absolutely correct. I do not believe we can successfully dispute the Senator from Georgia when he says that if we ever undertake to pass upon all executive agreements the Senate will transact no other business. We have a difficult enough time transacting the business now before the Senate. Certainly if we had to consider a great mass of executive agreements of all types, many of which consist of nothing more than a letter, cablegram, or exchange of notes between ambassadors, we would be doing nothing else but that, and that would be a fantastic situation.

Mr. HENNINGS. Mr. President, may I ask one further question?

Mr. KNOWLAND. I yield.

Mr. HENNINGS. In the Senator's judgment, who would make the determination as to which of the vast number of agreements—certainly numbering thousands—affected what may be called internal law, or domestic law, for want of a better term?

Mr. KNOWLAND. The Senator knows full well—or he would not have asked the question—that he is now dealing with the $64 question in connection with this great constitutional issue.

Mr. HENNINGS. The Senator from Missouri has tried to raise the question a number of times in the course of this debate.

Mr. KNOWLAND. Frankly, I do not think we yet have the answer to that question. That is why I am opposing both the amendment of the Senator from Ohio and the amendment of the Senator from Georgia. I will say quite frankly that what I think we are seeking to find out is how we can prevent an executive agreement, which may have been negotiated in secret—and I say that in no sense that that necessarily makes it not in the public interest—from becoming domestic law without going through the legislative process, including hearings, and all other procedure. Ten years or 20 years later a citizen might be haled into court, either in a civil or criminal case, and learn for the first time that he had violated domestic law.

To me that seems to be the heart of the problem. I do not know the answer to the question. I doubt if any other Senator yet knows the answer to that question. That is why I have pleaded, so far as I could, with Senators who are present to listen to me. That is why I have particularly urged that we not take the route which has been proposed and open the door for circumventing the treatymaking powers of the Senate until we have found a better answer to that question than I think we have yet been able to accomplish.

Mr. HENNINGS. I thank the Senator.

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

Mr. KNOWLAND. I yield.

Mr. BRICKER. I merely wish to correct the Senator from California when he says he does not believe that any of us knows how to meet the problem. I believe that the amendment presented by the Senator from Ohio or the amendment of the Senator from Georgia, making such agreements noneffective as internal law until approved by the Congress, would meet the problem.

Mr. KNOWLAND. I recognize that they would meet that problem; but it seems to me that a greater problem would be created which, in my mind, at least, would completely open the door for the circumvention of the treaty-making power of the Senate.

Mr. BRICKER. Madam President, will the Senator further yield?

The PRESIDING OFFICER (Mrs. SMITH of Maine in the chair). Does the Senator from California yield to the Senator from Ohio?

Mr. KNOWLAND. I yield.

Mr. BRICKER. A moment ago the Senator from California read from the decision of Judge Parker in the Capps case.

Mr. KNOWLAND. That is correct.

Mr. BRICKER. That is the case which has been brought before the Supreme Court on certiorari by the Attorney General. He claims that if the Supreme Court does not reverse that opinion 200 executive agreements which have been entered into will be completely nullified.

Mr. KNOWLAND. To the best of my knowledge that is correct.

Mr. BRICKER. The Attorney General says in his brief that he was so advised by the State Department. The State Department has had 2 years since the original amendment was proposed to bring forward its objections with respect to any one of the agreements it wished to put into effect without ratification by the Senate or without action by the Congress, and not a single agreement of that type has been called to our attention. I will ask the Senator from California if he knows of any such agreement which the State Department has entered into, which ought to violate, repeal, or affect in any way local law.

Mr. KNOWLAND. I will say to the Senator that, speaking on my own responsibility, I know of none that ought to violate local law. Frankly, I am greatly disturbed by the Capps case.

Mr. BRICKER. And the Attorney General's position.

Mr. KNOWLAND. And the position of the Attorney General in the Capps case. As a layman I fully agree with Judge Parker's decision, which was joined in, as I understand, unanimously by the circuit court of appeals. I hope that decision may become the final decision in the case. However, we do not know what the final outcome will be. I do not know how many lawyers may differ with me on the question of whether or not that decision is sound. However, to me, at least, it seems to have set forth certain landmarks and lighthouses which channel the executive powers into a place where they are not so broad and extensive as they would be were the contrary true.

Mr. BRICKER. I agree entirely with the Senator from California on that point. I certainly hope the Supreme Court sustains that decision, contrary to the contention of the Attorney General. However, the lighthouses which the Senator mentions have been pretty much dimmed by the decision of the Supreme Court in the Pink case and the Belmont case.

Mr. KNOWLAND. The lights almost went out.

Mr. BRICKER. They went out.

I should like to ask the Senator another question. The Senator from Nebraska [Mr. GRISWOLD] brought up a point which was raised 2 years ago in connection with the original amendment, namely, limiting the force of executive agreements to the tenure of office of the then President, and then having them submitted to the committee of Congress. They would become null and void 6 months after the tenure of office of that particular President. That proposal was objected to.

There was the further provision that executive agreements should not be used in lieu of treaties. I have been given to understand by the State Department that that is exactly what it would like to do. It is claimed that no suitable wording can be devised to bring about that result. In other words, the term "in lieu" is too indefinite to enable anyone to anticipate what the courts might do with it. But after all, that is what we are working toward. Executive agreements have their proper place in international relations, but they should not be used by the executive in lieu of treaties, which have a higher standing.

Mr. KNOWLAND. I fully agree; and in the meantime, pending the time when we may be able to devise language which would meet this problem without creating a greater problem, personally I should be inclined to support a resolution which would make it the sense of the Senate that such agreements should not be used in lieu of treaties.

Mr. BRICKER. Of course, such a resolution would not be binding.

Mr. KNOWLAND. It would not be binding, but it would put the administration on notice. It seems to me that would be a far sounder procedure than to open the door, by means of a constitutional amendment, which again I plead——

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

Mr. KNOWLAND. I yield.

Mr. GEORGE. I hope the Senator will listen to me for just a moment. Neither my amendment nor the amendment of the distinguished Senator from Ohio would undertake to open any door at all, because both Houses of the Congress, each by mere majority vote, may now abrogate a treaty. One House cannot do it, but the two Houses can. Each House can take a vote, and if both Houses concur in a joint resolution or in an act, they can declare void an executive agreement.

My proposal and the proposal of the distinguished Senator from Ohio in that regard would not add one jot or tittle to the present power of the two Houses of Congress. So no opening of doors is involved. The door to which the Senator refers has already been entered, and has been entered so frequently and constantly that the runway is pretty slick.

Mr. KNOWLAND. I will say again to the distinguished Senator from Georgia

that, while I recognize the force of his argument, I must respectfully differ, because while it is true, of course, that the Congress can, by statute, modify a treaty either in whole or with respect to any part which in its judgment it has the power to modify, or cares to modify, however, such legislation is subject to Presidential approval. If vetoed, a two-thirds vote of each House would be required to overcome the veto.

Mr. GEORGE. That is true; but I am assuming to say only that nothing would be added to the powers of the two Houses of Congress by either my amendment or the amendment of the Senator from Ohio.

I do not support all of the amendment offered by the Senator from Ohio. I do not care to interfere with the treaty-making power at all. That is my position. That is why I have confined my amendment to executive agreements and other international agreements. If I did not believe it was within the competency of the Senate to attach a reservation to any treaty providing that the treaty must be implemented by an act of Congress, I would heartily favor the amendment of the distinguished Senator from Ohio.

Mr. KNOWLAND. Madam President, on that point I fully agree with the Senator from Georgia.

I have already delayed the Senate for a longer period than I had intended when I rose on the floor of the Senate this afternoon. I have stated the reasons why I believe the amendment of the distinguished Senator from Ohio should not be adopted. I believe the same arguments, although on a little different basis, apply to the amendment offered by the distinguished Senator from Georgia.

I fully recognize the problem facing Congress and the country with regard to executive agreements. So far as I am concerned, I shall be glad to join with other Senators in seeking a sound basis of drawing a line between executive agreements and treaties, and placing proper limitations upon executive agreements which might have the effect of internal law.

However, it seems to me that in performing one of our most important duties as a legislative body, namely, proposing amendments to the Constitution of the United States, in the field of executive agreements we do not as yet have sufficient information with respect to how large the field is.

Secondly, I do not believe we have as yet found a sound and constructive solution to the problem. Anything but a sound solution might result in destroying the treatymaking powers of the Senate. On the facts now before the Senate, Madam President, I am not prepared to vote to destroy those treatymaking powers.

Mr. WILEY. Madam President, I, too, am sorry that I was not present to hear all the discussion. However, the latest amendment offered by the distinguished Senator from Ohio [Mr. BRICKER] has given me considerable thought, and I have jotted down a few ideas which I wish to put into the RECORD. What I have to say may be repetitious of what the distinguished Senator from California has stated. Nevertheless, I feel it to be necessary, when we deal with such a vital subject as the Constitution of the United States that we, who have the responsibility, make our positions very clear.

First. The language of the pending amendment reads:

> SEC. 3. A treaty or other international agreement shall become effective as internal law in the United States only through legislation by the Congress unless in advising and consenting to a treaty the Senate, by a vote of two-thirds of the Senators present and voting, shall provide that such treaty may become effective as internal law without legislation by the Congress.

Second. So far as an international agreement other than a treaty is concerned, this is the same as section 2 of the George amendment and is subject to the same objections. The extent and implication of this section are not at all clear. What exactly is "an international agreement other than a treaty"? Does this term include an agreement to exchange ambassadors with a foreign power? If so, would such an agreement have to be approved by Congress before the foreign ambassador could be received and accorded the customary diplomatic privileges and immunities? Does this section extend to agreements which the President must make under his authority as Commander in Chief, such as, for example, joint defense arrangements with Canada which might involve the presence of Canadian troops on the American side of the boundary? These are merely indicative of the questions raised by this section which have not been carefully studied by any committee of the Senate.

Third. The Bricker amendment goes further, however, and applies the doctrine of the George amendment to treaties, as well as to other international agreements, with the proviso that the Senate, by a two-thirds vote, can make exceptions in the case of treaties.

Since a treaty has a greater legal standing that a lesser international agreement, and since a two-thirds vote in the Senate is more difficult than a majority vote in both Houses, the objections to the George amendment apply with all the more force to this aspect of the Bricker amendment.

Fourth. The Bricker amendment would mean that treaties could become effective in the United States only through: (a) a majority vote in both Houses of Congress, or (b) a two-thirds vote in the Senate. Inasmuch as a two-thirds vote in the Senate is already required for ratification of a treaty, the Bricker amendment would superimpose a requirement for a second two-thirds Senate vote. Thus, on every treaty the Senate would be confronted with the issue of whether to make the treaty effective itself or whether to bring the House into the picture. Under the present situation, in the case of a non-self-executing treaty, the House is automatically brought into the picture without action by the Senate. In case of doubt as to whether a treaty is or is not self-executing, the Senate can bring the House in by a majority vote, through a reservation which is effective despite the Senator from Ohio's misinterpretation of Missouri against Holland.

Fifth. The amendment is an invitation to controversy and confusion every time the Senate considers a treaty. It would provide another weapon to the wrecking crew. Senators who did not want to vote against a treaty could nevertheless ruin it by refusing to vote to make it effective.

Sixth. Lack of an affirmative two-thirds vote by the Senate to make a treaty effective as internal law might well be interpreted by other parties to the treaty as a reservation and might well make the other parties themselves more reluctant to carry out the treaty's terms. What would have been the effect, for example, if the Senate had ratified the German debt settlements without such an affirmative two-thirds declaration that they were effective as internal law? The amendment would open the way to situations in which the Senate would agree to accept concessions from other nations but would refuse to make reciprocal concessions.

Seventh. The amendment also has implications which make it curiously inconsistent, coming from the Senator from Ohio. It would mean that the Senate, by a two-thirds vote, could make a non-self-executing treaty self-executing. The Senate alone could do what now requires joint action by both Houses of Congress. The Senate alone could legislate for the House and for the whole United States. This is more tinkering with the constitutional balance of power, and those who oppose giving away the Senate's prerogatives are equally opposed to increasing them at the expense of the House and of the States. This is the "witch" clause in Cinderella clothes.

Eighth. The Senator from Ohio said that if such a provision had been in the Constitution in 1945—

> We would not have the problem today with respect to articles 55 and 56 of the United Nations Charter.

This is more fantasy. We do not have a problem with respect to articles 55 and 56 of the United Nations Charter. That problem exists only in the mind of a district judge in California and the mind of the Senator from Ohio. The California Supreme Court has taken care of the district judge, and the Senate in due course can take care of the Senator from Ohio.

Ninth. The amendment is just another way of making the treaty process more difficult, more cumbersome, and more confusing. It would raise more legal questions than it would answer.

Tenth. Finally, it is necessary to consider this proposed new section in relation to the three sections of Senate Joint Resolution 1 which have already been agreed to by the Senate. One of those sections provides that—

> A provision of a treaty or other international agreement which conflicts with this Constitution shall not be of any force or effect.

Madam President, another section provides that "no treaty made after the establishment of this Constitution shall be the supreme law of the land unless made in pursuance of this Constitution."

The whole purpose of this drive to amend the Constitution was in the beginning purportedly to make sure that a treaty could not override the Constitution. This proposed new section goes far beyond that objective and concerns itself with implementation of treaties.

The question might also be raised as to what effect this section would have when taken in conjunction with the "in pursuance" clause which the Senate agreed to last week. That clause encompasses all treaties made "after the establishment of this Constitution." When is a treaty "made" in the meaning of this clause? Is it "made" when the technical process of ratification is completed, or is it "made" only upon the completion of all the acts necessary for it to become effective? If the latter is the case, then, the "in pursuance" clause plus the pending section would require the Congress and the courts to reexamine the effectiveness of every treaty concluded since 1789. It is difficult to imagine a way to create more confusion in our domestic law as well as in our foreign relations.

Mr. HENNINGS. Madam President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield.

Mr. HENNINGS. The distinguished Senator is referring to the effect which the amendment would have upon all past treaties. Does the Senator believe that an executive agreement made 20 years ago could arise to confront a man so that he could be prosecuted, or in any way made to suffer a money damage, or have a criminal judgment rendered against him?

Mr. WILEY. If I correctly understand the question, the answer is "No."

Mr. HENNINGS. I heard such a statement made earlier in the debate this afternoon, but an opportunity was not afforded to answer it. Does the Senator for a moment think there is any doubt about the proposition that a man can be prosecuted for a violation of the domestic effects of an agreement of which he knew nothing and which had been made some years before? When I say "man," I mean an individual, a partnership, a corporation, or any other legal entity.

Mr. WILEY. No. I think the statement was broader than that. It referred not simply to an executive agreement, but an executive agreement which no one knew anything about except the parties. Of course the answer is "No."

Mr. HENNINGS. That is arrant nonsense, is it not?

Mr. WILEY. I think so. I think it befogs the entire issue which is before this honorable body. We have gone far afield. We have taken an oath to protect the Constitution of the United States. To me, that means something. If we are going to permit ourselves, because of either emotion or bias or because of some legalistic notion, to start tinkering with the most valuable asset we and our children have, namely, the Constitution of the United States, then it seems to me we are violating our oath.

Mr. FERGUSON. Madam President, I have very little to say with reference to this particular amendment. What I have to say relates, I believe, to both the amendment of the Senator from Georgia and the amendment of the Senator from Ohio.

I wish, first, to review the sections of the Constitution as they relate to treaties and executive agreements.

I find no law today, so far as the United States Government is concerned, with reference to agreements, but I do find that States are permitted to enter into agreements with other States or with foreign powers, with the consent of the Congress. The treaty-making power of the United States is in the President, with two-thirds of the Senate concurring therein. That is provided for in section 2 of article II of the Constitution, which states that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

Both Houses of Congress were not given control or power over treatymaking on behalf of the United States. Therefore, the President and the Senate alone have the power to make treaty law, and such law becomes the supreme law of the land under article VI of the Constitution, which provides "and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land."

It is also provided that Congress shall make all laws necessary and proper for carrying into execution a treaty. That is provided for in article I, section 8, of the Constitution, which gives to Congress the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

So, the words "and all other powers vested in any department or officer" would certainly cover the treatymaking power.

In article I, section 10, of the Constitution it is provided that—

> No State shall enter into any treaty, alliance, or confederation.

Therefore, it is clear that the treatymaking power was one of the powers surrendered by the States to the President with two-thirds of the Senate consenting or concurring, and the right to implement such treaty was given to Congress under article I, section 8, of the Constitution.

Those who objected to the United States Supreme Court decision in the case of Missouri against Holland proposed to amend the Constitution by what was known as the "which" clause. That clause read as follows:

> SEC. 2. A treaty shall become effective as internal law in the United States only through legislation which would be valid in the absence of the treaty.

What this proposed amendment would do would be to limit, so far as internal law is concerned, the treatymaking power of the United States only to those things which Congress could do in the absence of a treaty.

The reason why this should not be done is that the original power of Congress to make internal law was one thing, and the Constitution provided for that, but it is an entirely different thing when it comes to implementing treaties by law. If we took away this power we would change the whole philosophy of our present Government.

The law is clear that the treatymaking power was given to the President, with two-thirds of the Senate concurring, and the implementation of a treaty so made was given to Congress. But Congress was never intended to make treaties or treaty law with reference to our international relations. Under the "which" clause, we would restrict treaties to only what Congress could do in the domestic law field, not related to our international relations except where Congress is given power, as in article I, section 8, clause 3, to regulate commerce with foreign nations, and, in clause 10, "to define and punish piracies and felonies committed on the high seas and offenses against the law of nations."

The law of nations is the same as international law. What the French call international law is the law of nations. Congress alone can punish for violation of the law of nations, or international law.

It was suggested in the debate today that it might be possible for a treaty to provide for punishment under international law or for the violation of a treaty. I do not believe that any greater penalty could be imposed under the treatymaking power than could be imposed by Congress.

What is international law, or the law of treaties? Article 38 of the Charter of the United Nations provides as follows:

> 1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply—
>
> a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
>
> b. international custom, as evidence of a general practice accepted as law;
>
> c. the general principles of law recognized by civilized nations;
>
> d. subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

It is clear, then, that Congress alone was given the power to define and punish offenses against international law, or as described in the Constitution, the law of nations.

The treatymaking power should not be restricted as proposed in the "which" clause amendment. The distinguished Senator from Ohio [Mr. BRICKER] does not insist on the "which" clause, but proposes a new amendment to Senate Joint Resolution 1, which reads as follows:

> A treaty or other international agreement shall become effective as internal law in the United States only through legislation by the Congress, unless, in advising and consenting to a treaty, the Senate, by a vote of two-thirds of the Senators present and voting, shall provide that such treaty may become effective as internal law without legislation by the Congress.

The amendment proposed by the distinguished Senator from Ohio differs only from the George amendment in

that the amendment offered by the Senator from Ohio would permit the Senate, by a two-thirds vote of the Senators present and voting, to make a treaty effective immediately as internal law. If they did not do so, then the treaty would have to be implemented by an act of Congress.

The Senate now has the power to require a treaty to be implemented by an act of Congress, and this proposal adds nothing to, nor does it subtract anything from, the powers of the Senate.

The distinguished Senator from Georgia has proposed an amendment as a substitute for the "which" clause, section 2, as follows:

An international agreement other than a treaty shall become effective as internal law in the United States only by an act of Congress.

The amendment offered by the distinguished Senator from Georgia, as is also true of the amendment offered by the distinguished Senator from Ohio, would introduce into our Constitution an entirely new constitutional concept of dealing with international affairs; namely, by the President plus a majority vote of Congress, instead of by the President plus two-thirds of the Senate present and voting. Either of these two proposals would, in my opinion, weaken the equality of the States. They would really affect the rights of the States to have a voice in the making of treaty law. The equality of Senators from each State is important. It is a strong cement, which has kept the Union together.

Article V of the Constitution provides—and I think rightly so—"that no State without its consent, shall be deprived of its equal suffrage in the Senate."

Seldom has either political party two-thirds of the membership of the United States Senate. Normally one party has a majority. Seldom is it true that there is an almost equal division, as there is now. Therefore, the President, who usually has the majority of the Senate in his party—I am not now speaking of any particular President; I am speaking about the powers of the respective departments of the Government—is now required to seek support from the other major party, thus making a treaty strongly bipartisan.

I think that when we speak about the Senate ratifying treaties, we must keep in mind that this is true. This is one of the reasons why the Senate has tried to consider treaties and to consider the foreign policy of the United States of America in a bipartisan way, because the President, when he seeks to have a treaty made the law of the land, must go to the opposition party in order to obtain votes, so as to secure a two-thirds vote for ratification.

If a majority in the Senate and the House alone were required, a single party in power could work its will. To permit the ratification of a treaty by a majority would mean that fewer States would have a real say in the making of treaties, and the voice of other States in the making of foreign policy would be less effective. The idea of two-thirds of the States binding all is much different from saying that a mere majority can bind all.

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

Mr. FERGUSON. I yield.

Mr. HENNINGS. The Senator from Michigan may recall that some Senators have tried to make the point—and I am glad he has touched upon it again, because it is so vastly important in our consideration of the question—that if the Senate should adopt the Bricker amendment or the George substitute, the Senate would, in fact, be abdicating much of its power and responsibility, and certainly would be diluting the power of each Senator, since the Senate is constituted of two Senators from each of the sovereign States. Is not that correct?

Mr. FERGUSON. I think that is true. That is borne out by the fact that for a number of years there has been a view in the United States, particularly since the time when the League of Nations treaty was not approved by the Senate, that ratification of a treaty by a two-thirds vote of the Senate was not the proper way to approve treaties; in other words, that it was too difficult a method. A movement was started in the United States to have the constitutional provision for ratification by two-thirds of the Senators present and voting changed to provide exactly what the George amendment and the Bricker amendment now purport to do. The advocates of such a change propose to have treaties approved by a majority of the Senate and a majority of the House of Representatives. When I speak of treaties, I do so because executive agreements could then be used as treaties. Executive agreements, which would in effect be treaties, would then, under the George and the Bricker amendments, be approved by a majority of the Senate and a majority of the House. It is thus proposed to change the constitutional provision for a two-thirds vote of the Senate for ratification of a treaty, to a majority vote of both Houses of Congress. I have never felt that such a proposal had any real standing or was desired on the part of the Senate.

Mr. BUTLER of Maryland and Mr. HENNINGS addressed the Chair.

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

Mr. FERGUSON. I yield to the Senator from Maryland.

Mr. BUTLER of Maryland. Does not the Senator realize that the Senators who would vote for the present Bricker substitute would do so because they realize, as does the Senator from Michigan, that executive agreements are being made today in fields or areas where treaties should be made, and are not being brought to the attention of Congress at all? They are being made by the President alone, and we are very rapidly losing all control over executive agreements.

Mr. FERGUSON. I realize what has been stated by the Senator from Ohio, the Senator from Georgia, and now by the Senator from Maryland. I know that in the past Presidents have done that, and that the interpretation of the courts has permitted the line of demarcation between treaties and executive agreements to be so blurred that it is impossible at the present time, except by examination of the instrument as it comes from the State Department, to tell whether such an instrument should be called a treaty or an executive agreement.

The question is, How are we to find a means to remedy a situation which many Senators think—and I share their view—should be remedied? There ought to be some way of framing the language of the Constitution so that it would not be possible for an Executive, through his State Department, to change the constitutions of the States and the laws of the States by an executive agreement.

I am not one of those who believe that the treatymaking power should not by agreements affecting international matters change the constitutions or the laws of the States, because I believe that when two-thirds of the Senate speaks, in the conduct of the international relations of America, it ought to be able to speak for all 48 States of the Union in participating in making the law of the land.

There are those who will disagree and say that even two-thirds of the Senate should not, along with the President, be given that privilege. However, I repeat, the amendment proposed by the Senator from Michigan, in behalf of himself and other Senators who cosponsored it, does provide that no treaty shall conflict with the Constitution or shall be made except in pursuance of the Constitution. If it is provided that such agreements shall not conflict with the Constitution, there will be preserved those inalienable rights of the people of the United States which the people never relinquish to their Government. Therefore, if the Senate shall adopt the three amendments which have been proposed, and which are now contained in the new print, at least one of the problems will have been solved.

The second problem is the question of preventing Presidents of the United States from negotiating executive agreements in the place of treaties, where such agreements would in effect repeal constitutions or laws of the States. If that problem could be taken care of, then the problem now under discussion would be solved. However, I do not think the three amendments under discussion solve that problem.

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

Mr. FERGUSON. I yield to the Senator from Ohio.

Mr. BRICKER. In what field does the Senator think that Presidents and two-thirds of the Senate ought to be able to enact legislation internally for the people of the country?

Mr. FERGUSON. I do not know whether the Senator from Ohio was on the floor when I was trying to give the definition of international law, but I was discussing a case in which a treaty might be made in relation to our external, foreign relations, which might upset some laws of the land. Let me give the Senator an example.

Mr. BRICKER. That is what I wish to have. I have been trying to get such information from the State Department.

Mr. FERGUSON. I think one example would be in relation to aliens.

Mr. BRICKER. Of course, the Senator knows such a problem is covered by the Takahashi case.

Mr. FERGUSON. I realize that. One of the examples is the question of the treatment of aliens.

Mr. BRICKER. That question does not involve State action in any way; it involves only congressional action.

Mr. FERGUSON. No; but it might involve States. It might involve land tenure in the States.

Mr. BRICKER. The Takahashi case held that it did not.

Mr. FERGUSON. Let me give the Senator another example. In the question of recognition of an Ambassador—if an Ambassador drives through the city of Columbus, and he is on official business, he is immune from prosecution under the traffic laws or the State laws of the State of Ohio.

Mr. BRICKER. There is a very serious question whether such an Ambassador ought to be so immune; but, if he is, that is a matter of international law and not of treaty powers. It would be a matter of international law, the relations of one nation to another, if he is in the capacity of a representative of a sovereign.

Mr. FERGUSON. That is international law; and the truth is that international law is also the law made by treaties between nations. The example which I cited is one of the customs, one of the international laws, which has been recognized for years and years, from a time when the memory of man runneth not to the contrary.

Mr. BRICKER. And there is no treaty authority covering that.

Mr. FERGUSON. There is no treaty authority for it.

Mr. BRICKER. One might say it is just a matter of international recognition.

Mr. FERGUSON. That is one of the reasons why the Embassy of a foreign nation is considered to be land under its sovereignty. For instance, in this great city of Washington, Embassies are not subject to the building restrictions of the District of Columbia. Under international law, they are not subject to the building code relating to the height of buildings, the lot-line restrictions, or any similar ordinances.

Mr. BRICKER. It is purely a matter of international law.

Mr. FERGUSON. That is correct.

Under the proposals of the distinguished Senator from Ohio and the distinguished Senator from Georgia, the historic role of the Senate in treaties is likely to be narrowed in favor of other international agreements which can be ratified by a mere majority of Congress.

One method of dealing with international affairs is the head of the state, the Commander in Chief, method, through treaty, the President plus two-thirds of the Senate method. Then we have the method now proposed before the Senate, whereby international agreements would be acted on by a majority of the Congress. The President could pick and choose and play off one against the other, thus destroying the unity of the country. The President would be entitled to select the method of dealing in international relations. He could use the method which required a two-thirds vote of the Senate, or the majority-of-Congress method. As was stated in the debate today, if the amendment should be adopted, there would be in the Constitution a provision which, in effect, would give the President the right to choose the method of making international agreements, whether by executive agreement or by treaty.

The proposal offered by the Senator from Georgia favors the large States, which can dominate the House in their vote, as against the small States. As I have said, such a situation would not make for unity in the Federal system, and would not take into account the fact that in the Senate the small States have equal representation with the large States. I believe the amendment would make it possible for the large States to dominate.

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

Mr. FERGUSON. Yes, I am glad to yield to the Senator from Ohio.

Mr. BRICKER. A majority of the Senate could stop that immediately.

Mr. FERGUSON. Yes. A majority of the Senate could refuse, when it considered such an agreement, to vote in favor of it.

Mr. BRICKER. That is true.

Mr. FERGUSON. But as it is now—and I think it should remain that way—two-thirds of the Senate are required to approve an international agreement before it can become effective as a treaty.

Mr. BRICKER. Then how does my colleague propose to deal with the rather dangerous situation of individual rule by the President, through executive agreements?

Mr. FERGUSON. I do not have the solution.

Mr. BRICKER. My colleague does not have the solution? I thought he was going to suggest a solution, later in his remarks.

Mr. FERGUSON. No. One of the reasons why I do not have the solution—and of course this matter has been stated in various ways on the floor of the Senate—is that we are considering a situation in which our great Nation deals with many other nations.

In connection with this matter, I have looked through the RECORD, which unfortunately is not indexed. Personally, I should like to be able to examine all executive agreements entered into by the United States during the past 10 or 20 years. The Senator from Ohio will recall that many of them are secret, and we cannot see them. However, I think they are of sufficient importance that the State Department should permit us to see them, so that we may be able to solve this problem.

If we could make a study of all the agreements, then we could determine what course we should take, and whether the amendment of the Senator from Ohio is the only way to cope with the problem. I should say that, in my opinion, it is not the only way.

Mr. BRICKER. It is not the only one I have suggested, of course.

Mr. FERGUSON. Yes.

I would make one change in my colleague's suggestion, namely, I would not allow both Houses of Congress to deal with the matter. I would prefer to provide that the approval of two-thirds of the Senate, only, be required.

Mr. BRICKER. Even in the case of executive agreements?

Mr. FERGUSON. Yes; even in the case of executive agreements, if they affect internal law and repeal or nullify a State constitution or a State law.

Mr. BRICKER. Then how would my colleague deal with reciprocal trade arrangements?

Mr. FERGUSON. I would deal with them in advance, in the way we have been doing.

Mr. BRICKER. However, both Houses of Congress act in that respect.

Mr. FERGUSON. That is correct.

Mr. BRICKER. On that basis a reciprocal trade arrangement would not be approved in the way a treaty would be approved, would it?

Mr. FERGUSON. No; not in the way a treaty would be approved.

Mr. BRICKER. The amendment I propose to the amendment of the Senator from Georgia would only provide that an executive agreement would not become domestic law until it was passed on favorably by the Congress. My amendment to the amendment of the Senator from Georgia would not in any way affect international agreements.

Mr. FERGUSON. I appreciate that, but I also appreciate the fact that some international agreements affect domestic law.

Mr. BRICKER. I have been trying to find those for a long time. The two which have been referred to by the Senator from Michigan are being taken care of now.

Mr. FERGUSON. Yes.

But when the Constitution provides—in article I, section 8, clause 10—that Congress has the power "to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations," that indicates that the law of nations, which is international law, is in existence, although from the criminal angle, from the point of view of punishment, either by forfeiture or by imprisonment or by fine, the Congress would have to impose the penalty, and thus the law would be applicable internally in the United States.

Mr. BRICKER. Does not international law obligate those in the United States who represent foreign countries to abide by the law of the land; in other words, require that the representatives of foreign countries in the United States and our representatives in other countries abide by the law of the land in which they are stationed?

Mr. FERGUSON. No.

Mr. BRICKER. My colleague does not think it goes that far?

Mr. FERGUSON. No. That is why the representatives of foreign governments do not have to obey the speed laws or the building restriction laws or the building codes or other State laws regarding the height of buildings, or laws regarding many other things.

Mr. BRICKER. Could Congress now pass a law requiring them to do so?

Mr. FERGUSON. I do not wish to answer that question now, because I am not sure of the correct answer. The statement has been made that Congress can repeal any treaty. I do not go that far, in reading the decisions of the United States courts.

Mr. BRICKER. I do not either; I agree with my colleague. There is a limitation upon the power of Congress to repeal any international obligation. I think the Senator from Michigan is correct on that point.

Mr. FERGUSON. Yes; I think that is true. So I do not wish to answer my colleague's question; I do not know whether that matter comes in the twilight zone of a treaty which cannot be repealed.

Mr. BRICKER. However, that matter is not affected by this amendment.

Mr. THYE. Madam President, will the Senator from Michigan yield to me at this point?

Mr. FERGUSON. I yield.

Mr. THYE. I should like to have my colleague answer a question which has occurred to me. He said that representatives of foreign nations do not have to abide by our speed laws or restrictions on the height of buildings or building codes. To whom is the Senator from Michigan referring?

Mr. FERGUSON. I am referring to Ambassadors and others who have diplomatic status in the United States—in short, the Ambassador from X country.

Mr. THYE. Their immunity arises only because they are representing a foreign country, in the diplomatic service, and are assigned as diplomats to serve in the United States, I understand. However, a businessman or other person coming into the United States from a foreign country would, of course, have to abide by our speed laws, building codes, and so forth, would he not?

Mr. FERGUSON. Yes.

Mr. THYE. Do I correctly understand that my colleague had reference only to the immunity of the Diplomatic Corps?

Mr. FERGUSON. That is correct. Therefore, I was talking about international law.

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

Mr. FERGUSON. I yield.

Mr. THYE. My understanding of the reason why the House of Representatives participates in passing on reciprocal trade agreements is that such measures are revenue measures or tax measures, and affect the revenue and income of the United States; and therefore the House of Representatives, whose Members are directly representative of the people, should have a right to give specific consideration to such measures.

Mr. FERGUSON. No; that is not the reason.

Mr. THYE. It is not?

Mr. FERGUSON. No. A treaty could be used for tariff purposes. In fact, at one time that was the only method used in the United States to make tariff law.

Mr. THYE. It would have the effect, however, of determining the impact which imports would have on businesses in the United States, if there were no tariff which kept foreign products from entering our country.

Mr. FERGUSON. Yes.

Mr. THYE. For that reason the House of Representatives is allowed to participate in the handling of such matters, inasmuch as the House of Representatives has direct responsibility to the people, because the Members of the House are directly representative of the people.

Madam President, if the Senator from Michigan will yield further to me, let me say that the thought has often occurred to me that one reason why the Senate has the responsibility of passing on treaties is that the Senate is the House of Congress in which only one-third of the entire membership stand for election in a given year, unless vacancies have been created as a result of death. So we see the wisdom of the Founding Fathers, who, in drafting the original Constitution, had in mind that since two-thirds of one of the Houses of Congress would hold office beyond any given election, they should have control over something so fundamental and so exceedingly serious as an international treaty.

Mr. FERGUSON. Yes; that was the intention in regard to treaties. The intention was also to have stability and permanence. The idea was to give stability and permanence to all laws made by way of treaties. It was also the purpose to require that two-thirds of the States approve—for, practically speaking, that is the effect of the requirement that a treaty be approved by two-thirds of the Members of the Senate present and voting—instead of to allow a mere majority of the States to exercise their will upon the other States. Our forefathers saw fit to provide, in that way, that if two-thirds of the Members of the Senate wished to approve a particular treaty, they would be able to do so. That very provision shows, as I have always said, that treaties were supposed to be made in pursuance of the Constitution, not in conflict with it.

However, the decisions which have been rendered are such that doubt has now been created about that matter, to such an extent that I believe there now exists a danger which should be cured by adopting the proposed amendment.

To return to these two proposals, and again to take up the question that the present proposal would favor the large States which could dominate in the House of Representatives as against the smaller States, and to comment further on the point that, under the amendment, any action proposed to be taken hastily would not be subject to being checked on by a two-thirds vote, let me say that in the Senate no distinction is made based upon the size of States. There are no large or small States. The States have equal representation in the Senate. Two-thirds of the Senate means, in reality, two-thirds of all the States.

These two amendments—and they are identical in one respect, as they relate to international agreements—would constitutionally authorize international agreements to be substituted for treaties, which now require a vote of two-thirds of the Senate to ratify them. The question now presented to each Senator is this: Does his State, or does he, wish to take from the Senate the historic treaty-making power and place it under another name, an international agreement, an agreement which could be ratified or could become the law of the land by a mere majority vote of both Houses of Congress?

As I have previously stated, I am not posing to state the answer to the thorny question which is before us. I believe it can be answered only after a study over a period of 15 or 20 years of the dealings of the State Department, that is, the executive branch, in our foreign relations, in order that we may ascertain the method by which the problem should be solved.

Madam President, I am unable at this time to vote for an amendment to the Constitution which would take from my State of Michigan its equality of representation in the Senate, and would eliminate the requirement that only by two-thirds of the Senators present and voting can any of the rights of a State be taken from it. Therefore, I believe that these particular amendments should be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. BRICKER].

Mr. GEORGE. Madam President, while I am not supporting the Bricker amendment, solely because it includes treaties, and I do not think it necessary to disturb the treatymaking power by this amendment, my own view is that it is within the competency of the Senate, when a treaty comes before it, to provide that it shall not be effective until it is implemented. Therefore, I think that by any reasonable degree of diligence we can protect the rights which should be preserved so far as the treaty-making power is concerned.

I invite the attention of my distinguished friend from Michigan [Mr. FERGUSON] to the fact that my amendment contemplates that when any sort of international agreement is made, it shall become effective as international law from the very moment the President, or someone with the President's authority, places his signature on it. Therefore, I have asked only that the two Houses of Congress have the right to pass upon such portions of that international agreement as might affect internal or domestic law. By that I mean the law which is enforceable in the courts of our own country, and coextensive with their jurisdiction.

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

Mr. GEORGE. I am glad to yield.

Mr. THYE. Do I correctly understand that if a treaty relating to migratory birds internationally were entered into it would be objected to unless it had been voted upon and agreed to by the two legislative bodies?

Mr. GEORGE. If it were a treaty, I would be willing to let the treaty itself govern.

Mr. THYE. I understand the point with respect to treaties. If I did not use the correct term, I intended to refer to executive agreements.

The question I have in mind is this: Would the Senator object to an executive agreement relating to migratory birds—I use that illustration because we have that question before us—unless it had been agreed to by the two legislative bodies? Or would the Senator require that the two legislative bodies pass upon such executive agreement before it became a law?

Mr. GEORGE. Before it became a law within the United States. The distinction is this: I should be perfectly willing—and I long contemplated exactly that move—to abolish the impossible distinction between treaties and other international agreements, and simply provide that all international agreements should be considered to be treaties, should require a two-thirds vote of the Senate, and should be in pursuance of the Constitution. The only real objection to that is the multiplicity of agreements which must be made at this time, and are being made. It would simply be impossible for the Chief Executive to carry on the international affairs of the country if he had to wait for legislative approval in advance.

Mr. THYE. Madam President, will the Senator yield for a further question?

Mr. GEORGE. I am glad to yield.

Mr. THYE. Would the Senator object to an executive agreement which would establish a quota of imports of wheat, rye, or barley from Canada, for example? Would the Senator require such an agreement to be acted upon by both legislative bodies?

Mr. GEORGE. I think it should be acted upon either by a treaty or by both legislative bodies, if I correctly understand the Senator's question.

There have been two notable examples—perhaps more, but two notable examples—in recent years of executive agreements made in pursuance of a congressional act passed prior to the making of the agreements. One was the Lend-Lease Act. The Lend-Lease Act authorized the President, by a vote of the two Houses of Congress, to enter into agreements to furnish arms and munitions to other free countries, to become the "arsenal of democracy," and to lend or lease such arms and munitions to any country in the world to which the President saw fit to lend them, if he believed such country was friendly to us and to the free world.

Pursuant to an act of Congress the President obtained an appropriation and the Government caused arms and munitions to be made, and they were furnished very nearly every country then engaged in war.

The Trade Agreements Act is another illustration. Both Houses of Congress, by the ordinary processes of lawmaking, passed a law authorizing the President to make trade agreements with certain countries if he found it advantageous to enter into such agreements.

Those are notable examples of the Executive obtaining his power from the Congress before he acts.

I wish to add one further suggestion to indicate the reason why I do not become frightened by the argument of the distinguished Senator that we may be giving up some States rights. Breaking down, for the moment, the distinction, or the effort to try to distinguish between an international agreement and a treaty, when an international agreement conforms to the Constitution it becomes effective as international law, or external law, from the moment the President affixes his signature to it, except with respect to those provisions which relate entirely to the internal affairs of the United States.

I can see no real reason why, when those internal affairs in the United States are called into question, we should not remand the question to the two Houses of the National Legislature, to be dealt with as is the case in the ordinary process of lawmaking. I grant that there might be some disposition to feel that in some instances there would be a better chance of approval offered in the two Houses by a mere majority, than through approval by the Senate alone by a two-thirds vote. However, if the international agreement is one that is traditionally a treaty, if the subject matter of it makes it a treaty, and if the text of it makes it a treaty, then I believe the Senate could refuse to ratify it as an international agreement if it had the effect of making internal or domestic law.

The only objection I have to the amendment offered by the distinguished Senator from Ohio [Mr. BRICKER] is that it does bring in treatymaking, and I believe the Constitution is sufficient on the issue of treaties.

I do not care to disturb that relationship; and I see no way by which we can deal with other agreements which are of less dignity or character—we may call them executive agreements, international arrangements or agreements, understandings, or whatnot—except by going back to the old Articles of Confederation, and doing exactly what the President thought the "which" clause, as it was originally reported by the committee, did, namely, leave the determination of the matter to the States—and I believe the President is entirely right on that point—or abolishing the distinction attaching to executive agreements and other international agreements, and treating them all as treaties, and subjecting them to the supremacy clause treatment in the Constitution and to a two-thirds vote of the Senate.

I believe that procedure is too cumbersome. It makes impossible the expeditious handling of the business that must be carried on by our country at this time.

The other way is to do as I propose to do, and as the Senator from Ohio [Mr. BRICKER] proposes to do, to wit, say that so far as the internal effect of an agreement is concerned, it must be approved in the ordinary, normal method of making a law, because it relates to internal matters and because it is within the jurisdiction of the two Houses, and they can pass it; or leave it just as it stands now and allow the President—and I use the word "President" as descriptive of the office only—or his Secretary of State, or his representative, to decide what shall be put into an executive agreement or other international agreement which may override State laws and State policies.

I have looked in vain through the Constitution where the limitations on treaties, referred to in the court decisions, from the first case down to the last case, are to be found.

From the very beginning of the Government down to the last case it is admitted that there are perhaps limitations upon the power to make treaties. It is pointed out in some instances that the limitations are to be found by considering the objective or the purpose of the treaty. Yet in not a single case has the court said that a treaty went beyond the Constitution; and therefore in not a single case has it pointed out any limitation upon treatymaking. I think Senators will look through decisions in vain to find it.

While I am perfectly content to believe it is sufficient, in diligently discharging our duty, so far as treaties go, to insist that the treaty conform to the Constitution and not violate or conflict with any of its provisions, and that that is as far as it is necessary to go so far as treaties are concerned, I believe in the field of executive agreements and other international agreements, which do not come to the Senate—that is, not ordinarily, although occasionally they might—we ought to have some additional safeguard beyond the mere signature of the authorized officer of the Government who enters into it.

I do not believe we are bringing the House into treatymaking when we do it. From the very earliest decision it was held that a treaty could not be abrogated except by a vote of both the House and the Senate. It is impossible to get an appropriation to carry into execution an executive agreement or a treaty without participation by the House. Therefore, in this narrow and restricted field of internal law or domestic law, where I admit it has been the established and proper interpretation of the Constitution from the beginning that there must be an exercise of some internal power—at least enough exercise of internal power to carry the obligations of a treaty or of an international agreement into execution—and where the House already has the same jurisdiction as the Senate, because under the Constitution, all legislative power is vested in the Congress, consisting of two Houses, it is not an improper suggestion to say that the House shall participate, along with the Senate, in deciding whether such an agreement shall affect internal law in the United States.

CODE OF FAIR COMMITTEE PROCEDURE

Mr. MORSE. Madam President, the representative of the Independent Party proposes at this time to make a relatively short weekly report dealing with two subject matters.

Judging from the headlines and press reports, the American people have been promised for tomorrow a Roman holiday, taking the form of a Roman circus by way of a Senate committee hearing television show. I could press the analogy because it whets the imagination. I do not propose to stimulate the imagination

on that point by a description of the congressional circus paraphernalia, personnel, and mental gymnastics that are causing some of our Senate hearings to rival the Greatest Show on Earth. I do propose to discuss a matter to which I believe the Senate ought to give very early consideration, namely, the procedures governing congressional investigations.

I intend to discuss it outside the realm of any ad hominem arguments. I shall, in the course of my remarks, unquestionably, refer to some of my colleagues in the Senate, but let me say at the outset that I shall not refer to them with any intention of violating the spirit or the intent or the letter of rule XIX. If any colleague interprets any remark I make as being in violation of rule XIX, I say at the outset that such is not my intent or my motivation. But, in my opinion, we have reached such a point in connection with Senate investigations that we must come to grips with the problem.

As Senators elected by the free people of our States, we owe them the obligation to protect the liberties and procedural rights of the American people who appear as witnesses before Senate and House investigating committees. As the Senate has heard me say many times, the substantive rights of the American people can never be any greater than their procedural rights. By their procedural rights, and only by their procedural rights, will they enjoy freedom and liberty.

Our constitutional fathers recognized that when in waging a successful revolution against the British Crown they opposed inquisitions and star chamber proceedings. The time has come to end, by action of the Congress, inquisitions and star chamber procedures in congressional investigations. The people of the United States have the right to demand it, and, in my judgment, they are demanding it.

I wish to say to my colleagues in the Senate that when emotions are aroused and anger flares it is to be expected that there should appear in the press such articles as one which I read from the pen of Walter Lippmann yesterday morning. I cannot insert the article in the RECORD because it violates rule XIX, but I certainly agree with the major thesis of the article. I refer to it as a good illustration of what a very responsible writer is likely to conclude when he permits, as I think in this case he did, his pen to give vent to the emotional feelings of many people on the subject of the abuses of Senate investigations. There are so many things in the article with which I agree that I hesitate to criticize any part of it, but I suggest to this noted writer that he has not given sufficient weight to something which I have risen on the floor of the Senate to try to preserve, namely, the precious right of the Senate of the United States to investigate. The power to investigate is a power which the Senate of the United States must not relinquish, because the power to investigate is one of the great safeguards the American people have for the preservation of their liberties and their freedom. But we owe it to the American people to provide some safeguards which will prevent procedural abuses of the power to investigate.

This body knows that I have held to the notion for quite some time that the rights of the American people are being abused in congressional investigations. Their rights are abused when witnesses called before Senate investigators are not guaranteed, as matter of right, a mandatory code of procedure that shall govern the operation of the investigation. I happen to believe that we cannot reconcile with the concept of government by law the exercise of arbitrary, capricious discretion by men, even though they are United States Senators conducting a Senate investigation. The exercise of such dangerous discretion is exactly what we have in the Senate of the United States today in respect to investigations by committees of this body. The abuse has reached such a serious point that it becomes now the duty of the Senate of the United States to adopt a code of mandatory procedures binding upon every Senate committee and House committee, I care not whether it be the McCarthy committee or any other committee. I think every American citizen is entitled to the same protection before any other committee that I say he must be given before the McCarthy committee.

Having mentioned the McCarthy committee, let me make very clear here today that I shall continue to do all I can to support the power of the Senator from Wisconsin, as chairman of the committee, to conduct investigations. But I shall do my utmost to take away from the Senator from Wisconsin and from the chairmen of all other committees of the Senate the existing discretion which now obtains whereby they can follow whatever rules of procedure they see fit to apply. That is why I shall talk in terms of specific recommendations this afternoon by way of a substitute bill for Senate Resolution 83.

Mr. LEHMAN. Madam President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LEHMAN. Like the distinguished Senator from Oregon, I made a statement on giving the reasons why I voted for the appropriation for the McCarthy committee, although I have, as is well-known, strongly and consistently, over a long period of time, opposed the procedures and the tactics and the methods of the junior Senator from Wisconsin.

I wonder whether the Senator from Oregon would subscribe to my statement, which reads, in part, as follows:

> I will continue to work with all my strength for a proper mandatory code of procedure for that committee and for all other committees of the Senate and of the Congress. But I would not wish to confuse my attitude toward methods and procedures of a committee and its chairman with my attitude toward the general investigatory powers of congressional committees. I believe in that power and its legitimate exercise. I do not believe that the proper cure for the disease, in this case or in any other case, is the paralysis of all the functions of the committee by cutting off appropriations. To withhold all funds from a legally constituted committee of the Senate would furnish grounds for a plausible claim that the exercise of its proper functions had been sabotaged. In this case, nothing would more conveniently play into the hands of its chairman, Senator MCCARTHY. I would not, by my vote, refuse all appropriations to a legally constituted congressional committee. I will, however, continue in every way open to me to fight for a fair set of rules and procedures which will prevent the perversion of congressional investigation into congressional inquisition.

I may say I am in full agreement with the attitude of the Senator from Oregon, and I am very proud to have been his associate when he introduced his original resolution some months ago.

I think the answer to the present evils is not the withholding of appropriations from legally constituted investigatory committees, but, rather the establishment of a mandatory fair set of committee rules and procedures.

Mr. MORSE. I completely agree with every observation in the statement just uttered on the floor of the Senate by the Senator from New York, and I am exceedingly proud to be associated with him in the resolution previously introduced. As he knows, a substitute resolution I am introducing this afternoon for Senate Resolution 83 is being introduced for myself and on behalf of the Senator from New York [Mr. LEHMAN] as a cosponsor.

I wish to make a little further comment in regard to the McCarthy committee, because I am not such a novice in American politics as to be unaware of the interpretation that will be made by some persons of the remarks I shall make here this afternoon. There is no question that the junior Senator from Wisconsin and the junior Senator from Oregon have very little in common so far as American politics are concerned. There is no question that the junior Senator from Wisconsin is perfectly aware of the fact that we do not share very many political points of view. I am as opposed to communism as much as is he but I disapprove of many of the tactics, methods, and procedures he uses in his so-called fight against communism. I am opposed to them because I think they violate the rules of fair procedure within the spirit, intent, and meaning of the Bill of Rights.

I opposed his reelection in 1952, and I shall not be surprised if he reciprocates with opposition to my reelection in 1956. I hope he will be no more successful in Oregon than I was in Wisconsin. [Laughter.]

Nevertheless, Madam President, I hope I can always rise above personal differences and personal feelings when it comes to a question of principle. With respect to the power of the junior Senator from Wisconsin, as the chairman of a committee and as the elected representative of the people of a great State, to conduct investigations on the basis of principle I have no intention of sitting in the Senate, no matter how much the argument may be made to me that the end justifies the means, and voting to scuttle or undermine the precious power of the Senate to investigate. I shall not vote to deny a committee the power to investigate some matter even when the investigation is being conducted by the junior Senator from Wisconsin.

That is why, a year ago, to refer to the argument just made by the distinguished junior Senator from New York, I walked onto the floor of the Senate, and as the CONGRESSIONAL RECORD will show questioned at some length the distinguished junior Senator from Indiana [Mr. JENNER], then the chairman and still the chairman of the Committee on Rules and Administration. At the time he was presenting his request for appropriations for the investigation work of the committees of the Senate.

Prior to hearing the Senator from Indiana [Mr. JENNER], I listened to some of my colleagues in the cloakroom tell me they were going to do what they could to prevent those appropriations for investigations from going through the Senate. As my witnesses they would have to testify this afternoon that I said to them, "Not with my vote. If the Senator from Indiana [Mr. JENNER] can make a prima facie case for the appropriations he asks for, then, as chairman of the committee, he should have power to conduct such investigations in line with the judgment of the committee." It does not make any difference whether or not I think a committee is wise in conducting an investigation of some matter. If a committee decides to exercise its power to investigate and makes a prima facie case, backing up its request, then I shall not vote to deny it the funds.

That is a principle it is very difficult to get people to understand, when, after all, the end sought tempts a person to use any means which will accomplish the end. Thus many people seem to think that Senators should try to stop investigations by the McCarthy committee through resorting to the means of denying the Senator from Wisconsin appropriations.

The RECORD will show that after my colloquy with the junior Senator from Indiana more than a year ago, I indicated that I was satisfied that he had made a prima facie case for the amount of money he was seeking in order to have the investigation work of the Senate conducted by the committees whose requests for funds come under the jurisdiction of the Committee on Rules and Administration. The RECORD will show also that I asked for a yea-and-nay vote. I was a little disappointed that I did not get the assistance in obtaining the yea-and-nay vote from some liberal sources in the Senate that I thought should have been standing shoulder to shoulder with me, because I was fighting for a great liberal principle. I use the word "liberal" in its truest sense, Madam President; I use it in the sense of the obligation of every liberal to protect the basic freedoms and liberties of the American people.

The power of the United States Senate to investigate represents one of the basic liberties of the American people, because it constitutes one of the great guardians against the development of abuses on the part of legislative, executive, administrative, and judicial officials and departments within our form of Government. It also makes possible for the elected representatives of the people to conduct an investigation into any problem or evil which may endanger our body politic and in respect to which a legislative remedy may be needed.

We know very well what the RECORD will show as to what the vote was last year when the roll was called on the request for investigation funds. The vote was unanimous in support of the appropriations. Many persons in my State and throughout the Nation did not understand my position, and subjected me to criticism. That does not concern me when I am satisfied I am right as a matter of principle.

Within this year, the Senator from Wisconsin [Mr. MCCARTHY] had the obligation to come to the floor of the Senate and present requests for appropriations for the investigations which are to be carried on under his jurisdiction. Again, there were some suggestions that he should not be allowed the funds. To Senators who had argued with me about the matter in the cloakrooms, I said, "If he can make a prima facie case for the funds he seeks, it is not for us to say, 'You shall not have the money with which to carry out the power that is yours as chairman of the committee.' What we ought to do is to proceed to adopt a code of mandatory procedure, which will eliminate the abuses of the McCarthy committee and of every other committee of the Senate that violates, from time to time, what I consider to be the basic procedural rights of witnesses appearing before congressional committees."

It may be recalled that during the colloquy on the floor of the Senate not so many days ago, I explained again why I would vote for the appropriation, once I had become satisfied that the junior Senator from Wisconsin had made a prima facie case for the amount of money he asked for. But also I made it clear that I thought the Senate should adopt a mandatory code of procedure which I think is sorely needed to check the procedural abuses of the McCarthy committee as well as of other committees.

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

Mr. MORSE. I yield.

Mr. LEHMAN. Is it not also a fact that the Senator from Oregon, like the junior Senator from New York, made it very clear that the mandatory code of procedure would apply to all committees, not only to one individual committee? Did we not make it clear that there was involved a principle which would make it possible to carry on in a legitimate fashion the investigations which are within the power and the right of the Senate, but which would protect witnesses and protect innocent persons who appear before Senate committees, or whose names had been brought into the hearings?

Mr. MORSE. The record is perfectly clear, I may say to the junior Senator from New York, that the Senator from Oregon and the Senator from New York, in discussing Senate Resolution 83 on innumerable occasions, both in the Senate and on the public platforms of America, have made clear that such a mandatory code would be binding upon all Senate committees. The substitute which I propose to introduce today would make it binding upon the investigations conducted by any congressional committee of either the Senate or the House. I shall give my reason shortly as to why I think the time has now come for Congress to pass legislation which will be binding on all congressional investigations.

Mr. LEHMAN. Madam President, will the Senator yield for a further question?

Mr. MORSE. I yield.

Mr. LEHMAN. Is it not a fact that the purpose in the mind of the Senator from Oregon, as it is in the mind of the junior Senator from New York is to protect the right of investigations, rather than the abuse by inquisitions, which have been conducted by the McCarthy committee and possibly other committees within the last 2 years?

Mr. MORSE. I may say to the distinguished Senator from New York that I wish to protect the Senate from the growing criticism throughout the country that our investigations, in some instances, are taking on the characteristics of inquisitions.

Madam President, I have felt compelled to make these observations today as the result of all the comment that has been sweeping the country in recent days, following the so-called Zwicker case, involving General Zwicker as a witness before the McCarthy committee. I have read the transcript of the hearings as published in the press. I think I know enough about examination and cross-examination, and I think I know enough about what happens to men in the heat of debate or in the heat of a trial, to understand full well what happened in that case.

I am aware of the fact that the press is pointing out that General Zwicker was subjected to great abuse on the part of the junior Senator from Wisconsin. I wish to say, quite kindly, that I do not think the Senator from Wisconsin engaged, on that occasion, in very artful examination. It seems to me that even the cold print demonstrated that he did what no lawyer should do in the heat of a trial. The Senator from Wisconsin let his feelings overtake him to a point which affected the phraseology of the language he used in examining General Zwicker. The cold print supports the conclusion that the Senator from Wisconsin [Mr. MCCARTHY] became heated in his questioning to the point that he abused the witness.

I may also say as a lawyer, and as one who read the cold type of General Zwicker's testimony, that I did not think at some points he was a very direct witness. Many answers he gave are subject to the criticism that General Zwicker was obviously seeking to evade, when, after all, as a witness, he owed an obligation to the Senator conducting the examination to be completely frank in explaining to the committee the military restrictions under which he believed he was compelled to limit his answers to the Senator's questions.

Nevertheless, when those points are mentioned, I think I have said all that can be said by way of any extenuating circumstances involved in the hearings. In my judgment, the type of hearing which was conducted in the Zwicker case

is the type which should be brought to an end in the Senate of the United States. The McCarthy committee and any other committee which follows the procedure which characterized the Zwicker case should clearly understand that, as a committee, it is a child of the Senate. As a committee child of the Senate it should be held responsible for its misbehavior. However, the Senate, too, as a parent has responsibilities in this matter. It should provide the disciplinary check of a mandatory code of procedure binding upon all committees. My resolution seeks to meet that responsibility. As the parents of congressional committees, I believe it is incumbent upon the Senate and the House to enact some rules of procedure regulating what its committee children can and cannot do. That is why I stress so urgently this afternoon adoption of a code like Senate Resolution 83, so that there will be no repetition of the unfortunate procedure which developed in the McCarthy subcommittee hearing in the Zwicker case.

Madam President, in behalf of myself and the distinguished Senator from New York [Mr. LEHMAN] I submit a concurrent resolution to be substituted for Senate Resolution 83.

The concurrent resolution (S. Con. Res. 64), submitted by Mr. MORSE (for himself and Mr. LEHMAN), was received, and referred to the Committee on Rules and Administration, as follows:

Whereas investigation of matters of public importance through committee hearings is of vital importance to the discharge of the constitutional functions of the Congress of the United States; and

Whereas the investigative power of congressional committees is derived from the power of the Senate to inquire into matters of public importance within its jurisdiction; and

Whereas article I, section 5 of the Constitution of the United States provides that "Each House may determine the rules of its proceedings"; and

Whereas no committee of the Senate and only a few committees of the House have published rules of procedure to govern the conduct of hearings; and

Whereas controversy over committee procedure unnecessarily prolongs hearings and has resulted in court litigation; and

Whereas the committees of Congress have not always observed the rights of the individual and maintained democratic safeguards: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the following be, and hereby are, adopted as the Code of Fair Committee Procedure of the Congress of the United States:

HEARINGS

SEC. 1. (a) All witnesses at committee hearings (whether public or in executive session) shall have the right to be accompanied by counsel.

(b) Counsel shall have the right on behalf of witnesses to participate in hearings in the following manner: (i) To advise witnesses of their rights, (ii) to make objections to questions and procedure, (iii) to make brief statements in support of objections, (iv) to submit legal memoranda in support of objections (which shall become part of the record, but need not be incorporated in the transcript of hearings).

(c) Rulings on motions or objections shall be made by the Senator presiding, subject to appeal to the members present on motion of a member.

(d) All testimony taken shall be relevant and germane to the subject of the hearing as set forth in the resolution or motion scheduling the hearing or amendment thereto adopted prior to the witness' appearance, and at least 24 hours prior to his testifying a witness shall be given a copy of that portion of the motion or resolution stating the subject of the hearing or so much thereof as will advise him of the scope of his interrogation and a statement of the specific subjects about which the witness is to be interrogated.

(e) It is the policy of the Congress that only evidence and testimony which is reliable and of probative value shall be received and considered by a committee. The privileges obtaining in the Federal courts shall be observed scrupulously.

(f) (i) Every witness shall have the right to make complete and brief answers to questions and to make concise explanations of such answers.

(ii) Every witness who testifies in a hearing shall have a right to make an oral statement or at his option to file a sworn statement which shall be made part of the transcript of such hearing, but such oral or written statement shall be relevant to the subject of the hearing.

(g) A stenographic verbatim transcript shall be made of all committee hearings. Copies of such transcript, so far as practicable, shall be available for purchase at regularly prescribed rates from the official reporter by any witness or person mentioned in a public hearing. Any witness and his counsel shall have the right only to inspect the complete transcript of his own testimony in executive session but shall be obliged to keep such testimony confidential. Within its discretion a committee may permit a greater privilege of inspection.

RIGHTS OF PERSONS ADVERSELY AFFECTED BY TESTIMONY

SEC. 2. (a) A person shall be considered to be adversely affected by evidence and testimony of a witness if: (i) the evidence or testimony would constitute libel or slander at common law absent the immunity conferred upon it by reason of being made before a committee of Congress or (ii) the committee determines that the testimony would subject the person to serious hardship, embarrassment, shame, or financial loss. This definition shall be liberally construed.

(b) If the committee has reasonable cause to believe that a person will be adversely affected by evidence or testimony to be received at a public hearing, that person shall be, so far as practicable, so informed in advance of the hearing.

(c) If a person is adversely affected by evidence or testimony given in a public hearing that person (subject to reasonable limitations of time imposed by a majority of the committee) shall have the right: (i) To have the adverse witness recalled upon application made within 30 days after introduction of such evidence or the termination of the adverse witness' testimony, (ii) to be represented by counsel (as in (1) (b) hereof), (iii) to cross-examine (in person or by counsel) such adverse witness, (iv) to appear and testify or file a sworn statement in his own behalf and, (v) subject to the discretion of the committee, procure subpenas ad testificandum and duces tecum, to procure witnesses and evidence in his defense.

(d) If a person is adversely affected by evidence or testimony given in executive session, prior to the public release of such evidence or testimony or any disclosure of or comment upon it by members of the committee or committee staff or the taking of similar evidence or testimony in a public hearing, such person shall have the rights conferred by subsection (2) (C) hereof and to inspect at least as much of the evidence or testimony of the adverse witness as will be made public or the subject of a public hearing.

(e) No testimony given in executive session shall be released without the authorization of the committee by majority vote at a meeting at which a majority of members is present.

(f) No report based upon evidence or testimony adversely affecting a person shall be released unless such evidence or testimony and the complete evidence or testimony offered in rebuttal thereto, if any, is published prior to or simultaneously with the issuance of the report.

MEETINGS AND REPORTS

SEC. 3. (a) Committee meetings, other than regular meetings authorized by section 133 (a) of the Legislative Reorganization Act of 1946 (60 Stat. 837), shall be called only upon a minimum of 24 hours' written notice to the office of each committee member.

(b) Committee hearings (whether public or in executive session) shall be held only upon the majority vote of the committee in a meeting at which a majority of the committee is actually present.

(c) A resolution or motion scheduling hearings shall state clearly and concisely the subject thereof which may be amended in the same manner prescribed in subsection (b) for the scheduling of hearings.

(d) No testimony shall be taken in any hearing unless a majority of the committee is present.

(e) No committee report shall be issued unless a draft of such report is submitted to the office of each committee member 24 hours in advance of the meeting at which it is to be considered and is adopted at a meeting at which a majority is actually present.

DEFINITIONS

SEC. 4. As used in this act: "Committee" shall mean any standing, select, or special committee of the Senate (except the Majority and Minority Policy Committees) and subcommittees thereof.

"Person" includes an individual, partnership, trust, estate, association, corporation, or society.

Mr. MORSE. Madam President, the new concurrent resolution makes several major changes in the original resolution.

When submitted last February 20, the resolution was directed only to the amendment of the Senate rules. It was limited at that time, because each House has a feeling of independence about its own rules. It was hoped that the Senate would set an example which the House would follow. That, unfortunately, has not come to pass, primarily because of the Senate's own inaction.

No Senate hearings have been held on Senate Resolution 83 or on Senate Concurrent Resolution 10, submitted by the distinguished Senator from Tennessee [Mr. KEFAUVER] and other Senators, including the Senator from Oregon [Mr. MORSE]. The Committee on Rules has held no hearing on the reform of committee procedures, despite the need for it and the introduction of these and other resolutions. The House has done a little better, if only a little. There have been hearings, and at least one committee has published its rules; but, in my judgment, I say respectfully, they could stand some improvement.

The problem is becoming increasingly serious. The resolution I am introducing today is a comprehensive Code of Fair Committee Procedure of the Congress of the United States.

The resolution provides for the following basic rights for witnesses:

The right to counsel.

I wish to pause at that point, because I know the answer which is made, that Senate investigations are not trials in the legalistic, narrow sense, and therefore they cannot be conducted in accordance with rules of procedure which prevail in court.

My faith in the judicial process as a vehicle for fact finding is much greater than that of those who make such an argument. I stand on the floor of the Senate today and say that, judged by the results, Senate committees which bring before them fellow citizens who are placed on trial before the bar of public opinion as to their innocence or guilt on a charge made by a committee, in fact make such witnesses stand trial.

I am willing to wait for an argument, which I think will not stand up under analysis, which will seek to justify the conclusion that we should not give to fellow Americans called into a congressional investigation the same procedural protection which they enjoy in any courtroom in America, when it comes to the matter of offering proof which may determine guilt or innocence.

We have reached such a point in the conducting of Senate investigations, which go into the question of the innocence or guilt of persons under investigation, that it is a legal fiction to argue that, in fact, such persons are not standing trial. The sad truth is that they are being greatly jeopardized by the failure on the part of the Senate to accord to them the right which I have just named, the right to counsel.

I think such a right is so important for the safeguarding of our liberties that I am willing to stand on the floor of the Senate today and label it as a nonexaggerated statement that, in an investigation where the question of innocence or guilt is involved the right of a man or woman to counsel determines whether or not, in the last analysis, that he or she is a free person in America.

It is very difficult to draw a qualitative line of distinction when speaking of depriving people in this country of liberties or freedoms which they should enjoy; but I am willing to say that there would not be personal liberty for individuals in America if they were deprived of the precious right to be represented by counsel. If a citizen does not have such a right, when he is in a situation which is tantamount to a trial, then he is the victim of an inquisition or a star-chamber proceeding. There can be no liberty for an individual in a society which maintains trial procedure by way of an inquisition. Our Founding Fathers recognized that, and, along with other causes of the Revolutionary War, were willing to fight a revolution to bring such a practice to an end.

I repeat that any citizen or any witness called before a Senate investigation should be entitled to walk into the hearing room protected by the precious freedom of representation by counsel—I care not whether it is the McCarthy committee or any other committee. It is my belief that the Senate has the duty of devising a mandatory code of procedure which will be equally binding upon the committee, the so-called defendant, and his counsel and all witnesses and parties to the hearing.

What is the check I am proposing as essential under the check-and-balance system which marks our form of government? The check of letting the courts decide, in the last analysis, whether or not the Senate has exercised its obligation, under the rule of reasonableness, when it comes to devising rules of procedure for the guidance of committees. I do not think the Senate can any longer permit Americans to be subjected to committee procedudes which can best be described as permitting badgering, abusive, and third-degree tactics.

In my professional labors as a lawyer before I came to the Senate, I worked on a series of crime studies, investigating, among other matters, the operation of existing Federal and State criminal-law procedures. In some sections of the Nation, in both jurisdictions—Federal and State—we discovered abuses of procedure on the part of law-enforcement officers which could be described as badgering, as third degree, as unconscionable methods of attempting to elicit confessions or statements from the witnesses or those accused. A study of the results, in our history, of various investigations of the administration of criminal law, will disclose that whenever the people of the United States have discovered that such tactics are used by law-enforcement officers, the people usually take a series of steps to stop such abuses. They usually get rid of the chief of police or the prosecutor or the detective or other law-enforcement officer who makes use of such procedures. The people get rid of the judge who allows such procedures to be followed in his courtroom; or they have legislation enacted—if it is needed in a given jurisdiction—to prohibit by legislative mandate all such abusive practices.

Madam President, I say we have reached the point where, as the parent body of Senate committees, the Senate had better adopt some mandatory rules which will guarantee to witnesses before Senate committees the basic precious procedural rights, the first of which I have mentioned, namely, the right to be represented by counsel.

Representation by counsel does not mean that all the counsel can do is sit in the hearing room and remain silent.

Mr. LEHMAN. Madam President, will the Senator from Oregon yield to me?

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

Mr. LEHMAN. Does the Senator from Oregon remember a speech or statement on this very subject, made some weeks ago by President Eisenhower? At that time the President said—I cannot quote his exact words, but I think I can state the intent of what he said, or the gist of it—that a man accused should, first, be permitted to know the charges which had been filed against him; second, he should be confronted by his accuser; third, he should have the right to answer the charges in a manner which would fully safeguard his civil rights and liberties.

Certainly there is no indication that any of those requirements, as set forth by the President, are being complied with in the slightest degree. At the present time there is no protection whatsoever; a witness before a congressional committee is not confronted with his accuser; he is not even given the right to know the nature of the charges against him; and certainly he is estopped from answering the charges in a manner which will protect his rights and liberties or which will bring to his defense such aids, with regard to evidence, as may seem proper and necessary to him or to his counsel.

Mr. MORSE. The Senator from New York is correct on this point, and the President is also correct on it. So is the ex-President. I am familiar with the position the ex-President took on this matter. My colleagues will recall that after I first offered a proposal for a mandatory code of investigative procedure in Senate committees, the then President of the United States, Mr. Truman, made a similar recommendation to the Nation. I am glad he did. However, I am perfectly willing to have my resolution, which is jointly sponsored by the Senator from New York, judged on the merits of its contents. We can cite—if there is a wish to have us do so—opinion evidence; we can cite an exceedingly long list of distinguished lawyers, judges, bar associations, and committees of the bar, in support of the principles I am raising my voice in defense of this afternoon.

However, I am not going to rely on opinion evidence. I shall rely on the inherent nature of the provisions of the resolution. Let them speak for themselves, judged from the standpoint of the history of the United States and the development of civil rights, liberties, and freedoms of the people of the Nation.

If the resolution is judged on the basis of that history, I do not think one vote can be cast, on merit, against it.

What is the second right the resolution guarantees? It is the right to be advised, in advance, of the subject matter to be taken up at the hearing. That right does not exist at the present time. If advance notice is had, it is had only because the committee in its discretion has chosen to give it. Today, a person can be haled before a congressional committee, and—unless he is dealing with a committee which in its discretion has adopted certain rules of procedure which result in giving him notice of the matter to be looked into—he will not have the slightest notice regarding the subject matter to be investigated at the hearing.

Of course, I know it is said by some, "But no one is really taken by surprise, because most of those who are haled before such committees have a rather good inkling of what is to be investigated."

Of course, that is another example of the alibi that the end justifies the means used. But it is not good enough if we are to be jealous guardians of the basic procedural rights of the American people, which rights are essential to the preservation of their liberties.

So the resolution the Senator from New York and I are submitting this afternoon guarantees to those who are haled

before Senate committees for investigation the right to be advised in advance of the nature of the investigation, so they will be able to proceed to prepare their case, so they will be able to consult with counsel and to have the benefit of counsel's advice.

Next, our resolution guarantees the precious right of being able to testify in one's own behalf. Of course, that means, the precious right to submit one's case in chief in an orderly way, without being badgered or third-degreed or abused in the attempt to do so. It means an orderly procedure whereby one takes the stand, after the case against him has been presented, submits his reply, testimony, and evidence, under orderly procedure, and then subjects himself to the cross-examination of the state.

Madam President, some say such a procedure would take too long. However, that is not the case at all. I am willing to assert without fear of successful contradiction, that if what really is sought in such investigations is the truth, and if the truth is not being sought, there is no right to conduct such investigations—it will be obtained in a shorter period of time by following those well recognized rules of procedure under the judicial process, rather than by using the kangaroo-court methods which have come to identify the procedures in connection with too many Senate committee investigations.

Our resolution provides for an orderly procedure in connection with the issues involved in the investigation. It will free the Senate from the very serious charge which is being made against it, these days, namely, the browbeating of witnesses, the charges which were exemplified, for example, by yesterday's article by Walter Lippmann, to which I referred earlier in my remarks. Charges which unfortunately have much truth to them and which discredit the Senate.

What else is guaranteed by this resolution? The right to be advised of adverse testimony before it is released to the public. That is a precious right. Of course, it means that there must be some testimony. Implemented, this procedural safeguard would bring an end to the anonymous smear material which is not even signed, but which is too frequently accepted into the record by our committees. Very frequently not even members of the committee know its source. We cannot reconcile that kind of offer of proof with the protection of the liberties of the American people within the framework of the spirit and intent of the Bill of Rights, which guarantees a fair trial.

As I indicated before, I am aware that my argument would not stand up in court in this respect—and this respect only: the cases are pretty clear that the United States Congress, in carrying out its investigating powers, is not conducting a trial within the meaning of a fair trial as guaranteed by the Bill of Rights. But it is perfectly clear that frequently our committees violate the spirit and intent of the Bill of Rights. When, as in many of these investigations, committees turn themselves into quasi-judicial tribunals, I think it is perfectly clear that they owe an obligation to the American people to give them the protection of fair judicial processes, by such basic elementary guaranties of procedure as those which I have enumerated in this proposed resolution.

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

Mr. MORSE. I yield.

Mr. LEHMAN. The Senator has stated—and I am in full agreement with him—that Congress has the power to order investigations and to give committees certain rights which in its wisdom it sees fit to give them. Does not that more than ever indicate and prove that the Congress of the United States has a solemn duty to make certain that the investigations which are authorized are conducted in a fair manner?

Mr. MORSE. In my judgment, it clearly does.

The next procedural right which I seek to guarantee and make available to accused parties appearing before congressional committees is the right, under reasonable rules of time limitation imposed by the committee, to cross-examine witnesses who give testimony damaging to them. There again, Madam President, if the matter gets into court subsequently as the result of a citation for contempt, the committee has nothing to fear if it has followed a course of action which the courts, in turn, find can be reconciled with the rule of reasonableness. If the committee cannot reconcile its procedures with the well-established judicial rule of reasonableness, of course, it ought to be reversed by the courts, in keeping with the check-and-balance system of our Government.

The guaranty for which I am fighting is one of the best means of bringing to an end the dangerous presumption which is developing in too many congressional investigations, that of the substitution of a presumption of guilt for the presumption of innocence. Put the witness under cross-examination, and he is put on proof. As I previously indicated, that means that there must be witnesses. One argument which is sometimes used against this particular procedural guarantee for which I am fighting is that allowing cross-examination of prosecuting witnesses would disclose the Government's hand. It is an objection without substance or merit. The examination can be done in secret, in executive session of the committee, if in a particular case it can be shown that for security reasons such procedure ought to be followed; and I am convinced that the courts would sustain such procedure. But I can no longer remain silent in the Senate on the question of the development to a dangerous degree of the presumption of guilt as a substitute for the presumption of innocence in congressional investigations.

One has only to read the transcripts of some of the hearings to know full well that that is the presumption which sometimes committees indulge in. Free Americans are brought before committees and challenged in effect to prove their innocence. One would think that our committees never heard of the rule as to the burden of proof. The burden of proof should rest upon the Government to establish the charges against those accused by a committee.

I know that we have the duty of conducting legislative investigations on various subject matters in order to determine what, if any, legislation in the public interest we ought to pass or repeal. But, in my judgment, we cannot justify a kangaroo court procedure as a means to that end. Even in the so-called legislative investigation process, I believe reasonable rules of procedure ought to be guaranteed to fellow Americans. I will not support the continuation of a process in the Senate which produces the kind of transcripts which are coming from some of the committees, so far as concerns the violation of the personal rights of fellow citizens haled before such committees.

What else would I guarantee? I would guarantee the right to have a stenographic record of testimony taken, the right to file a brief, and a rebuttal brief, if necessary, and the right, in the case of a contempt citation, to appeal to the courts for a review of the question as to whether or not the procedural rights of the defendant were in any way violated by the committee in conducting the investigation. It is that last guaranty which causes so much concern on the part of some legislators. They do not want to have the courts take a look to see whether or not we, as a legislative body, are following fair rules of procedure which do not violate procedural rights of fellow Americans.

I have taught the check-and-balance system for too many years to sit by and accept as sound the argument that the legislative prerogative of the Congress would be violated in any way by a procedure which guarantees a fellow American the right to have the courts look into the question of whether or not the legislative branch of the Government is conducting an inquisition or a star-chamber proceeding. It is time to guarantee this right to our fellow citizens.

Lastly, I mention the fact that my resolution guarantees that a majority of the members of the committee or of the subcommittee shall be present for the examination of a witness on the stand. That little guaranty would have prevented such a thing as the Zwicker case. That little guaranty would eliminate a surprising amount of public criticism these days about some of the investigations which have been conducted in this body in the past few years.

Too frequently such investigations have been one-man stands, assisted by staff members, without the checking influence of colleagues sitting by and saying, "Just a minute, Mr. Chairman; I think the chairman is going a little too far with that question," or "Mr. Chairman, I think you ought to allow the witness to complete the statement which he was in the process of making before you ask the question you are now asking him to answer."

Senators are a great check on each other when committee hearings are being conducted. I believe that citizens who are called before congressional committees, and who, after all, are human beings, as are the members of the com-

mittees, are entitled to the check of the requirement that a majority of the members of a committee, or of a subcommittee, which has jurisdiction over the hearings, be present when a witness is under examination.

Madam President, we may have to adjust our schedules a little bit, but we had better not place our own personal convenience above the procedural rights of American citizens who are haled before investigating committees. If a majority of the committee cannot be present, let the hearing be postponed until a majority can be obtained.

Mr. LEHMAN. Madam President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LEHMAN. Madam President, I do not want to press the matter which I am bringing up at this moment, but I do wish to present it for the consideration of my distinguished colleague, because it is very important. It is the necessity of having executive hearings actually executive and secret. I have in mind, in connection with the McCarthy subcommittee, particularly the investigation of the so-called Fort Monmouth situation. Those hearings were executive. They were held in the presence of one Senator. I believe that that Senator was the chairman of the subcommittee. They were executive hearings, secret hearings. The press, radio and television representatives, and the public were not permitted to attend those hearings. They were actually secret hearings.

Nevertheless the chairman of the subcommittee came out of the hearings every day, met the press, and gave to the press his version and his account of what had transpired at the hearings, and of what the witnesses had said at the hearings. The newspapers carried the statements of the chairman of the subcommittee with great headlines, leading the public to believe that what was said by the chairman of the committee after a secret hearing actually represented the developments at the hearing. I believe it is time to stop that kind of procedure.

Mr. MORSE. Madam President, as my colleague knows, the substitute I am offering contains a provision which will prevent that kind of abusive practice, by requiring a majority vote in committee on any release that comes out of a committee after a secret or executive session had been held.

Mr. LEHMAN. I realize that to be the fact. However, I wish to emphasize my abhorrence of the tactics which have been followed along that line. Great damage has been done in many instances by bringing to the people of the country an entirely erroneous impression of what had actually transpired at the hearing.

Mr. MORSE. I completely agree with the Senator from New York, and that is why, as the Senator knows, we sought to prevent that abuse by requiring a majority vote of the members of the committee with respect to any release that may come out of the committee.

Mr. LEHMAN. Yes; I wish to emphasize that point again. What the Senator has stated is perfectly true. However, even in an executive hearing, at which there is present a majority of the subcommittee or of the committee, unless the public or the representatives of the press and other media of communication are admitted, I believe there should be no statement made whatever to the press, because otherwise there is no possibility of checking the accuracy of such a statement.

Mr. MORSE. What our resolution seeks to do is to provide a procedure for the release of the official transcript, or a part of the official transcript which in the opinion of the committee the public interest requires should be released.

I may say to my colleague from New York that we do not have in the resolution—and I do not know how we could devise it—a provision which would prevent a colleague in the Senate, with the tremendous power that attaches to the position of a Senator, from saying what he desired to say to the press. It is only to be hoped that the discretion, the wisdom, and the very good judgment of a Senator will cause him to stay within the spirit and intent and purpose of such a resolution as the one I am offering.

Second. The substitute makes clear that the witness will be given, at least 24 hours before he is to appear, a copy of the resolution authorizing the hearing which states the subject of the hearing. And, he is to have the right to a bill of particulars of the matters about which he will be interrogated.

Third. The third major addition is as follows:

> No testimony given in executive session shall be released without the authorization of the committee by majority vote at a meeting at which a majority of members is present.

That is the problem to which the Senator from New York [Mr. LEHMAN] has just addressed himself.

Let us remember that each committee and subcommittee is the agent of the Senate and House. Each individual Senator and Representative is not clothed with the authority of the Congress to investigate. It is for a committee to decide how investigations shall be conducted and what disclosures are to be made.

One Senator may feel that counter-espionage is best conducted by headline disclosures. It is reasonable to expect that other Senators will feel that spies are not caught by headlines, but rather by expert undercover agents. At the very least, committee members should have the opportunity to decide whether an investigation has been fruitful and how the fruits should be used. A majority may very well feel that the fruit is green or overripe with age and handling.

These are all matters for committee decision, not the unrestricted discretion of a committee or subcommittee chairman who has achieved his position only by virtue of being the ranking member of the majority party.

If committees are to act responsibly, the committee as such must retain control of its functioning.

Madam President, I conclude my discussion of the first of two topics of the Independent Party's report today by saying that I am well aware of the fact that there will be many persons who, not having the benefit of the exact text of what I said on the floor of the Senate today, will undoubtedly, as my mail will show in the next few days, make some very interesting interpretations of my remarks.

However, I wish to make it clear that I stand on the record I have made this afternoon on the floor of the Senate and the record I have made in the past on this issue. I serve notice now that the representative of the Independent Party will continue to press for action on a mandatory code of procedure, binding upon all congressional investigations. I am perfectly willing—and my mind is perfectly open—to consider any amendment to the resolution any Senator may wish to submit. But the point I wish to stress is that we should take steps now to end the possibility of any more Zwicker cases.

According to the ticker, the Republican members of the committee apparently met today with the Secretary of the Army and came to some understanding which will result in at least one ring of the investigation circus not being played tomorrow. However, I suggest that we ought to return to the courtesy of mutuality in the Senate, and that if the members on one side of the table in a committee believe that a certain course of action should be followed they ought to take the members on the other side of the table into their confidence. Mutuality dictates that in fairness minority members should participate in forming a committee decision in respect to continuing or discontinuing or postponing or canceling an announced committee hearing.

I regret to read on the ticker that that was not done by the Republican majority of the committee. I know a majority vote is what talks, but, after all, when we are dealing with procedural rights before committees we should not overlook what I call the rule of mutuality. Apparently the Secretary of the Army, Mr. Stevens, has agreed to meet the demands of the Republicans on the McCarthy committee. The ticker tape carrying the news is not clear as to what face-saving powder has been used to cover up embarrassments. However, I shall not be surprised if the incident reflects to the discredit of the administration.

Mr. LEHMAN. Madam President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LEHMAN. I am not a member of the Independent Party and I have not spoken as a member of that party. I have spoken, and I am now speaking, as a small part of the Democratic Party of which I am proud to be a member. I can say to the leader of the Independent Party that, like him, I shall do my utmost to bring about a fair mandatory code of procedure which will protect the right to investigate and at the same time will prevent inquisition rather than investigation. I am very happy, indeed to be associated with the Senator from Oregon in the introduction of this resolution.

Mr. MORSE. I thank the Senator for his contribution, and I particularly thank him for associating himself with the Independent Party on this issue, because I am proud to have as my cosponsor of the resolution a man who I

consider to be the most outstanding liberal in American politics today, the Senator from New York.

Mr. LEHMAN. I do not claim that, but I thank the Senator.

Mr. KERR rose.

Mr. MORSE. Does my friend from Oklahoma wish me to yield for a question?

Mr. KERR. No. I wanted to take the floor.

Mr. MORSE. I have one other topic in my report today. I am delighted to have the Senator from Oklahoma present as I discuss the next topic, and I appreciated his attendance when I discussed the first one. I think he will find a particular interest in the second topic.

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

ACTION BY THE SECRETARY OF AGRICULTURE WITH REFERENCE TO RAILROAD FREIGHT RATES

Mr. MORSE. Madam President, I wish to say a few words in regard to the course of action which in recent days has been followed by the Secretary of Agriculture in an appeal to the Emergency Board established under the Railway Labor Act. I do not know whether the Senate is aware of it, but labor organizations throughout the country, outside the Railroad Brotherhoods as well as within the organizations of the Railroad Brotherhoods, are very much disturbed regarding the course of action which the Secretary of Agriculture has followed in connection with an Emergency Board hearing in Chicago on a railroad emergency case. The Secretary of Agriculture has sent a letter to Mr. Charles Loring, Chairman of the Emergency Board, at the Palmer House, Chicago, Ill., under date of February 3, 1954. This letter is now receiving some public attention because its public release is of recent date.

I am disturbed about it because of the schisms and the wedges of discord and discontent which I think the Secretary of Agriculture is driving into the American body politic in these days. The letter speaks for itself, so I shall read it:

DEPARTMENT OF AGRICULTURE,
Washington, February 3, 1954.

Mr. CHARLES LORING,
Chairman, Emergency Board,
Railway Labor Act, Chicago, Ill.

DEAR MR. LORING: Farmers, farm organizations, and the Department of Agriculture are greatly concerned with the problems confronting your Board.

At a time like this the American farmer and the general public would be seriously injured either by a prolonged strike of railroad workers or by an increase in railroad operating costs large enough to justify another general increase in freight rates. This Department has not attempted to estimate the cost of the benefits asked by railroad workers, but we understand that they may be substantial. We feel strongly that it would be unwise now to increase railroad operating costs by an amount large enough to provide any basis for another round of increases in freight rates on farm products.

In your study, therefore, we ask you to consider the following facts:

Then the Secretary of Agriculture proceeds through this letter to attempt to insert into the record of the emergency board the following statistical material:

1. Since February 1951 farm prices have dropped 19.5 percent.

2. Net farm income fell from $14.6 billion in 1951 to $13.5 billion in 1952 and to approximately $12.5 billion in 1953. This decline from 1951 to 1953 equals 14.4 percent.

3. The worsening of the farm situation cannot be laid to a drop in consumer demand. Retail food prices, for example, are 14.9 percent higher than they were 3 years ago.

4. One of the main causes of the drop in farm prices and farm income is the continued increases in marketing costs, of which railroad freight rates are an important part. In February 1951, the farmer was getting 49 cents of the consumer's food dollar. He now gets only 45 cents. Agricultural freight rates are now 10 percent higher than in 1951.

5. The railroads have been losing agricultural traffic since the end of World War II. We believe they would lose more if freight rates were pushed up still further. This would mean a loss of employment on railroads. Although agricultural production increased 12.5 percent from 1947 to 1952, the quantities of agricultural products handled by class I railroads declined 14 percent. Estimates based upon grain and livestock carloading indicate this decline has continued throughout 1953.

Since 1945 there have been 11 general increases in railroad freight rates. The present authorized rates on agricultural products are about 70 percent higher than in 1945. We feel strongly that another increase now would seriously injure the farmer and the general public. We realize the difficulties confronting your Board, but we urge you to find some solution which will neither bring about a work stoppage on our railroads nor give any justification for another increase in agricultural freight rates.

Sincerely yours,

E. T. BENSON,
Secretary.

In my judgment, this letter was gratuitous. It involved an intervention in a field in which Mr. Benson is anything but an expert, and, in my opinion, it will create a great deal of misunderstanding between farm groups, farm workers, and farm interests on the one hand and city workers on the other.

I think it is very unfortunate that we have a Secretary of Agriculture who on issue after issue seems to have a remarkable ability to put both feet and both hands into his mouth at the same time. He certainly did that in this case. What he has done amounts to an attempt to interfere with a judicial process under the Railroad Labor Act of 1926.

The background of this situation is approximately, as follows:

A Presidential emergency board was appointed pursuant to section 10 of the Railway Labor Act which emergency grew out of a dispute between the carriers and the 15 cooperating railway labor organizations that failed of settlement through direct negotiations and after the services of the National Mediation Board were invoked and proved fruitless. The National Mediation Board reported the dispute to the President and on December 18 the President announced that an emergency board would be appointed in keeping with procedures of the Railway Labor Act.

It was in 1941 that I was chairman of an emergency board which handled probably the major railroad dispute in the history of our country, and the same procedures I am outlining here in regard to the instant case were followed in that case as well as in all so-called railroad emergency board cases.

The President appointed the Board to consider the issues in dispute, which are as follows:

Improved vacation plan consistent with American industry generally.

Incidentally, it was in the 1941 case that there was recognized by our Board for the first time the principle of vacations in a segment of the railway industry, because the evidence showed clearly that it had become common practice in American industry generally.

The other issues are: Pay for holidays not worked; time and one-half for Sunday, as such; improvement in pass regulations for employees; insurance and health and welfare program.

It is alleged by the Railroad Brotherhoods that the proposed program will simply bring railroad employees up to standards already enjoyed by a large segment of American industrial employees.

Having worked in this field for a number of years, I cannot recall any Cabinet officer heretofore gratuitously intervening in a labor dispute in the railroad industry or in any other major nonagricultural industry.

We should keep in mind also that the recommendations when made by the Board will not be mandatory; they will depend for acceptance upon further procedures provided for in the act. For the life of me, I am at a loss to understand why the Secretary of Agriculture has gone out of his way to make himself a party to this dispute, taking it upon himself to say, as the first part of his letter clearly implies, that he thinks he is speaking for American farmers and American agricultural interests. I think he will be shockingly surprised to discover that large segments of American agriculture feel he has participated in a matter which is not any of his business.

Madam President, I desire to place in the RECORD at this point a telegram dated February 24, 1954, which has been sent to the President of the United States by a long list of railway organizations. Since it is a short communication, I shall read it.

FEBRUARY 24, 1954.

The PRESIDENT,
The White House,
Washington, D. C.:

We learned yesterday that Secretary of Agriculture, Ezra Taft Benson, under date of February 3, 1954, addressed a letter to Judge Charles Loring, chairman of the Presidential Emergency Board now hearing dispute on request of 1 million railway employees for improved working conditions, in effect insisting that the Emergency Board not recommend any improvement for railway employees on the professed ground that American farmers are in desperate economic plight. Railway employees are in most complete sympathy with American farmers in the condition to which they have been reduced in the last year, but obviously the remedy for the unsound policies now prevailing in farm marketing is not to be found in attacks on other great groups of producing workers. This fallacy in the claims of Secretary Benson is the least of the objections to his conduct. Interference by a Cabinet member

in a proceeding that is required by law to be impartial is an unwarranted and outrageous infringement of the rights of railway workers under the Railway Labor Act. Such flagrant misconduct by a member of your highest official group merits the strictest reprimand, if not impeachment. Believing as we do that you would not and did not sponsor this breach of law and ethics we respectfully request that you remove, insofar as that is now possible, this impairment of the impartiality of this proceeding by publicly disavowing the act of Secretary Benson and securing the withdrawal of the letter in question. We further respectfully request an opportunity to meet with you to discuss the explosive situation created by Secretary Benson.

G. E. Leighty, Chairman, Employees' National Conference Committee; Michael Fox, President, Railway Employees' Department, AFL; Charles J. MacGowan, International President, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers; John Pelkofer, General Vice President, in Charge of Blacksmiths, Railroad Division; Irvin Barney, General President, Brotherhood of Railway Carmen of America; J. J. Duffy, International Vice President, International Brotherhood of Electrical Workers; A. J. Hayes, International President, International Association of Machinists; C. D. Bruns, General Vice President, Sheet Metal Workers' International Association; Anthony Matz, President, International Brotherhood of Firemen, Oilers, Helpers, Round House and Railway Shop Laborers; George M. Harrison, Grand President, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; T. C. Carroll, President, Brotherhood of Maintenance-of-Way Employees; G. E. Leighty, President, the Order of Railroad Telegraphers; Jesse Clark, President, Brotherhood of Railroad Signalmen of America; Capt. John M. Bishop, Secretary, National Organization Masters, Mates and Pilots of America; H. L. Dagget, President, National Marine Engineers Beneficial Association; H. L. Haselgren, Secretary-Treasurer, International Longshoremen's Association; Hugo Ernst, General President, Hotel and Restaurant Employees and Bartenders International Union.

It is perfectly obvious that some of these representatives of labor are a wee bit hot under the collar. I have read their letter into the RECORD, however, not from the standpoint of intimating that I go as far as they go in their censure but because I wish to join in the protest of the conduct of the Secretary of Agriculture in this regard. If any emergency board wants the advice of any Cabinet officer, a board carrying out its functions under the Railway Labor Act, it will ask for it.

Judicial bodies or quasi-judicial bodies should not be subjected to the kind of pressure to which the Secretary of Agriculture has resorted. The Secretary should have waited until he was called. The board would have called upon him if they thought he had a contribution to make.

It is going to be a sad state of affairs, so far as the conducting of judicial processes by quasi-judicial bodies is concerned, if such bodies are to be confronted, after they have been appointed by the President of the United States, with the gratuitous intervention of Cabinet officers. In that respect I share the resentment of the officials of the railroad organizations that have protested to the President.

Madam President, this concludes the report of the representative of the Independent Party for this week.

I yield the floor.

INCREASE OF PERSONAL EXEMPTIONS UNDER THE INCOME-TAX LAW

Mr. KERR. Madam President, a few days ago I joined with the distinguished Senator from Georgia [Mr. GEORGE] and the distinguished Senator from Delaware [Mr. FREAR] in the introduction of a measure——

Mr. JOHNSON of Texas. Madam President, will the Senator from Oklahoma yield, with the understanding that he will not lose his right to the floor, so that I may suggest the absence of a quorum?

Mr. KERR. Madam President, I ask unanimous consent that I may yield to the Senator from Texas, without losing my right to the floor.

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

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The PRESIDING OFFICER. A quorum is present.

Mr. KERR. Madam President, a few days ago I joined the distinguished senior Senator from Georgia [Mr. GEORGE] and the distinguished junior Senator from Delaware [Mr. FREAR] in the introduction of a measure designed to increase the individual and dependency exemptions of United States taxpayers, in reference to their income taxes, to $800 for 1954, and to $1,000 thereafter. I did so because of my conviction at the time that such a measure is badly needed and is best calculated to give additional purchasing power to millions of Americans at a time when I believe it is most desirable, and at the same time to give to millions of American taxpayers the form of tax relief which, in my judgment, would be of the greatest value to the greatest number.

Since the introduction of that measure, there have occurred a number of events which have demonstrated the need for the enactment of such a measure, and in my judgment have made it even more apparent that Congress should pass the measure at an early date.

Today I saw on the news ticker the following item:

Wholesale food prices this week rose 9 cents, to the highest level in nearly 3 years, on the Dun & Bradstreet, Inc., index released today. This week's index of $7.20 is the highest reported since $7.21 on March 27, 1951. It compares with $7.11 in the previous week, $6.21 last year, and is 20.8 percent over the pre-Korea $5.96. The index represents the sum total of the price per pound of 31 foods in common use. Twelve items showed an advance, 8 declined, and 11 held unchanged.

Mr. LONG. Madam President, will the Senator from Oklahoma yield to me?

Mr. KERR. I yield for a question to the distinguished Senator from Louisiana.

Mr. LONG. Are we to understand that is the food price index; or is it the index for the price of all commodities?

Mr. KERR. According to the news report based on the Dun & Bradstreet, Inc., index released today, it is with reference to wholesale food prices this week in the United States.

Mr. LONG. I am sure my colleague is quite familiar with the fact that all the prices the farmers have received for farm commodities have been very much down during the last year or so. Therefore, I am very much surprised to see that the prices paid by consumers, by housewives, are even higher than they have been for some time past.

Mr. KERR. The new index is an all-time high, as I understand. Certainly, according to the report, it is an all-time high for the past few years, and is more than 20 percent higher than the pre-Korea price.

Mr. LONG. Madam President, will the Senator from Oklahoma yield further to me?

Mr. KERR. I yield for a question.

Mr. LONG. Would not the fact that the prices received by farmers for agricultural commodities have declined, while the prices paid by housewives have risen, tend to indicate that Secretary Benson may be in for a disappointment, if by cutting the price at which he has supported butter, he expects a similar reduction to occur across the market?

Mr. KERR. I think the Senator from Louisiana is eminently correct. I am not of the opinion that the Secretary of Agriculture believes that his reduction in the support basis for butter will result in a decline in the prices to be paid for food by American housewives.

This illustrates—as has been so well brought out by the distinguished Senator from Louisiana—the strange paradox now taking place, namely, the continued decline in the prices paid to farmers for agricultural commodities, and the continued increase in the prices paid for

food by American consumers. It further emphasizes the necessity for early consideration by the Congress of the tax-relief measure introduced the other day by the Senator from Georgia, the Senator from Delaware and myself.

The second event which has taken place since the introduction of that measure, and which, in my opinion, is of great significance, was the action which I understand was taken yesterday by the House Ways and Means Committee. I understand that an effort was made in that committee by the Democratic members to amend the tax bill now under consideration by the House Ways and Means Committee so as to increase the individual and dependency exemption in the internal revenue law. My information is that the proposal received the vote of the 10 Democratic members, but was defeated by the united action of the 15 Republican members of the House Ways and Means Committee.

I am convinced that the American people are demanding and are entitled to an amendment to the tax laws providing increased individual and dependency exemption, in order to bring a measure of relief to the low-income groups, both with respect to their purchasing power and their tax burden. I hope that the House committee may reconsider its action and amend the bill so as to include the increased personal and dependency exemption sought in the measure introduced in the Senate by the Senator from Georgia, the Senator from Oklahoma, and the Senator from Delaware. I am of the opinion that the Congress would adopt such a measure before the tax bill now being considered by the House became law, as a part of the first tax measure passed by Congress.

Another event of which I have learned since the introduction of the measure referred to was the matter last referred to by the distinguished Senator from Oregon [Mr. MORSE] in his report for the Independent Party. I congratulate him upon calling the attention of the Senate and the country to the arbitrary action taken by the Secretary of Agriculture when, in his official capacity, he addressed a communication to Mr. Charles Loring, chairman of the Emergency Board under the Railway Labor Act, at the Palmer House in Chicago, Ill., in connection with the official actions of such emergency board. which is now undertaking to find a settlement to the controversy between railway labor and railway labor employers. I cannot conceive of a member of the Cabinet of the President of the United States seeking to interfere with and use undue pressure upon a judicial body charged with the duty of a fair, impartial, and just adjudication of a question before it.

It has been apparent for many weeks that the Secretary of Agriculture, in a capacity alien to that for which he was appointed, has been seeking to divide the people of the country and aline them one against the other. He has sought to set the consumers against the producers when, in fact, the consumers and the producers of food are interdependent. If the Secretary of Agriculture were successful in setting the consumers against the producers, the only ones who would suffer more than the producers would be the consumers themselves. The only group more dependent upon another than the producers are dependent upon the consumers, are the consumers, who are dependent upon the producers. Yet here is another action by the Secretary of Agriculture seeking to set the farm producers of the country against the railroad workers.

I charge that in this action the Secretary of Agriculture was not representing the American farmer. I further charge that he was not representing the President of the United States. His statements bear out what has been said by the distinguished Senator from Louisiana [Mr. LONG] and the Senator from Oklahoma, that the prices which the farmers receive for food have been dropping steadily for years. However, there is nothing in his communication which justifies or substantiates the position which he has taken.

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

The PRESIDING OFFICER (Mr. BUTLER of Maryland in the chair). Does the Senator from Oklahoma yield to the Senator from Louisiana?

Mr. KERR. I yield.

Mr. LONG. The Senator would not contend, would he, that the Secretary was speaking for the benefit of the American farmers when he attempted to give the impression to the Nation that the price-support program has cost the Nation $16 billion?

Mr. KERR. The Secretary of Agriculture was spinning a fantasy out of his own distorted imagination when he made that allegation. It is not supported by fact, rumor, or speculative possibility.

Mr. LONG. Is it not true that at the time he made that statement the actual figures which he himself was compelled to present proved that he had exaggerated by more than 10 to 1?

Mr. KERR. They proved that he had exaggerated by more than 15 to 1. I appreciate the kindness of the Senator in calling that subject to my attention at this moment.

Another event which has taken place since the introduction of the measure to increase the personal and dependency exemption is probably the most fantastic of all. As a member of the Finance Committee of the Senate I listened today to a statement and discussion by Mr. Dwight E. Avis, Director of the Alcohol and Tobacco Tax Division of the Internal Revenue Service, in which he sought favorable action by the committee on House bill 5407. House bill 5407 is a measure which has been passed by the House and is now before the Senate. It is calculated to give tax relief to the distillers of spirituous liquors——

Mr. FULBRIGHT. Whisky.

Mr. KERR. I questioned him on that point, and he said it went further than whisky. He was seeking relief for the distillers of distilled spirits, which I understand includes whisky. The amount of relief which the Treasury of the United States is seeking for the distillers of the country represents very large figures.

As best I could tell, the distillers have a liability to pay to the Treasury this year, on 8-year-old bonded whisky, or distilled spirits, or both, at $10.50 a gallon, on 16,504,137 gallons. According to my estimate, that amounts to between $173 million and $175 million.

According to the statement of Mr. Avis, Director of the Alcohol and Tobacco Tax Division, in the calendar year 1955 there will be on hand 26,276,000 gallons of distilled spirits, which under the law will have to be taken out of the distillers' bonded warehouses, and on which will have to be paid $10.50 a gallon, which will amount to approximately $275 million.

Mr. President, there are other possibilities which the distillers have contemplated, but under the law, as I read it and as presented by Mr. Avis, that will be the situation.

According to the further evidence of Mr. Avis, in 1956 there will be 88,843,000 gallons of distilled spirits and whisky, which under the law as now written will have to be taken out of storage or otherwise disposed of. To take it out of storage would cost the distillers $10.50 a gallon, or about $930 million.

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

Mr. KERR. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I believe the Senator from Oklahoma is speaking primarily of a bill which relates to bourbon whisky. The reason is that the 8-year bonding period is traditional with bourbon whisky. I do not believe a similar bonding period relates to any of the other distilled spirits. Therefore, the Senator is obviously referring to a tax bill which relates to an overproduction of bourbon whisky.

Mr. KERR. I wish to say to my good friend from Louisiana that I do not have information of my own either to confirm or dispute the statement he has made. I know he would not speak unless he was informed on the subject. The distinguished Senator was at the hearing, and I am referring to the testimony of Mr. Avis with reference to what he referred to as distilled spirits. As I understood him, he said that much of it was whisky. Whether it was bourbon or Hohenzollern or Republican, or what, I do not know. I wish to quote from the evidence of Mr. Avis, the Director of the Alcohol and Tobacco Tax Division. Mr. Avis became quite dramatic in his appeal for the relief.

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

Mr. KERR. I am glad to yield to the Senator from Tennessee.

Mr. GORE. The Senator from Oklahoma understands, does he not, that the problem, according to the evidence submitted to the committee, is an overproduction of liquor. Is that correct?

Mr. KERR. I was coming to that point. I am convinced by what I heard from the distinguished Director of the Alcohol and Tax Division of the Treasury Department that overproduction is an element of the cause of the problem to which he addressed his remarks.

Mr. President, I have never seen a public official who seemed to be more devoted to a cause than Mr. Avis was, in his effort

to secure relief in the form of lower or postponed taxes for the distillers of distilled spirits.

I wish to say that if the farmers of the country had an advocate in the administration who pursued the best interests of agriculture with a fervor and devotion equal to that of Mr. Avis for those who distill distilled spirits, his voice would echo around the world and give a semblance of worthiness to a Cabinet position not yet achieved by this administration.

Mr. Avis, who was such a devoted advocate for the distillers, presented a problem which had a sound of striking similarity to the descriptions we have had with reference to other problems. He said there was a surplus of whisky. I could not tell, Mr. President, whether his statement was prompted by sympathy in his heart for those who distilled it, or a desire in his heart to increase the consumption of a product by those who drink it. However, I wish to say that he was a zealous advocate of the cause to which he addressed himself.

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

Mr. KERR. I yield to the Senator from Louisiana.

Mr. LONG. What impressed the junior Senator from Louisiana with reference to the bill is that if we were to extend the bonding period on bourbon whisky from 8 years to 12 years, at least, and if the industry were to get some tax relief, the public would get some whisky that would be aged a little longer in the keg. Most people believe that extending the period during which the whisky remains in the keg makes it a better whisky. My understanding is there is a provision in the bill to the effect that after the whisky is aged another 4 years, and greater tax relief is afforded the whisky industry, the industry will not be able to tell anyone—and it would be against the law to do so—that the whisky is 12-year-old whisky. The Senator from Oklahoma will recall that I tried to find out why such a provision was put in the bill, and the spokesman of the bill said it was put in because the whisky industry wanted it included, and that is what the Treasury was recommending.

Mr. KERR. The Senator from Louisiana is absolutely correct.

With reference to the other part of the question asked by the Senator from Louisiana, I should like to say that there is one further thought in my mind. I was not convinced before the hearing, I was not convinced by anything said at the hearing, and I have not been persuaded by my own contemplation since the hearing that the public was ever going to be benefited by anything that was in the kegs, regardless of what price it had to pay or was permitted to pay.

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

Mr. KERR. I yield to the Senator from Tennessee.

Mr. GORE. Did it occur to the Senator from Oklahoma to suggest that it might be appropriate for Mr. Avis and Secretary Benson to exchange places?

Mr. KERR. I will say that if Secretary Benson had the ardor and the zeal for the farmers which Mr. Avis has for the distillers, he would become cherished and endeared, rather than spurned by them, as he now is.

I desire to read, Mr. President, a few of the things which were included in the remarks of Mr. Avis, Director of the Alcohol and Tobacco Tax Division of the Internal Revenue Service:

> After the war, beginning with the fiscal year 1946, and for each succeeding fiscal year up to and including 1952, production greatly exceeded withdrawals and losses due to leakage.

I do not know what the word "leakage" means in that connection. I have heard of it in connection with the security of my country; I have heard of it in many other respects, but I hear of it here in connection with the production and stock of distilled spirits.

I continue reading:

> Year-end stocks in bonded warehouses increased from 307 million tax gallons for the fiscal year 1945 to 730 million tax gallons for the fiscal year 1953.

And then Mr. Avis said this:

> Regardless of the reasons which led to the accumulation of the present whisky stocks or the justification therefor, the facts are that the whisky surplus coupled with the forceouts and threatened forceouts of whisky reaching the limit of the bonded period has so depressed the bulk whisky market that bourbon whisky between 4 and 8 years old is being offered at cost of production, plus carrying charges, or less. Rye whisky of the same age is being offered at substantially below cost.

Mr. President, I do not know as to the accuracy of those statements. I do know that they were made by a representative of the Treasury Department seeking the passage of a bill which he said was calculated to bring relief to the producers of distilled spirits. I asked him if this bill which he recommended so energetically could be classified or identified as a bill to provide price supports for whisky.

I want to say this for his benefit: He camouflaged his answer to that question pretty well. My best interpretation of what he said is that he answered the question in the affirmative. He certainly did not answer it in the negative. He not only acknowledged but proclaimed that the distillers wanted this bill; that they needed this bill; that they needed tax relief from the Government; and that their condition which necessitated such tax relief from the Government was brought about by the over-production and a surplus of distilled spirits. He frankly portrayed a situation in describing which he reached his climax by saying that these factors have so depressed the bulk whisky market that bourbon whisky between 4 and 8 years old is being offered at cost of production plus carrying charges, or less, and that rye whisky of the same age is being offered at substantially below cost.

I asked the gentleman how it was that a representative of the Treasury Department was seeking legislation to provide a price support for whisky at the same time the Secretary of the Treasury and the Secretary of Agriculture were trying to impair or destroy the price supports for farm products in this country.

I wanted to ask him another question. I wanted to ask him why it was that if he was so interested in giving someone tax relief he did not come before the Finance Committee favoring a measure to give an increased exemption on personal income taxes, a personal and dependency exemption that would be of such great benefit to so many persons.

I have seen many things in the brief time I have been a Member of the United States Senate, but I never thought I would live to see the day when a responsible representative of the Government from a department which has done what the Treasury has done in seeking to impair the value of farm products would come before a committee of the Senate and ask for relief for the distillers of spirits on the ground that they are afflicted by conditions brought about by a surplus.

A few days ago, the Secretary of the Treasury made a statement that, in his opinion, butter was worth not to exceed 38 cents a pound. A little while before that, the Secretary of Defense, the great farmer from Detroit, had run a bluff on the Secretary of Agriculture, and had forced the price of 15 million pounds of butter down to 15 cents a pound. Both those actions were calculated to damage and impair the economic position of the dairy farmers of the United States, and to lay a foundation for the action by the Secretary of Agriculture to reduce the support prices on butter and other bulk products.

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

Mr. KERR. I yield for a question.

Mr. KILGORE. Has that radical reduction been felt as yet in the consumer market?

Mr. KERR. Not at all. I say to my good friend, the distinguished Senator from West Virginia, that he should indulge no hope that it ever will, lest he suffer a great disappointment.

Mr. KILGORE. Is not the whole process, then, to depress the price at the base, but to keep it high at the top?

Mr. KERR. The whole process is calculated to aid and abet in a two-pronged effort, one of which is to force the price of commodities down, to the producers, the other of which holds them up when the commodities are sold to consumers.

Mr. KILGORE. Shall we say that the action of the Department of Agriculture is designed to hold prices up to a point where the consumer cannot buy?

Mr. KERR. Except at high cost.

Mr. KILGORE. Would the Senator from Oklahoma agree with me that such action is not limited simply to butter?

Mr. KERR. It is not at all limited to butter. I refer the distinguished Senator from West Virginia to the announcement made today by Dun & Bradstreet that wholesale food prices this week rose 9 cents to the highest level in almost 3 years, in spite of a continued decrease in the price received by the producer for food at the production level.

Mr. KILGORE. Is it not a fact that the grower of cattle, who brings them up through the grass-feeding stage, is, as a result, being seriously handicapped by the present situation?

Mr. KERR. If the Senator from West Virginia wishes to be accurate, he should

be speaking of the producer of beef in the past tense, because the beef producer was crucified in 1953. The present program of the Secretary of Agriculture is to crucify the dairy producer in 1954.

Mr. KILGORE. When the support prices of butter, milk, and other dairy products are reduced, while prices are kept high on the feed which ultimately produces those articles by way of the cow, is not that a rather unrealistic viewpoint of the national economy? In other words, if the price of milk is going down, should not the price of grain also go down? If the price of milk is going up, should not the price of grain also go up?

Mr. KERR. It is a tragedy and an injustice to penalize the producer of beef or of dairy products. However, it would serve him ill if the only remedy the Department of Agriculture had would be to compel the producer of feed or grain to get down into the ditch of depression to which the Secretary has forced the producer of beef and dairy products.

It is my purpose, as I am sure it is the purpose of the distinguished Senator from West Virginia and other Senators, to see to it that equity and justice are done to maintain a condition in which the producer of beef and dairy products will be lifted up to an economic level of reasonable prosperity, such as that which is afforded those who produce the basic commodities and other commodities which are supported at 90 percent of parity.

Mr. KILGORE. I am in entire agreement with the thesis stated by the Senator from Oklahoma, but is it not a manifest unfairness to raise the price of feed while lowering the price of dairy products? In other words, are we not confronted with a situation such as that experienced by the fellow who fed his cow sawdust, while putting green glasses on the cow? He said he was getting along fine until the cow died.

Are we not doing that with our dairy and beef cattle interests? In West Virginia, in order to fatten cattle, it is necessary to use seed cake, corn, oats, wheat, and other products. Since we do not raise enough of those products in our State, it is necessary to import an additional supply. If the importation price is set above the market price for those products, then those who purchase the products are crucified.

Mr. KERR. The Senator is eminently correct.

Mr. KILGORE. May I ask the Senator another question?

Mr. KERR. Will the Senator allow me to answer the previous question first, because I might lose track of what it was by listening to the next question.

The Senator from West Virginia is eminently correct in saying that the producer of beef and dairy products cannot continue to pay more for what he feeds his cattle than he gets for his cattle or his other products when he sells them. I may say that the price of feed has not been raised by the Secretary of Agriculture. Actually, the Secretary has permitted the price of feed to decline, but he has forced the price of the products into a still greater decline. In fact, so far as beef is concerned, he will have forced it into a collapse before he has finished. If he is not checked, he will compel the collapse of the price of dairy products.

Mr. KILGORE. Is it not a fact that there is a 12-months' marketing time for beef cattle? When that time has passed, the opportunity for marketing has been lost. Is not that correct?

Mr. KERR. I do not exactly understand the distinguished Senator.

Mr. KILGORE. When the 1-year, 2-year, or 3-year stage has been passed, the beef producer has lost his marketing opportunity, has he not?

Mr. KERR. The most advantageous time for a producer to sell his animal, other things being equal, is when he has it in good shape for marketing.

Mr. KILGORE. The best way to get into that position is at the 1-year, 2-year, or 3-year stage. With respect to beef or dairy products, it is not a question of pushing the beef and dairy products down; the floor is taken from under them. I may say to my good friend, the Senator from Oklahoma, that that includes cottonseed cake, as well as wheat, barley, oats, and corn. Prices for such products are supported, even though the free-market prices should slump below the support prices.

If the sale prices of such products were forced down to what the unsupported prices would slump to, people selling such products would be put out of business, would they not?

Mr. KERR. The Senator is eminently correct, in that when the Secretary of Agriculture forces down the prices at which products are sold by the beef and dairy producers below the economic level of what they are compelled to pay for their feed, such producers face bankruptcy.

Mr. KILGORE. I thank the Senator for permitting me to ask the questions.

Mr. KERR. Mr. President, as I said a moment ago, the Secretary of Agriculture has forced down the price of butter in the face of a surplus and, in a measure, has denied relief to producers of butter, while at the same time another representative of the Treasury has come before a committee of the Senate and has described the situation resulting from the overproduction of distilled spirits, and the fact that the market for such spirits has been depressed because of too great a supply. He has asked the Congress to enact a law in the form of tax relief for the producers of distilled spirits.

Mr. KILGORE and Mr. GORE addressed the Chair.

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

Mr. KERR. I yield to the Senator from Tennessee.

Mr. GORE. Did not the Senator state earlier that the yardstick of the cost of production was used in the testimony he cited? If so, how is that yardstick applied to the farmer; or is it applied?

Mr. KERR. The Secretary of the Treasury, the Secretary of Defense, and the Secretary of Agriculture disregard the yardstick of the cost of production of dairy products and farm products, and take action which is in reckless disregard of the cost of production, and to the damage of the producers because of the destruction of the yardstick. At the same time another representative of the Treasury has appeared before the Committee on Finance and asked it to give tax relief to the manufacturers of distilled spirits because they are being forced to sell their products at either cost or below cost.

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

Mr. KERR. I yield for a question.

Mr. KILGORE. I should like to ask the Senator what he would do if he came from such a State as I do, where farmers buy their feed both for dairy and beef cattle, a State where are found the largest number of purebred Hereford herds, and which is the largest cattle producer east of the Mississippi, with the exception of Florida, a State which is a big producer of poultry and dairy products. I am not including fruits and various other products; I am referring only to what the Senator has discussed. The situation has been encountered where the price of beef is not properly supported, while the price of feed has risen. If the Senator represented such a State, what would he do?

Mr. KERR. If I were the distinguished Senator from West Virginia, I would do what I hope the Senator from West Virginia will do, and that is to demand that justice be administered by the Department of Agriculture not only to the producers of feed and basic commodities, but also to the producers of beef and dairy products. The Senator from West Virginia will find that the Senator from Oklahoma will join him in any effort he may care to make to bring about such a result.

Mr. KILGORE. I thank the Senator from Oklahoma for that assurance.

Mr. KERR. Mr. President, in conclusion I wish to say that, so far as I am able at this time to remember, the first representative of the Treasury Department of the United States who has been before the Committee on Finance of the Senate asking for tax relief for any American taxpayer was the representative of the Treasury Department who came before the committee today and asked for relief for the manufacturers of distilled spirits. In my opinion such action is out of all proportion to equity and justice. I again say that, in my opinion, the first measure for tax relief which Congress should pass should be for an increase in the personal and dependency exemptions of American taxpayers, as provided in the measure offered a few days ago by the distinguished senior Senator from Georgia, the distinguished junior Senator from Delaware, and the Senator from Oklahoma.

AMENDMENT TO THE CONSTITUTION RELATING TO TREATIES AND EXECUTIVE AGREEMENTS

The Senate resumed the consideration of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements.

The PRESIDING OFFICER. The question is on agreeing to the amend-

ment of the Senator from Ohio [Mr. BRICKER], inserting on page 3, after line 9, a new section.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The VICE PRESIDENT. A quorum is present.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from California will state it.

Mr. KNOWLAND. What is the pending question?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. BRICKER], inserting on page 3, after line 9, a new section.

Mr. KNOWLAND. Have the yeas and nays been ordered on the question of agreeing to the amendment?

The VICE PRESIDENT. The yeas and nays have not been ordered.

Mr. KNOWLAND. Then, Mr. President, I ask for the yeas and nays on the question of agreeing to the amendment.

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, for the information of the distinguished occupant of the chair, I should like to say that the previous occupant of the chair assured me that I would be recognized as soon as the distinguished Senator from Oklahoma [Mr. KERR] had concluded his address. I was later informed that the distinguished Senator from Arizona desired to suggest the absence of a quorum, but that at the conclusion of the quorum call, I would be recognized.

Mr. President, I am somewhat reluctant to make the motion I am about to make. I certainly would not do so if I did not deeply feel an obligation to 48 Members of the Senate. As minority leader, I have obligations to those Members.

I had no knowledge that evening sessions were contemplated this week. I was not consulted about the wisdom of making such a move; and my first information was when an attaché of the Senate called me and told me that statement had been made on the floor of the Senate, in my absence.

Mr. President, I realize the problems of the majority leader, and I sympathize with him. The motion I am about to make in no way will reflect upon him personally. But, Mr. President, there are 96 Members of the Senate; and in a Senate so closely divided as it is today, I think we can demonstrate that the parliamentary system will function only if we work in cooperation with each other, if we accept each other's judgments, if we reason together.

Mr. President, we have spent 6 hours today considering proposed legislation, and the work in the Senate is sufficiently strenuous to cause me to think, that in the month of February, in the early part of the session, Members should not be asked to return to the Capitol and spend a long evening here. Most Members of this body come to the Senate early in the morning, and do their office work, and go to committee hearings, and come to the floor of the Senate at 12 o'clock.

Mr. President, it is now 6:15 p. m. We have been in attendance on today's session of the Senate for 6 hours and 15 minutes. If we are to have sessions longer than that, I think they should certainly come later in the session, after the necessity has been thoroughly demonstrated.

Mr. President, based on those reasons, I now move——

Mr. KNOWLAND. Mr. President, I ask the Senator from Texas to withhold his motion, which I recognize is not subject to debate; but, as a matter of comity and courtesy between the two sides of the aisle, since he has made the statement, I hope he will at least permit me to make a statement.

Mr. JOHNSON of Texas. Mr. President, I believe in comity, courtesy, and cooperation. Although the Senator from Texas did not think he received all the cooperation to which he is entitled, in connection with the announcement that the Senate would have a night session, of course the Senator from Texas with great pleasure yields to the Senator from California.

Mr. KNOWLAND. Mr. President, I merely wish to say to the Members of the Senate, on both sides of the aisle, that it is a very heavy responsibility for anyone to occupy this seat as nominal majority leader of the Senate, with some responsibilities regarding the progress of proposed legislation at this session of Congress. It is also a heavy responsibility that my good friend, the Senator from Texas, has in serving in the nominal position of minority leader of the Senate.

The Senate has not been in so closely divided a state as this one is, I suppose, in all its history. But I wish to say that, so far as I know, there has not in recent years been a situation where the cooperation has been more close between the majority and the minority leaders. I think I have leaned over backward, perhaps receiving some criticism from Senators on my side of the aisle, in giving advance information—sometimes a week or more in advance—regarding the legislative program. I believe I have given to the minority far more advance information regarding the legislative program than I can ever remember receiving during the 7 years I served in the minority in this body.

I intend to continue that practice, because I think that, after all, we have a common responsibility to a great Nation. We have many problems, both foreign and domestic. I feel my responsibility, and I shall attempt to carry it out.

I have very scrupulously attempted to discuss with the minority leader the various problems we have, and the reasons for the various steps we have taken. He and I have discussed together the question of night sessions in the Senate.

It so happens that during the present session of Congress we have had only two night sessions and they did not last very late. My recollection is——

Mr. JOHNSON of Texas. Mr. President, will the Senator from California yield to me for just a moment?

Mr. KNOWLAND. Yes; I yield.

Mr. JOHNSON of Texas. The Senator from California would not wish to leave the impression, would he, that he and I discussed the night sessions which are referred to on page 2128 of the CONGRESSIONAL RECORD of yesterday, February 23?

Mr. KNOWLAND. No; I would not say that.

Mr. JOHNSON of Texas. The Senator from California made the announcement without my knowledge. Is not that a fact?

Mr. KNOWLAND. So far as night sessions are concerned.

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

Mr. KNOWLAND. Mr. President, if the Senator from West Virginia will permit me to do so, I should like to continue. I do not have the floor; the distinguished Senator from Texas has the floor.

Mr. President, we have had only two night sessions at this session of Congress.

The proposed constitutional amendment which is before us was brought up as the business of the Senate on January 20. We have been considering it for a period of approximately 5 weeks. Many Members, on both sides of the aisle, have expressed a very fervent hope that we might be able to complete our labors on the proposed constitutional amendment today and tomorrow.

The Senator from California, who happens to occupy this post of responsibility, has not been unreasonable, he believes.

Mr. President, I have not suggested that we have an all-night session.

If the minority leader intends to take over the control of the Senate, the minority might just as well take the responsibility for the legislative program, because it is too much to ask that the leader on this side of the aisle have the responsibility of presenting the program to the Senate, and then, on a procedural matter, at the hour of 6:20 at night, have the minority attempt to take over control, and yet still charge the

majority leader with the responsibility of advancing the very heavy program which has been presented to us.

I wish to say, with all the sincerity I possess, that that does not make for orderly procedure. The country is entitled to know where the responsibility for legislative procedures lies. We on this side of the aisle happen to have that responsibility. It might have been that those on the other side, with the Independent Party, could have taken over the responsibility and, before the country, fully assumed it and presented a legislative program.

I hope that we can finish our legislative program and adjourn at least by the time provided in the LaFollette-Monroney Act, which is July 31. Some Members of the House hope to get away by July 1. I think that is unduly optimistic. In my opinion, we shall be doing very well if we get away by the time set in the LaFollette-Monroney Act. But unless we make more progress than we have made to date, we shall not even hit that adjournment date.

Under the circumstances I think it is not unreasonable for me to expect some support from the other side of the aisle on a procedural matter, when we have been considering a measure before this body for 5 weeks, and when a number of Members on the other side of the aisle have pointed out that they hope soon to reach a conclusion on this issue.

Last week I announced that I hoped, if we could complete consideration of the pending measure reasonably early this week, to have a call of the calendar, and to avoid a Saturday session. In order that there may be no misunderstanding, if we cannot do so, unless control of the Senate is taken away from this side of the aisle—and the votes may be available to do it—I shall ask for a night session tomorrow if we are unable to finish our labors. I feel also that in that event I shall have the responsibility of asking for a Saturday session.

In the final analysis, this body is the judge of its own actions. Wherever a majority of the votes rest, there is the control.

During past years we have had a situation in July in which it has been necessary for the Senate to remain in session all night long, and sometimes night after night, to complete the transaction of the public business. I hope that by spreading the transaction of the public business more evenly over the entire session we may avoid all-night sessions, which are so hard on all Members of this body.

Mr. President, I have presented the case. I have presented it from a position in which no man has heretofore been asked to serve, a position in which I have the responsibility of being majority leader in this body without a majority.

If those on the other side of the aisle wish to take control away from the Republicans, they have the power to do it; but if they are to take it they should assume the responsibility before the country. I say that we cannot have an effective legislative program if the responsibility is here but the power is exercised on the other side of the aisle.

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

Mr. JOHNSON of Texas. Mr. President, the Senator from California frequently refers to himself as a majority leader with a minority; and he has made reference to all the problems that go with that situation. If anyone has more problems than a majority leader with a minority, it is a minority leader with a majority. [Laughter.]

Mr. President, I do not seek to take control away from anyone. I have not been a Member of this body for a great many years, but I have worked around the Capitol for 23 years. Late in the sessions of Congress I have frequently sat in the gallery, on the floor of the House, and on the floor of the Senate. It has been my observation—and I have passed that observation on to the distinguished Senator from California on occasion—that very little legislative work is done at night sessions.

Yesterday we were able to recess the Senate before 5 o'clock. Certain Senators who desired to speak on the Bricker amendment had not prepared their speeches. I am told that certain Senators wish to speak on this subject tomorrow.

I know of no reason why it must be assumed that the minority leader is attempting to take over control of the Senate when he asks the majority leader at least to discuss with him what the plans of 96 Senators are.

I knew nothing about the proposed night sessions. The majority leader frequently talks with me about the Executive Calendar, the Private Calendar, and the bills which he expects to move to proceed to consider. However, the first information which the minority leader had—and I assume the first information which the distinguished leader of the Independent Party had—was the information he obtained from the RECORD. That is no way to run the Senate—or a railroad, either.

Mr. President, I believe in comity. I believe in cooperation. I have demonstrated it. Like the Senator from California, I have been criticized for doing so; but I know of no good reason, in the month of February, why 96 Senators should be called out of bed at night to vote on matters such as the pending measure.

For that reason I move that the Senate now adjourn.

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

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

The VICE PRESIDENT. The motion is not debatable.

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

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

The VICE PRESIDENT. The Senator from Texas cannot yield for a question.

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

The VICE PRESIDENT. The clerk will call the roll.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. AIKEN. If the motion to adjourn is agreed to, will that mean that the Bricker amendment will no longer be the unfinished business?

The VICE PRESIDENT. The position of the Bricker amendment will not be disturbed. It will be laid before the Senate automatically tomorrow, after the morning hour.

Mr. AIKEN. As new business?

The VICE PRESIDENT. It will be laid before the Senate tomorrow after the morning hour.

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

The VICE PRESIDENT. A quorum is present. The question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. President, I request the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. SALTONSTALL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent by leave of the Senate on official business of the Senate.

Mr. CLEMENTS. I announce that the Senator from Nevada [Mr. MCCARRAN] is absent on official business.

The Senator from Missouri [Mr. SYMINGTON] is absent by leave of the Senate on official business of the Senate.

The result was announced—yeas 48, nays 45, as follows:

YEAS—48

Anderson	Gore	Kefauver
Burke	Green	Kennedy
Byrd	Hayden	Kerr
Chavez	Hennings	Kilgore
Clements	Hill	Langer
Daniel	Hoey	Lehman
Douglas	Holland	Lennon
Eastland	Humphrey	Long
Ellender	Hunt	Magnuson
Frear	Jackson	Mansfield
Fulbright	Johnson, Colo.	Maybank
George	Johnson, Tex.	McClellan
Gillette	Johnston, S. C.	Monroney

Morse	Pastore	Smathers
Murray	Robertson	Sparkman
Neely	Russell	Stennis

NAYS—45

Aiken	Dworshak	Mundt
Barrett	Ferguson	Payne
Beall	Flanders	Potter
Bennett	Goldwater	Purtell
Bricker	Griswold	Saltonstall
Bush	Hendrickson	Schoeppel
Butler, Md.	Hickenlooper	Smith, Maine
Butler, Nebr.	Ives	Smith, N. J.
Capehart	Jenner	Thye
Carlson	Knowland	Upton
Case	Kuchel	Watkins
Cooper	Malone	Welker
Cordon	Martin	Wiley
Dirksen	McCarthy	Williams
Duff	Millikin	Young

NOT VOTING—3

Bridges	McCarran	Symington

So the motion was agreed to; and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until tomorrow, Thursday, February 25, 1954, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 24 (legislative day of February 8), 1954:

DEPARTMENT OF STATE

David McK. Key, of Connecticut, to be an Assistant Secretary of State, to which office he was appointed during the last recess of the Senate.

UNITED STATES ATTORNEY

Robert Tieken, of Illinois, to be United States attorney for the northern district of Illinois, vice Otto Kerner, Jr., resigned.

UNITED STATES MARSHAL

Archie M. Meyer, of Arizona, to be United States marshal for the district of Arizona, vice Benjamin J. McKinney, retired.

COLLECTOR OF CUSTOMS

Emile A. Pepin, of Rhode Island, to be collector of customs for customs collection district No. 5, with headquarters at Providence, R. I.

EXTENSIONS OF REMARKS

The Problems of the Living Theater

EXTENSION OF REMARKS
OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Wednesday, February 24, 1954

Mr. WILEY. Mr. President, I send to the desk a brief statement which I have prepared on the problem of the living theater in the United States.

I ask unanimous consent that this statement, together with a stimulating address delivered before the National Association of the Legitimate Theater by the distinguished past chairman of the Young Republican National Federation, Mr. Ralph E. Becker, of Port Chester, N. Y., and Washington, D. C., be printed in the RECORD.

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

WISCONSIN CONFERENCE OPPOSES THEATER TAX

(Statement by Senator WILEY)

I recently heard from Mr. Ronald C. Gee, executive secretary of the Wisconsin Idea Theater Conference relative to the continuing heavy burden which the Federal admissions tax imposes upon the living theater in our country.

As we are all aware, the theater is an indispensable element in American culture.

It may not be generally realized that the present 20 percent tax involves more than simply the problem of the professional theater.

There are, for example, 1,858 college and university nonprofessional groups, I am proud that one of the finest such groups is our own University of Wisconsin Idea Theater.

There are 26,800 high school theater groups, over 1,400 community groups and over 111,000 miscellaneous amateur groups.

All of these are indirectly vitally affected by the revenue problems of the professional theater which, unfortunately, has been declining very seriously in recent years.

In other words, so long as young people in high school or college or community plays can look forward to the possibility of entering upon a stage career, they will be particularly encouraged in their nonprofessional theatrical activity.

But they now see in the world of the professional theater, a drastic drop in attendance; mass unemployment of actors; and all economic blight generally.

The American Educational Theater Association is but one of the many groups interested in this problem. It consists of over 2,000 members in every State of the Union, and at all levels of instruction, including children's theater, primary and secondary school theaters, college and university theaters, and community theaters.

UNITED STATES DOES NOT BELIEVE IN THEATER SUBSIDY

The United States is the only major country in the world where the living theater is not regularly subsidized by the National Government.

We still rightly believe that our private enterprise system is and should be sufficient to look after the cultural needs of our people without Government subsidy.

We see no reason for such subsidy, but at the same time, we know that tax conditions must be favorable for the private enterprise theater to continue.

ADDRESS OF RALPH E. BECKER, DELIVERED DECEMBER 27–29, 1953, ON BEHALF OF THE NATIONAL ASSOCIATION OF THE LEGITIMATE THEATER, INC., AT THE ANNUAL CONVENTION OF THE THEATER LIBRARY ASSOCIATION, NATIONAL ASSOCIATION OF COMMUNITY THEATERS, SPEECH ASSOCIATION OF AMERICA, NATIONAL THEATER CONFERENCES, AMERICAN EDUCATIONAL THEATER ASSOCIATION

The National Association of the Legitimate Theater, Inc., has retained me as its counsel in Washington. I am presently engaged, in its behalf, in a program which has for its objective the repeal of the Federal excise tax on legitimate theater admissions, including both the professional and nonprofessional theater throughout the country. The association was organized more than 20 years ago for the general welfare and preservation of the American living theater.

As you know, the legitimate theater—the American living theater—includes all presentations of both plays and musicals where live performers, whose roles develop the theme of the play or musical, are actually present and acting before an assembled audience. This term is also used broadly to include all groups and individuals, both professional and nonprofessional that present such plays, and all theaters used principally for the staging of such attractions.

As defined, the living theater is thus not confined to Broadway in New York, but includes many thousands of amateur and professional groups located in each of the 48 States, the District of Columbia, and the Territories. As such, it involves many thousands of people who earn their living in the theater and it provides entertainment to many millions who, as audiences, enjoy the living theater.

The living theater has always played a basic cultural and entertainment role in the United States. From the opening of the first theaters in Philadelphia and Williamsburg, more than 200 years ago until the present time, the theater has been the outstanding medium of culture and entertainment. It has served both as a training ground and as a final goal for artistic talent in all major entertainment media. Community groups and stock companies have provided invaluable experience from which the most talented may graduate into all other fields of entertainment.

This tax is a war tax. It was first imposed at the rate of one-tenth of admissions prices in World War I. Congress promised its removal after the war but it was not removed. It continued without abatement until World War II when, in 1944, it was doubled to one-fifth of the admissions prices. Again a promise of removal and yet the tax continues—it would seem forever.

Effective November 1, 1951, the Morano bill granted discriminatory exemption from the excise tax for certain nonprofessional, educational, and charitable entertainments, including the operas, symphonies, and certain other functions. That is the only inroad to date on the admissions taxes.

In effect, this war tax means that every fifth seat throughout the house is roped off for the Federal Government. The American living theater cannot afford this war tax.

As an outsider, I consider it to some extent presumptuous to talk to you about the economic conditions in your industry—the American living theater. Until I became engrossed in this present program, like all outsiders I had no idea of the economic distress in which your industry finds itself. Just as in any industry the views of an outsider, however, are sometimes most helpful and this is particularly true in the case of the legitimate theater industry since Members of Congress—in whose hands possible relief lies—are outsiders. They see the hits—the great money-making shows like South Pacific and Oklahoma. They buy tickets at premium prices for these hits, and for that reason think all is well and much money is being made in the theater. Figures which the outsider does not and which most Members of Congress do not know point dramatically to a sorry showing.

Only 63 professional plays and musicals were presented on Broadway in New York City last season, compared with an average of 108 productions in each of the past 22 years. This represented a decline of 68 percent from the 195 plays produced even during the depth of the depression in 1931–32.

One authority states that costs of production have quadrupled in the last 12 years while in New York City admissions prices have been raised 28 percent for drama—37 percent for musicals. One of the odd results of this situation is a recent musical play that played over 90 weeks both in New York