Service plane in the mid-Atlantic in January.

Finally, there are the Treasury's newest duties, those given the Secretary last year for administering the Federal Facilities Corporation, the liquidation of the RFC, and various defense lending programs.

The Federal Facilities Corporation has been conducting the Government's program for the production and sale of synthetic rubber and refined tin. It is currently expected that the synthetic-rubber-producing facilities will soon be sold to private interests, and that production of tin will be discontinued at the close of the current fiscal year.

The liquidation of the RFC is being carried out as expeditiously as possible under the general policy of securing the highest possible return on the funds invested in RFC assets without creating undue hardships for those indebted to the Corporation.

The programs for defense production and civil-defense lending are being carried on at the minimum levels required under present international and military conditions. Loans previously made under these programs are being placed in the hands of private financial institutions as rapidly as possible.

These many bureaus, divisions, offices, and services add up to the Treasury Department, an efficient organization carrying out functions vital to the operations of our Government. The Treasury has for many years been a well-run Department staffed with many able career people. It was not overstaffed so much under the past administration as some other departments, and the opportunity for savings was not so great. Nevertheless, in the last 2 years we have been able to make significant improvements in the management of this Department. While the total civilian employment of the Treasury is down from almost 88,000 to about 79,000—a drop of 9,000 or 10 percent—the enforcement activities have been strengthened by emphasizing more productive work, improving methods, and cutting out waste wherever we can find it.

In connection with specific activities, I have given some illustrations of savings from management improvements. The aggregate savings for the whole Department were over $12 million in fiscal 1953, and well over $20 million in fiscal 1954. The 1952 figure was $4 million and the highest previous year for which we have figures was $8 million in 1951.

In closing, I would like to say that I am proud to be a member of the Eisenhower administration and the Treasury team. I also want to stress the loyalty, hard work, and devoted service of the Department's employees. We are all striving to give the American people a fair, honest, and efficient Government, in which they will have confidence. Such confidence is basic to our policies of providing stability in the value of the dollar and a solid basis for economic growth.

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# SENATE

## WEDNESDAY, MARCH 16, 1955

*(Legislative day of Thursday, March 10, 1955)*

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

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

Lord of all being, whose glory flames from sun and star and on the awakening earth: With a freshened earth washed by Thy gentle rain, we bring to Thee our parched souls that they may be restored by Thy plenteous mercy which follows us all the days of our life.

Because there is no solution of the world's ills save as it springs from the cleansed hearts of men, out of which are the issues of life, we pray for ourselves. Purify our desires and motives by Thy grace. Feed our minds with Thy truth. Fortify our spirits by Thy might. Guide our feet into Thy paths of truth and justice and righteousness. We ask it in the dear Redeemer's name. Amen.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 15, 1955, 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. Chaffee, its reading clerk, announced that the House had passed, without amendment, the bill (S. 942) to repeal Public Law 820, 80th Congress (62 Stat. 1098), entitled "An act to provide a revolving fund for the purchase of agricultural commodities and raw materials to be processed in occupied areas and sold."

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

H. R. 100. An act to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes;

H. R. 103. An act to provide for the construction of distribution systems on authorized Federal reclamation projects by irrigation districts and other public agencies;

H. R. 473. An act to authorize an investigation and report on the advisability of a national monument in Brooklyn, N. Y.;

H. R. 607. An act to provide that lands reserved to the Territory of Alaska for educational purposes may be leased for periods not in excess of 55 years;

H. R. 780. An act to prescribe a method by which the Houses of Congress and their committees may invoke the aid of the courts in compelling the testimony of witnesses;

H. R. 869. An act for the relief of David Del Guidice;

H. R. 881. An act for the relief of Gabriella Sardo;

H. R. 903. An act for the relief of Harold C. Nelson and Dewey L. Young;

H. R. 906. An act for the relief of William Martin, of Tok Junction, Alaska;

H. R. 989. An act for the relief of Dr. Louis J. Sebille;

H. R. 996. An act for the relief of Robert Francis Symons;

H. R. 1003. An act for the relief of Mrs. Lorenza O'Malley (de Amusategui), Jose Maria de Amusategui O'Malley, and the legal guardian of Ramon de Amusategui O'Malley;

H. R. 1016. An act for the relief of Mrs. Ida Bifolchini Boschetti;

H. R. 1020. An act for the relief of Boris Ivanovitch Oblesow;

H. R. 1048. An act for the relief of Christine Susan Caiado;

H. R. 1072. An act for the relief of Clyde M. Litton;

H. R. 1082. An act for the relief of Golda I. Stegner;

H. R. 1099. An act for the relief of Theodore J. Hartung and Mrs. Elizabeth Hartung;

H. R. 1101. An act for the relief of Mrs. Jennie Maurello;

H. R. 1116. An act for the relief of Paul Bernstein;

H. R. 1130. An act for the relief of Mrs. Anita Scavone;

H. R. 1134. An act for the relief of Sullivan Construction Co.;

H. R. 1142. An act for the relief of Capt. Moses M. Rudy;

H. R. 1171. An act for the relief of Georg Gahn and Margarete Gahn;

H. R. 1177. An act for the relief of Zbigniew Wolynski;

H. R. 1189. An act for the relief of William H. Barney;

H. R. 1192. An act for the relief of Angelita Haberer;

H. R. 1328. An act for the relief of Nicholas John Manticas, Anne Francis Manticas, Yvonne Manticas, Mary Manticas, and John Manticas;

H. R. 1401. An act for the relief of Ewing Choat;

H. R. 1404. An act for the relief of Bernhard F. Elmers;

H. R. 1409. An act for the relief of H. W. Robinson & Co.;

H. R. 1416. An act for the relief of J. B. Phipps;

H. R. 1420. An act for the relief of Mr. and Mrs. Herman E. Mosley, as natural parents of Herman E. Mosley, Jr.;

H. R. 1426. An act for the relief of George S. Ridner;

H. R. 1440. An act for the relief of Ciro Picardi;

H. R. 1496. An act for the relief of Stylianos Haralambidis;

H. R. 1511. An act for the relief of Robert George Bulldeath and Lenora Patricia Bulldeath;

H. R. 1638. An act for the relief of Janis Arvids Reinfelds;

H. R. 1640. An act for the relief of Constantine Nitsas;

H. R. 1645. An act for the relief of Regina Berg Vomberg and her children, Wilma and Helga Vomberg;

H. R. 1664. An act for the relief of Charles Chan;

H. R. 1665. An act for the relief of David Manuel Porter;

H. R. 1671. An act for the relief of Clement E. Sprouse;

H. R. 1692. An act for the relief of Frederick F. Gaskin;

H. R. 1719. An act for the relief of William V. Dobbins;

H. R. 1745. An act for the relief of Paul E. Milward;

H. R. 1801. An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes;

H. R. 1866. An act for the relief of Mr. and Mrs. Thomas V. Compton;

H. R. 1885. An act for the relief of Orlando Lucarini;

H. R. 1886. An act for the relief of Vito Magistrade;

H. R. 1906. An act for the relief of Fay Jeanette Lee;

H. R. 1913. An act for the relief of Mrs. Anna Elizabeth Doherty;

H. R. 1921. An act for the relief of Alexandria S. Balasko;

H. R. 1933. An act for the relief of the Dason Equipment Corp.;

H. R. 1941. An act for the relief of the estate of Mateo Ortiz Vazquez, deceased;

H. R. 1943. An act for the relief of John G. Zeros;

H. R. 1953. An act for the relief of Virginia Hell;

H. R. 1957. An act for the relief of Namiko Nitoh and her child, George F. X. Nitoh;

H. R. 1965. An act for the relief of Robert Finley Delaney;

H. R. 1971. An act for the relief of Leila Park;

H. R. 1989. An act for the relief of George D. Hopper;

H. R. 1995. An act for the relief of Mrs. John William Brennan;

H. R. 2057. An act for the relief of Edwin K. Stanton;

H. R. 2121. An act to provide for the relief of certain members of the Armed Forces who were required to pay certain transportation charges covering shipment of their household goods and personal effects upon return from overseas, and for other purposes;

H. R. 2236. An act for the relief of Mary Rose and Mrs. Alice Rose Spittler;

H. R. 2279. An act for the relief of Sister Mary Berarda;

H. R. 2284. An act for the relief of Maj. Robert D. Lauer;

H. R. 2289. An act for the relief of Mrs. Marjorie Fligor (nee Sproul);

H. R. 2316. An act for the relief of Charlie Sylvester Correll;

H. R. 2348. An act for the relief of Theodora Sammartino;

H. R. 2354. An act for the relief of Basil Theodossiou;

H. R. 2366. An act for the relief of Guy H. Davant;

H. R. 2456. An act for the relief of Mrs. Diana P. Kittrell;

H. R. 2486. A act for the relief of Gronislav Vydaevich and Leonid Zankowsky;

H. R. 2529. An act for the relief of Albert Vincent, Sr.;

H. R. 2707. An act for the relief of Terry L. Hatchett;

H. R. 2709. An act for the relief of the estate of Rene Weil;

H. R. 2736. An act for the relief of Roy M. Butcher;

H. R. 2760. An act for the relief of the estate of William B. Rice;

H. R. 2907. An act for the relief of Thomas F. Harney, Jr., doing business as the Harney Engineering Co.;

H. R. 2936. An act for the relief of Clifford Oesterlei;

H. R. 2941. An act for the relief of Mrs. Elfriede Majka Grifasi;

H. R. 3031. An act for the relief of Paul Nelson;

H. R. 3045. An act for the relief of George L. F. Allen;

H. R. 3054. An act for the relief of Allen Pope, his heirs or personal representatives;

H. R. 3178. An act for the relief of Dr. Reuben Rapaport;

H. R. 3271. An act for the relief of John Lloyd Smelcer;

H. R. 3281. An act for the relief of Herbert Roscoe Martin;

H. R. 3361. An act for the relief of Joe Kawakami;

H. R. 3362. An act for the relief of G. F. Allen, deceased, former chief disbursing officer, Treasury Department, and for other purposes;

H. R. 3363. An act for the relief of Rodolfo C. Delgado, Jesus M. Lagua, and Vicente D. Reynante;

H. R. 3364. An act for the relief of Ernest W. Berry, Alaska Native Service schoolteacher;

H. R. 3365. An act for the relief of Robert Burns DeWitt;

H. R. 3366. An act for the relief of Mary J. McDougall;

H. R. 3367. An act for the relief of Col. Walter E. Ahearn and others;

H. R. 3506. An act for the relief of Lillian Schlossberg;

H. R. 3512. An act for the relief of Gunther H. Hahn;

H. R. 3638. An act for the relief of Joseph H. Washburn;

H. R. 3639. An act for the relief of Ralph Bennett and certain other employees of the Bureau of Indian Affairs;

H. R. 3957. An act for the relief of Pauline H. Corbett;

H. R. 4044. An act for the relief of Burgal Lyden and others;

H. R. 4046. An act to abolish the Old Kasaan National Monument, Alaska, and for other purposes;

H. R. 4191. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon certain claims of Roderick D. Strawn;

H. R. 4288. An act for the relief of the law firm of Harrington & Graham;

H. R. 4320. An act for the relief of Guerdon Plumley;

H. R. 4367. An act to provide for the distribution of funds belonging to the members of the Creek Nation of Indians, and for other purposes;

H. R. 4876. An act making appropriations for the Treasury and Post Office Departments, and the Tax Court of the United States, for the fiscal year ending June 30, 1956, and for other purposes;

H. J. Res. 107. Joint resolution to permit the United States of America to release reversionary rights in a thirty-six and seven hundred and fifty-nine one-thousandths acres tract to the Vineland School District of the county of Kern, State of California; and

H. J. Res. 211. Joint resolution to confer jurisdiction on the Attorney General to determine the eligibility of certain aliens to benefit under section 6 of the Refugee Relief Act of 1953, as amended.

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## HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated:

H. R. 100. An act to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development, and for other purposes;

H. R. 103. An act to provide for the construction of distribution systems on authorized Federal reclamation projects by irrigation districts and other public agencies;

H. R. 473. An act to authorize an investigation and report on the advisability of a national monument in Brooklyn, N. Y.;

H. R. 607. An act to provide that lands reserved to the Territory of Alaska for educational purposes may be leased for periods not in excess of 55 years;

H. R. 1801. An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes;

H. R. 4046. An act to abolish the Old Kasaan National Monument, Alaska, and for other purposes; and

H. R. 4367. An act to provide for the distribution of funds belonging to the members of the Creek Nation of Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

H. R. 780. An act to prescribe a method by which the Houses of Congress and their committees may invoke the aid of the courts in compelling the testimony of witnesses;

H. R. 869. An act for the relief of David Del Guidice;

H. R. 881. An act for the relief of Gabriella Sardo;

H. R. 903. An act for the relief of Harold C. Nelson and Dewey L. Young;

H. R. 906. An act for the relief of William Martin, of Tok Junction, Alaska;

H. R. 989. An act for the relief of Dr. Louis J. Sebille;

H. R. 996. An act for the relief of Robert Francis Symons;

H. R. 1003. An act for the relief of Mrs. Lorenza O'Malley (de Amusategui), Jose Maria de Amusategui O'Malley, and the legal guardian of Ramon de Amusategui O'Malley;

H. R. 1016. An act for the relief of Mrs. Ida Bifolchini Boschetti;

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H. R. 2760. An act for the relief of the estate of William B. Rice;

H. R. 2907. An act for the relief of Thomas F. Harney, Jr., doing business as the Harney Engineering Co.;

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H. R. 2941. An act for the relief of Mrs. Elfriede Majka Grifasi;

H. R. 3031. An act for the relief of Paul Nelson;

H. R. 3045. An act for the relief of George L. F. Allen;

H. R. 3054. An act for the relief of Allen Pope, his heirs or personal representatives;

H. R. 3178. An act for the relief of Dr. Reuben Rapaport;

H. R. 3271. An act for the relief of John Lloyd Smelcer;

H. R. 3281. An act for the relief of Herbert Roscoe Martin;

H. R. 3361. An act for the relief of Joe Kawakami;

H. R. 3362. An act for the relief of G. F. Allen, deceased, former chief disbursing officer, Treasury Department, and for other purposes;

H. R. 3363. An act for the relief of Rodolfo C. Delgado, Jesus M. Lagua, and Vicente D. Reynante;

H. R. 3364. An act for the relief of Ernest W. Berry, Alaska Native Service schoolteacher;

H. R. 3365. An act for the relief of Robert Burns DeWitt;

H. R. 3366. An act for the relief of Mary J. McDougall;

H. R. 3367. An act for the relief of Col. Walter E. Ahearn and others;

H. R. 3506. An act for the relief of Lillian Schlossberg;

H. R. 3512. An act for the relief of Gunther H. Hahn;

H. R. 3638. An act for the relief of Joseph H. Washburn;

H. R. 3639. An act for the relief of Ralph Bennett and certain other employees of the Bureau of Indian Affairs;

H. R. 3957. An act for the relief of Pauline H. Corbett;

H. R. 4044. An act for the relief of Burgal Lyden and others;

H. R. 4191. An act conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon certain claims of Roderick D. Strawn;

H. R. 4288. An act for the relief of the law firm of Harrington & Graham;

H. R. 4320. An act for the relief of Guerdon Plumley; and

H. J. Res. 211. Joint resolution to confer jurisdiction on the Attorney General to determine the eligibility of certain aliens to benefit under section 6 of the Refugee Relief Act of 1953, as amended; to the Committee on the Judiciary.

H. R. 1995. An act for the relief of Mrs. John William Brennan; to the Committee on Finance.

H. R. 4876. An act making appropriations for the Treasury and Post Office Departments and the Tax Court of the United States, for the fiscal year ending June 30, 1956, and for other purposes; to the Committee on Appropriations.

H. J. Res. 107. Joint resolution to permit the United States of America to release reversionary rights in a thirty-six and seven hundred and fifty-nine one-thousandths acre tract to the Vineland School District of the county of Kern, State of California; to the Committee on Agriculture and Forestry.

## LEAVES OF ABSENCE

Mr. SMITH of New Jersey. Mr. President, on Thursday and Friday of this week the Subcommittee on the United Nations Charter of the Senate Committee on Foreign Relations will conduct hearings in Atlanta, Ga., and Miami, Fla. Members of the subcommittee who will attend these hearings are the senior Senator from Florida [Mr. HOLLAND], the junior Senator from Alabama [Mr. SPARKMAN], and myself.

I ask unanimous consent that permission be granted members of the subcommittee to be absent from the Senate on Thursday and Friday of this week.

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

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may have leave of the Senate to be absent from my duties as a Senator until after the session of next Tuesday, in order that I may attend hearings of Senate committees in Georgia, on tomorrow, and in my State of Florida on Friday and on Monday.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. THURMOND. Mr. President, I ask leave of the Senate to be absent from the Senate on Friday of this week, in order that I may attend certain Army demonstrations at the Aberdeen Proving Ground, at Aberdeen, Md.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. CAPEHART. Mr. President, I have been invited, along with the able Senator from South Carolina [Mr. THURMOND] and other Senators, to go to Aberdeen, Md., on Friday to view the new armed vehicles and other equipment. I ask unanimous consent to be absent from the Senate on Friday for that purpose.

The PRESIDENT pro tempore. Without objection, leave is granted.

On his own request, and by unanimous consent, Mr. MAGNUSON was excused from attendance on the session of the Senate on Friday next in order to address a maritime gathering in Seattle, Wash.

## COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Reclamation Subcommittee of the Committee on Interior and Insular Affairs was authorized to meet today during the session of the Senate.

## ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. 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 PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON COOPERATION WITH MEXICO IN CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE

A letter from the Under Secretary of Agriculture, transmitting, pursuant to law, a confidential report on cooperation of the United States with Mexico in the control and eradication of foot-and-mouth disease, for the month of January 1955 (with an accompanying report); to the Committee on Agriculture and Forestry.

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 to the Department of Labor for "Unemployment compensation for Federal employees," for the fiscal year 1955, had been apportioned on a basis which indicates a necessity for a supplemental estimate of appropriation (with an accompanying paper); to the Committee on Appropriations.

REPORT OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM

A letter from the Chairman, Board of Governors of the Federal Reserve System, Washington, D. C., transmitting, pursuant

to law, the annual report of that Board, for the year 1954 (with an accompanying report); to the Committee on Banking and Currency.

AUDIT REPORT ON FEDERAL NATIONAL MORTGAGE ASSOCIATION

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Federal National Mortgage Association, for the fiscal year ended June 30, 1954 (with an accompanying report); to the Committee on Government Operations.

PROTECTION OF CERTAIN OFFICERS AND EMPLOYEES OF THE GOVERNMENT

A letter from the Director, Administrative Office of the United States Courts, Washington, D. C., transmitting a draft of proposed legislation to amend section 1114 of title 18 of the United States Code, as amended, in reference to the protection of officers and employees of the United States by including probation officers of United States district courts (with an accompanying paper); to the Committee on the Judiciary.

## PETITIONS

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

By the PRESIDENT pro tempore:

A letter, in the nature of a petition, from the United States Flag Committee, Jackson Heights, Long Island, N. Y., signed by H. Joseph Mahoney, legislative secretary, praying for the enactment of Senate Joint Resolution 1, relating to the treatymaking power; to the Committee on the Judiciary.

By Mr. LANGER (for himself and Mr. YOUNG):

Two concurrent resolutions of the Legislature of the State of North Dakota; to the Committee on Interior and Insular Affairs:

"House Concurrent Resolution H–2

"Concurrent resolution urging Congress and the Bureau of Indian Affairs to establish tribal courts or courts of Indian offenses for the Fort Totten Indian Reservation

"Whereas the Federal Government has withdrawn from law-enforcement activities upon the Fort Totten Indian Reservation; and

"Whereas the Supreme Court of the State of North Dakota has ruled that this State has no jurisdiction over such Indian lands; and

"Whereas there is presently no provision for any law enforcement whatsoever upon the Fort Totten Indian Reservation except for the 10 major crimes: Now, therefore, be it

*"Resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein)*, That the legislative assembly hereby urges and requests the Congress and the Bureau of Indian Affairs to provide for the establishment of tribal courts or courts of Indian offenses at Fort Totten Indian Reservation in order to maintain law and order on such Indian lands; and be it further

*"Resolved,* That copies of this resolution be forwarded by the chief clerk of the house of representatives to the President of the United States, the Bureau of Indian Affairs, and to each member of the North Dakota congressional delegation."

"House Concurrent Resolution Q–1

"Concurrent resolution relating to law enforcement problems upon Indian reservations

"Whereas Public Law 280 has authorized the various States of the Union, including North Dakota, to assume criminal and civil jurisdiction in Indian country within their boundaries by appropriate resolutions or constitutional amendments; and

"Whereas no provision is now made whereby the Federal Government will reimburse States and local political subdivisions for the necessary expenditures upon the assumption of such jurisdiction over territory under the absolute control of the Congress of the United States; and

"Whereas the State of North Dakota is desirous of seeing that Indian people within its boundaries receive the same impartial protection of effective law enforcement as is enjoyed by non-Indian residents; and

"Whereas a recent investigation by the Senate Subcommittee on Juvenile Delinquency has disclosed and made public the deplorable lack of effective law enforcement in said Indian country as the same affects juveniles and adults, residents of said Indian country; and

"Whereas the solution of said problem and the improvement of the condition of said residents of said Indian country requires that adequate provisions be made for the reimbursement of State and political subdivisions before the assumption of said jurisdiction: Now, therefore, be it

*"Resolved by the House of Representatives of the State of North Dakota, (the Senate concurring therein)* That the North Dakota delegation in Congress, working with the delegations of other States having Indian populations, is hereby urged and requested to provide a means whereby it will be feasible for the State of North Dakota to offer its facilities for the correction of the presently existing deplorable conditions. That the legislative research committee is hereby authorized and directed to study such matters and to appoint a subcommittee to give detailed consideration to the financial aspects of such readjustment of historic responsibility and such subcommittee is hereby authorized to confer with the executive and legislative branches of the Federal Government in arriving at an equitable solution to such problems, and the legislative research committee is further directed, upon the completion of such study and said conferences, to publish its findings and recommendations, and to make its report to the Thirty-Fifth Legislative Assembly in such form as it may deem expedient; be it further

*"Resolved,* That copies of this resolution be forwarded to each member of the North Dakota Congressional delegation, to the Secretary of the Interior, and to all other persons interested in said matter.

"K. A. FITCH,
*"Speaker of the House.*
"KENNETH L. MORGAN,
*"Chief Clerk of the House.*
"C. P. DAHL,
*"President of the Senate.*
"EDWARD LENO,
*"Secretary of the Senate."*

## WITHDRAWAL OF RESTRICTIONS ON COMPLETION OF GARRISON DAM AND RESERVOIR—RESOLUTION

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the County Commissioners of Clay County, the Public Service Department of the City of Moorhead, and the board of directors of the Moorhead Chamber of Commerce requesting the Congress of the United States to withdraw all restrictions on the completion of the Garrison Dam and Reservoir project to operate at the maximum operating pool level of 1,850 feet. The resolution also requests the appropriation of sufficient funds to enable the Corps of Engineers to proceed with the project at an efficient rate in procurement of real estate, planning, and construction of the project so that all potential benefits can be realized. I request that this petition be appropriately referred.

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

Whereas the Congress of the United States, in the Flood Control Act of 1944, authorized the construction of the Garrison Dam in North Dakota to provide urgently needed flood protection, for diversion to the James, Sheyenne, and Souris Rivers for the irrigation of over 1,000,000 acres of land in North and South Dakota, for production of hydroelectric power for rural electrification, municipal and industrial use, for municipal and industrial water supplies, stabilization of streamflows for stream-pollution abatement, and improved downstream navigation, for restoration of lakes, and for recreation and fish and wildlife conservation and propagation and other multiple benefits; and

Whereas through the coordinated efforts of the Corps of Engineers, the United States Bureau of Reclamation, the North Dakota State Water Conservation Commission and the Missouri Basin Interagency Committee it has been determined that a maximum operating pool level for the Garrison Reservoir of 1,850 feet (above mean sea level) is the most economical and will insure a realization of the maximum potential benefits by meeting all requirements of water users and, as a result of this determination, the Corps of Engineers have proceeded to plan, design, and construct the facilities for the project for operation at this pool level; and

Whereas adequate measures have been incorporated in the Garrison Dam and Reservoir project plan and designs for the protection of the city of Williston, the Lewis and Clark, and Buford-Trenton irrigation projects from any adverse effects caused by reservoir operation at the maximum pool level of 1,850 feet so that there will not be any interference with the normal use of these areas; and

Whereas, the operating pool level of 1,850 feet (above mean sea level) of the Garrison Dam project will insure the maximum production of hydroelectric power for rural electrification, irrigation, municipal, and industrial use; that, according to studies by the Federal Power Commission, the Missouri Basin Interagency Committee and others, will be needed by these users as soon as it is available; and

Whereas the additional power revenues that would be earned by the power facilities at Garrison Dam when the reservoir for that project is operated at a maximum normal operating pool level of 1,850 feet as compared to a lower level are needed to permit the maximum development of irrigation as authorized by the Congress of the United States; and

Whereas the construction of main stem dams on the Missouri River will permit the construction and enhance the feasibility of small irrigation projects below and adjacent to these reservoirs because of the elimination of bank erosion, reduced power costs, and flood protection afforded to the lands involved; and

Whereas the diversion of water from the Missouri River into central and eastern North Dakota for irrigation, municipal water supplies, restoration of lakes, stream-pollution abatement, and other purposes has been advocated by many people in North Dakota for the past 70 years and a plan under investigation by the United States Bureau of Reclamation to accomplish this diversion by utilizing the waters stored in the Garrison Reservoir has been determined feasible and can be most efficiently accomplished if the

Garrison Reservoir is operated at the 1,850-foot pool level; and

Whereas any reduction of the operating pool level of Garrison Reservoir will be a waste of its capacity to store reserve water for irrigation, municipal water supply, hydroelectric power production, and other uses during periods of drought; and

Whereas the Garrison Dam and Reservoir project is now over 80-percent complete and to curtail progress so as to prevent or delay its full utilization by restricting the operation of the reservoir at an elevation below 1,850 feet for flood protection, irrigation, hydroelectric power production and other multiple uses would result in major losses of potential benefits to this locality, the people of North Dakota and the entire Missouri Basin, and would not be consistant with good conservation practices; and

Whereas a definite need exists for the complete utilization of water from the Garrison Reservoir in central and eastern North Dakota as provided by the Garrison Diversion plan to provide for the continued prosperity and economic expansion of North Dakota through the irrigation of large areas which can be accomplished most efficiently and economically if the Garrison Reservoir is operated at a maximum normal pool elevation of 1,850 feet (above mean sea level):

Whereas the city of Moorhead, Minn., has been assured of a firm power commitment from electricity generated at the Garrison Dam and that negotiations are now under way for the construction of a transmission line to transport this electrical energy to Moorhead and that there would be a definite possibility that any reduction in the pool level below the 1,850-foot level now authorized would seriously affect the amount of electrical energy that would be made available to this area and that the diversion of water to the central and eastern portions of North Dakota will have a definite bearing upon the future economy of this community; Now, therefore, be it

*Resolved by the Chamber of Commerce, Moorhead, Minn.*, That the senators and congressmen of the State of Minnesota do hereby petition and request the Congress of the United States to withdraw all restrictions on the completion of the Garrison Dam and Reservoir project to operate at the maximum operating pool level of 1,850 feet (above mean sea level), and to appropriate sufficient funds to enable the Corps of Engineers to proceed with the project at an efficient rate in procurement of real estate, planning, and construction of the project so that all potential benefits can be realized; and be it further

*Resolved*, That copies of this resolution be mailed to: Edward J. Thye, Senator from the State of Minnesota; Hubert H. Humphrey, Senator from the State of Minnesota; Mrs. Coya Knutson, Congresswoman, Ninth District, State of Minnesota, and Orville L. Freeman, Governor of the State of Minnesota.

## CRUSADE FOR WORLD ORDER—CONCLUSIONS OF COUNCIL OF BISHOPS OF METHODIST CHURCH

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the conclusions from various discussions in the Crusade for World Order, led by the council of bishops of the Methodist Church, and intended to promote world peace, be printed in the RECORD and appropriately referred.

The PRESIDENT pro tempore. The conclusions will be received and appropriately referred; and, without objection, will be printed in the RECORD.

The conclusions presented by Mr. HUMPHREY were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

STILLWATER, MINN., *March 11, 1955.*

Recently our church took part in the Crusade for World Order, led by the council of bishops of the Methodist Church, and intended to promote world peace.

From the discussions on various subjects such as the United Nations and the "armament problem," the group reached some definite conclusions which it wishes to submit for your consideration:

I. We believe that greater publicity abroad about our efforts to promote peace would help the world situation. Authentic reports, published periodically, summarizing not only Government expenditures, but also the giving of the American people, through CARE, CROP, and many other agencies, could counteract our frequent reports about arms expenditures, the cost of atomic warfare, and the like.

II. We respectfully suggest that our Government increase expenditures for exchange scholarships, informative programs ("Voice of America"), and all cultural media which would promote mutual understanding among all people.

III. We suggest the need for better domestic news coverage on peace-promoting activities, such as the work done by various United Nations organizations. The television networks have a grave responsibility—and a great opportunity. Because of the greater cost of dramatic productions (as compared to factual presentations), this cost might, perhaps, be shared by the Government.

Very truly yours,

N. M. BASHARA,
*Chairman.*

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CLEMENTS, from the Committee on Agriculture and Forestry, without amendment:

S. 1325. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 107);

S. 1436. A bill to preserve the tobacco acreage history of farms which voluntarily withdraw from the production of tobacco, and to provide that the benefits of future increases in tobacco acreage allotments shall first be extended to farms on which there have been decreases in such allotments (Rept. No. 109); and

S. 1457. A bill to redetermine the national marketing quota for burley tobacco for the 1955–56 marketing year, and for other purposes (Rept. No. 111).

By Mr. CLEMENTS, from the Committee on Agriculture and Forestry, with an amendment:

S. 1326. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 108; and

S. 1327. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 110).

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

S. 599. A bill to prohibit the transportation of obscene matters in interstate or foreign commerce (Rept. No. 112); and

S. 600. A bill to amend title 18 of the United States Code, relating to the mailing of obscene matter (Rept. No. 113).

## BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. MONRONEY (for himself and Mr. KERR):

S. 1458. A bill to provide for the distribution of funds belonging to the members of the Creek Nation of Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1459. A bill to provide assistance to the States in the construction, modernization, additions and/or improvement of domiciliary or hospital buildings of State or Territorial operated soldiers' homes by a grant to subsidize in part the capital outlay cost; to the Committee on Labor and Public Welfare.

By Mr. WELKER:

S. 1460. A bill for the relief of Guilermo Asla Pinuaga, Jose Espinosa Gomez, and Eusebio Asla Pinuaga; to the Committee on the Judiciary.

By Mr. SCHOEPPEL:

S. 1461. A bill for the relief of Chester J. Hartman; to the Committee on Finance.

By Mr. SCHOEPPEL (for himself, Mr. PAYNE, and Mr. BIBLE):

S. 1462. A bill to amend subsection 406 (b) of the Civil Aeronautics Act of 1938, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY (by request):

S. 1463. A bill to provide for the management and disposition of certain public domain lands in the State of Oklahoma; and

S. 1464. A bill to authorize the Secretary of the Interior to acquire certain rights of way and timber access roads; to the Committee on Interior and Insular Affairs.

By Mr. DIRKSEN (by request):

S. 1465. A bill for the relief of Audrey Jean Younkers; to the Committee on the Judiciary.

By Mr. MANSFIELD:

S. 1466. A bill to increase the monthly rates of basic pay for certain members of the uniformed services by 25 percent; to the Committee on Armed Services.

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

By Mr. YOUNG:

S. 1467. A bill to amend the Universal Military Training and Service Act to provide for the deferment and exemption of certain persons employed as veterinarians by the Department of Agriculture; to the Committee on Armed Services.

By Mr. YOUNG (for himself and Mr. WILEY):

S. 1468. A bill to provide for payment to farmers of the amount of tax paid on gasoline used by them in farming; to the Committee on Finance.

By Mr. BUSH:

S. 1469. A bill to declare the portion of the waterway at Bridgeport, Conn., known as the west branch of Cedar Creek, northerly of a line running north seventy-eight degrees, fifty-six minutes, and one second east from a point whose coordinates in the Connecticut Geodetic System are south nine hundred thirty-seven and twenty-three one hundredths and west one thousand one hundred eight and forty one hundredths, a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

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

By Mr. BUSH (for himself and Mr. PURTELL):

S. 1470. A bill to provide for the appointment of a district judge for the district of Connecticut; to the Committee on the Judiciary.

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

By Mr. GREEN (for himself, Mr. PASTORE, and Mr. CHAVEZ):

S. 1471. A bill to provide that the Judges of the Court of Military Appeals shall hold office during good behavior, and for other purposes; to the Committee on Armed Services.

By Mr. DWORSHAK:

S. 1472. A bill to enable the Secretary of Agriculture to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen; to the Committee on Agriculture and Forestry.

By Mr. THYE:

S. 1473. A bill for the relief of Rok W. Shin; and

S. 1474. A bill for the relief of Valdis Mikelsons; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 1475. A bill to authorize the issuance of a special stamp commemorative of the 125th anniversary of the establishment of savings and loan associations in America; to the Committee on Post Office and Civil Service.

By Mr. DOUGLAS:

S. 1476. A bill for the relief of Daniel Castro Quilantan and his wife, Graciela de Jesus Garza Quilantan; and

S. 1477. A bill for the relief of Clorinda Perri Sturino; to the Committee on the Judiciary.

By Mr. PASTORE:

S. 1478. A bill to provide for refund or credit of internal revenue taxes and customs duties paid on distilled spirits and wines lost, rendered unmarketable, or condemned by health authorities as a result of the hurricanes of 1954; to the Committee on the Judiciary.

By Mr. BEALL:

S. 1479. A bill for the relief of Marie Noelle; to the Committee on the Judiciary.

By Mr. KEFAUVER (for himself and Mr. WATKINS):

S. 1480. A bill to amend chapter 235 of title 18, United States Code, so as to provide for appellate review of sentences, on appeal by the defendant, in criminal cases; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 1481. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards of training and experience for operating personnel of railroads, and for other purposes; and

S. 1482. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards of safety for railroad tracks, bridges, and related facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

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

By Mr. SMITH of New Jersey:

S. J. Res. 56. Joint resolution for the establishment of a Commission on Nursing Services; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. SMITH of New Jersey when he introduced the above joint resolution, which appear under a separate heading.)

## DESIGNATION OF A CERTAIN WATERWAY AT BRIDGEPORT, CONN., AS A NONNAVIGABLE STREAM

Mr. BUSH. Mr. President, I introduce, for appropriate reference, a bill to declare a certain portion of the west branch of Cedar Creek at Bridgeport, Conn., a nonnavigable stream. This proposed legislation is needed in connection with the construction of the Greenwich-Killingly Expressway in the State of Connecticut. I ask unanimous consent that a letter from Hon. Newman E. Argraves, highway commissioner of the State of Connecticut, explaining the need for this proposed legislation, be printed at this point in the RECORD.

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

The bill (S. 1469) to declare the portion of the waterway at Bridgeport, Conn., known as the west branch of Cedar Creek, northerly of a line running north seventy-eight degrees, fifty-six minutes, and one second east from a point whose coordinates in the Connecticut Geodetic System are south nine hundred thirty-seven and twenty-three one hundredths and west one thousand one hundred eight and forty-one hundredths, a nonnavigable stream, introduced by Mr. BUSH, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. BUSH is as follows:

STATE OF CONNECTICUT,
STATE HIGHWAY DEPARTMENT,
*Hartford, Conn., March 8, 1955.*

Hon. PRESCOTT BUSH,
*United States Senator,*
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR BUSH: The layout of the Greenwich-Killingly Expressway through Bridgeport crosses over a portion of the dredged channel and established harbor lines of the west branch of Cedar Creek. Thus, in order to cross this area, it will be necessary to have a portion of the west branch of Cedar Creek declared a nonnavigable waterway. I respectfully request, therefore, that you introduce a bill into Congress to make this change effective.

I am attaching, hereto, a bill which has been prepared by this department which should adequately cover the situation, but, of course, it is subject to your review and such changes as you may feel are necessary. This matter has been discussed with both the Corps of Engineers, United States Army, and the city officials of Bridgeport and there is no reason to expect that there will be any opposition to this bill.

For your information, I am attaching a print showing the area affected by this bill. The highway department will acquire the riparian rights of all owners of uplands which border the area of waterway affected.

We are hopeful that favorable action by Congress will be forthcoming at an early date as this suggested bill is noncontroversial and requires no appropriation of Federal funds. If additional information is needed or you desire a representative of the highway department to advise you or appear in behalf of this bill, please let me know.

I want to thank you very much for the prompt attention you gave to this department's recent request for the introduction of a similar bill regarding the Greenwich Harbor.

Very truly yours,
NEWMAN E. ARGRAVES,
*State Highway Commissioner.*

## ADDITIONAL DISTRICT JUDGE FOR DISTRICT OF CONNECTICUT

Mr. BUSH. Mr. President, on behalf of myself, and my colleague, the junior Senator from Connecticut [Mr. PURTELL], I introduce for appropriate reference a bill to provide for the appointment of a district judge for the district of Connecticut. It is my understanding that a similar bill will be introduced in the other body by the Honorable ALBERT W. CRETELLA, Representative of Connecticut's Third District.

The introduction of this bill has been requested by the senior judge of the district of Connecticut, the Honorable J. Joseph Smith.

I ask unanimous consent that the bill, a statement prepared by me on the bill, a letter addressed to me by Judge Smith explaining the need for an additional judge, the enclosures mentioned in his letter, and a resolution adopted by the executive committee of the Bridgeport, Conn., Bar Association, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, together with the statement and other matters mentioned by the Senator from Connecticut, will be printed in the RECORD.

The bill (S. 1470) to provide for the appointment of a district judge for the district of Connecticut, introduced by Mr. BUSH (for himself and Mr. PURTELL), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.*, That the President shall appoint, by and with the advice and consent of the Senate, an additional district judge for the district of Connecticut. In order that the table contained in section 133 of title 28 of the United States Code will reflect the change made by this act in the number of judgeships for the district of Connecticut, such table is amended to read as follows with respect to such district:

| "Districts | *Judges* |
|---|---|
| * * * * * | |
| "Connecticut | 3" |

The statement, letter, enclosures, and resolution, presented by Mr. BUSH, are as follows:

STATEMENT BY SENATOR BUSH

I am introducing in the Senate today a bill calling for the appointment by the President, by and with the advice and consent of the Senate, of an additional Federal district judge for the district of Connecticut.

The creation of an additional Federal judgeship in Connecticut is regarded as being urgently needed by the present judges. In a letter to me dated March 9, 1955, the senior judge, the Honorable J. Joseph Smith, requested consideration of the proposed legislation by the Connecticut delegation, and furnished statistics showing a very sharp increase in the business of the court in recent years, with consequent delays in the administration of justice which adversely affect the public.

Included in the tables furnished by Judge Smith are figures demonstrating that the caseload per judgeship in Connecticut is greater than in a number of districts which now have three judges.

Judge Smith informs me that the Honorable Charles E. Clark, chief judge of the second circuit court of appeals, agrees that an additional judge for Connecticut is needed at the present time.

In the past, members of the Bridgeport (Conn.) Bar Association have requested the provision of court facilities in that city for the trial of Federal court and jury cases. While believing this may prove advisable

in the future, Judge Smith does not consider the need urgent at the present time. For that reason the proposed legislation does not provide for sessions of the Federal court at Bridgeport. It would be my expectation that members of the Connecticut bar would be able to present their views on this matter when hearings on the bill are held by the Senate and House Committees on the Judiciary. It is my hope that such hearings will be scheduled at an early date.

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UNITED STATES DISTRICT COURT,
DISTRICT OF CONNECTICUT,
*Hartford, March 9, 1955.*

Hon. PRESCOTT BUSH,
*United States Senator,*
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR BUSH: I write to ask your consideration and that of your colleagues from Connecticut of provision for an additional district judge to enable this court properly to take care of the present and future volume of litigation in the district of Connecticut. Connecticut constitutes one judicial district, holding court at Hartford and New Haven under 28 United States Code 86, with two district judges under 28 United States Code 133 (act of Mar. 3, 1927, ch. 300, 44 Stat. 1348).

The volume of business in the district has, of course, greatly increased since 1927, with a very sharp increase in the last 4½ years.

In the past, we were able to handle the normal business and occasionally to help out in other districts in the second circuit and on the court of appeals, although even then there were occasional years, as during the early part of the war, when it was necessary to hold court throughout the year without recess.

Any hope Judge Anderson and I had that the increase of business would prove temporary and that two judges would be able to handle it with occasional outside help upon leveling off at about last year's level has proved illusory. The increase has now made itself plainly felt in a lengthening of time necessary to reach a case for trial, as shown by the enclosures herewith.

I have written to Judge Clark, chief judge of the circuit, and sent to him some illustrative statistics, copies of which are enclosed, together with a copy of my letter to him.

The most significant figure in the caseload statistics is that of private civil cases, for studies by the administrative office of the courts have shown that a far greater proportion of the time of the judges is required by this type of case than by any other. The caseload statistics, themselves, are of course significant only as they demonstrate the reasons for delay in disposing of litigation.

Judge Clark agrees that an additional judge is needed at this time, and will present the situation to the circuit council and the judicial conference for their recommendations.

It might prove advisable in the future to request court quarters in Fairfield County, in view of the volume of litigation now originating there. This need I do not consider urgent at present, however, since the distance to New Haven is not great and since we have available in New Haven one jury courtroom and a bankruptcy courtroom which we now use for court trials when two judges are sitting at New Haven. This bankruptcy courtroom could be converted to a small jury courtroom.

Provision of another judge is the pressing need at present. I hope that you will agree and will sponsor or support legislation to that end.

With kindest regards,

sincerely,

J. JOSEPH SMITH,
*United States District Judge.*

FEBRUARY 28, 1955.

Hon. CHARLES E. CLARK,
*Chief Judge, United States Court of Appeals for the Second Circuit, New Haven, Conn.*

DEAR JUDGE CLARK: Since talking with you last week, I have gone over our calendar situation with Gil Earl and find that it has been worsening more rapidly than I had thought. I had been a little too optimistic in the fall in thinking that a leveling off at the present volume would enable us to reach a more current status and even continue occasionally to help out elsewhere, if occasionally we received a little outside help, as in the past.

However, the sharp rise in the last 4 years continuing in the first half of this fiscal year, with resultant lengthening of time in bringing cases to trial makes it apparent that two of us can no longer handle the volume of business even with occasional outside help. The increase in population in the district, the congestion in the State courts and the steady rise in motor vehicle negligence cases all contribute to the trend.

I enclose lists of the number of criminal, civil and bankruptcy cases commenced, terminated and pending by fiscal years since 1940, including the first half of 1955.

The criminal cases have picked up a little in the recent years, following the drop after the war, but not significantly in number.

However, at present two Smith act cases are included, which may be expected to take a great deal of trial time. It is possible that on reindictment they will be consolidated, which might help so far as trial time is concerned.

The bankruptcy cases, fortunately, seldom take much court time, since petitions for review of the decisions of our two referees are comparatively rare.

From 1940 to 1951 the number of civil cases filed, while showing some upward curve, remained within our ability to handle on a practically current basis, with once in a while a chance for one of us to help out for a short time in the southern district or in Vermont. Since 1951, however, the civil load, and particularly the private civil cases which are the most time consuming have had a very considerable increase, which continues. In January and February we continued to have more filed than disposed of, so that the backlog, particularly of private civil cases, continues to increase, now totaling over 800 for all civil cases.

As shown by the table on page 1, the apparent temporary reversal of the trend in filings from 1953 to 1954 was much more than accounted for by a drop in United States plaintiff cases, private civil cases continuing the upward trend.

The time from issue to trial, which stood at the rather good level of 4.7 months in 1951, has steadily increased since and is now at an undesirably high level. The estimated present time from claim for trial list to trial, based on an analysis of 150 sample cases, is 9.5 months. Since some time elapses on the average between issue and claim for trial, it is safe to assume that the time from issue to trial is now more than 9.5 months.

I enclose also tables prepared by the clerk, showing the comparative caseload per judgeship in the district courts by circuit by fiscal year in 1951, 1952, 1953, and 1954, the caseload per judgeship in district courts having 2 judgeships in the same years, and the caseload per judgeship in district courts having 3 judgeships in 1954.

It will be noted that for the year 1954 on the most significant caseload figure, private civil, of the thirty-three 2-judge districts, only 3, eastern Louisiana, eastern and western Texas, have higher caseloads than Connecticut, and of the eight 3-judge districts, only 2 have higher civil and private civil caseloads per judge.

Of course, the caseloads may vary in type, so that these statistics are valuable primarily in explaining the significant one of increased delay in reaching trial and in demonstrating that the condition may be expected to worsen, rather than improve.

I believe that the caseload per judge has reached the point where three judges are permanently necessary to handle the business of the district.

This is without regard to the additional, and we hope temporary, load imposed by the pending Smith Act case and a private civil antitrust damage action against the major automobile companies.

I request, therefore, that legislation be proposed for an additional district judge for the district of Connecticut at this time.

With kindest regards.

Sincerely,

J. JOSEPH SMITH,
*United States District Judge.*

*Civil cases filed by private parties, including those in which the United States is a defendant*

| | Fiscal year 1953 | Fiscal year 1954 | Fiscal year 1955 (July 1 to Dec. 31, 1954) |
|---|---|---|---|
| Fairfield | 123 | 135 | 72 |
| Hartford | 154 | 131 | 89 |
| Litchfield | 2 | 1 | 1 |
| New Haven | 91 | 154 | 74 |
| New London | 8 | 7 | 5 |
| Middlesex | 4 | 5 | 1 |
| Tolland | 5 | 2 | 0 |
| Windham | 3 | 2 | 1 |
| United States as plaintiff | 232 | 62 | 54 |
| Total | 622 | 499 | 297 |

*Time intervals from issue to trial of civil cases in which a trial was held*

| Fiscal year: | Median interval (months) |
|---|---|
| 1951 | 4.7 |
| 1952 | 5.5 |
| 1953 | 6.4 |
| 1954 | 7.6 |
| 1955 (July 1 through Dec. 31, 1954) | 8.2 |

*Time intervals from filing to disposition of civil cases in which a trial was held*

| Fiscal year: | Median interval (months) |
|---|---|
| 1951 | 8.9 |
| 1952 | 7.8 |
| 1953 | 9.6 |
| 1954 | 11.2 |
| 1955 (July 1 through Dec. 31, 1954) | 11.7 |

Estimated median time interval, claims for trial list and trial 9.5 (months). Feb. 25, 1955.

*Civil cases commenced and terminated during the fiscal years 1940–55 and pending cases*

| Fiscal year | Commenced | Terminated | Pending June 30 |
|---|---|---|---|
| 1940 | 318 | 316 | 180 |
| 1941 | 293 | 244 | 229 |
| 1942 | 211 | 230 | 210 |
| 1943 | 262 | 235 | 237 |
| 1944 | 206 | 197 | 246 |
| 1945 | 324 | 301 | 269 |
| 1946 | 407 | 433 | 243 |
| 1947 | 332 | 270 | 305 |
| 1948 | 267 | 294 | 278 |
| 1949 | 337 | 324 | 291 |
| 1950 | 378 | 373 | 296 |
| 1951 | 371 | 312 | 355 |
| 1952 | 563 | 432 | 486 |
| 1953 | 622 | 473 | 635 |
| 1954 | 499 | 413 | 721 |
| 1955 | [1] 297 | [1] 228 | [2] 790 |

[1] Commenced and terminated July 1, 1954, through December 31, 1954.
[2] Pending c. o. b., December 31, 1954.

*Caseload per judgeship in United States district courts (having 3 judgeships) during fiscal year 1954 (based on cases filed)*

| District | All civil | Private civil | Criminal |
|---|---|---|---|
| Delaware | 31 | 17 | 27 |
| Virginia, Eastern | 223 | 131 | 130 |
| Texas, Northern | 436 | 348 | 164 |
| Ohio, Southern | 198 | 89 | 127 |
| Missouri, Eastern | 238 | 131 | 111 |
| Missouri, Western | 377 | 239 | 142 |
| Oregon | 173 | 115 | 54 |
| Washington, Western | 169 | 72 | 93 |
| Connecticut [1] | 250 | 201 | 96 |

[1] It may be noted that if the District of Connecticut is included with those districts having 3 judgeships for the sake of comparison, it would rank No. 3 as to "all civil" and "private cases" filed during the fiscal year 1954 and No. 6 as to "criminal" cases filed.

*Criminal cases commenced and terminated during the fiscal years 1940–55 and pending cases*

| Fiscal year | Commenced | Terminated | Pending June 30 |
|---|---|---|---|
| 1940 | 141 | 146 | 19 |
| 1941 | 134 | 131 | 22 |
| 1942 | 146 | 151 | 17 |
| 1943 | 276 | 247 | 46 |
| 1944 | 320 | 337 | 29 |
| 1945 | 265 | 252 | 42 |
| 1946 | 138 | 140 | 40 |
| 1947 | 120 | 131 | 29 |
| 1948 | 124 | 116 | 37 |
| 1949 | 132 | 142 | 27 |
| 1950 | 105 | 126 | 6 |
| 1951 | 127 | 109 | 24 |
| 1952 | 104 | 111 | 17 |
| 1953 | 164 | 152 | 29 |
| 1954 | 208 | 187 | 50 |
| 1955 | [1] 71 | [1] 97 | [2] 24 |

[1] Commenced and terminated July 1, 1954, through Dec. 31, 1954.
[2] Pending c. o. b., June 11, 1954.

*Bankruptcy cases commenced and terminated during the fiscal years 1940–55 and pending cases*

| Fiscal year | Commenced | Terminated | Pending June 30th |
|---|---|---|---|
| 1940 | 695 | 832 | 624 |
| 1941 | 839 | 601 | 862 |
| 1942 | 708 | 1,004 | 566 |
| 1943 | 494 | 775 | 285 |
| 1944 | 292 | 438 | 139 |
| 1945 | 162 | 206 | 95 |
| 1946 | 108 | 128 | 75 |
| 1947 | 187 | 143 | 119 |
| 1948 | 301 | 199 | 221 |
| 1949 | 438 | 317 | 342 |
| 1950 | 553 | 453 | 442 |
| 1951 | 553 | 599 | 396 |
| 1952 | 506 | 557 | 345 |
| 1953 | 542 | 508 | 379 |
| 1954 | 687 | 636 | 430 |
| 1955 | [1] 372 | [1] 318 | [2] 484 |

[1] Commenced and terminated July 1, 1954, through Dec. 31, 1954.
[2] Pending c. o. b., Dec. 31, 1954.

*Caseload per judgeship by fiscal year in United States district courts, by circuit (based on cases filed)*

| Circuit | Fiscal year 1951 (202 judgeships) | | | Fiscal year 1952 (202 judgeships) | | | Fiscal year 1953 (202 judgeships) | | | Fiscal year 1954 (229 judgeships) | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | All civil | Private civil | Criminal | All civil | Private civil | Criminal | All civil | Private civil | Criminal | All civil | Private civil | Criminal |
| 1st circuit | 247 | 98 | 73 | 330 | 175 | 65 | 472 | 307 | 57 | 233 | 159 | 58 |
| 2d circuit | 249 | 175 | 59 | 281 | 189 | 61 | 305 | 208 | 58 | 246 | 174 | 59 |
| 3d circuit | 204 | 125 | 61 | 203 | 114 | 63 | 209 | 121 | 54 | 169 | 106 | 54 |
| 4th circuit | 154 | 79 | 211 | 206 | 97 | 208 | 244 | 113 | 222 | 230 | 109 | 204 |
| 5th circuit | 239 | 160 | 580 | 283 | 167 | 532 | 308 | 194 | 193 | 314 | 195 | 171 |
| 6th circuit | 229 | 101 | 156 | 274 | 121 | 159 | 244 | 117 | 153 | 176 | 103 | 127 |
| 7th circuit | 233 | 124 | 82 | 280 | 145 | 87 | 309 | 171 | 98 | 222 | 138 | 74 |
| 8th circuit | 205 | 95 | 86 | 212 | 100 | 91 | 228 | 110 | 91 | 190 | 104 | 89 |
| 9th circuit | 190 | 103 | 143 | 148 | 60 | 146 | 180 | 72 | 80 | 140 | 69 | 83 |
| 10th circuit | 195 | 91 | 183 | 201 | 98 | 174 | 239 | 125 | 153 | 190 | 109 | 122 |

*Caseload per judgeship, by fiscal years, in United States district courts having two (2) judgeships (based on cases filed)*

| District | Fiscal year 1951 (202 judgeships) | | | Fiscal year 1952 (202 judgeships) | | | Fiscal year 1953 (202 judgeships) | | | Fiscal year 1954 (229 judgeships) | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | All civil | Private civil | Criminal | All civil | Private civil | Criminal | All civil | Private civil | Criminal | All civil | Private civil | Criminal |
| Total 86 districts | 204 | 111 | 180 | 236 | 126 | 177 | 261 | 146 | 114 | 210 | 127 | 103 |
| 2d circuit: | | | | | | | | | | | | |
| Connecticut | 186 | 96 | 58 | 282 | 128 | 47 | 311 | 175 | 73 | 250 | 201 | 96 |
| New York: | | | | | | | | | | | | |
| Northern | 132 | 77 | 65 | 190 | 97 | 77 | 240 | 105 | 51 | 237 | 118 | 98 |
| Western | 144 | 87 | 107 | 219 | 102 | 130 | 240 | 109 | 94 | 230 | 101 | 89 |
| 3d circuit: Delaware | 38 | 22 | 13 | 42 | 22 | 28 | 48 | 23 | 25 | (1) | (1) | (1) |
| 4th circuit: | | | | | | | | | | | | |
| Maryland | 221 | 139 | 133 | 299 | 150 | 133 | 462 | 164 | 120 | 440 | 163 | 122 |
| South Carolina, eastern | 140 | 78 | 207 | 218 | 101 | 212 | 276 | 170 | 240 | 294 | 176 | 190 |
| Virginia: | | | | | | | | | | | | |
| Eastern | 256 | 135 | 137 | 326 | 187 | 171 | 370 | 212 | 182 | (1) | (1) | (1) |
| Western | 84 | 36 | 149 | 113 | 41 | 121 | 107 | 47 | 118 | 97 | 45 | 121 |
| 5th Circuit: | | | | | | | | | | | | |
| Alabama, northern | 161 | 73 | 186 | 242 | 117 | 189 | 282 | 151 | 168 | 337 | 167 | 182 |
| Georgia: | | | | | | | | | | | | |
| Northern | 187 | 82 | 223 | 235 | 98 | 247 | 227 | 106 | 241 | 224 | 107 | 230 |
| Middle | 117 | 49 | 187 | 143 | 56 | 182 | 137 | 63 | 180 | 163 | 71 | 161 |
| Louisiana: | | | | | | | | | | | | |
| Eastern | 306 | 236 | 163 | 408 | 288 | 171 | 477 | 377 | 197 | 485 | 405 | 150 |
| Western | 181 | 137 | 133 | 223 | 146 | 138 | 191 | 135 | 151 | 247 | 190 | 198 |
| Texas: | | | | | | | | | | | | |
| Eastern [2] | | | | | | | | | | 317 | 207 | 82 |
| Western | 263 | 147 | 2,417 | 332 | 193 | 2,553 | 389 | 229 | 309 | 366 | 248 | 249 |
| 6th circuit: | | | | | | | | | | | | |
| Michigan, western [2] | | | | | | | | | | 112 | 58 | 42 |
| Tennessee: | | | | | | | | | | | | |
| Eastern | 233 | 119 | 175 | 293 | 128 | 200 | 269 | 145 | 200 | 262 | 177 | 224 |
| Middle [2] | | | | | | | | | | 110 | 43 | 123 |
| 7th circuit: | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | |
| Eastern | 141 | 75 | 95 | 153 | 82 | 105 | 191 | 107 | 87 | 187 | 117 | 88 |
| Southern | 114 | 57 | 43 | 107 | 55 | 64 | 115 | 67 | 46 | 205 | 56 | 74 |
| Indiana: | | | | | | | | | | | | |
| Northern [2] | | | | | | | | | | 179 | 86 | 88 |
| Southern [2] | | | | | | | | | | 217 | 100 | 104 |
| Wisconsin, eastern [2] | | | | | | | | | | 179 | 103 | 50 |
| 8th circuit: | | | | | | | | | | | | |
| Nebraska | 154 | 56 | 37 | 164 | 63 | 96 | 158 | 61 | 77 | 125 | 58 | 62 |
| North Dakota [2] | | | | | | | | | | 98 | 29 | 47 |
| South Dakota [2] | | | | | | | | | | 76 | 27 | 62 |

[1] Three judgeships.
[2] District having only one judgeship prior to fiscal year 1954.

*Caseload per judgeship, by fiscal years, in United States district courts having two (2) judgeships (based on cases filed)*—Continued

| District | Fiscal year 1951 (202 judgeships) | | | Fiscal year 1952 (202 judgeships) | | | Fiscal year 1953 (202 judgeships) | | | Fiscal year 1954 (229 judgeships) | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | All civil | Private civil | Criminal | All civil | Private civil | Criminal | All civil | Private civil | Criminal | All civil | Private civil | Criminal |
| 9th circuit: | | | | | | | | | | | | |
| Arizona | 113 | 54 | 617 | 107 | 56 | 534 | 107 | 58 | 226 | 108 | 75 | 209 |
| Idaho [2] | | | | | | | | | | 102 | 54 | 38 |
| Montana | 68 | 33 | 52 | 90 | 28 | 61 | 91 | 41 | 41 | 75 | 41 | 48 |
| Nevada [2] | | | | | | | | | | 43 | 21 | 88 |
| Hawaii | 40 | 9 | 77 | 72 | 7 | 58 | 81 | 10 | 75 | 25 | 12 | 59 |
| 10th Circuit: | | | | | | | | | | | | |
| Colorado [2] | | | | | | | | | | 183 | 102 | 217 |
| Kansas | 277 | 120 | 107 | 278 | 121 | 113 | 331 | 160 | 95 | 396 | 198 | 133 |
| New Mexico [2] | | | | | | | | | | 115 | 83 | 109 |
| Utah [2] | | | | | | | | | | 99 | 43 | 62 |

[2] District having only one judgeship prior to fiscal year 1954.

NOTE.—Number criminal cases indicated include immigration cases for fiscal years 1951 and 1952 and exclude same for fiscal years 1953 a nd1954.

BRIDGEPORT BAR ASSOCIATION, INC.,
*November 8, 1954.*

Hon. PRESCOTT BUSH,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR BUSH: At a recent meeting of the executive committee of the Bridgeport Bar Association the following resolution was adopted:

"The Bridgeport Bar Association requests the early establishment of courthouse facilities for the trial of Federal court and jury cases in Bridgeport."

It was voted that a copy of this resolution be sent to the Attorney General of the United States, United States attorney for the district of Connecticut, Senator BUSH, Senator PURTELL, Representative MORANO, and Representative SADLAK.

Respectfully yours,
JOHN C. THOMPSON,
*Secretary.*

## COMMISSION ON NURSING SERVICES

Mr. SMITH of New Jersey. Mr. President, on January 25, 1955, Representative FRANCES P. BOLTON, of Ohio, introduced a joint resolution in the House of Representatives which would establish a Commission on Nursing Services.

Today, I introduce a similar joint resolution in the Senate and ask that it be appropriately referred. I ask unanimous consent that a statement which I have prepared on the subject be printed in the RECORD as a part of my remarks.

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

The joint resolution (S. J. Res. 56) for the establishment of a Commission on Nursing Services, introduced by Mr. SMITH of New Jersey, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The statement presented by Mr. SMITH of New Jersey is as follows:

STATEMENT BY SENATOR SMITH OF NEW JERSEY

We are faced today with an increasingly serious shortage of trained nurses. The problem of securing adequate care for the sick is one which should concern all of us. Some 55,000 nurses should be graduated each year to keep up with the increasing demand. Yet our nursing schools are graduating only about 30,000 a year. It is not enough that we be concerned with the problem of providing better facilities for the sick. We must also face the problem of staffing these facilities.

Although many private studies have been made in regard to overcoming the nursing shortage and improving the utilization of nurses, there remains a need for a central source of facts and expert opinion about nursing care for the entire field of health service.

This joint resolution would set up a Commission composed of 12 members—4 appointed by the President, 4 by the President of the Senate, and 4 by the Speaker of the House of Representatives. Half of each group would be chosen from private life and would include representatives from the nursing and medical professions.

The Commission would be authorized to make studies and recommendations and would:

Evaluate what the changing health needs of the public are;

Appraise the resources in money, manpower, and skills necessary to deal with these health needs;

Study the relationship between the economic status of nurses, the professional skills required, and the existing personnel shortage;

Analyze the various techniques and arts of nursing, including all successful new methods or devices, and indicate where they may best be applied;

Encourage additions to the body of knowledge of nursing as a discipline and thus permit more of the practice of nursing to be based on scientific principles.

I want to make it perfectly clear that the provisions of this joint resolution will in no way conflict with titles III and IV of the Health Improvement Act of 1955, but rather will complement the provisions of that act.

In this regard, I would like to call particular attention to section 1 (b) of the joint resolution, which states:

Nothing in this joint resolution shall be construed as authorizing or intending any interference with the programs of study and improvement of patient care which are being carried forward by the professional nurses' organizations, or by public or private endeavor, but rather this joint resolution shall be construed as an effort to augment such programs through the marshaling of resources for a multidisciplinary approach to the problem.

It is my hope that this joint resolution will at the proper time receive the careful consideration of the Senate, for the shortage of trained nurses is a critical one, and specific action to meet this crisis is required.

## TREATMENT OF MENTAL ILLNESS

Mr. SMATHERS. Mr. President, I am about to introduce a bill, and I ask unanimous consent that I may speak on it in excess of the 2 minutes allowed under the order which has been entered.

The PRESIDENT pro tempore. Without objection, the Senator from Florida may proceed.

Mr. SMATHERS. Mr. President, the President of the United States in his health message to the Congress singled out for special attention and urgent action a health problem which today ranks as the most serious of all health problems confronting the Nation. I make reference to the problem of mental illness.

In evaluating the seriousness of this problem, the President was undoubtedly cognizant of the findings of the House Committee on Interstate and Foreign Commerce, which, in 1953 and 1954, undertook to conduct an investigation of our major diseases. The scope of this investigation included, among others, cancer, heart disease, poliomyelitis, tuberculosis, rheumatism, arthritis, and mental illness. These are the major diseases which take such a tremendous toll in lives, suffering, and dollars each year. In reporting its findings in March 1954, the committee stated:

There is probably no more serious problem in the health field today than that of mental illness.

According to information furnished me by the National Association for Mental Health, evidence of the toll taken by mental illness is shocking. Year after year the number of persons in mental hospitals has been steadily increasing. There are today more patients in mental hospitals than in all other hospitals combined. This is a staggering fact. Let us ponder this fact carefully and weigh its frightful import.

I am advised that today there are approximately 1,400,000 patients in all the hospitals of this country. Approximately 730,000, or more than half of the total, are patients in mental hospitals. This fact reveals that there are more hospital patients suffering from mental illness than from heart disease, cancer, tuberculosis, infantile paralysis, and all other physical diseases combined. The figure 730,000 does not include another 400,000 men, women, and children who are in need of mental hospital care, but are unable to receive it because the present facilities are inadequate; nor does the figure include the hundreds of thousands who are now under treatment in general

hospitals primarily for physical diseases and who are also suffering from some form of mental disorder.

Thus far, I have referred only to the hospitalized victims of mental illness. In addition to these, there are very reliably estimated to be more than 9 million individuals who are not hospitalized, but who are so seriously incapacitated by mental disorders as to impair greatly their ability to work, to discharge their family responsibilities, to serve as useful members of their communities, and to serve their Nation in its Armed Forces. There is literally not a single facet of personal or social life which is not touched in one way or another by mental illness.

Today, when the element of industrial productivity is so vital to the Nation's economy, and particularly to its defensive strength, we are confronted by the fact that between 20 and 25 percent of all employees in any commercial or industrial organization are suffering from some form of mental disorder. These disorders range from the so-called neuroses to outright psychosis, and result in impaired efficiency, accidents, poor morale, absenteeism, damage, destruction, and reduced production. The loss to industry as a result of mental illness is estimated conservatively to be $3 billion a year. This sum is in addition to $1 billion of tax monies expended each year to provide care and treatment for the mentally ill in hospitals, and an estimated $2 billion loss in earnings and purchasing power suffered by new patients admitted to mental hospitals each year.

I would also like to point out at this time that the Commission on Organization of the Executive Branch of the Government in its recent report to the Congress estimated that 1 out of every 12 children born in this country today will spend some of his or her lifetime in a mental institution. In a plea for a special study of mental-health-care facilities, the report also stated that:

(a) About 250,000 new patients will be admitted to mental hospitals and institutions this year;

(b) The number of prolonged-care patients at such institutions throughout the country is increasing at the rate of 10,000 a year, despite new treatments to relieve mental ills;

(c) Survey compilations suggest that as many as 9 million persons, about 6 percent of the population, now suffer some form of mental disorder;

(d) About 10 percent of these 9 million are considered in need of hospital care;

(e) Mental patients are costing the taxpayers a billion dollars a year, exclusive of their incalculable losses in manpower and as income (tax) producers; and

(f) Most of the Nation's 650,000 prolonger-care psychiatric patients are being treated in State and Federal tax-supported mental institutions.

No other illness takes so frightful a toll as mental illness, despite the fact that for no other serious illness is the outlook for cure so hopeful. According to Dr. George S. Stevenson, medical director of the National Association for Mental Health, the outlook for mental illness is more hopeful than it is for any serious chronic disease.

The National Association for Mental Health, the organization which, together with its 400 affiliates, has been carrying on the citizens' fight against mental illness, states that mental illness can be conquered with a three-point program of research, training, and treatment.

Research has already produced very positive results in the treatment of mental illness. Serious diseases, like schizophrenia and involutional melancholia—considered almost hopeless 30 years ago—are today showing improvement and recovery in about 60 percent of the cases treated. Research holds out a very definite hope for even greater success with these and other mental diseases. But if research in this field is to make headway, it must be adequately financed, for mental illness covers more than 100 different diseases and accounts for more than 50 percent of all hospitalized casualties. Yet, I am informed, mental illness research receives less than 3 percent of the total expenditure for all medical research.

The second plank in this threefold program is training. The entire field of mental illness—clinics, private practice, hospitals, research laboratories—is plagued by a severe shortage of trained personnel, such as psychiatrists, psychiatric social workers, psychologists, and nurses. Thousands of new professional people are needed to fill existing vacancies and to staff the new services as they develop and expand.

The third point in this program for the defeat of mental illness is treatment. Most mentally sick people can be helped by treatment, but very few can get it. Most towns and cities do not have even a single private psychiatrist or a psychiatric clinic where people with mental disorders can go for treatment. In places where these services exist, they are swamped by long waiting lists. If there were enough psychiatrists and clinics, we would soon see a marked decline in the ravages of this disease. In the mental hospitals, too, treatment is grossly inadequate. Most mental hospitals are overcrowded, understaffed, underequipped, and provide little more than custodial care for most of their patients. As a result, hundreds of thousands of patients hang on hopelessly as public charges for months, years, even decades. Given proper treatment, up to 70 percent of the patients entering mental hospitals could be discharged as improved or recovered within a year. Together, research, training and treatment make up a realistic program which can reverse the trend of mental illness, and can cut down its tremendous toll.

This program is now in progress, and is being carried on by the National Association for Mental Health. This association is rallying citizens in all communities throughout the country to the fight against mental illness. But this organization cannot carry on the fight alone. It is in need of the same kind of support which is given to the other national health organizations. Widespread and substantial citizens' support for the fight against mental illness is long overdue. Our Nation has rallied to conquer one scourge after another. Infantile paralysis and tuberculosis are on the way to being wiped out. Important research inroads are being made in the fight against cancer and heart disease. It is now time for the people of the Nation to throw massive support into the fight against mental illness—by far the most serious health problem of all.

In keeping with the spirit of the President's comments and to express the sense of the Congress concerning this serious problem with which the Nation is confronted, I, together with 61 colleagues, submit the following concurrent resolution:

Whereas there is presently a great need for nationwide action for the prevention, treatment, and cure of mental illness; and

Whereas the National Association for Mental Health and the State and local mental health organizations associated therewith are working diligently in the fight against mental illness; and

Whereas the mental health fund is in dire need of public support in order to improve conditions in mental hospitals, provide more adequate treatment for the mentally and emotionally ill, carry on research in the field of the prevention, treatment, and cure of mental illness, and promote mental health education; and

Whereas it is understood that the week beginning May 1, 1955 and ending May 7, 1955, will be observed as National Mental Health Week; Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress hereby requests the people of the United States to join and cooperate in the fight for the prevention, treatment, and cure of mental illness and to observe National Mental Health Week with appropriate ceremonies and activities.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 18) submitted by Mr. SMATHERS (for himself, Mr. ALLOTT, Mr. BARRETT, Mr. BENDER, Mr. BENNETT, Mr. BRICKER, Mr. BRIDGES, Mr. BUSH, Mr. BUTLER, Mr. CAPEHART, Mr. CARLSON, Mr. CASE of South Dakota, Mr. CHAVEZ, Mr. CLEMENTS, Mr. DANIEL, Mr. DIRKSEN, Mr. DOUGLAS, Mr. DUFF, Mr. ERVIN, Mr. FREAR, Mr. GOLDWATER, Mr. GREEN, Mr. HENNINGS, Mr. HILL, Mr. HOLLAND, Mr. HRUSKA, Mr. HUMPHREY, Mr. JACKSON, Mr. JENNER, Mr. JOHNSTON of South Carolina, Mr. KEFAUVER, Mr. KENNEDY, Mr. KNOWLAND, Mr. KUCHEL, Mr. LANGER, Mr. LEHMAN, Mr. LONG, Mr. MALONE, Mr. MANSFIELD, Mr. MARTIN of Pennsylvania, Mr. McCLELLAN, Mr. McNAMARA, Mr. MONRONEY, Mr. MORSE, Mr. MUNDT, Mr. MURRAY, Mr. NEUBERGER, Mr. PAYNE, Mr. POTTER, Mr. PURTELL, Mr. ROBERTSON, Mr. SALTONSTALL, Mr. SMITH of New Jersey, Mr. SPARKMAN, Mr. STENNIS, Mr. THURMOND, Mr. THYE, Mr. WATKINS, Mr. WELKER, Mr. WILEY, Mr. WILLIAMS, and Mr. YOUNG), was received and referred to the Committee on Labor and Public Welfare.

## SELF-DETERMINATION BY IRELAND OF ITS FORM OF GOVERNMENT

Mr. BUTLER submitted the following resolution (S. Res. 80), which was referred to the Committee on Foreign Relations:

Whereas the United Nations Charter, article I, paragraph 3, declares it to be the intention of member nations "to develop friendly relations among nations based on respect for the principle of * * * self-determination"; and

Whereas the Atlantic Charter, in listing the objectives to be sought by the United States and Great Britain, declares "respect for the rights of all peoples to choose the form of government under which they will live" and expresses the wish "to see sovereign rights and self-government restored to those who have been forcibly deprived of them"; and

Whereas the unnatural division of Ireland is the result not of the express wishes of her inhabitants but of arbitrary action which has operated to forcibly deprive the people of Ireland of their inherent right of self-determination; and

Whereas use of the veto by Communist Russia to deprive Ireland of United Nations membership is the most persuasive recommendation the Republic could have for fair treatment by the free nations of the world; and

Whereas while Ireland naturally belongs in the Atlantic Pact, where its advantageous location would offer vital air and shipping bases, it is forced to abstain from membership in the North Atlantic Treaty Organization because part of its territory is occupied by one of the participating powers: Now, therefore, be it

*Resolved*, That it is the sense of the Senate of the United States that the Republic of Ireland should enjoy the same right of self-determination as to the form and extent of its government as is guaranteed to all nations under the United Nations and Atlantic Charters, and that, in the spirit of and under the authority of these charters, steps should be initiated looking toward a general plebiscite at which the people of all 32 counties of Ireland could be given opportunity, free of coercion or outside intervention, to declare for or against the union of the countries of Northern and Southern Ireland.

## UNIFICATION OF IRELAND

Mr. DIRKSEN. Mr. President, earlier in the present session I, along with other Senators, submitted a resolution (S. Res. 21), dealing with the sense of the Senate as it relates to the Republic of Ireland. Since that time a number of Senators have expressed their interest in desiring to be cosponsors of the resolution. So today, I submit a second resolution on the same subject, with 17 cosponsors, and ask unanimous consent that the resolution be kept open for the remainder of the day, in order to give any Senator, who may desire to do so, an opportunity to become a cosponsor.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, will be held open for additional cosponsors, as requested by the Senator from Illinois.

The resolution (S. Res. 81) submitted by Mr. DIRKSEN (for himself, Mr. BEALL, Mr. BENDER, Mr. BARRETT, Mr. BUSH, Mr. KENNEDY, Mr. KUCHEL, Mr. MALONE, Mr. LANGER, Mr. MANSFIELD, Mr. MURRAY, Mr. O'MAHONEY, Mr. PASTORE, Mr. PURTELL, Mr. KEFAUVER, Mr. IVES, and Mr. MAGNUSON) was received and referred to the Committee on Foreign Relations, as follows:

Whereas the House of Representatives, 65th Congress (1919), third session, by House Joint Resolution 357, duly passed a resolution declaring that the people of Ireland should have the right to determine the form of government under which they desire to live; and

Whereas the maintenance of international peace and security requires settlement of the question of the unification of Ireland; and

Whereas 26 of the 32 counties of Ireland have been successful in obtaining international recognition for the Republic of Ireland which has, as its basic law, a constitution modeled upon our own American Constitution: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the Republic of Ireland should embrace the entire territory of Ireland unless a clear majority of all of the people of Ireland, in a free plebiscite, determine and declare to the contrary.

## REPORTS ON IMPROVEMENT AND EXPANSION OF HORTICULTURAL AND AGRICULTURAL WEATHER FORECASTING SERVICES

Mr. CASE of South Dakota. Mr. President, I submit for appropriate reference, a resolution which requests the Secretary of Commerce and the Secretary of Agriculture to report to the Senate Committee on Agriculture and Forestry as to the steps taken to improve and expand horticultural and agricultural weather forecasting services.

In 1940, the Weather Bureau was transferred from the Department of Agriculture to the Department of Commerce, only after assurance was given that the service to farmers would not be decreased. The war naturally led to major emphasis on military and civil aviation programs. This, I fear, coupled with a reduction in governmental expenditures for the Weather Bureau, has prevented the Agricultural Forecasting Service from developing as was expected.

Modern surveys show that for the Weather Bureau to do a fully adequate job of serving the American farmer, it must provide at least the following:

First. All the latest available forecasts by radio or television, prior to the beginning of farm operations which take several days to complete.

Second. A forecast for the farmer's specific locality.

Third. More frequent, longer-period forecasts from 3 to 6 days in advance.

Fourth. Seasonal forecasts for the farmer.

Fifth. Forecasts with more meteorological details.

Sixth. Cooperation with the land-grant agricultural colleges, to find out more basic information as to the interaction of weather and farm production.

Therefore, Mr. President, I think it is time to ascertain how much progress has been made by the Department of Commerce in the field of agricultural weather forecasting. I am submitting this resolution, which will require the Secretary of Commerce to report to the Senate Committee on Agriculture and Forestry, not later than May 1, 1955, as to what steps have been taken to improve and expand the horticultural and agricultural forecasting services along the line of the six points mentioned above. I am also including in the resolution, a request that the Secretary of Agriculture report to the Senate Committee on Agriculture and Forestry his recommendations for adequate forecasting service for the Nation's farmers.

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

The resolution (S. Res. 82) submitted by Mr. CASE of South Dakota, was received and referred to the Committee on Agriculture and Forestry, as follows:

*Resolved*, (1) That the Secretary of Commerce is requested to report to the Senate Committee on Agriculture at the earliest practicable date and not later than May 1, 1955, as to what steps have been taken since the transfer in 1940 of the United States Weather Bureau from the Department of Agriculture to the Department of Commerce, to expand and improve horticultural and agricultural forecasting services to the extent necessary to provide farmers with (a) adequate forecasts for their specific localities, (b) more frequent forecasts covering periods of 3 to 6 days, (c) seasonal forecasts, (d) forecasts containing more meteorological details, and (e) such other weather-forecasting services as may be necessary to assist farmers in planning their operations, and (2) what plans have been made by the Secretary of Commerce to meet any deficiencies that may have been observed, and (3) that the Secretary of Agriculture is requested to report to the Senate Agriculture Committee his recommendations for an adequate forecasting service for the Nation's farmers.

## AMENDMENT OF CONSTITUTION RELATING TO EQUAL RIGHTS FOR MEN AND WOMEN—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. SMATHERS. Mr. President, I ask unanimous consent that my name be added as an additional cosponsor of Senate Joint Resolution 39, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

## 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. IVES:

Address delivered by Charles S. Thomas, Secretary of the Navy, before Navy League at Detroit, Mich., on December 3, 1954.

By Mr. ALLOTT:

Newspaper comment on reclamation projects.

## NOTICE OF HEARINGS ON CERTAIN NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

The PRESIDING OFFICER (Mr. BARKLEY in the chair). The Chair desires to say that the Senate today received the following nominations: Ellis O. Briggs, of Maine, a Foreign Service

officer of the class of career minister, now Ambassador of the United States to the Republic of Korea, to be Ambassador of the United States to Peru; and Willian S. B. Lacy, of Virginia, a Foreign Service officer of class 1, to be Ambassador of the United States to the Republic of Korea.

Notice is hereby given that these nominations will be considered by the Committee on Foreign Relations at the expiration of 6 days.

## WISCONSIN AND THE NATION SUPPORT DAIRY RESEARCH CENTER

Mr. WILEY. Mr. President, since introducing my bill, S. 788, to establish a dairy research center at Madison, Wis., I have received a great number of messages endorsing the project.

I send to the desk now a series of excerpts from some of these communications, and ask unanimous consent that the material be printed at this point in the body of the RECORD.

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

MEMORANDUM BY SENATOR WILEY ON DAIRY RESEARCH CENTER

The reason the idea of a Dairy Research Center has caught on so tremendously is that ours is basically a Research Age, an Age of Science, an Age of Exploration. And Americans, best of all, know what research, what science, what exploration can perform.

The dairy industry of our Nation recognizes the need for a new type of approach to meet the dairy problem. That is the word which comes to me particularly from Madison where some of the first dairy research in the Nation is already being performed, albeit with limited funds.

All over America, whole industries are being revolutionized by new processes. The food industry in particular has felt the impact of new methods of production, packaging, and distribution. Frozen orange juice, frozen soup, frozen fishsticks are but a few of the new type items which have poured on to the American market, winning millions upon millions of new customers. The American housewife has new needs, new patterns of feeding her family. The food industry must adjust to those patterns.

And milk, nature's first product, nature's most important product, nature's healthiest product—offers by far the greatest potentialities of all—for new methods, new products and by-products, new types of processing, merchandising, and distribution.

HALF WAY OR WHOLE WAY

In this effort, we need to tap the finest research minds in America just as we are putting our best brains to work on unlocking the secrets of the atom.

Rut-bound people may say, "Let dairy research—which everyone agrees is very good indeed—be continued on its present scattered, decentralized basis."

But I say that halfway measures will produce only halfway results. I say that a few million dollars spent for a Dairy Research Center now will repay itself ultimately in terms of hundreds of millions of dollars of new wealth for America and in terms of improved health for our citizens.

The status quo mind implies, "Let's bumble along on our present limited research basis. Let's do a little research here and a little research there."

But the mind with vision will want us to push full speed ahead in a coordinated attack on the Nation's dairy problems.

Remember, now, I am not speaking merely for the dairy industry. I am speaking for the health of America. I am not speaking for creating a handsome new building as such; I am speaking and writing for getting a job done—through people—the best people we can mobilize—in new buildings or old, with whatever facilities are needed to do the job.

Why cannot we send word to the world that in addition to the work of our scientists in testing A-bombs at Yucca Flats, Nev., other United States scientists have just been given the green light for a "Manhattan district-like" project for milk? This will be a project to build—not to destroy—life. What better-type-message can we send to mankind?

And so, I hope that the Senate Agriculture Committee will take action on S. 788.

There follow now excerpts from a handful out of the great many spontaneous communications which I have received in praise of S. 788.

EXCERPTS FROM LETTERS

Where the message has come officially from an organization, I have included the full name and address, but where it is from an individual I have referred only to his location, since the individual obviously wrote to me in a private and personal capacity.

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PURE MILK PRODUCTS COOPERATIVE,
*Fond Du Lac, Wis., February 18, 1955.*

DEAR SENATOR WILEY: The State board of Pure Milk Products Cooperative at its meeting today, unanimously endorsed your bill S. 788.

The board has requested me to write you a letter of appreciation. The members are deeply grateful for all the past services which you have rendered the dairy industry. You have never failed us in our time of need. You are always in the forefront when the battle for justice for the dairy farmer takes place.

* * * * *

In respect to bill S. 788, in introducing this bill, once again you have shown statesmanlike foresight. We believe that a laboratory devoted exclusively to dairy experimentation has long been needed. The board has high hopes of what it may accomplish. Assuredly such a laboratory should be located in Wisconsin, the heart of dairyland.

We sincerely congratulate you for introducing bill S. 788. The membership of Pure Milk Products Cooperative will work earnestly for this bill's adoption by the Congress.

WILLIAM F. GROVES,
*President.*

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WISCONSIN SWISS & LIMBURGER CHEESE PRODUCERS' ASSOCIATION, MONROE, WIS.

I want you to know that we appreciate your efforts and work you do in behalf of the dairy industry of Wisconsin and the Nation as a whole.

The passing of the bill No. S. 788 to establish a dairy research center laboratory in Madison would be a great benefit to all dairying. The country needs more Senators, like you, who are concerned with our agricultural problems.

FRED GALLI, *Manager.*

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LETTER FROM JOHNSTOWN, PA.

I thoroughly agree with what you said in the article that was published in the February issue of Better Farming magazine on the need for a dairy research center. Included in your aims for this project was research to combat animal disease and research into human nutritional needs.

I visited the Forest Products Laboratory at Madison, Wis., several years ago and have since wondered why this centralized thinking and research could not be applied to many of our problems particularly two which come to mind; your proposed project for dairying and medical research—primarily cancer.

Possibly every State in the Union have many scientists at work in many centers of learning on problems that relate to dairying. There does not seem to be any correlation of purpose or results which makes for many divergent theories and little practical attainment.

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LETTER FROM LONDON, OHIO

Read your article in Better Farming. I am all for it. Get your ball rolling; get dairy and farming back of it.

Wisconsin (near Madison) is where this should be.

Ohio will be for it to a Congressman.

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LETTER FROM MUKWONAGO, WIS.

We appreciate your taking the dairy farmer's problems seriously and read with great interest and hope your Better Farming article.

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LETTER FROM MADISON, WIS.

Have just received my copy of Better Farming." Have read and reread and studied some more your very interesting article on (We Need a Dairy Research Center).

As you well know, we have here at Madison, our new Babcock Hall, with its dairy rooms and equipment, its numerous laboratories, salesroom, and its classrooms. All this governed and supervised by the Wisconsin Dairy Research Foundation.

Also the larger, new, dairy barn with its laboratories; has just recently been dedicated and turned into use, and an immense amount of good should be the result of its use.

Now if you as our senior Senator from Wisconsin can bring about a project such as you describe and be instrumental in bringing Federal aid into Wisconsin to help carry on dairy research work in our laboratories here or with more added, if and when needed, this would be fine, and no doubt a great deal of good will result.

In the September 29 issue of Capital Times of Madison appeared this item by Jack K. Kyle, Madison, executive secretary of Wisconsin Association of Cooperatives. While in Norway he discovered that the farmer received 75 cents out of the consumers' dollar, this compared to 42 cents received by the American farmer. In view of this fact, would it not be wise to find ways of closing this wide gap between producer and consumer?

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LETTER FROM MILWAUKEE, WIS.

Just read S. 788 in RECORD. It is a fine bill.

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ANOTHER LETTER FROM MILWAUKEE, WIS.

Just read We Need Dairy Research Center, page 29 of Better Farming, February issue. My congratulations to you for laying the first cornerstone on this project.

## POSTAL SUBSIDIES AND FARMERS

Mr. MURRAY. Mr. President, I ask unanimous consent to have printed in the RECORD a very brief letter I have received from Mrs. Charles W. Cotton, of Glasgow, Mont.

In this letter Mrs. Cotton protests $8 million of postal subsidies to Life magazine, which has repeatedly attacked the farmers, and which she quotes as saying in a recent issue: "Whatever else you may think of Benson, you can still tell the keeper from the monkeys."

I should like to direct the attention of the Committee on Post Office and Civil

Service and of the Committee on Agriculture and Forestry to the contents of this letter.

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

GLASGOW, MONT., *February 21, 1955.*

DEAR SENATOR MURRAY: I have written to Life magazine protesting its attitude toward farmers but can't seem to get past the 13th secretary, so to speak.

In a recent Life article, it said: "Whatever else you may think of Benson (Ezra Taft), you can still tell the keeper from the monkeys."

The Government pays Life magazine $8 million a year subsidies to educate the American people into believing that farmers are monkeys.

I say any farmer who buys Life is one—but even more—isn't there some way Congress can protect us farmers from this type of education? They are safe from being sued for libel but do we have to continue their subsidy?

Sincerely,

Mrs. CHARLES W. COTTON.

The PRESIDENT pro tempore. Is there further morning business?

If not, morning business is closed.

## CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

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

## INCREASE OF BASIC PAY RATES FOR CERTAIN MEMBERS OF THE ARMED FORCES — BILL INTRODUCED

Mr. MANSFIELD. Mr. President, I introduce a bill to increase by 25 percent the basic rates of pay for certain members of the Armed Forces. I send the bill to the desk, request its appropriate reference, and ask unanimous consent that the bill be printed at this point in the RECORD, as a part of my remarks.

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

The bill (S. 1466) to increase the monthly rates of basic pay for certain members of the uniformed services by 25 percent, introduced by Mr. MANSFIELD, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.,* That the monthly rates of basic pay provided by section 201 (a) of the Career Compensation Act of 1949, as amended, for all members of the uniformed services having more than 2 cumulative years of service, are hereby increased by 25 percent.

SEC. 2. This act shall take effect on the first day of the second month which begins after the date of its enactment.

## MILITARY MANPOWER

Mr. MANSFIELD. Mr. President, before anyone questions the wisdom or lack of wisdom of the proposed 25-percent increase in pay for all members of the military service with 2 years of service behind them, I would suggest that he look at the facts and study them quite carefully.

The Armed Forces of the United States are faced with an extremely grave problem—manpower—trained and skilled men who are willing to make one of the branches of the military service their career. The morale of the serviceman is low, reenlistment rates are near rock bottom, and they are receiving fewer fringe benefits than before.

Young men, today, seem to enter the service because they have to; when their tour of duty is up, they are not reenlisting. This trend has proven very costly to the taxpayers, and the Armed Forces do not have an adequate number of highly trained and skilled men to operate the expensive modern technical equipment and processes now used in the armed services. This condition will not improve until some new changes are put into force.

The Nation is in need of a defense force of approximately 3 million professional fighting men, according to administration estimates. Actually, according to administration estimates, the figure is 2,850,000 men. But it is impossible under existing conditions to meet this goal. The composite rate of reenlistments in the services for 1954 is only 20 percent, thus it is expected that it will be necessary to replace approximately 800,000 men during the coming year. During an appearance before the House Armed Services Committee, Secretary of Defense Charles E. Wilson indicated that he feared that most of the 1 million eligible to leave the service this year would do so. This extremely large turnover is a great financial burden, and promotes inefficiency.

The reenlistment rate figures from the Army, Navy and Air Force alone give sufficient reason to be concerned about our armed-service-personnel program. It was not an understatement on the part of Secretary of Defense Wilson when he said before the House Armed Services Committee that this situation "invites and encourages mediocrity," which we cannot tolerate if we wish to maintain a strong and effective defense force.

In the Army renlistments dropped to an overall percentage of 10.1 percent in 1953 and in 1954 the figure for the first 11 months was 10.8 percent. In the Air Force the reenlistment rate in the 1953 fiscal year was 67 percent, and it dropped to 24 percent in fiscal year 1955, July to November 1954. In the Navy the overall reenlistment rate prior to World War II was as high as 80 percent. In July to September of 1954 the figure dropped to 8.8 percent. It is interesting to note that where figures are given for both those of career and noncareer status, the career reenlistment rate is much higher, although there has been a decline in this group too. Unfortunately, the career classification is very limited in all branches of the service. In July to September of 1954 the career reenlistment rate in the Navy was 58.8 percent and noncareer was 5.5 percent. In July to December of 1953 the reenlistment rate of career Navy men was 86.4 percent and noncareer reenlistments were only 11.5 percent. The Department of the Army figures for calendar year 1954 show a 24.5 percent reenlistment rate for Regular Army personnel and 3.6 percent for those who were induced under selective service.

The effects of the startling figures shown above are far reaching indeed. In recent years, a study by the Navy Department of the need for experienced personnel required to operate and maintain the complex equipment of our modern Navy established 75 percent as the "career" rate and 25 percent as the "noncareer" rate of reenlistments essential to a sound personnel structure capable of properly manning the fleets. I would assume that something comparable would apply to the other branches of the service. Under this standard, the present reenlistment figures are far below the figures established as sound.

In the Air Force it costs the taxpayers $14,755 to take an enlisted man through the first routine 4-year enlistment. If he is to become an electronic expert, the cost may be as high as $75,000. The Air Force officers cost even more. For a triple-rated pilot of an atom bomber, the cost jumps to more than $600,000 for 1 man. The yearly average cost of training a man in the Navy is about $3,200. In the Army, training and maintenance costs for a 3-year tour of service is $16,200. When the reenlistment rate is so low that we must be continually training new men, this one item meant a dead loss to the Army alone of $819,200,000 for 1954. The Air Force loses at least $4 billion for each enlistment period. The high rate of turnover in the Navy costs nearly $100 million per year. And the money is not all.

In addition to this dollar cost, according to information received from the services, the importance of reenlistment is reflected in terms of a more effective defense capability. For example, this means:

Increased effectiveness: The career servicemen performs more efficiently, provides better quality work and returns more defense per defense dollar spent.

Decreased training costs: The retention of servicemen reduces expenditures for procurement, formal training, on-the-job training, transportation, travel time, incidentals, and loss of manpower efficiency during the break-in period.

Production and continuity of personnel: Increased production is a result of decreased turnover in personnel. A higher level of experience represented by reenlistees would require less personnel to accomplish the necessary tasks, and manpower requirements could be revised downward, without affecting the military preparedness.

Investment in supplies and equipment: Complex and expensive equipment demands the highest skill and training possible to avoid temporary breakdowns, complete loss of equipment, loss of man-hours, and possible loss of life. Modern fighting equipment and

weapons systems, costing many thousands of dollars, demand the services of highly trained and experienced airmen. I think that it can be agreed, that the cost of improper maintenance and handling of this complex equipment in terms of combat readiness and potential, not to mention the safety of the individual life, defies measurement in terms of dollars.

This problem is something which every American has to understand—Secretary of the Air Force Talbott stated in an address given in November of last year. He continued:

> If our people want to survive, it is up to them to make life more attractive to the men who are trying to protect them. We accomplish nothing by spending billions for equipment and only nickels for professional skill.

During recent years servicemen have received more inducements to get out of the service than to reenlist. So long as that situation exists it will be difficult to maintain a professional force. Men in the service look forward to the benefits of a discharge, college education, on-job training, mustering-out pay, unemployment pay, disability pensions, home and farm loans, hospital care, and other benefits which out-weigh the current benefits of reenlistment. It must be realized that a big factor in maintaining an all-volunteer force of capable men in the services is to increase the gains for those staying in the service.

A choice must be made as to whether young men should be enticed into enlisting in the Armed Forces because of the benefits they will receive when they get out, or whether to encourage them to reenlist because of the opportunities and benefits available to them while in the service.

The first step toward building this volunteer force would be an across-the-board 25 percent military pay increase. My proposal would apply to all enlisted men and officers who have more than 2 years of active service. President Eisenhower recommended a military pay raise to Congress in his message of January 13, 1955. In my opinion, it does not go far enough. The administration plan would provide only an approximate increase of 6.7 percent on a selective basis for those with 2 and 3 years active duty. Instead of an across-the-board raise, the administration measure lists selective increases which range as high as 25 percent of base pay for second lieutenants with 3 years service and 17 percent for corporals up for reenlistment. Some increases are as low as 2 percent. As a matter of fact, I think a buck private's pay would be increased to the extent of $7.80 a month. The President's incentive pay raise is a move in the right direction, but the increase should be nondiscriminatory. If one serviceman, who plans a career in a branch of the service, receives a 25 percent pay raise, they all should.

Military pay increases have not kept up with those in private industry and the increasing cost of living index. Since 1939, the cost of living has increased 200 percent, and in that period the wages of organized labor show an increase of 315 percent. In contrast the enlisted man in the Air Force has had an increase of only 110 percent, and the officers an increase of 59 percent. In the Army some grades have increased as little as 18.3 percent since 1939. The pay of naval officers of all ranks has increased 43 percent since 1942. Since 1941 enlistee pay raises have amounted to an average of 191 percent. A 25 percent pay increase for all career servicemen would seem to be more of a step in the right direction.

Traditionally one of the advantages of a career in the Armed Forces had over private industry was that the services offered a large number of nonpay benefits or fringe benefits not found in industry, thus compensating for the difference in salaries. Today the situation is changed, industry is moving more and more into the field of nonpay benefits for their employees. In reverse the members of the armed services have lost a number of these benefits. These fringe benefits should be reinstated for men in the service. These are the true incentives to a military career—post exchange and commissary facilities, family housing, disability retirement benefits, medical care for military personnel and families, education facilities and relocation allowances for moving and reassignment. The administration plan would reinstate many of these benefits. Once reinstated, they should be properly carried out.

In addition to the fringe benefits themselves, there are a number of complaints about conditions in the services which can be corrected only at the administrative level. There is some criticism about the operation of the selective-service program, particularly in regard to discriminatory selection of draftees and granting of deferments. Many feel that there is a great deal of insecurity under this system. Young men receive no indication when they may be called. If they are classified 4–F, they are subject to recall at any time because of revised medical standards or merely because a new draft board takes over. Mal-assignment is a frequent complaint; little choice is given in many branches of the service. A fairer promotion system would give morale a big boost. Too often, enlistees are put in a field in which they lack interest and qualifications. There should be an improved placement program. Another important factor would be an equality of facilities at all training centers, camps, and bases. Some are noted for their complete facilities—laundry, dry cleaning establishments, hobby centers, entertainment facilities, good food preparation and mess halls, and adequate living quarters. Others are likewise noted for the lack of such things.

An armed service of professionals cannot be built by conscription. As in any profession there must be a certain amount of incentive. The current situation in the branches of the service gives very little incentive to a young man to make a career out of the Army, Navy, Marines, or Air Force. If the rate of reenlistment can be greatly accelerated, training costs will be reduced, the turnover will be reduced, and the cost to the taxpayer will, as a result, be less.

Trained and experienced personnel are essential in today's Armed Forces. Pilots, navigators, mechanics, artillery experts, radar operators, and industrial workers require years of training to reach maximum efficiency. They must be held together as teams, for while continuity is important at policy forming levels, it is also very necessary down through the lower echelons. These men must be retained by the Armed Forces as significant contributors to our overall security. The only way is through a professional armed service.

At this time I do not have an estimate of the cost involved in my pay-raise proposal. The initial cost would undoubtedly be great, but when a volunteer professional Armed Force is established, the original cost will be more than offset. Fewer dollars will be needed for training of new recruits and specialized training funds will decrease because of a decreased turnover of men. Stability among our Armed Forces would prove to be less expensive. We do not have such stability today.

RESERVE PROGRAM

In addition to the current problem of building a strong voluntary armed force, there must be some form of a reserve to fall back on in time of general mobilization.

The present Reserve system requires that all veterans belong to a reserve, but they have a choice as to active or inactive reserves for a fixed number of years. Officers are to remain for an indefinite numbers of years. In addition, there is the National Guard, a reserve open to men before they enter the Armed Forces.

The present Reserve system has been subject to a great deal of criticism. One of the major complaints about the Reserve system is that it is not unified and lacks organization. The Reserves lack adequate facilities, training programs, uniform allowances; and in some cases the reservists receive no pay. It is suggested that a unified Reserve, all branches under one administrative head, would eliminate waste. Armories should be available for all branches of the Reserve. At the present time, Army, Navy, and Air Force reserve groups must maintain their own armories other than those operated by the National Guard. A unified Reserve would make all policies for each of the branches of the service. This would eliminate different promotion practices, terms of service and equipment; and supply facilities would be equalized.

The new administration proposal would extend the draft until July 1, 1959, and at the same time, set up a new form of UMT. The draft term would be kept at 24 months and the minimum draft age would remain at 18½. The newest plan would apply to youths under 19. One hundred thousand men of this age bracket each year would receive 6 months' basic training and then 9½ years in the active Reserves. The program would start with volunteers, but it could shift to the draft basis if necessary, with local boards selecting trainees.

This program would allow most veterans of 24 months' active duty to pass into the nonorganized Reserve, subject to call only in general mobilization.

This new plan would empower the National Guard to draft men who have completed 6 months' training, or a period of active duty in the Armed Forces, when essential to maintaining a Guard unit. The method of selecting such men was not explained when the plan was submitted.

In addition, National Guard enlistees with no prior service would be required to take 6 months' basic training in the Armed Forces. States would be allowed to set up new militia units that would replace the National Guard units called to active duty in an emergency.

There are many objections to this new administration manpower proposal. Any draft plan and more particularly the 6-month plan connected with a long reserve commitment bring a great deal of instability into a young man's life, unless he intends to make a branch of the Armed Forces his career. The future of these men is always overshadowed with the possibility of recall on short notice.

How much actual value is there in only 6 months training followed by part-time drill? In addition, there is discrimination in this plan because the first 100,000 will be the only ones who will get into the 6-month plan each year. How much training is done in these weekly meetings of the Reserves? Youths who are over 19 would be excluded from the new plan and would have to enlist or wait for the draft. Moreover, many men who are subject to Reserve training may live in places which are of considerable distance from the nearest Reserve unit.

Under some circumstances a young man might be able to wait out the draft until he was 26, and thus escape the draft because voluntary enlistments exceeded expectations. Another criticism of this Reserve plan is that veterans will be subject to involuntary assignment to active Reserve units. Veterans released since 1951 would be technically open to such a draft under the plan as written.

The main characteristics of this plan seem to be more insecurity, instability, and uncertainty for draft-age youths and their families.

Instead of relying on men who have already served, the Government might strengthen military training programs in high schools and colleges as a source of a large Reserve. At present, military training programs in our schools are generally limited to land-grant colleges and private schools. This military-training program could be extended to public and private high schools and institutions of higher learning which do not have military training programs at this time. The programs such as ROTC are integrated into the school curriculum and do not cause the interruption that other Reserve programs do in a civilian's business routine, and accomplish essentially the same thing. This program should be carried on within properly accredited State and private institutions. The instruction should be supervised by the school faculty and detached military personnel.

SHORTAGE OF ENGINEERS AND SCIENTISTS

In addition to a revitalization of our military manpower program, the United States is faced with a critical shortage of engineers and scientists. This shortage is potentially a greater threat to our national security than are any weapons known to be in the arsenals of aggressor nations. As a start in overcoming this deficiency, the Government might sponsor an extensive series of aptitude tests throughout the Nation's schools, discovering the students with the proper scientific potential.

Writing in Planes, official publication of the Aircraft Industries Association of America, Assistant Secretary of Defense Donald A. Quarles says:

> Since 1950 there has been a steady decrease in the number of technical graduates from United States schools, which has now leveled off at less than half the 1950 figures. This alarming decline has occurred at a time when advances ni technology have imposed mounting requirements for technical personnel in industry and national defense.

Americans have been too complacent regarding our capabilities as compared with those of our enemies, particularly the Soviet Union. We must face the fact that we no longer have the technological advantages we enjoyed in past years. We must face up to the fact that the cold war of today is a technological race with the Communist world.

Weapon technology is a very important factor in our cold-war position. One airplane in one trip can deliver at great distances a bomb load to knock out one large city. This means that research and development efforts to increase the effectiveness of the payload, to improve the means and reliability of delivering it, and, conversely, efforts to defend against it, tend to dominate our national security program. And to do this we must have a continual supply of technicians and scientists. At the end of World War II it seemed evident that we had a fairly comfortable technological margin over the Communist world, and, in fact, it is probably not an exaggeration to say that our air-atomic advantage was a principal factor in maintaining a balance of power, and, consequently, peace. In the decade that has followed, however, the Soviets have made very great strides in improving their technical position not only in the atomic field, as evidenced by their atomic test in 1949 and their thermonuclear test in 1953, but also in the fields of aeronautics and electronics, both of which are essential to the effective exploitation of their atomic developments.

According to the Quarles article, reports on the Soviet Union indicate that the Soviets are exerting intensive efforts to channel the interests of Communist youth toward science and engineering. Elementary and secondary schools stress science and mathematics. Incentives are provided for advanced students in engineering and science; and liberal rewards are given to their working scientists and engineers.

It has been estimated that this year the Russians will graduate approximately 50,000 engineers—more than double the number who will receive degrees from United States colleges and universities. An estimated additional 50,000 Russians will be graduated as subprofessional engineers and trained and highly qualified technicians.

The arguments presented by Mr. Quarles are very enlightening and very persuasive. He says:

> Only by matching them in ideas and skills can we expect to achieve a reasonable degree of national security in the future.

I thoroughly agree, and something must be done now to rectify this situation. It is my understanding that the administration has made no recommendations for Federal aid to colleges for technical training which might be of value in wartime, or for direct assistance to individual students.

As a strong military manpower program needs incentives, so does the program of training scientists and highly specialized technicians.

To illustrate the seriousness of this situation, recent figures indicate that the United States has an accumulated shortage of 40,000 engineers and 10,000 scientists, and the total shortage is increasing at the rate of 10,000 a year. These figures were presented by Dr. Allen Abrams, chairman of the committee on research of the National Association of Manufacturers, at a forum meeting of the committee on February 25 in New York City.

Dr. Abrams attributes the situation to many factors. He believes that the military is drafting many men needed for national defense and scientific programs. The number of students in science and mathematics has been decreasing steadily, he said, as well as has the number of science teachers in the high schools.

In order to insure an adequate number of personnel for industry and the military trained in highly technical and skilled fields, I suggest that the Government select each year a certain number of high school students who have shown special scientific interests and capabilities and underwrite their education. In return these students could be required to put in a period of service after graduation which would be in some way beneficial to our national security, in the military or industry.

Under such a plan we could be guaranteed a period of service during which these young men and women would be of great service. Today young aspiring scientists are faced with many obstacles, such as insufficient finances. If a young man is trained while in a branch of the services, he oftentimes does not complete the specialized training until his tour of duty is nearly up and then does he not reenlist.

Less than half of our high school graduates, deemed fully qualified for college work, fail to go on to college because of economic problems and lack of motivation. One step toward stimulating greater interest in science and mathematics would be improved teaching in the sciences at the high school level. Overpopulated schools and lack of proper facilities are two of the serious problems in this case.

It has been suggested by Alan T. Waterman, Director, National Science Foundation, that it might be desirable to explore the possibilities of a Federal grant-in-aid program to the States for science and mathematics teachers in the high school somewhat similar to existing

Federal aid for certain agricultural and vocational training in the secondary schools.

It is my understanding that the Federal Government's present role in promoting the education of potential scientists and engineers is generally limited to the National Science Foundation. The Foundation was created by Congress, as an agency of the executive branch, to fill the recognized need for a focal point within Government for the development of national science policy and the support and encouragement of basic research in science.

The Foundation's fellowship system is the most direct measure by which it augments the Nation's scientific manpower resources. By the award of fellowships for predoctoral study also, the Foundation offers to an average of 600 selected students a year the opportunity to undertake at institutions of their choosing, the advanced training necessary for a career in research.

Another important program of the Foundation is one that provides grants-in-aid to universities and other research institutions for the support of basic scientific research. The Foundation also is the center and distributing point of a great deal of scientific information.

The Foundation's program is a proven success but the program should be greatly expanded and include direct assistance to students studying in the sciences and mathematics below the graduate level.

Nuclear weapons, intercontinental guided missiles, supersonic jet planes, radar warning nets, these are the sort of complex instruments on which depends our ability to preserve peace and to resist aggression if it comes. To develop them and to improve them we need men and women of the highest caliber in applied mathematics, physics, chemistry, and related fields. Yet today we are faced with a shortage of these essential personnel. The correction of this situation should receive top priority.

The Armed Forces that we have today are those that we bought 3 and 4 years ago. The armed force that we need today is the one we failed to buy at that time.

In recent wars the United States has had months to prepare her fighting forces and muster her industrial strength. This is no longer true. Today we can suffer a devastating aerial attack in a matter of hours. Time is of utmost value.

Seven to ten years are required to create a modern bomber from design to combat readiness. No aircraft flew during World War II that was not designed prior to 1942, and nothing can alter the fact that it takes years to develop a single weapon.

An ever-increasing number of scientists and engineers in research and development is the key to qualitative superiority. A quotation from President Truman's Air Policy Commission at this point is in order:

> The next war, should there be one, may well be lost in the laboratories years before the storm clouds show on the horizon.

In conclusion, Mr. President, if it is necessary to continue to draft young men under existing conditions it should also be necessary to impose an excess profits tax on industries profiting from defense contracts. If we can draft men, I believe we can draft dollars on the same basis.

Universal military training is contrary to our traditions. Conscription in the services and the reserves is not the answer to a large, effective armed force, when it is possible to build a large voluntary force of professional soldiers, sailors, marines, and airmen with a little effort and determination. This should be done in the American fashion, not by compulsion and regimentation, but by providing individuals concerned with proper inducements to bring them into the fields of the military, science and engineering.

Mr. President, I recommend the following program:

First. A military pay raise—25 percent across-the-board to all servicemen with 2 years or more of active duty.

Second. Restored and increased fringe benefits for servicemen and their families.

Third. A voluntary Reserve.

Fourth. Expanded ROTC program in colleges and high schools, public and private.

Fifth. Government financed program of training scientists and engineers at college and graduate level. Federal aid to improve science programs in high schools.

Mr. President, I yield the floor.

## ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE, 1955

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 252, Calendar No. 106, providing for additional appropriations for the Department of Justice.

The PRESIDING OFFICER (Mr. BARKLEY in the chair). The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 252) making additional appropriations for the Department of Justice for the fiscal year 1955, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution (H. J. Res. 252) making additional appropriations for the Department of Justice for the fiscal year 1955, and for other purposes.

Mr. JOHNSON of Texas. I have discussed this matter with the distinguished minority leader, and he is agreeable to having the joint resolution considered at this time. The chairman of the Committee on Appropriations, the distinguished senior Senator from Arizona [Mr. HAYDEN], is ready to discuss the joint resolution now.

Mr. HAYDEN. Mr. President, the appropriation of $710,000 provided by the joint resolution merely covers deficiency funds for the Department of Justice, to enable the Department to pay the fees and expenses of witnesses.

The joint resolution was passed unanimously by the House, and was unanimously reported by the Senate Committee on Appropriations. I urge the immediate passage of the measure.

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H. J. Res. 252) was ordered to a third reading, read the third time, and passed.

## EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

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

## EXECUTIVE MESSAGES REFERRED

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

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

The PRESIDING OFFICER. If there be no reports of committees, consideration of the nominations on the Executive Calendar is in order.

## DIPLOMATIC AND FOREIGN SERVICE—NOMINATION PASSED OVER

The legislative clerk read the nomination of Julius C. Holmes to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iran.

Mr. JOHNSON of Texas. I ask that the nomination be passed over.

The PRESIDING OFFICER. The nomination will be passed over.

## SUPREME COURT OF THE UNITED STATES—NOMINATION OF JOHN MARSHALL HARLAN

The legislative clerk read the nomination of John Marshall Harlan to be Associate Justice of the Supreme Court of the United States.

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

| | | |
|---|---|---|
| Aiken | Chavez | Green |
| Allott | Clements | Hayden |
| Anderson | Cotton | Hennings |
| Barkley | Curtis | Hickenlooper |
| Barrett | Daniel | Hill |
| Beall | Dirksen | Holland |
| Bender | Douglas | Hruska |
| Bennett | Duff | Humphrey |
| Bible | Dworshak | Ives |
| Bricker | Eastland | Jackson |
| Bridges | Ellender | Jenner |
| Bush | Ervin | Johnson, Tex. |
| Butler | Flanders | Johnston, S. C. |
| Byrd | Frear | Kefauver |
| Capehart | Fulbright | Kerr |
| Carlson | George | Kilgore |
| Case, N. J. | Goldwater | Knowland |
| Case, S. Dak. | Gore | Kuchel |

| | | |
|---|---|---|
| Langer | Murray | Smathers |
| Lehman | Neely | Smith, Maine |
| Long | Neuberger | Smith, N. J. |
| Magnuson | O'Mahoney | Sparkman |
| Malone | Pastore | Stennis |
| Mansfield | Payne | Symington |
| Martin, Iowa | Potter | Thurmond |
| Martin, Pa. | Purtell | Thye |
| McCarthy | Robertson | Watkins |
| McClellan | Russell | Welker |
| Millikin | Saltonstall | Wiley |
| Monroney | Schoeppel | Williams |
| Mundt | Scott | Young |

Mr. CLEMENTS. I announce that the Senator from Michigan [Mr. MCNAMARA] and the Senator from Oregon [Mr. MORSE] are absent on official business.

The Senator from Massachusetts [Mr. KENNEDY] is absent by leave of the Senate because of illness.

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

The question is, Will the Senate advise and consent to the nomination of John Marshall Harlan to be Associate Justice of the Supreme Court of the United States?

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

The yeas and nays were ordered.

Mr. KILGORE. Mr. President, there is before the Senate the nomination of John Marshall Harlan, of New York, to be an Associate Justice of the Supreme Court of the United States. The nomination was sent to the Senate on January 10, 1955, and hearings were conducted by the full Committee on the Judiciary on February 24 and 25, 1955; thereafter the committee considered the nomination on March 3; and later, on March 9, the committee approved the nomination and ordered it reported favorably to the Senate by a majority vote.

The nominee was born May 20, 1899, in Chicago, Ill.; graduated from Princeton University with an A. B. degree in 1920; attended Oxford University 1921–23, receiving a B. A. degree in jurisprudence; and thereafter attended New York Law School, receiving an LL. B. degree in 1924. The nominee was admitted to the New York bar in 1925 and joined the law firm of Root, Clark, Buckner & Howland—subsequently Root, Ballantine, Harlan, Bushby & Palmer—of New York City. The nominee was a member of that firm from January 1931 to February 28, 1954.

On February 10, 1954, the nominee was appointed by the President to the United States Court of Appeals, Second Circuit. He took the oath of office on March 4, 1954, and presently is serving in that position. While serving on the court of appeals, the nominee has participated in the decisions on approximately 100 appeals, and has written the opinions of the court in 23 of those cases.

During World War II, the nominee served in the Armed Forces as a colonel, United States Army Air Force. He was stationed in England from 1942 to 1944 as Chief of Operations, analysis section, 8th Air Force; and subsequently he was a member of the planning section for the occupation of Germany, United States Strategic Air Forces in Europe. For his service, the nominee received the United States Legion of Merit.

Representatives of the American Bar Association's committee on the Federal judiciary, the New York County Lawyers' Association, and the Bar Association of the City of New York appeared in behalf of confirmation of the nomination. Other members of the bar personally acquainted with the qualifications of the nominee also testified in his behalf, and on February 25, 1955, the nominee himself testified before the full committee.

Under the Constitution, it is incumbent upon the Members of the Senate to give their advice and consent on nominations made by the President to the Supreme Court. It is not only a constitutional duty, but is a solemn responsibility imposed upon Members of this body. Likewise, it is the duty of the Committee on the Judiciary to examine nominees to judicial positions, to determine whether the nominees possess the legal competence and judicial temperament required of appointees to such high offices.

The Committee on the Judiciary, in reporting this nomination favorably, has determined that the nominee has the proper training, legal experience, and judicial temperament necessary for appointment as an Associate Justice of the Supreme Court; and, accordingly, the committee has recommended that this nomination be confirmed.

Mr. President, at this time I should like to read into the RECORD a letter addressed to me:

NEW YORK, N. Y., *February 4, 1955.*

Hon. HARLEY M. KILGORE,
*United States Senate,*
*Washington, D. C.*

MY DEAR SENATOR: I see that your committee has set the 23d of February to consider the nomination of John M. Harlan to the Supreme Court. Unfortunately at the moment my health does not permit me to ask for a personal appearance. I therefore take the liberty of writing a letter to you on the subject, to which, of course, your committee will give such weight or lack of weight as it sees fit.

I have known Judge Harlan personally and professionally, I think, ever since he came to the bar of New York. I am able, therefore, to testify of my own knowledge that he is a man of the highest character, an accomplished lawyer and, in my opinion, he would fill with distinction a place on the Supreme Court if and when his nomination is approved.

The great reputations on that Court have been made by men who reached the bench at an age that made possible long service and of course it is difficult, in filling a vacancy, to avoid contrasting the newcomer with the veteran who has gone; but he has youth, vigor, and industry, as well as a high order of intellect. I am sure I reflect the opinion of the entire bar of New York in saying that we were gratified by his selection and that we know of nothing whatever which would militate against his confirmation.

Believe me,

Very sincerely yours,

JOHN W. DAVIS.

Mr. President, I have read the letter because Mr. Davis originally came from my State, and I thought his letter should be placed in the RECORD, inasmuch as Mr. Davis is eminent in his profession.

Mr. EASTLAND obtained the floor.

Mr. SMITH of New Jersey. Mr. President——

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the Senator from New Jersey without losing my right to the floor.

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

Mr. SMITH of New Jersey. Mr. President, one of the gratifications in having a vote in the United States Senate arises when opportunity is presented to vote for confirmation of a Presidential nominee who not only is outstandingly qualified for the office to which nominated, but is also a warm personal friend. Such an opportunity is presented to me in the case of President Eisenhower's nomination of John Marshall Harlan to be an Associate Justice of the Supreme Court of the United States.

Judge Harlan's biographical background is fully covered in the record of the Judiciary Committee, so I shall emphasize only the fact that he took his bachelor of arts degree from Princeton University in 1920, and then went as a Rhodes scholar to Oxford University, and attended Balliol College from 1921 to 1923, receiving a bachelor of arts in jurisprudence, and subsequently a master of arts degree. Upon returning from Oxford, he attended New York Law School, and received a bachelor of laws degree in 1924.

He was admitted to the New York bar in 1925, and since that time has had a brilliant law career. About a year ago he was appointed by the President to the United States court of appeals in the second circuit, and took the oath of office on March 4, 1954. While his term on the circuit court has been brief, his record was a brilliant one; and he has participated in the decision of many critically important cases.

Mr. President, I have known John Harlan personally since before his graduation from Princeton, 35 years ago. His family, as well as the family of the late Senator Robert Taft, and my family, have spent many summers together at Murray Bay, in Canada, where we all became intimately acquainted.

I can say without hesitation that rarely, if ever, has a man appointed for so important a position as Associate Justice of the United States Supreme Court been so well equipped and trained as John Harlan. His professional qualifications have been attested by leading jurists in the courts of New York and by the most distinguished members of the bar.

I knew him as an undergraduate at Princeton, and I had the privilege of advising with him at the time when he was making up his mind about accepting the Rhodes scholarship to Oxford.

Mr. President, I am sincerely hopeful that the outstanding nomination of John Harlan to be an Associate Justice of the Supreme Court of the United States will today be confirmed by the Senate by an overwhelming vote.

I thank the Senator from Mississippi for yielding to me.

Mr. EASTLAND. Mr. President, my opposition to the confirmation of the nomination of John Marshall Harlan to be an Associate Justice of the Supreme

Court of the United States is based primarily upon three grounds:

First, the nominee would not agree to protect the sovereignty of the United States in the fight which now is being waged by powerful, organized pressure groups on the Atlantic seaboard to secure a decision by the Supreme Court of the United States that a treaty and rights secured thereunder would contravene and be paramount to the laws of the United States; that they would be paramount to the Constitution of the United States; and that by the provisions of a treaty an American citizen could be deprived of the rights guaranteed to him and protected by the Bill of Rights of the Constitution.

The issue here is whether the United States has surrendered its sovereignty; whether the United Nations Charter, with its taint of communism, is paramount to the United States Constitution; and whether citizens of the United States can be deprived by a world government of their sacred American rights of life and liberty. Our Supreme Court is now divided 4 to 4 on this, the greatest question which has ever confronted our country.

The question is simply this: Is the Constitution of the United States supreme? Are the rights of our people, guaranteed by that document, secure? Will we retain our form of government? I conceive it to be my paramount duty under my oath of office to protect and preserve the Constitution. With the peculiar situation of a divided court, the sole way this country can be protected and preserved is to require a nominee to the Supreme Court to state his views on this question, to state his views on the legal effect of a treaty. Surely the United States Senate and individual Senators have a right to know the views of a nominee for Justice of the Supreme Court on questions which involve the sovereignty of the United States and the preservation of our form of government. This question I shall discuss in detail a little later.

The fact is, however, that Judge Harlan declined to discuss the question. He declined to give his views. I therefore consider it my duty to oppose the confirmation of his nomination.

The second reason why I oppose the confirmation of this nomination is that the nominee lacks judicial experience, that this is a political appointment, dictated by Thomas E. Dewey and his henchmen, and that therefore the nomination should not be confirmed.

The third reason is that Judge Harlan is from the State of New York, and that the people of this great State possess views and philosophies which are different from those entertained by the rest of the country. New York has had entirely too many men in the Cabinets of Presidents, and entirely too many men upon the Supreme Court bench. It has had, and now has, entirely too much influence, for one State, upon the Government of the United States and the policies of our country. It is not good for our Government when too many Cabinet members and too many judges of our highest court are concentrated in one State.

The charge has been made that several southerners are opposed to the confirmation of the nomination of Judge Harlan because 60 years ago his grandfather wrote a hostile, anti-Southern, dissenting opinion in a segregation case. This charge is, of course, absurd. It is made by the pressure groups to get votes for this nominee from the Northern and Western States. The reason these groups are supporting him is that they think he will rule in conformity with their views, to the effect that the United Nations Treaty and the United Nations Organization are paramount to the American Government and to the United States Constitution. They further feel that we can enter a world government by the negotiation and ratification of an Atlantic union treaty. In other words, they think he will break, in their favor, the present stalemate on the Supreme Court.

What kind of man is it who would vote against a nominee because of some decision made by his grandfather more than 60 years ago? I do not believe a single Senator would be influenced by such a fantastic consideration. The question of racial segregation has not entered into my decision to vote against confirmation.

There are certain things that even the Supreme Court cannot do. There are certain things which no court can accomplish. No court can compel people to associate socially with one another. No court can compel school integration in areas where it is violently opposed by both races. The recent school segregation decision and the decree which will be entered to implement it will not even begin to lay the groundwork for racial integration in the schools of the Deep South. When the final decree is entered the net result will be simply an intensification of the contempt held by many people of this country for the Court. It will merely intensify the view, held by a great many people, that the Court as now constituted is incompetent and is controlled by political pressure groups. There is nothing Judge Harlan could do to cause racial integration in the schools, even if he so desired.

Since the charge is made that the attitude of some of us is based on a segregation decision, because of what his grandfather is alleged to have done, I wish to show the fallacy of the charge, and to show that world government is really the issue in this case. I quote from the case of *Cummings* v. *County Board of Education* (175 U. S., p. 528), a unanimous decision of the Supreme Court, and a decision which was written by Mr. Justice Harlan, the grandfather of the present nominee:

> The education of the people in schools maintained by State taxation is a matter belonging to the respective States, and any interference on the part of Federal authority with the management of such schools cannot be justified, except in the case of a clear, unmistakable disregard of rights secured by the supreme law of the land.

If I were to be influenced for or against a nominee by reason of something his grandfather said, I would certainly be influenced in favor of confirmation in this case, because of the position which Grandfather Harlan took in a school case before the Supreme Court 60 years ago.

I believe that Judge Harlan is an able lawyer. He has certainly been a successful lawyer. I think he is too smart and is too able an attorney to accept the views held by a number of Justices as to the effect of the 14th amendment to the Constitution in segregation matters. I do not believe he will be subject, in segregation cases, to pressure by organized pressure groups. I believe that he will follow what was evidently the intent of the Founding Fathers who wrote the Constitution, and the real intent of those who framed and passed the 14th amendment.

Mr. President, I desire to be fair in this matter. Permit me to say for Judge Harlan that in my judgment, if confirmed, he will be the ablest lawyer on the Court. He will be an improvement over most of the Justices.

He would not give his views on treaty laws, but he did state—and I think he was correct in so stating—that he would not, if confirmed, accept cash annuities or awards from organizations which promote cases in the courts. I am sorry to say that that has occurred on the Supreme Court of the United States.

Mr. President, I believe that he would cite the law as he sees it, and would not rely for authority upon the writings of Communist-front sociologists and psychologists. He would not permit groups which promote legislation before the courts to lobby with him by giving him honorary dinners and "achievement" plaques. Again I am sorry to say that some Justices of the Supreme Court have been guilty of such things.

Mr. President, there is no complaint from me that Judge Harlan does not have the legal ability or the integrity for this high position. He does not have the judicial experience, but I am satisfied he has the legal ability. I believe he is a man of very high and unquestioned integrity. If his nomination is confirmed, I am confident there will never be the least question of his integrity, and there will never be the least question of unethical conduct, nor, as I have said, will pressure groups be able to influence him through cash awards and honorary dinners.

One of the primary reasons for the disrepute in which our high courts of appeals are now held is the lack of judicial experience of the individuals who are nominated to the bench. Eminent as Judge Harlan may be as a lawyer and trial attorney, he does not have sufficient judicial experience to qualify him for the Supreme Court.

It is my belief that the Justices appointed to the Supreme Court bench should be selected from among active judges on the Federal judiciary or those of the highest courts of the several States, and they should have served long enough to make a distinguished record.

Mr. President, it has been my observation for the past 20 years that in that time not one appointment to the Supreme Court was based upon outstanding legal ability or upon accomplishments as a great jurist. It is my opinion that political considerations have governed the selection of Supreme Court Justices

in both Democratic and Republican administrations. For that reason the Court finds itself at the low level it now occupies.

The complexities of modern civilization have increased to a great degree specialized activities by various members of the legal profession. Certainly a field that requires the highest degree of specialization and training is that of the judiciary. Judge Harlan's slight experience as a member of the Second Circuit of the United States Court of Appeals in no way gives him needed judiciary experience to meet the high requirements that should be set for the Supreme Court of the United States.

I am in favor of comprehensive legislation which would set the highest standards possible for qualification to nomination and appointment to the Supreme Court of the United States. Bills which have been introduced to this effect, and which were necessary for the welfare of the Nation, will receive my earnest consideration and hearty support.

Mr. President, the duty incumbent on members of the Judiciary Committee to subject nominees for high judicial posts to rigorous and minute examination and cross-examination is a very unpleasant and distasteful task. But the performance of this duty is a most solemn obligation we owe to our oaths of office and to the people of the United States. I regret the necessity of having had to subject Judge Harlan to this ordeal.

The evidence is clear and convincing that Judge Harlan is one of the truly outstanding members of the American bar. As a trial lawyer of long-time experience, he was probably without a peer in his field. Despite his widespread activity in many fields of legal endeavor, his record is above reproach and he has received universal acclaim and recommendation from his associates at the bar.

But, Mr. President, honest and honorable men can cleave to differences of opinion in the realm of ideas, and on political and legal philosophies that create chasms across which no bridge can span. It is on this plane that I base my unalterable opposition to the confirmation of the nomination of Judge Harlan.

This character of opposition is not new and unprecedented in the Senate. In 1795 the nomination of John Rutledge of South Carolina for Chief Justice of the Supreme Court was rejected. He had previously honorably served a 2-year term as an Associate Justice. The senior Senators from Georgia and Arizona will personally recall the great debate which took place over the nomination of Judge John J. Parker to the Supreme Bench in 1929. Judge Parker was then and is now one of the truly outstanding jurists of the 20th century. His character and reputation were above and beyond reproach, but his nomination was rejected by the Senate on the ground that he espoused a political or legal philosophy contrary to that held by a majority of the Senators then present and voting. It is interesting to note further Mr. President, that these alleged ideological differences referred solely and alone to the application of Federal laws within the framework of the Constitution. Of much greater importance and significance is an ideological difference that extends above and beyond the framework of the Constitution. It is on this basis that I must part ways with Judge Harlan.

Mr. President, previously I have reviewed—and I shall later, perhaps, do so in greater detail—the development of judicial decisions concerning the application of treaties to the domestic law of the United States and that of the several States. Prior to Judge Harlan's appearance before the committee, and after long and careful thought and consideration, I reached the conclusion that the sovereignty of our country was a vital and compelling issue that over-rode all consideration of personalities. While I disagree wholeheartedly and completely with Secretary Dulles' enunciation as to the effect of treaties on the Constitution and laws of the United States and the constitutions and internal laws of the several States, it is a self-evident fact that this pernicious doctrine is now being given widespread credence by responsible officials in the executive department of the Federal Government.

I shall read from a speech delivered by Secretary of State Dulles before the American Bar Association in the city of Louisville, Ky., on April 12, 1952.

I asked Judge Harlan what his views were on the pronouncement made by Secretary Dulles in that speech. Judge Harlan said he did not desire to comment.

Mr. President, it is the duty of the Judiciary Committee to inquire into the legal philosophy of a nominee. It is incumbent upon us as lawyers to make certain that a nominee is well grounded in the law. It is incumbent upon us to see that the laws are upheld. That has nothing to do with a specific case which would come before the court, and is certainly no reason for disqualification should such a case arise.

Mr. President, this man, who refused to talk, was supported by Dulles, Dewey, and Brownell. He is a member of the Atlantic Union Advisory Committee. He is a member of the United Nations Committee to promote the United Nations. He says he did not know what they meant. I have heard that before. He said if they mean what now he realizes is their true meaning and what they really stand for, he would dissociate himself from them, provided his nomination should be confirmed. I asked the question because he put that proviso in his answer—"provided my nomination is confirmed." I asked him if he thought he should have dissociated himself from them when he became a judge of the circuit court of appeals, and he said, when driven into a corner: "Yes, I believe I should."

Mr. President, here is what Secretary Dulles said:

> The treatymaking power is an extraordinary power liable to abuse. Treaties make international law and also they make domestic law. Under our Constitution, treaties become the supreme law of the land. They are indeed more supreme than ordinary laws, for congressional laws are invalid if they do not conform to the Constitution, whereas treaty laws can override the Constitution. Treaties, for example, can take powers away from Congress and give them to the President; they can take powers from the State and give them to the Federal Government, or to some international body.

Mr. President, there is the greatest issue which confronts 20th century America.

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

Mr. EASTLAND. I yield.

Mr. LANGER. Is it not true that the same Mr. Dulles appeared before our committee and testified against the Bricker amendment?

Mr. EASTLAND. That is correct.

Mr. Dulles goes further, and I hope Senators will listen to this:

> And they can cut across the rights given by the constitutional Bill of Rights.

Mr. President, the Supreme Court is divided 4 to 4. I asked the nominee if, in his judgment, a treaty could deprive a citizen of the United States of rights guaranteed by the Bill of Rights, and he refused to answer. Why? I ask, again, Why?

He was asked if a treaty ratified by the Senate could deprive a citizen of rights guaranteed by the Constitution of the United States, and if a treaty is paramount to the Constitution, and his answer was, "I decline to answer."

Mr. President, if we are going to confirm the nominations of men who take such a position before the committee, we might as well abolish the right of the Senate to confirm judicial nominations. We have a duty and a right to know the legal philosophy of a man who is nominated to the Supreme Court bench. I know that every Senator will conscientiously discharge his duty, under his oath of office, as he sees it. I think it is my duty to vote against confirming the nomination of any man, regardless of who he may be, who will not answer such questions, because, after all, it is my primary responsibility, as I see it, under my oath, to protect the sovereignty of my country.

Mr. President, there is another angle. I am going to read part of a telegram from a great Texan, which will emphasize the point which bears upon this nominee's qualifications.

The nominee was asked about the Bricker amendment, one of the very important questions which confront the people of the United States at this time. Upon its solution, in my judgment, depends the whole future of the American form of government. I think that unless the Bricker amendment is submitted and ratified, the American system of government will be a thing of the past.

What was his answer? He said he did not know anything about the Bricker amendment; he did not know what it meant.

Mr. President, here is an able lawyer, a man who represented the Du Ponts in a great antitrust case, a man who was the senior partner of a great law firm, a man who was on the bench of the circuit court of appeals, a man who is highly educated, a graduate of Oxford University. He stated that he did not know what the Bricker amendment was.

Listen to this telegram, Mr. President:

I have come to the conclusion that Judge Harlan, a national and international lawyer, is one of the least-informed men I have ever heard of. There is scarcely a high-school boy or girl in Texas not familiar with the United Nations and the Atlantic Union.

I submit, Mr. President, that a nominee who says he knows nothing about a matter which is so important as is the Bricker amendment should not have his nomination confirmed; that we had better go slowly; and that we must go slowly is made double sure when we learn the organizations to which he belongs, and when we discover who were his associates behind his nomination for the United States Supreme Court. He is a product of the Dewey crowd. He is a product of Thomas E. Dewey and his political henchmen, one of whom came down from the city of New York, a very able lawyer, a very honorable man, and urged that the nomination of Judge Harlan be confirmed. It developed that he signed a brief in the Supreme Court for Alger Hiss, a brief which sought to get the Court to hold that the United Nations Charter could supplant laws of the States and could supplant the Constitution of the United States.

I say, Mr. President, we should consider his surroundings, his environment, his associates. Why were those people pushing this nomination for confirmation, and at the very time when our Supreme Court is divided, 4 to 4, on this great question? The issue involved is too grave to place on the basis of trust or speculation. In the field of political or legal philosophy a "yea" or a "nay" answer is required. The question was put squarely to Judge Harlan. He refused to say "Yea," and he refused to say "Nay." The character and nature of his evasive answers lends weight to the conclusion that he sides with those who would forfeit our sovereignty. This, plus what I will charitably term his "naivete" is being wholly oblivious to, and holding no opinion or convictions concerning, great public issues that characterize the life of our times.

Mr. President, examination of Judge Harlan's testimony will be in the reverse order from the delineation immediately set forth above.

Senator DANIEL. Judge Harlan, without causing you any embarrassment or any intended criticism of any person who might have commented on the subject, do you, as an individual citizen, have any views whatever on the subject of admission of Communist China to the United Nations?

Judge HARLAN. I have no views on it.

Here is a nominee to the Supreme Court who has absolutely no views on whether Communist China should be admitted to the United Nations. I submit that that is a circumstance which goes to the competence of the nominee, able lawyer and honorable man that he is. I continue to quote from the hearings:

Senator DANIEL. You have not expressed any views in international affairs since becoming a judge of the circuit court?

Judge HARLAN. I have not.

Senator DANIEL. Publicly?

Judge HARLAN. No, sir; or before.

Thus, a learned and intelligent man has no personal or private views on a public issue which has been the subject of widespread debate throughout our society from high-school civic classes to the Halls of the American Congress. An inquiring reported cannot get a satisfactory answer from a man on the street who does not have a fixed conviction one way or another. If the most intelligent, and supposedly best informed, citizens of the country can so disregard and be oblivious to such vital matters, wherein can there be hope for the survival of our Republic?

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

Mr. EASTLAND. I yield for a question.

Mr. DANIEL. I assume the Senator from Mississippi understands the reasoning behind my line of questioning of Judge Harlan, as to whether he had expressed himself regarding the admission of Red China to the United Nations.

Mr. EASTLAND. Yes, I understand.

Mr. DANIEL. My real interest was in determining whether or not Judge Harlan planned to go about over the country, expressing himself publicly on international affairs.

Mr. EASTLAND. I yielded for a question.

Mr. DANIEL. I merely wished to clarify the record. If the Senator objects——

Mr. EASTLAND. No; I do not object.

Mr. DANIEL. Since the Senator from Mississippi read some of the questions I asked Judge Harlan, I want to clarify the record here today.

My feeling about the matter is that a member of the Supreme Court of the United States should confine himself, as nearly as possible, to the business of the Court, and should not be taking sides publicly on important matters of foreign relations. I do not mean by these remarks to criticize any particular sitting member of the Court; it is simply a general principle with me. That is why I asked Judge Harlan the questions.

Mr. EASTLAND. I think the distinguished Senator from Texas is exactly correct. I think his position is sound.

The Senator has said he would not criticize any sitting member of the Court. However, I think one member of the Court is deserving of criticism, and I will certainly criticize him.

Mr. DANIEL. I will, too, at the proper time. I just did not mean to be criticizing by these remarks.

Mr. EASTLAND. I will be critical. I will be guilty of it. I speak of a man who advocates and recommends the recognition of Communist China, a country whose government has murdered thousands of American boys.

Judge Harlan's answer was not that he had not gone over the country; his answer was that he had no opinion on whether Red China should be recognized or not. The point I make is that that goes to his competence.

Mr. DANIEL. I would have been better satisfied if Judge Harlan had had a personal opinion that Red China should not be admitted to the United Nations. I agree with the Senator from Mississippi on that point.

Furthermore, in other forums, I have disagreed with a sitting member of the Supreme Court on this matter. I said I had not intended to do so again here today, but since the Senator from Mississippi has raised the question and has himself expressed such disagreement, I will here and now join with the Senator in expressing my disagreement with and disapproval of a sitting member of the Court who has gone about over the country advocating the admission of Red China to the United Nations. I wanted to be certain that we would not have another member of the Supreme Court doing that, if the nomination of Judge Harlan were confirmed.

Mr. EASTLAND. I do not think there will be another member of the Supreme Court doing that.

Does not the Senator from Texas believe that the same Justice who has been traveling throughout the country espousing pro-Communist causes, resorted to legal chicanery in an effort to save from execution two Communist spies?

Mr. DANIEL. I have not studied or formed an opinion on the question the Senator asks.

Mr. EASTLAND. Judge Harlan is a member of the American Bar Association and also a member of the Association of the Bar of the City of New York. It was in 1948 that the American Bar Association, through its Committee on Peace and Law through the United Nations, began studying United Nations covenants. These studies culminated in a resolution adopted by the House of Delegates in February 1952, recommending an amendment to the Constitution of the United States to clarify and pin down the treatymaking power contained in the Constitution. It was a subject of widespread discussion and debate. The Senator from Ohio [Mr. BRICKER], also proposed a similar amendment, known as the Bricker amendment, in February 1952. When the battlelines were drawn, it developed that the Association of the Bar of the City of New York was the only bar association in the United States actively fighting the Bricker amendment. As all know, it has been one of the great debates of the mid-20th century. Yet Judge Harlan says:

Senator DIRKSEN. Judge Harlan, it was the Judiciary Committee and a subcommittee of the Judiciary Committee that took the testimony on the so-called Bricker proposal, and I suppose you followed it somewhat no doubt through the bar associations and the press at the time it was on the front page.

Judge HARLAN. Frankly, I did not, and I will tell you why. For the past 4 years, almost, before I came on the bench and left private practice, I have been so immersed in litigation, most of which has been out of town, that the normal things that one does under ordinary circumstances escape me, and frankly, I attended none of the meetings of the bar association, no meetings that I can ever remember discussing the question of the Bricker amendment, and read no literature on the subject. I neglected my family in other respects, so that it wasn't merely the—

Again I say that practically every schoolchild in the United States knew about the great fight which the senior

Senator from Ohio [Mr. BRICKER] was making. It seems peculiar to me that that fact did not trickle down to this nominee, who is a great lawyer and an American of high intelligence. I continue to read:

Senator JENNER. I am glad to have your views in regard to this. Now, may I ask, what is your opinion of the Bricker amendment?

Judge HARLAN. I have no opinion about it because, as I testified before—and I think it was Senator DIRKSEN who asked me the question—it so happened that during the controversy about the Bricker amendment, I was heavily engaged in litigation to the point where the ordinary interest that any intelligent citizen has in the affairs of this country, whether he is active or inactive in politics, had to yield to the necessities of my professional commitments. Perhaps you weren't here when I said it.

Here, Mr. President, are two topics of great significance, such as to attract the "ordinary interest that any intelligent citizen has in the affairs of this country, whether he is active or inactive in politics." Yet, about them, Judge Harlan pleads ignorance or indifference. I submit that no man can live in this country in an absolute vacuum, particularly an astute and able lawyer, and not have some cognizance of the public issues of the day.

According to Judge Harlan, his lack of understanding extends to acts of commission as well as those of omission. The opposition to his nomination stemmed from his alleged connection with the Atlantic Union Committee. He was reported as having been a member of the advisory council of this organization since 1952. The report was absolutely correct. But, after holding a post on the advisory council for a period of 3 years, Judge Harlan not only stated that he took no part in the organization's activities, but now denies that he understood the purposes of the organization that he joined, and upon being advised as to what its purposes were, disassociated himself completely from those purposes, and repudiated them.

Two of the purposes contained in the articles of incorporation of the Atlantic Union Committee are:

2. To promote a widespread understanding of the principles and advantages of a federal union of free peoples so as to make possible a fair evaluation of any plan that may be recommended by such convention, and to proffer advice and assistance in formulating the terms on which any such union is to be established.

I read further:

3. To promote the formation of such a union of democracies as, in the opinion of the committee, offers the best prospect for attaining world peace.

What constituted the opinion of the committee is covered in this address in setting forth Justice Robert's testimony before the Senate Foreign Relations Committee in 1950. What did Judge Harlan know and think about all this? He explained that he received a letter from Justice Roberts, whom he did not know personally, which letter said in part, as appears in the hearings:

"MARCH 29, 1952.

"DEAR MR. HARLAN: The Atlantic Union Committee has authorized me, as president, to invite you to join us in our effort to underwrite the safety of freemen."

Judge HARLAN. I might parenthesize at that point to say that Mr. Osborne was one of the commissioners of the crime commission, which you heard discussed yesterday, for which I had recently been at this time the counsel. Continuing with the letter:

"Mr. Lithgow Osborne has suggested to me that you might be interested in our work. We want you among the 500 other distinguished American leaders who comprise the membership of our council.

"Specifically, the job of the Atlantic Union Committee is to support mutual-security measures which can help the Atlantic community grow into a union of the West, with some form of common authority. In this way it will give the United States power to enforce peace."

Let me interpolate to say that under that common authority and common citizenship, our immigration laws would be swept away.

I continue to read the letter and testimony:

"Your acceptance of this invitation to join our council will mean two things: First, you will be alining yourself with leaders in the free world who believe that aggression and war can be deterred by determined, collective action.

"Secondly, you will be acting on your own convictions by joining a group that is translating this theory into practice through supporting legislation moving toward union of democracies."

To which I replied on April 31, as follows:

"MY DEAR JUDGE ROBERTS: I am glad to accept your invitation to become a member of the council of the Atlantic Union Committee. I feel, however, that I should warn you that I cannot be counted on for any work or activity in connection with the committee for the next year, owing to an antitrust litigation in which I am engaged."

Judge HARLAN. That, gentlemen of the committee, that is of the Judiciary Committee, is the full extent of my participation in the Atlantic Union.

Senator EASTLAND. Judge, the letter spoke of an international authority, and you had an invitation to join that authority. What did you understand about the international authority that the invitation asked you to join?

Judge HARLAN. I regarded that letter, Senator EASTLAND, as indicating some kind of collective action that would represent the group of so-called American democracies in a collective effort to combat the Communist menace, that was all.

At a later point in the testimony, Judge Harlan said in part:

And I also said, which I again want to make clear, so that it does not leave any false implication, that since this thing has come up, I have heard nothing and have no reason to believe that the Atlantic Union stands for any such thing as has been pictured here, or that the objectives of the union are different from the premises that I told Judge Roberts I would join it on, namely, as an instrument in the defense of the Atlantic community against the Communist threat.

Still later, he said:

Judge HARLAN. I might also add that I have said, which I still believe to be the case, that I have found nothing, even though my connection with the Atlantic Union was purely formal, I have found nothing that I have heard since that indicates the Atlantic Union stands for any different set of principles than the premise on which I felt I would join it.

At one point the chairman asked him:

The CHAIRMAN. Just a second, I want to ask one question to clarify something.

There is one thing you said that is a little bit unclear, I think, that within your knowledge the Atlantic Union had nothing to interfere with your ideas. By that do you mean that there is nothing in the Atlantic Union policies that in your opinion would in any way affect the sovereignty of the United States as a sovereign nation of the world?

Judge HARLAN. That is why I have always understood the Atlantic Union.

Judge Harlan admits that he knew the Atlantic Union Committee would be a subject of controversy at the hearings. He went through his files to get the correspondence. As a great trial lawyer, could he ever have prepared and won a case with such an abysmal ignorance of his facts and an absolute inattention to any detail? Here, on a matter so important that it shakes the foundation of the Constitution itself, he pleads guilty.

I read further:

Senator JENNER. But I take it, since Judge Harlan here has become a member of the Atlantic Union, so to speak, on the advisory committee, through a direct invitation of Justice Owen Roberts—in other words, I would like to know, Judge Harlan, how far would the proposed Atlantic Union reduce American sovereignty, if you know?

Judge HARLAN. Well, I just can't tell you because I don't—I wouldn't suppose at all, because I don't understand that their objectives are to undermine the Constitution of the United States.

Senator JENNER. Well, let me give you, as I understand it, some of the objectives sustained by Justice Roberts of the Atlantic Union:

"Such a union must be built on, first, a common citizenship; second, a common economic and military policy; third, a common currency; fourth, a free exchange of goods and services among federation members." Now, that is Justice Roberts' statements on what are the proposals of the Atlantic Union.

Judge HARLAN. Well, I——

Senator JENNER. And that would affect the United States, Canada, Great Britain, France, and the Benelux countries in the original proposal.

Judge HARLAN. Well, I can't——

Senator JENNER. But they also have literature out that would eventually, by consent of the original members of the Atlantic Union, provide that they could bring in the rest of the world.

Now, I realize that I am inquiring into a political philosophy, but I think that we are at such a juncture in history, before a man is confirmed to the highest court in this land—

Mr. President, let me say I certainly agree with the position taken at that point by the distinguished junior Senator from Indiana [Mr. JENNER]—

this committee, through the representative form of government—and I am here representing the people of my State and I hope the people of the Nation—I would like your honest views on your political philosophy on that kind of proposition, common currency, and so forth.

Judge HARLAN. I will give you my honest view.

Senator JENNER. All right, sir.

Judge HARLAN. This is the first time, unless it was read yesterday, that I have ever heard that statement read. If Justice Roberts is correctly quoted, and the implication that you draw from what is said there is correct, I disassociate myself from it, because I don't believe in it.

And again, later:

Senator DANIEL. As a predicate to some questions on that subject, I would like to read from a document I obtained at the Library of Congress, Twenty Questions on Atlantic Union, published by the Atlantic Union Committee, from page 3 following, which I will dictate into the record:

"We would transfer to the union government certain definitely limited portions of powers presently delegated to our National Government.

* * * * *

"Proponents of the Atlantic Union have, however, pointed out that in existing Federal unions, like the United States, the people have delegated to the union government powers to establish a common foreign policy, a common defense, a common free market, a common currency, a common postal system, a common citizenship, and also a sufficient power of taxation to implement these other powers. Justice Roberts has suggested—"

And I am now reading from page 4 of this document—

"that an Atlantic union government should comprise a legislature, probably of two houses elected by the union's people, an executive capable of enforcing the union laws upon its citizens, and a judiciary empowered to adjudicate union laws."

That is an international supreme court, Mr. President; and Judge Harlan was a member of the advisory committee to promote such a setup. When pinned down, he said he did not know it stood for that.

Mr. President, I do not think it is good policy to confirm the nomination of a man who joins such an organization and, when he sees that the objectives of the organization would not meet with the approval of a majority of the United States Senate, says, "I am ignorant about it, and I dissociate myself from it." I have heard such statements made too many times by persons who have joined a great many organizations which later turned out to be "front" organizations; when they found Communists there, those persons have said, "I did not know it, and I dissociate myself."

That situation has been bitterly condemned and, I think, rightly so, year in and year out by Members on the Republican side of the aisle. But now the shoe is on the other foot.

I read further, continuing the statement made by the Senator from Texas [Mr. DANIEL]:

Now, as I understand it, at the time that you consented to become a member of the advisory board of the Atlantic Union, you did not know that these were proposals of the Atlantic Union Committee.

Judge HARLAN. That is correct, sir.

Senator DANIEL. And you disassociate yourself with any such proposals?

Judge HARLAN. I do, sir.

Senator DANIEL. Now, from page 16 of the same document I read into the record the following:

"By the process of voluntary growth, the union could at some time in the indefinite future develop into a free world government." At the time that you consented to become a member of the board, you did not know that that was a statement, at least, contained in the official publications of the Atlantic Union Committee?

Judge HARLAN. That is correct, sir.

Senator DANIEL. And you disassociate yourself with any such plan or proposal.

Judge HARLAN. I do.

Senator DANIEL. Now, are you still a member of the advisory board of the Atlantic Union?

Judge HARLAN. So far as I know.

Mr. President, before I make any additional comments, let me point out Judge Harlan's admitted connection with still another organization.

Senator EASTLAND. You have never been a member of any United Nations organization?

Judge HARLAN. Yes; I have. I am a member of the Citizens Association of the United Nations, I think. Never attended any meetings. My membership goes to the extent of going to one meeting and hearing a speech made, and sending in $25 contribution.

Senator EASTLAND. What is the object of the Citizens Association for the United Nations?

Judge HARLAN. Frankly, I cannot tell you. I think I went with a friend to a cocktail party one afternoon. I think the purpose of it is simply to engender interest in the United Nations—that is all.

Mr. President, I submit there are in this country very few persons who will join an organization and will make a contribution of $25 to promote it, but will have no idea what its objectives are. I was amazed when I heard that statement by the nominee.

Mr. President, I have been unable to find a listing of any such organization as the Citizens Association for the United Nations. Since the American Association for the United Nations, which concentrates its activities in New York, and about which I have spoken at great length, is the only one of any consequence in that area with a similar name, it must be assumed that this is the organization to which he is referring.

Judge Harlan says he thinks the purpose of it is simply to engender interest in the United Nations. I say that the evidence is clear and convincing that its purpose is to undermine and destroy the sovereignty of the United States. We need no further proof than the amicus curiae brief, previously discussed, which it filed in the case of Shelly V. Kramer. We certainly hold to different points of view. My viewpoint is based on facts. Judge Harlan's is probably based on ignorance.

I shall read the arguments in the brief which was filed by this organization, the American Association for the United Nations, to which Judge Harlan evidently belonged, and to which he evidently made a $25 contribution. The brief is signed, among others, by Alger Hiss, Asher Bob Lans, Phillip C. Jessup—I remember that the Senate refused to confirm the nomination of Mr. Jessup at one time—Joseph M. Proskauer, who was the principal witness for the nominee; Myers S. McDougal, and Victor Elting, of counsel.

Mr. McDougal was a schoolmate of mine. He is a very distinguished professor at Yale University, and I think a very misguided liberal.

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

Mr. EASTLAND. I yield.

Mr. LANGER. Will the Senator give us his definition of a "misguided liberal"?

Mr. EASTLAND. We will go into that.

The arguments in the brief are summarized:

I. Enforcement of racial restrictive covenants is a violation of articles 55 (c) and 56 of the treaty known as the United Nations Charter.

(a) Interpretation of articles 55 (c) and 56.

(b) The obligations of the United States under articles 55 and 56 are not qualified by article 2, paragraph 7 thereof.

II. As a part of the supreme law of the land treaties invalidate conflicting provisions of State common law or State statutes.

III. Both State and Federal courts are prohibited from taking affirmative action which contravenes the declared foreign policy of the United States of eliminating racial and religious discrimination.

The Supreme Court decided this case on other grounds. But the position taken by the authors and proponents of this brief is clear and unequivocal.

While Alger Hiss signed this brief as an attorney, he is not listed as a member of the Board of Directors or an officer of the American Association for the United Nations. Let me say in deference to Judge Harlan that he said he was a member of the Citizens Association for the United Nations. My information is that there is no such organization, and that the only one is the association which filed this brief.

Mr. Eichelberger, the executive director of the American Association for the United Nations, explained Mr. Hiss' connection with the brief in this language:

It is the first name and it would be proper to read the list, but in case anyone reads the record in the future and wonders, I want to make it clear, I want to make it clear no one is stressing that. Mr. Hiss at that time was president of the Carnegie Foundation and a member of the Board of International Nations. Certainly no question has been raised as to his patriotism. He asked to sign the brief although he had little to do with its preparation. That was before any question was raised as to Mr. Hiss.

Mr. President, the point is that this organization filed a brief in the court, which stated:

As a part of the supreme law of the land treaties invalidate conflicting conditions of State common law or State statutes.

Here again we have the question as to the competence and qualifications of this nominee.

How did Judge Harlan get into the Atlantic Union business? Justice Roberts says his good friend Mr. Lithgow Osborne recommended him. Judge Harlan described Mr. Osborne as one of the commissioners of the New York Crime Commission, for which he served as counsel. He omitted the fact that Mr. Lithgow Osborne is also the national secretary of the Atlantic Union Committee of which Justice Roberts is President. Certainly, Mr. Osborne knew and knows exactly and accurately what the Atlantic Union Committee stands for and what has been contained in the literature.

As I have stated, Judge Joseph M. Proskauer, of New York City, appeared before the committee to testify for Judge Harlan, not only as a representative of the New York County Lawyers Association, but also as a long-time friend of Judge Harlan. This is the Judge Proskauer whom I previously described as

being at the San Francisco convention, where the United Nations was organized, and making the inspiring speeches for the insertion of articles 55 and 56 into the United Nations Charter. This is also the Judge Proskauer who signed the brief amicus curiae in the Shelly versus Kramer case along with Alger Hiss, Phillip Jessup, and others whom I have named. Mrs. Joseph M. Proskauer is listed as a member of the board of directors for the American Association for the United Nations.

Mr. Wendell Berge, formerly an Assistant Attorney General of the United States, appeared at the hearings to testify for Judge Harlan on his own behalf. He explained that as a law clerk he worked under Judge Harlan's supervision for 2 years and that Judge Harlan was an inspiration to all who came in contact with him. Later the judge had litigation with the Government in fields in which Mr. Berge represented the Government. Mr. Berge—and this is strange—is or was also a member of the advisory council of the Atlantic Union Committee.

Mr. President, the Senate Committee on the Judiciary was besieged by members of this advisory committee, by people who were interested in one-world government, and who were advocating the confirmation of this man's nomination. I submit that that is a circumstance which should weigh heavily.

The Chicago Tribune, in a long editorial opposing Judge Harlan's appointment, summed up his testimony in regard to these organizations in this manner:

A lot of Communists and members of Communist fronts have testified that they were so simple minded that they never knew that they were being used for revolutionary purposes. It is difficult to credit their testimony as to Communist fronts; it is difficult to credit Judge Harlan's as to one-world fronts.

Mr. President, at great length and in detail, I have analyzed the attitudes and actions of organizations, and the members thereof, devoted to the principle of supergovernments. Judge Harlan, himself, was forced to admit publicly that they did seek to destroy sovereignty now vested in the Constitution of this Republic. He attempted to repudiate these purposes. Now, on the basis of his own testimony, he must be indicted in the words of Jefferson for—

combining with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws.

The people, who are the final reservoir of our strength and power, are awake to the assaults that are now being made on the Constitution. If the Senate does not perform its constitutional duty in protecting the Constitution, the issue will ultimately be determined at the polls. But determined it shall be, and I, for one, have no doubt about the eventual outcome.

Mr. President, please indulge me while I make a more detailed analysis of Judge Harlan's testimony in regard to treaty law. As my distinguished friend, the junior Senator from Indiana [Mr. JENNER] said, that is a great question that confronts this country.

I read to Judge Harlan Secretary Dulles' statement on treaty law, which I have previously quoted in full, and asked this question:

Now, I would like to have you tell us, please, sir, whether you agree or disagree with that statement, whether a treaty can cut across the Bill of Rights, whether it can override the Constitution of the United States, and whether under a treaty, rights given under the treaty will be paramount to the domestic laws of the State.

Judge HARLAN. I will try to answer that question as fully and directly as I can, Senator EASTLAND, bearing in mind, which I am sure the committee respects, the position that I am in as a nominee to the Supreme Court of the United States, for I take it not only would the committee agree with me that it would be inappropriate for me to comment upon cases that may come before me, and to express my views on issues that may come before me, but that if I undertook to do so that would seem to me to constitute the gravest kind of question as to whether I was qualified to sit on that great Court. But in those limitations I will give an answer to your question, sir.

Let me say that it would be inappropriate for a judge to comment on cases which might come before him. But that is not the question here. He was asked solely and simply his view on a point of law. I submit it is not only within our power but it is within our duty as Senators to get that information.

Senator EASTLAND. All right, sir.

Judge HARLAN. First of all, as to the scope of the treatymaking power which has a long history, stemming from the original adoption of our Constitution, as you gentlemen know, as well as I do, those involved questions which have been before the Supreme Court, which are likely to come again before the Supreme Court in one fashion or another, and as to that I must ask your indulgence in saying that I would not in my position be entitled to comment on that. That is point 1.

I have not finished my answer sir.

Point 2: I think I can say with propriety that whatever the law is as a result of further congressional action with respect to the treatymaking power, either by constitutional amendment or otherwise, I would conceive it as my duty on the Court to enforce the Constitution and the law made by Congress as it appeared to me was the congressional intent of such legislation or constitutional amendment.

Mr. President, if any further proof was needed as to the impelling necessity to pass a constitutional amendment, such as the Bricker amendment, to spell out the scope of the treatymaking power, we have it here. A great jurist refuses pointblank to vouchsafe any opinion as to what our Constitution now means in respect to the scope, extent, or meaning of the treatymaking powers. Yet, he adds, "if you enact an amendment, if you pass legislation, I promise you I will do my utmost to carry out the congressional intent."

To continue with the testimony:

Senator EASTLAND. Well, now, sir, we have an obligation, Judge, which is to protect the sovereignty of our country, and that is especially true in the light of the split decision of our Supreme Court, and I think that it is my duty to determine whether or not a man who is nominated, who becomes a member of the Highest Court in the land, would participate in a decision by which this country would lose its sovereignty.

I would like to ask you, in the light of that, this question now: Can a treaty take powers from the State and give them to an international body, as the Secretary of State says it can?

Who questions the fact that a Member of the United States Senate is not entitled to an answer to that question? There is no such case before him. Can a treaty take powers from the State and give them to an international body, as the Secretary of State says it can?

Judge HARLAN. For the reasons, Senator EASTLAND, that I have given, I do not think I can amplify the statement I have made or that it would be proper for me to do so, and I will have to stand on my previous answer with this addition, that I fully recognize the responsibility of your committee to scrutinize the candidate.

Senator EASTLAND. Each individual Senator to make up his mind?

Judge HARLAN. I entirely agree with that and am in full sympathy with it. I am not one of those who believes that the Senate Judiciary Committee should be a rubberstamp in exercising its constitutional responsibility in participating in nominations. I am not of that school of thought, and that is why I am here. By the same token, I am sure that the members of the committee would recognize that under our scheme of things that a nominee to high judicial office would commit the gravest indiscretion, and I may add, impropriety, in expressing views as to how he would vote on issues that have not yet come before him and may come before as a member of the Court. And all I can say by way of amplification, with what I have said as to my own attitude on these questions, that I am not one of those who believe in any organization, the purpose of which is to override the Constitution of the United States, to surrender one iota of its sovereignty, and that the relationships that we must necessarily have in this complicated world and dangerous situation, are relationships which must be achieved and which can be achieved and were intended to be achieved within the framework of the Constitution of the United States.

Mr. President, of course, it would be fully in accord with the Constitution if a fifth man on the Supreme Court, which is now divided 4 to 4, should hold that a treaty could surrender a right guaranteed under the Bill of Rights and could deprive the American Government of power vested in it by the Constitution and transfer it to some international body.

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

Mr. EASTLAND. I yield for a question.

Mr. DANIEL. The Senator from Mississippi does not mean to say, does he, that, in his opinion, such a decision would be in accordance with the Constitution of the United States or the intention of the writers of the Constitution?

Mr. EASTLAND. No. What Judge Harlan said was that he would not override the Constitution. But if the Court should hold that under the Constitution of the United States there can be negotiated and ratified a treaty which would deprive citizens of their rights guaranteed by the Bill of Rights, it would be perfectly constitutional.

Mr. DANIEL. That would be based on a new interpretation of the Constitution which might be made by the Court.

Mr. EASTLAND. That is correct.

Mr. DANIEL. But no such interpretation should ever be made. I wonder if the Senator will yield for an observation as to the importance of a constitutional amendment on this subject being emphasized by Judge Harlan's testimony?

Mr. EASTLAND. I shall yield for a comment, of course, if I do not lose my right to the floor.

Mr. DANIEL. On this point the only thing on which I might disagree with the Senator is this: Judge Harlan said the question might come before the Court in the future and he would not undertake to answer the interrogatory because, if he did, he might at some time have to disqualify himself. He might have been justified in declining to answer for that reason. But I agree with the Senator that if it is a sufficiently close question as to whether a treaty might override the Constitution—so close that a nominee to the Supreme Court should not express himself on the question—then it makes out a good case for some type of constitutional amendment along the line of the Bricker amendment. The question should be resolved so that in the future no court could decide that a treaty could override express provisions of the Constitution.

Mr. EASTLAND. I agree with the Senator from Texas. But, Mr. President, the Bricker amendment was not adopted; it was defeated. I shall discuss in a moment the Iowa case, in which the Supreme Court was divided, 4 to 4. If this nomination is confirmed, Judge Harlan will have the deciding vote. I know of no other way to protect the sovereignty of the United States than to force any man, not only Judge Harlan but any other man who is nominated to the Court, to state his views on treaty law.

Mr. DANIEL. So long as there is sufficient doubt as to cause a nominee to decline, on grounds of propriety, to answer the question, there certainly seems to be need for some type of amendment which will make it clear that a treaty cannot override the express provisions of the Constitution.

Mr. EASTLAND. I certainly think so. I agree with the Senator entirely. I hope we can succeed in having such an amendment adopted.

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

Mr. EASTLAND. I yield to the Senator from Indiana.

Mr. JENNER. In other words, the Constitution of the United States provides for the ratification of treaties. Is not that correct?

Mr. EASTLAND. Yes.

Mr. JENNER. The Constitution itself provides for the way in which treaties shall be ratified. Once ratified, they are the supreme law of the land. Is not that correct?

Mr. EASTLAND. That is correct.

Mr. JENNER. Therefore, unless Congress takes back the power it has given away, it would not matter whether Judge Harlan or any other man should be on the bench, he would have to rule that Congress, by political action, gave away our rights under the Constitution when we ratified the United Nations Treaty. That is the crossroads where we stand today. No one but the Congress itself can change the situation.

Mr. EASTLAND. Let me ask the Senator from Indiana a question. With a court divided as is the Supreme Court—and as the Senator knows the Bricker amendment was not adopted—how can this country be preserved, if what the Senator says is true, unless a man who is nominated for a position on the Supreme Court tells the committee how he stands on this subject?

Mr. JENNER. The Senator has answered the question himself by saying that this country cannot be preserved unless we take back the power we have given away by ratifying international treaties. It would not make any difference whether Harlan is on the Supreme Court, a treaty is the supreme law of the land, and Congress needs to wake up and take action. I say, the sooner the better.

Mr. EASTLAND. This nominee, if his nomination be confirmed, will have the deciding vote. He will determine that question, and the Senate does not know how he stands.

Mr. JENNER. We have a pretty good indication from the organizations to which he belonged. The sooner the question comes up the sooner the Congress and the people of the United States will awaken to the fact that the Nation has been placed in a boobytrap and our rights have been destroyed by the political action which weak-kneed men on the floor of the Senate of the United States took in ratifying that kind of a treaty. I say the sooner the better.

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

Mr. EASTLAND. I yield.

Mr. WATKINS. What question did the Senator say would have to be decided?

Mr. EASTLAND. This nominee will have a deciding voice with reference to the principles of law at issue.

Mr. WATKINS. With respect to the Constitution itself, is it not clear from the very language of the Constitution that it provides that a treaty becomes the supreme law of the land?

Mr. EASTLAND. That is correct.

Mr. WATKINS. Therefore it has constitutional backing. That question does not have to be decided.

Mr. EASTLAND. On a mere general statement such as that, of course not.

Mr. WATKINS. As a matter of fact, those of us who supported the Bricker amendment—and I am one of them—have been contending all the time that the Constitution itself provides that a treaty is the supreme law of the land.

Mr. EASTLAND. Let me tell the Senator from Utah that I am not willing to agree that under the treaty power the laws of a State can be supplanted; that under the treaty power the rights guaranteed under the Bill of Rights can be taken from an American citizen. I do not agree to any such thing. I do not believe in such a thing. I say the present Supreme Court is divided 4 to 4, and that this man will have the determining vote.

Mr. WATKINS. Unless we concede that a treaty is the supreme law of the land, there is very little merit to the contention for the Bricker amendment.

Mr. EASTLAND. Of course not. There is a great fight. There is a group which is trying to get the Court to adopt that theory. Then the Bricker amendment entered the field of executive agreements.

Mr. WATKINS. We were trying to do what had already been done.

Mr. EASTLAND. What we were trying to do was to prevent what the Supreme Court is on the verge of doing.

Mr. WATKINS. What we were trying to do was to amend the Constitution so that it would not say, in effect, that treaties are the supreme law of the land.

Mr. EASTLAND. Yes; but that is a general statement. It do not say that by a treaty a citizen can be deprived of fundamental rights guaranteed by the Constitution.

Mr. WATKINS. In my opinion, the only way in which that objective can be achieved is by an amendment to the Constitution.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JOHNSTON of South Carolina. Article VI of the Constitution provides as follows:

> 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.

The question now before the Senate, in connection with the confirmation of the nomination of Judge Harlan, is whether or not, with the Supreme Court divided 4 to 4, the nominee, if he shall take his seat, will decide that a treaty shall take precedence over the Constitution and laws of the United States and the constitutions and laws of the various States.

Mr. EASTLAND. The Senator is correct.

Mr. JOHNSTON of South Carolina. Based upon his testimony and his background, I think he ought to be able to make up his mind which way he will decide such a case.

Mr. EASTLAND. Judge Harlan belongs to all the organizations which are promoting the doctrine that treaties take precedence over the Constitution.

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

Mr. EASTLAND. I yield.

Mr. LANGER. Suppose the Bricker amendment were adopted. Sooner or later it would come before the Supreme Court of the United States for interpretation.

I think the distinguished Senator from Mississippi is familiar with the fact that when it comes to an interpretation of a clause in the Constitution, the final decision rests in the hands of the 9 members of the Supreme Court.

Mr. EASTLAND. That is correct.

Mr. LANGER. Let us take, for example, the Steel Seizure case, a case recently decided, and one which is discussed quite often. As I remember, the

decision in that case was 5 to 3. Five members of the Court held one way; three members held the other way.

So if the Bricker amendment were adopted, 5 members of the Supreme Court might interpret it in 1 way, while 4 members might say it meant somethig else. Therefore, what five members say is controlling. That is why the question of the confirmation of this nomination is so important.

Mr. EASTLAND. The Senator is correct.

Mr. President, I shall now discuss the Iowa decision, which is reported in 245 Iowa 147, 60 N. W. (2d) 110. The wife of the deceased, Sgt. John Rice, an eleven-sixteenths Winnebago Indian, entered into a contract with the cemetery for a burial lot. The contract included a clause which stated that "burial privileges accrue only to members of the Caucasian race." A funeral was held, but the cemetery refused to have the body lowered into the grave and had it removed from the grave site. Mrs. Rice was a Caucasian, and the cemetery claimed it did not know when the contract was entered into that the husband was eleven-sixteenths Winnebago Indian.

Mrs. Rice filed suit in a district court. It was the opinion of the lower court that the cause of action was originally premised upon a breach of contract with an allegation of damages based on the humiliation and mental distress occasioned by, first, the removal of the body from the grave site; and, second, a pamphlet published by the cemetery which sought to justify its action. The case was not tried on the merits. On motion by both parties for an adjudication on the points of law, the district judge found for the cemetery and Mrs. Rice appealed.

The Supreme Court of Iowa upheld the findings of the lower court. The district court had held that the United Nations Charter had no effect on the legality or illegality of the clause or in the rights of the parties under the contract. The Supreme Court of Iowa upheld this position with the following statement:

(4) It will suffice to say that that treaty has no application to the private conduct of individual citizens of the United States. It is true a principle was enunciated in that treaty but claims or fears that State laws have been abrogated by the provisions of the Charter of the United Nations, have been dissolved by the California and Michigan courts. In *Sipes* v. *McGhee* (316 Mich. 614, 25 N. W. 2d 644), a case reviewed by the United States Supreme Court, there was a reversal on constitutional grounds but no criticism of the State court's expression as to the general law relative to treaties. The Michigan court said: "We do not understand it to be a principle of law that a treaty between sovereign nations is applicable to the contractual rights between citizens of the United States when a determination of these rights is sought in the courts. So far as the instant case is concerned, these pronouncements (art. 55, 56, United Nations Charter) are merely indicative of a desirable social trend and an objective devoutly to be desired by all well-thinking peoples." With this statement we agree.

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

Mr. EASTLAND. I yield.

Mr. JOHNSON of Texas. I ask unanimous consent that the Senator from Mississippi may yield to me for the purpose of my suggesting the absence of a quorum, with the understanding that following the quorum call and a brief recess in order to receive the Prime Minister of Australia, the Senator from Mississippi will again have the floor.

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

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 | Frear | McCarthy |
| Allott | Fulbright | McClellan |
| Anderson | George | Millikin |
| Barkley | Goldwater | Monroney |
| Barrett | Gore | Mundt |
| Beall | Green | Murray |
| Bender | Hayden | Neely |
| Bennett | Hennings | Neuberger |
| Bible | Hickenlooper | O'Mahoney |
| Bricker | Hill | Pastore |
| Bridges | Holland | Payne |
| Bush | Hruska | Potter |
| Butler | Humphrey | Purtell |
| Byrd | Ives | Robertson |
| Capehart | Jackson | Russell |
| Carlson | Jenner | Saltonstall |
| Case, N. J. | Johnson, Tex. | Schoeppel |
| Case, S. Dak. | Johnston, S. C. | Scott |
| Chavez | Kefauver | Smathers |
| Clements | Kerr | Smith, Maine |
| Cotton | Kilgore | Smith, N. J. |
| Curtis | Knowland | Sparkman |
| Daniel | Kuchel | Stennis |
| Dirksen | Langer | Symington |
| Douglas | Lehman | Thurmond |
| Duff | Long | Thye |
| Dworshak | Magnuson | Watkins |
| Eastland | Malone | Welker |
| Ellender | Mansfield | Wiley |
| Ervin | Martin, Iowa | Williams |
| Flanders | Martin, Pa. | Young |

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

## RECESS

Mr. BIBLE. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

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

Thereupon (at 3 o'clock and 5 minutes p. m.), the Senate took a recess, subject to the call of the Chair.

## VISIT TO THE SENATE BY HON. ROBERT GORDON MENZIES, PRIME MINISTER OF AUSTRALIA

The VICE PRESIDENT. The Senate will be in order. The Chair appoints the majority leader, the Senator from Texas [Mr. JOHNSON] and the minority leader, the Senator from California [Mr. KNOWLAND], as a committee to escort the Prime Minister of Australia into the Chamber.

The Honorable Robert Gordon Menzies, Prime Minister of Australia, escorted by the committee appointed by the Vice President, entered the Chamber and took the seat assigned to him immediately in front of the Vice President.

The VICE PRESIDENT. Members of the Senate, it is my great privilege to present to you the Prime Minister of Australia. [Applause, Senators rising.]

Prime Minister MENZIES. Sir, it is a very remarkable experience for me to be allowed to speak in this place for the second time. As I said somewhere else about a similar matter, it is rather flattering, because the first time the invitation might have been accidental, but the second time it must be deliberate.

I also, sir, remember that on a former occasion when I spoke here, in 1950, I felt that I had had a busy day, because, in my innocence, I thought I would make one speech; but then I discovered, still in my innocence, that I would have to make two. And then I was taken off by Senator Connally to a luncheon of the Foreign Affairs and/or Foreign Relations Committee, and I found I had to make three speeches.

But, sir, I welcome this opportunity, not because I want to inflict a speech upon Senators, but because I think it affords a splendid occasion to say to the Senate of the United States something from Australia.

I do not suppose that any parliamentary assembly in the world has had such responsibilities to carry in the past 10 years as has this one. You have had the privilege and the responsibility of accepting toward other portions of the free world the most remarkable obligations; and to accept those, you have had to exhibit a willingness to place burdens—heavy burdens—on your own people. I am politician enough, after all my years of politics, to know that is not the easiest thing in the world. But you have done it.

One of the astonishing things, one of the cynical things, perhaps, in the world is that every now and then there are encountered people who have received benefits who rather resent it, who rather resent having some feeling of obligation to someone else. That must, as it comes back to you occasionally, make you feel somewhat irritated. But I should like to say, on behalf of Australia, that we have nothing but admiration, nothing but gratitude, for the magnificent magnanimity and leadership which you have given to the world. [Applause.]

Sir, there is one other thing I should like to say: We are free people. We engage in political conflicts. From a close perusal of the newspapers in the past few days, I have gathered that they are not unknown, even here. [Laughter.] But we in Australia carry them on with what Winston Churchill once described as a fine 18th century fervor; and your politicians, too, can strike blows and receive blows with gusto. But the point about it all is that we do all these things within the framework of freedom; and because we attach importance to that freedom, it is of the essence that we look around the world so that we may have great friends or small friends in the defense of freedom, in the defense of the right to disagree without execution. [Applause.]

In the case of Australia, we have great friends. We are, in terms of population, a small country—as small as you once were—and with a continent in front of us to develop somewhat larger than your own. Therefore, no one else is so well

fitted to understand us and our aspirations and our problems as you are, for in the course of your own national history you have solved your problems, and now find yourselves in a position where not only is the world affected by what you do or say, but in a large degree the free world depends vitally upon you. The day will no doubt come when some other, some future Prime Minister of Australia, may stand in this very room and find himself speaking, not for 9 million people, but for 50 million; and provided they are free people and sound people, he will be able to come here as a friend and meet friends.

One thing, however, disturbs me, and I hope I do not trespass too much on the hospitality of your time. The enemy—I shall not need define that expression with any more precision—has a superb technique of divide and conquer. The enemy is very astute to seize upon every point of difference among the governments of free countries, and magnify them from being points of difference into being vast areas of conflict, hoping that in that way he will produce misunderstandings, produce divisions, induce some great government to adopt irrevocably a policy unacceptable to another great government, so that we will be divided at the very time when we ought to be in a state of unity. I am constantly saying to other people and to myself, "We must watch this. We must keep our friendships in repair. We must not allow them to be destroyed or dissipated by this technique of divide and conquer." I believe that the points of difference among the free peoples of the world are trivial—so trivial that I will venture to say, not for the first time, that if we were contemplating—as we all are, but hoping to avoid it, of course, by honorable means—if we were contemplating a great world war in the defense of freedom, you would know, I would know, everyone in Great Britain would know, all around the free world we would know, that we would all be in it together.

Sir, that is the vital fact; and if we know, if we believe, that we must all stand together if we come to that challenge, then I think we should conduct all our discussions on the footing that if we are to be together, we must be together as tolerant, understanding friends, so that our differences, when looked at, may be dissipated, and the marvelous, underlying unities emphasized.

Now, sir, with your permission, one final observation. I said something about the Communist technique of divide and conquer. No more subtle propaganda is going on in the world today—we hear it, you hear it, all around the free world in my travels I have heard it—than propaganda against the United States of America—because in all these matters, as you know, you are regarded as the chief offender. Thank heaven you exist; but you are regarded as the chief offender. The Communists say, "What are they doing? They are propping up some outworn regime, some discredited government." I hear this everywhere; and I find it necessary to say to people, and I think we shall all find it necessary to say to people, "Put that nonsense out of your minds. What we are defending in our various countries and under our various agreements is not some man, not some government, but the freedom of the people of that country. If they are to change their government, they must be allowed to change it in their own way. If they are to adopt new philosophies, they must adopt them in their own way. But we are not going to accept a position in which, by force from without, these people are converted into being the slaves of some new tyranny. It is freedom for which we stand—not some man or some administration."

I think that needs to be known, needs to be preached, and needs to be clearly understood all over the world.

Sir, so far as we in Australia are concerned—British as we are, and proud member of the British Commonwealth as we are—we have with your great country, as a result of war, as well as of peace, a tie which I believe to be unbreakable; a profound sense of gratitude for all you have so splendidly done for the world; and—if I may add it, sir—a degree of affectionate, simple understanding which I do not believe can be surpassed between any two countries of the world. [Prolonged applause, Senators rising.]

The VICE PRESIDENT. The Chair recognizes the majority leader [Mr. JOHNSON of Texas] to respond on behalf of the majority to the remarks of the Prime Minister.

Mr. JOHNSON of Texas. Mr. President, Mr. Prime Minister, and my colleagues in the Senate, it is a very great pleasure to welcome to this historic Chamber today a great leader of a valiant ally in World War II. Australians endeared themselves to all Americans when they received our boys in the dark days, the early days of World War II, on their land and in their homes, and when they stood side by side with them in fighting a ruthless foe.

Mr. Prime Minister, we are grateful for your stimulating and inspiring statements to us. We hope that you may enjoy your visit to our country. We all are looking forward to another visit with you.

If a personal reference may be pardoned, I had the very great pleasure of spending the first 4 or 5 months of World War II in your country, and on an island adjoining your country. I always felt that if I could not return to Texas, I knew where I wanted to go. That was Australia.

We hope you will say to your people that we appreciate their friendship. We realize that in unity there is strength, and so far as Australia and America are concerned, we know that the bonds of unity bind us together. [Applause.]

The VICE PRESIDENT. The minority leader [Mr. KNOWLAND] is recognized to respond for the minority.

Mr. KNOWLAND. Mr. President, Mr. Prime Minister, and my colleagues: I think you can see, Sir, by the warmth of the greeting which comes to you from both sides of the aisle, that your welcome here is indeed bipartisan in character, and represents the feeling not only of the Members of this body, but also of the American people as a whole.

You have mentioned the close ties which bind our two Nations together. We welcome you as the representative of a great people and a great government from "Down Under." In the early days of our own life as a free nation we had an expression, a sentiment was uttered to the effect that we would either hang together or we would hang separately. I believe that is meeting the challenge which confronts the free world today, the nations which believe in human freedom—nations in the far Pacific, in Europe, in the Middle East, and in the Americas—must recognize that in facing the menace of global communism we all must hang together or hang separately. I think we shall find no stouter ally than the great people of Australia and the British Commonwealth. I hope that our ties of friendship may endure for a thousand years. [Applause.]

The VICE PRESIDENT. The Chair knows that Members of the Senate would like to meet the Prime Minister personally, and opportunity will be afforded for them to do so.

The Chair would like to state that a little more than a year ago it was his privilege to visit the Parliament in Canberra and to be entertained at a parliamentary luncheon.

Many ties bind together the people of Australia and those of the United States. One of those, which is the strongest, is our common belief in the parliamentary system of government. However, there are some differences. Today we had the privilege of hearing the Prime Minister of Australia speak. I had the privilege of hearing him participate in the question period in Parliament. I wish our rules were such that we could observe him under questioning from Members of this body. I assure Senators that he responds to questions with an aptitude which is worthy of praise.

Senators who wish personally to greet the Prime Minister, and perhaps put questions to him privately, may do so at this time.

The Prime Minister of Australia advanced to the area in front of the Vice President's desk, accompanied by Mr. JOHNSON of Texas and Mr. KNOWLAND, and was greeted by Members of the Senate as they were introduced to him.

The Prime Minister of Australia and the distinguished visitors accompanying him were then escorted from the Chamber.

At 3 o'clock and 30 minutes p. m., the Senate reassembled, in executive session, when called to order by the Presiding Officer (Mr. BIBLE in the chair).

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, its reading clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4259) to provide a 1-year extension of the existing corporate normal-tax rate and of certain existing excise-tax rates, and to provide a $20 credit against the individual income tax for each personal exemption; asked a conference with the Senate on the disagreeing votes of the 2 Houses

thereon, and that Mr. COOPER, Mr. DINGELL, Mr. MILLS, Mr. REED of New York, and Mr. JENKINS were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 9) to print for the use of the Committee on the Judiciary additional copies of certain parts of the hearings on Interlocking Subversion in Government Departments.

## ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 942) to repeal Public Law 820, 80th Congress (62 Stat. 1098), entitled "An act to provide a revolving fund for the purchase of agricultural commodities and raw materials to be processed in occupied areas and sold," and it was signed by the President pro tempore.

## TAX RATE EXTENSION ACT OF 1955

The PRESIDING OFFICER, as in legislative session, laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 4259) to provide a 1-year extension of the existing corporate normal-tax rate and of certain existing excise-tax rates, and to provide a $20 credit against the individual income tax for each personal exemption, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD, Mr. GEORGE, Mr. KERR, Mr. MILLIKIN, and Mr. MARTIN of Pennsylvania conferees on the part of the Senate.

## SUPREME COURT OF THE UNITED STATES—NOMINATION OF JOHN MARSHALL HARLAN

The Senate in executive session resumed the consideration of the nomination of John Marshall Harlan, of New York, to be Associate Justice of the Supreme Court of the United States.

Mr. EASTLAND. Mr. President, I was discussing Judge Harlan's refusal to answer certain questions. I continue to read from the record the judge's reply:

That is the oath I have taken as a lawyer. It is the oath that I took when I became a member of the court of appeals. It is the oath that I will take if my nomination to the Supreme Court is confirmed.

And you must judge me from what you have heard about me, and the impression that I make on you, and from what you can get from my history and record, as to whether that oath is a serious oath or whether I am simply talking for the record.

I believe that Judge Harlan would take his oath very seriously. However, I still say that the test is, What do men in their hearts believe? What do nominees in their hearts believe? Which road does their mind dictate this country shall follow? In Judge Harlan's case it is reinforced by his associations and by the fact that he is supported by Dewey and Dewey's henchmen.

I quote further from the record:

Senator EASTLAND. I know you are not, sir. I have great admiration for you, sir.

You were not asked about an organization that would believe in that. Of course, if the Court holds that a treaty, by an act of ratification of a treaty, these rights vest, it would be constitutional, it would be perfectly legal. And that is the gravest question that confronts this country.

I am going to ask you another question. I want to know if you would make the same answer, that is, that by a treaty could we deprive the American people of rights guaranteed to them in the Bill of Rights, as the Secretary of State says? Can we deprive citizens of rights guaranteed in the Bill of Rights of the Constitution?

Senator MCCLELLAN. You mean by treaty?

Senator EASTLAND. That is right.

Senator DIRKSEN. By treaty.

Senator EASTLAND. The Secretary of State says we can.

Judge HARLAN. My recollection, if it serves me correctly—I am talking now from general newspaper reading—Mr. Dulles later qualified his statement in some fashion or other.

Mr. President, that is beside the point, and it was an evasion to say that Mr. Dulles had qualified his statement. The question was, What did the nominee believe? That is the question he refused to answer. It is beside the point, but I deny that Secretary Dulles ever qualified his statement. He merely said it was more or less hypothetical since a sound Republican administration had taken over.

Now, I find that the Secretary of State has gone even further than Secretary Acheson would have dreamed of going.

I continue to quote from Judge Harlan's answer:

All I can say again to that is that that issue is one that has been the subject of numerous series of litigations in the Supreme Court. It has not arisen for the last time. I must ask your respectful indulgence in according me what I consider to be a necessary concomitant of this high office that I should not be asked to forecast how I will decide cases when they arise before me.

I say again, if the United States Senate, in deciding whether to confirm a man for this high office, cannot inquire whether he is well grounded in the law and cannot inquire into the legal principles in which he believes, then the power of confirmation is worthless.

Senator EASTLAND. Would the same answer go to the question that a treaty can supplant the domestic laws of the State? Frankly, that was an issue raised in the Supreme Court of the United States and the Court divided, 4 to 4, on it.

Now, do you think it would be improper for you to answer that question?

Judge HARLAN. I do, sir, because that is again relating to a case, as I understood it from the discussion yesterday, that has recently been decided in the Court and which came up again, as I understand it, for reargument. All I can say in amplification to that area of your question is that, as in other cases, both my personal predilections and by my sworn duty to uphold the Constitution of the United States, I would decide those issues in accordance with the Constitution of the United States and the law of the United States as God gives me light to see the right result.

Mr. President, here we arrive at the crux of the issue. The Constitution and law of the United States will be what Judge Harlan says the Constitution and law of the United States are if he is permitted to mount the bench on faith and trust. What is all this sacrosanctity and hesitation about expressing opinions as to the meaning and intent of our fundamental law and the political and legal philosophies to which one adheres? Other judges of equal and superior eminence to Judge Harlan do not hesitate to let their convictions be known in no uncertain terms.

I submit it is certainly proper to make this inquiry of a man nominated for the Supreme Court. Some judges have expressed themselves most forcefully before the same committee, or subcommittee to the committee that heard Judge Harlan's testimony. Listen to the words of Chief Judge Orie L. Phillips, United States Circuit Court of Appeals for the 10th circuit. No one can have any doubt where this great jurist stands—and the words were uttered in the forum and not on the bench:

First, our Federal Government is and should continue to be one of delegated and limited powers. Its powers should be limited to matters that are national in scope and character, and matters which are essentially local in character should be reserved to the States and the people, with the power to deal with them in the light of peculiar local conditions and problems which differ widely throughout the various sections of our vast country;

Second, it should not be possible through the exercise of the treatymaking power or by the exercise of legislative power derived from treaties to deprive an American citizen of any of his fundamental rights and freedoms.

Mr. President, there was a great judge, who did not hesitate to answer the question of how he stood on this grave question which confronts this country.

It may be that such statements as these would automatically disqualify Judge Phillips from nomination or confirmation to the Supreme Court, but I can think of no vote that would be more satisfying than to say "Yea" to his nomination.

Judge Florence Allen, of the Sixth United States Circuit Court of Appeals, has written a book on the subject The Treaty as an Instrument of Legislation. Judge Allen was not one who would run, hide, dodge, and refuse to answer questions.

Judge John J. Parker, of the Fourth United States Circuit Court of Appeals, has expressed his views in no uncertain terms, although, I, for one, am not in agreement with him.

Judge Harlan says "You must judge me from what you have heard about me, and the impression I make on you, and from what you can get from my history and record." Mr. President, he is simply asking us to play a game of blindman's buff. He says "You must trust me." His record has been searched with a fine tooth comb and in no particular can evidence be found regarding any expression of opinion or conviction concerning political or legal philosophy to-

ward the subject of treaty law. All that we can get from his history and record, from the time he went to England as a Rhodes scholar to date, stamps and characterizes him as an internationalist, either wittingly or unwittingly. The Supreme Court sits in precarious balance. Would Senators risk tipping the scales against sovereignty on the basis of speculation?

Mr. President, one of the most amazing facts in the history of our jurisprudence is that a treaty has never been declared unconstitutional. Time and time again, the Supreme Court has struck down and nullified acts of Congress and the constitutions and laws of the several States, as being contrary to the Constitution; but never a treaty or any of the provisions of one. This was understandable in our earlier history. But with the present multiplicity of treaties and executive agreements, it is not understandable today. Twice in the past 30 days this issue has been put to the Court—once in the Capps case, involving an executive agreement with Canada, and again in the Keefe case, where attack was made on the Status of the Forces Treaty with the NATO—but the Court always finds some other grounds for its decision and studiously avoids making any comment on the treaty aspect of the cases. This nominee will be the balance on the Court.

Then, finally, we have the Iowa case which has brought us to the threshold of what could be the most revolutionary change in the structure of this Government since it was founded. Thoughtful men, in every walk and talk of life, are justified in asking the question: Have we approached or passed the point of no return?

The Declaration of Independence has well been described as the spirit and the Constitution as the body of the political structure of this country. The enduring value of this system lies in the fact that it is the embodiment of political faith, founded on the religious faith, of the American people. The antithesis that now confronts the world is Christ versus the antichrist. For a court to attempt to graft the United Nations Charter into the body politic of this country is no more, nor no less, than an attempt to introduce the antichrist. Need I say more as to the gravity of the issue which now confronts us?

Mr. President, in this crisis, I, for one must be convinced beyond all reasonable doubt and to a moral certainty as to the political and legal philosophy of candidates suggested for the Supreme Court bench. The present nominee, John Marshall Harlan, refused to answer the critical question. The answer could not be found in his history and record. Therefore, I shall vote to reject his nomination.

Mr. President, in the beginning I said there have been entirely too many Cabinet members and Supreme Court Justices from the State of New York and from certain other States of the Union, that entirely too many States have been neglected, and that for that additional reason I would vote against confirmation in this case.

Mr. President, I ask unanimous consent to place in the body of the RECORD a list of Cabinet appointments and Supreme Court appointees from each State, from 1789 to 1900, and from 1900 to 1955.

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

| State | Cabinet appointments [1] | | | Supreme Court appointments [2] | | |
|---|---|---|---|---|---|---|
| | 1789 to 1900 | 1900 to 1955 | Total | 1789 to 1900 | 1900 to 1955 | Total |
| Alabama | 1 | 0 | 1 | 2 | 1 | 3 |
| Arizona | 0 | 0 | 0 | 0 | 0 | 0 |
| Arkansas | 1 | 0 | 1 | 0 | 0 | 0 |
| California | 1 | 6 | 7 | 2 | 1 | 3 |
| Colorado | 1 | 4 | 5 | 0 | 0 | 0 |
| Connecticut | 8 | 2 | 10 | 1 | 1 | 2 |
| Delaware | 5 | 0 | 5 | 0 | 0 | 0 |
| District of Columbia | 2 | 0 | 2 | 0 | 0 | 0 |
| Florida | 0 | 0 | 0 | 0 | 0 | 0 |
| Georgia | 9 | 0 | 9 | 2 | 1 | 3 |
| Idaho | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois | 7 | 10 | 17 | 2 | 0 | 2 |
| Indiana | 10 | 3 | 13 | 0 | 1 | 1 |
| Iowa | 6 | 5 | 11 | 1 | 1 | 2 |
| Kansas | 0 | 2 | 2 | 1 | 0 | 1 |
| Kentucky | 14 | 1 | 15 | 3 | 2 | 5 |
| Louisiana | 3 | 0 | 3 | 1 | 0 | 1 |
| Maine | 6 | 0 | 6 | 1 | 0 | 1 |
| Maryland | 13 | 2 | 15 | 4 | 0 | 4 |
| Massachusetts | 23 | 10 | 33 | 4 | 4 | 8 |
| Michigan | 5 | 6 | 11 | 1 | 1 | 2 |
| Minnesota | 3 | 2 | 5 | 0 | 1 | 1 |
| Mississippi | 4 | 0 | 4 | 1 | 0 | 1 |
| Missouri | 6 | 9 | 15 | 0 | 0 | 0 |
| Montana | 0 | 0 | 0 | 0 | 0 | 0 |
| Nebraska | 1 | 1 | 2 | 0 | 0 | 0 |
| Nevada | 0 | 0 | 0 | 0 | 0 | 0 |
| New Hampshire | 3 | 0 | 3 | 1 | 0 | 1 |
| New Jersey | 5 | 3 | 8 | 2 | 1 | 3 |
| New Mexico | 0 | 2 | 2 | 0 | 0 | 0 |
| New York | 29 | 30 | 59 | 7 | 6 | 13 |
| North Carolina | 4 | 2 | 6 | 2 | 0 | 2 |
| North Dakota | 0 | 0 | 0 | 0 | 0 | 0 |
| Ohio | 19 | 7 | 26 | 5 | 4 | 9 |
| Oklahoma | 0 | 1 | 1 | 0 | 0 | 0 |
| Oregon | 1 | 1 | 2 | 0 | 0 | 0 |
| Pennsylvania | 30 | 10 | 40 | 5 | 1 | 6 |
| Rhode Island | 0 | 1 | 1 | 0 | 0 | 0 |
| South Carolina | 5 | 2 | 7 | 2 | 1 | 3 |
| South Dakota | 0 | 0 | 0 | 0 | 0 | 0 |
| Tennessee | 8 | 4 | 12 | 2 | 3 | 5 |
| Texas | 0 | 5 | 5 | 0 | 1 | 1 |
| Utah | 0 | 2 | 2 | 0 | 1 | 1 |
| Vermont | 2 | 1 | 3 | 0 | 0 | 0 |
| Virginia | 20 | 6 | 26 | 5 | 0 | 5 |
| Washington | 0 | 2 | 2 | 0 | 0 | 0 |
| West Virginia | 3 | 2 | 5 | 0 | 0 | 0 |
| Wisconsin | 5 | 2 | 7 | 0 | 0 | 0 |
| Wyoming | 0 | 0 | 0 | 0 | 1 | 1 |
| United States | 263 | 146 | 409 | 57 | 33 | 90 |

[1] Individual Cabinet members having continuous service in the same post under more than 1 administration have been counted once; only those members being reappointed after a lapse in service or named to a different Cabinet post have been counted more than once.

[2] The Supreme Court tabulation includes the nomination of Judge Harlan. It excludes appointments of Associate Justices to Chief Justice from bench membership. Justice Hughes' 2 appointments are counted because of the break in service.

Mr. EASTLAND. Mr. President, I ask unanimous consent to place in the body of the RECORD an analysis of Cabinet and Supreme Court appointments.

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

ANALYSIS OF CABINET AND SUPREME COURT APPOINTMENTS

The following analysis is based on the attached chart. On the chart, individual Cabinet Members having continuous service in the same post under more than one administration have been counted once; only those Members being reappointed after a lapse in service or named to a different Cabinet post have been counted more than once.

The Supreme Court tabulation included the nomination of Judge Harlan. It excludes appointments of Associate Justices to Chief Justice from bench membership. Justice Hughes' two appointments are counted because of the break in service.

Seven States have never been represented in either the Cabinet or on the Supreme Court. They are:

| | |
|---|---|
| Arizona | 749,587 |
| Florida | 2,771,305 |
| Idaho | 588,637 |
| Montana | 591,024 |
| Nevada | 160,083 |
| North Dakota | 619,636 |
| South Dakota | 652,740 |
| Total population | 6,133,012 |

Twenty States have never had representation on the Supreme Court. These States are:

| | |
|---|---|
| Arizona | 749,587 |
| Arkansas | 1,909,511 |
| Colorado | 1,325,089 |
| Delaware | 318,085 |
| Florida | 2,771,305 |
| Idaho | 588,637 |
| Missouri | 3,954,653 |
| Montana | 591,024 |
| Nebraska | 1,325,510 |
| Nevada | 160,083 |
| New Mexico | 681,187 |
| North Dakota | 619,636 |
| Oklahoma | 2,233,351 |
| Oregon | 1,521,341 |
| Rhode Island | 791,896 |
| South Dakota | 652,740 |
| Vermont | 377,747 |
| Washington | 2,378,963 |
| West Virginia | 2,005,552 |
| Wisconsin | 3,434,575 |
| Total population | 28,390,372 |

Delaware, Rhode Island, and Vermont were among the original Thirteen Colonies. Missouri was admitted to the Union in 1821; Arkansas in 1836; Florida in 1845; Wisconsin in 1848; and Oregon in 1859.

Twenty-nine States have had no Supreme Court appointments since 1900.

The 20 States listed immediately above, plus:

| | |
|---|---|
| Illinois | 8,712,176 |
| Kansas | 1,905,299 |
| Louisiana | 2,683,516 |
| Maine | 913,744 |
| Maryland | 2,343,001 |
| Mississippi | 2,178,914 |
| New Hampshire | 533,242 |
| North Carolina | 4,061,929 |
| Virginia | 3,318,680 |
| Total population | 26,650,501 |
| Plus 20 above | 28,390,372 |
| Total population | 55,040,875 |

Thirteen States have had no representation in the Cabinet or on the Supreme Court from 1900 to date. They are:

| | |
|---|---|
| Arizona | 749,587 |
| Arkansas | 1,909,511 |
| Delaware | 318,085 |
| Florida | 2,771,305 |
| Idaho | 588,637 |
| Maine | 913,774 |
| Mississippi | 2,178,914 |
| Louisiana | 2,683,513 |
| Montana | 591,024 |
| Nevada | 160,083 |
| New Hampshire | 533,242 |
| North Dakota | 619,636 |
| South Dakota | 652,740 |
| Total population | 14,670,051 |

Eight States have never had a representative in the Cabinet:

| | |
|---|---|
| Arizona | 749,587 |
| Florida | 2,771,305 |
| Idaho | 588,637 |
| Montana | 591,024 |
| Nevada | 160,083 |

| | |
|---|---|
| North Dakota | 619,636 |
| South Dakota | 652,740 |
| Wyoming | 290,529 |
| Total population | 6,423,541 |

Sixteen States have had no representation in the Cabinet from 1900 to date:

| The 8 listed immediately above, plus— | |
|---|---|
| Alabama | 3,061,743 |
| Arkansas | 1,909,511 |
| Delaware | 318,085 |
| Georgia | 3,444,578 |
| Louisiana | 2,683,516 |
| Maine | 913,744 |
| Mississippi | 2,178,914 |
| New Hampshire | 533,242 |
| Total population | 15,143,333 |
| Plus 8 above | 6,423,541 |
| Total population | 21,466,874 |

States with the greatest number of appointees are:

| | Supreme Court | Cabinet | Total |
|---|---|---|---|
| New York | 13 | 59 | 72 |
| Pennsylvania | 6 | 40 | 46 |
| Massachusetts | 8 | 33 | 41 |
| Ohio | 9 | 26 | 35 |
| Virginia | 5 | 26 | 31 |
| Kentucky | 5 | 15 | 20 |
| Maryland | 4 | 15 | 19 |
| Illinois | 2 | 17 | 19 |
| Tennessee | 5 | 12 | 17 |
| Indiana | 1 | 13 | 14 |
| Iowa | 2 | 11 | 13 |

| | Supreme Court | Cabinet | Total |
|---|---|---|---|
| Missouri | 0 | 15 | 15 |
| Connecticut | 2 | 10 | 12 |
| Michigan | 2 | 11 | 13 |
| New Jersey | 3 | 8 | 11 |
| California | 3 | 7 | 10 |
| South Carolina | 3 | 7 | 10 |

The appointments from these 17 States represents more than 80 percent of the total.

The first seven States account for more than 50 percent of the positions.

The State of New York has dominated every Cabinet position with the exceptions of Agriculture and Health, Education, and Welfare. The breakdown shows:

| | |
|---|---|
| Secretaries of State | 10 |
| Secretaries of Treasury | 11 |
| Secretaries of War | 10 |
| Secretaries of Navy | 5 |
| Attorneys General | 7 |
| Secretary of Interior | 1 |
| Postmasters General | 6 |
| Secretaries of Commerce and Labor | 2 |
| Secretaries of Commerce | 2 |
| Secretary of Labor | 1 |
| Secretaries of Defense | 2 |
| Total | 59 |

Twenty-nine of these appointments were made prior to 1900 and 30 subsequent thereto. Of the total of 13 Supreme Court appointments, 7 were before and 6 after 1900, excluding Justice Stone's appointment from associate to chief justice.

New York's overall ratio of appointments to population equals 1 for every 205,973 of its citizens. At the other extreme this compares with 0 against 6,133,012 citizens in the seven States that have never been represented in the Cabinet or on the Supreme Court.

Percentagewise New York has received in excess of 14 percent of the total Cabinet and Supreme Court appointments; in excess of 12 percent of all Cabinet appointments; and 19 percent of the Supreme Court appointments since 1900; 20 percent of all Cabinet appointments since 1900.

The Eastern States of New York, Massachusetts, and Pennsylvania combined have received the total of 159 Cabinet and Supreme Court appointments. This represents more than 30 percent of the total.

The same three States have been given a total of 28 appointments to the Supreme Court, more than 30 percent of all made. Since 1900, they have received 11 appointments, more than 33 percent of the total. Twenty States, previously listed, with a combined population of 28,390,372 have never received a single appointment to the Supreme Court.

Six States, New York, Massachusetts, Ohio, Pennsylvania, Kentucky, and Maryland, account for 5 Supreme Court appointments, 50 percent of all made. The Supreme Court representation by States is:

| | |
|---|---|
| New York | 13 |
| Massachusetts | 8 |
| Ohio | 9 |
| Pennsylvania | 6 |
| Kentucky | 5 |
| Maryland | 4 |
| Tennessee | 5 |
| Virginia | 5 |
| South Carolina | 3 |
| Alabama | 3 |
| California | 3 |
| Connecticut | 2 |
| Georgia | 3 |
| New Jersey | 3 |
| Illinois | 2 |
| Iowa | 2 |
| Louisiana | 1 |
| Michigan | 2 |
| North Carolina | 2 |
| Indiana | 1 |
| Kansas | 1 |
| Maine | 1 |
| Minnesota | 1 |
| Mississippi | 1 |
| New Hampshire | 1 |
| Texas | 1 |
| Utah | 1 |
| Wyoming | 1 |

Mr. EASTLAND. Mr. President, in conclusion, let me say that to my mind there is no doubt that Judge Harlan is a very fine lawyer, and there is no doubt that he is a man of unimpeachable integrity, and, in my opinion, he is a very high class gentleman. I do not agree with his political philosophy. I think he has not met the test, namely, to state as a condition of confirmation how he stands on the questions which I have enumerated. Because he declined to do so I find it necessary to cast my vote against the confirmation of his nomination.

Mr. DIRKSEN. Mr. President, I have more than a casual interest in the nomination which is before the Senate today. The nominee was born in Chicago. As I recall, his father was a candidate for the mayoralty in Chicago a great many years ago. I have received a large volume of mail, telephone calls, telegrams, and other communications with respect to the nominee. Some of the communications have scolded me rather soundly because when his nomination came before the Judiciary Committee I supported it. I am delighted to see such a manifestation of interest in a nomination for the highest tribunal of this country. It connotes some interest on the part of the people in those who shall grace the Supreme Court bench, and, quite aside from the general tenor of the communications which have come to my attention, I am still delighted to observe the interest. It was not quite borne out, of course, by the number of witnesses who appeared before the committee. I thought there would have been a larger number. I thought the testimony with respect to Judge Harlan, and particularly that of adverse witnesses, would have been a little more substantial than it was. It is not necessary for me to recite or to review all the testimony which was presented to the committee.

First, Mr. President, I agree with my distinguished friend, the Senator from Mississippi [Mr. EASTLAND], with respect to the integrity and the character of the nominee. It was not impeached by any witness. It was not impeached in any letter or communication which has come to my attention.

I believe it can be said that he possesses judicial temperament. He has graced the Federal circuit bench for more than a year; and for that position his nomination was confirmed by the Senate in February 1954.

His sense of civic responsibility is beyond impeachment. He gave 8 months without compensation as general counsel to the New York Crime Commission. That commission did a noteworthy and outstanding job in the State of New York. For his unselfishness and his sense of civic duty, I think he deserves the plaudits of and a salute from his fellow countrymen.

So we start with an area of agreement, namely, that nothing was said in derogation of his character, his integrity, his sense of civic duty, and, I think, his judicial temperament.

It was agreed by all who know him and by all who are familiar with the record that he is one of the Nation's outstanding lawyers. To be sure, he is a specialist in the field of monopoly law. As the Senator from Mississippi so well said, Judge Harlan was counsel on the other side in the celebrated Du Pont case.

It would be difficult for me to understand how a man of his brilliant attainments in the legal field, a man of his vigor, could be wanting in judicial temperament and in judicial capacity. I think we can take that for granted from the record.

The point of controversey arises from Judge Harlan's identity with an organization known as Atlantic Union. He was a member of the advisory committee, and he came within the orbit of that advisory committee pretty much as Members of the Senate find themselves suddenly gracing boards of directors or designated as trustees of national organizations.

About 2 years ago I discovered my name on a letterhead, and I had to threaten mandamus proceedings in the Federal district court for the District of Columbia to have my name removed. I was not certain at the time as to exactly what the purposes of the organization were. However, I learned that it was doing things that I could not support and which were not consonant with my own views.

I have had that experience many times; and I should say that, on the average, at least one request comes to my desk every week, sometimes two requests, to join a national organization having idealistic purposes and objectives. Later I discover that, in actual practice, programs and policies are pur-

sued which seem to be at variance with what was announced in idealistic language. The result is that one finds himself in some difficulty.

I think that was the case with Judge Harlan and the Atlantic Union. He received a letter from one who once graced the Supreme Court, former Justice Owen Roberts. The letter is contained in the hearings.

I fancy that if I had received that letter and knew nothing more about the organization, I might very well, in a moment of weakness, have slipped a joint and have become a member of the advisory committee. I may say that the advisory committee numbers among its personnel ambassadors, generals, admirals, and business heads of all kinds throughout the country. In all, it is a rather imposing list. A partial list, at least, appears in the hearings; and anyone who wishes to take the trouble to examine the membership of the advisory committee of the Atlantic Union, will find it there.

I think it should be said, too, that when the exploratory resolution on Atlantic Union was introduced in 1951, 28 Members of the United States Senate and 10 Members of the House of Representatives were sponsors. There will be found in the hearings, also, a list of 100 Members of the House of Representatives who evidently formally gave assurances that they intended to support the exploratory resolution on Atlantic Union.

So it is not so difficult to understand how a practicing attorney should receive from a former Justice of the Supreme Court a letter setting forth that the organization was devoted to mutual security purposes, and should then suddenly say, "I shall be delighted to join."

Judge Harlan even testified that at some meeting after that, he probably made a contribution of $25. But the rest of the testimony is that he attended no meetings, he performed no functions, and he did not know what Atlantic Union actually was about; and he said as much. When the distinguished junior Senator from Indiana [Mr. JENNER] was quizzing him, Judge Harlan made an answer which will be found on page 172 of the hearings. The Senator from Indiana had read some Atlantic Union literature pertaining to the specific purposes of the organization, and Judge Harlan responded as follows:

> This is the first time, unless it was read yesterday, that I have ever heard that statement read. If Justice Roberts is correctly quoted, and the implication that you draw from what is said there is correct, I disassociate myself from it, because I don't believe in it.

Judge Harlan knew nothing about Atlantic Union except what was in the letter from Justice Roberts. So it is easily understandable as to how and why he and other persons become affiliated with such organizations.

With respect to his fidelity to the constitutional concept, I can do no better than to repeat what the distinguished Senator from Mississippi said, because the testimony is in the hearings. This is Judge Harlan responding to a question asked by the Senator from Mississippi [Mr. EASTLAND]. He said:

> And all I can say by way of amplification, with what I have said as to my own attitude on these questions, that I am not one of those who believes in any organization, the purpose of which is to override the Constitution of the United States, to surrender one iota of its sovereignty, and that the relationships that we must necessarily have in this complicated world and dangerous situation, are relationships which must be achieved and which can be achieved and were intended to be achieved within the framework of the Constitution of the United States.

When a moot question or a speculative question is asked of a nominee, I am not so sure what my own response would be if I were in his position. The distinguished former chairman of the Committee on the Judiciary said a moment ago that I was something of an enigma. He expected me to vote against the confirmation of the nomination of Judge Harlan.

I said, "Senator, I try to do two things: First, I put myself in the witness chair to see what my own responses would be. Second, I project myself into one of those robes on the high court to see what my attitude would be there."

So I believe that confirmation of the nomination of Judge Harlan on the basis of all that has been presented thus far is warranted.

Mr. President, I know the source of the fears that go with this matter. I have received my share of telegrams and letters. The fact of the matter is that the fear today springs from the danger of interpretation of what is in the Constitution of the United States, and the actions by Congress, including the Senate. Today the issue, in my judgment, is not John Marshall Harlan; I think the issue is the failure of the United States Senate to take action on a provision in the Constitution which permits a loophole, in the light of our commitments to worldwide organizations.

Article VI of the Constitution contains certain provisions. Too often we do not read the entire article, so it is well to refresh ourselves. This is what article VI provides:

> 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 then, Mr. President, the Constitution says—

> and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

That is the Constitution. It is supreme. The laws made in pursuance of it are supreme. The treaties are supreme. That is what the Founding Fathers wrote into the Constitution.

So the question then arises, in connection with the nominee, How is he going to interpret that language when some specific commitment involving countries abroad comes to the Court's attention? The first thing, of course, that is recited, as it was in the Iowa case, is the United Nations Charter. We fail to go back to primary sources, for this is the book, this is the gospel, this is the test, because this is the official charter of the United Nations, together with the statute of the International Court of Justice.

Mr. President, Judge Harlan had nothing to do with the writing of this charter. This charter was ratified by the Senate of the United States. It was ratified on July 28, 1945. It was ratified by a vote of 89 to 2. I think my friend the Senator from North Dakota [Mr. LANGER] was 1 of the 2 Senators who voted against it.

Mr. LANGER. Yes, and I am proud of it.

Mr. DIRKSEN. It is not in my mind who the other Senator was.

Mr. LANGER. Senator Shipstead of Minnesota.

Mr. DIRKSEN. I have stated what the vote was. The reason why this charter is in being today, so far as the United States is concerned, is that 89 Senators of this body, before I became a Member of the Senate, although I was then a Member of the House, which had nothing to do with treaties in those days, said that the charter was satisfactory, and they ratified it.

Let me refer to a provision or two of the United Nations Charter:

> Ch. IX. International Economic and Social Cooperation. Article 55. With a view to the creation of conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of people, the United Nations shall promote:
>
> (a) Higher standards of living, full employment, and conditions for economic and social progress and development.

Did Judge Harlan write that, Mr. President? He did not. The charter was contrived in San Francisco, but 89 Senators said it was satisfactory, and so it became a treaty, and the Constitution provides that a treaty shall be the supreme law of the land.

Judge Harlan did not fasten the United Nations Charter on the country. The Senate of the United States did it, because it could not have become effective without the sanction, consent, and advice of the Senate of the United States.

The article continues:

> (b) Solutions of international economic, social, health, and related problems and international cultural and educational cooperation.

It continues, Mr. President:

> (c) Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Now, give ear, Mr. President, to article 56, because that contains the "clout," as is said. That is a rather colloquial term, but everybody knows what it means. Article 56 reads as follows:

> All members pledge themselves to take joint and separate action in cooperation with the organization for the achievement of the purposes set forth in article 55.

The Senate of the United States knew that language was in the charter, and the Senate pledged this country to it, under its constitutional authority to give

advice on and consent to treaties. Senators must have read the language. Judge Harlan had nothing to do with it. The language was approved by the Senate of the United States. If his nomination is confirmed, Judge Harlan will sit on a tribunal where he will be expected to interpret, not what he wrote, but what the Senate approved; and the Senate approved the United Nations Charter with its eyes open—I hope.

Then, Mr. President, let us look at article 59, which reads as follows:

> The organization shall—

It does not say "may." The article says:

> The organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agency required for the accomplishment of the purposes set forth in article 55.

Did Judge Harlan write that? He had nothing to do with it. He probably did not even know the proposal was before the Senate. The Constitution of the United States provides that the treaty, called the United Nations Charter, is the supreme law of the land, along with the laws passed by Congress, and the Constitution.

So if the nomination of Judge Harlan shall be confirmed, he will take an oath to do what? Let me read the oath he will take, or, at least, which I hope he will have a chance to take. Let me read it into the RECORD. Every justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office:

> I, ——— ———, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ——— according to the best of my abilities and understanding, agreeably to the Constitution and the laws of the United States: So help me God.

That is what he will have to say. He will hold up his hand and say, "Agreeably to the Constitution and the laws of the United States."

What is the law, Mr. President? I have been reading from the Charter of the United Nations. Judge Harlan had nothing to do with its framing. All he will do will be to interpret it when it gets to him.

The fear, of course, is understandable. I refer in that connection to the Rice case, which was resolved in the Supreme Court of Iowa in the October term of 1953. Sergeant Rice died or was killed in Korea. His wife was a Caucasian. She contracted with the Sioux City Cemetery Association for a lot. In the contract, of course, she had to agree to abide by the rules and regulations of the cemetery. One of the regulations was that only Caucasians could be buried in that cemetery. The managers and trustees of the cemetery association did not know anything about Sergeant Rice until the day of the funeral. Then they discovered that Indian mourners appeared. That was the first time they knew Seregant Rice was part Indian. They discovered Sergeant Rice was eleven-sixteenths Indian. As I have said there was a provision in the contract for the cemetery lot which stated that no one could be interred in the cemetery unless he was a Caucasian.

Sergeant Rice's wife sued for breach of contract, and the case went to the Supreme Court of the State of Iowa. Many things were averred by attorneys for the plaintiff and attorneys for the defendant, but the interesting fact was that they went back to article 55 in the United Nations Charter. It was contended that an organization cannot discriminate in that manner, and the United Nations Charter was pointed to as being the law of the land. As a result of what the United States Senate did on the 28th of July, 1945, the charter was made a treaty law, and was invoked by lawyers.

Judge Harlan did not have anything to do with that. If he sits on the Supreme Court bench he will interpret questions that come to him for interpretation.

I ask my colleagues not to be "kidded." Lawyers all over the country, when they examine their cases, are going to invoke the provision of the United Nations Charter to which I have referred. If I were in active practice back in my home State and certain cases came before me, one of the first things I would do would be to burn the midnight oil and ascertain if I could not find in the United Nations Charter something which was germane to my side of the case, and if I thought it was germane I would plead it in the lower courts, and I would plead it in the Supreme Court of the United States. After all, it is the duty of an advocate to do the best he can in the interest of his client.

One of the judges who decided the Rice case was an old classmate of mine in the study of law back in my days in Minnesota. I hope some time to have a chance to talk to him about the question. What happened? There was a split opinion. The Court could not agree. It divided 4 to 4. It would have been rather interesting to hear the arguments as to article 55 from the cloisters of the Court.

But when it comes to the question of what Judge Harlan did, he knew nothing about it. Eighty-nine Members of the Senate put this country into the United Nations, and article 55 is in its charter. When we read it, and then when we refer to article VI of the Constitution, which provides that—

> All treaties made * * * under the authority of the United States shall be the supreme law of the land.

We find that article 55 is the supreme law. Any lawyer will plead it, and there are going to be more and more lawyers who will raise this question. That is why it is so important.

I must add one thing. I get quite a little stimulation in going back and looking at a tremendous report which was made in 1952 by the President's Materials Policy Commission, composed of William S. Paley, president of the Columbia Broadcasting Corp., as chairman, and George R. Brown, Arthur H. Bunker, Eric Hodgins, and Edward S. Mason. They submitted the report, which is in 4 volumes, and comprises in excess of 1,000 pages. It is rather well done, too, Mr. President.

In the first volume, the Commission refers to the Habana Charter for International Trade Organizations and the various agreements we have entered into, such as the International Sugar Agreement, the International Wheat Agreement, and the many others. The Senator from Ohio [Mr. BRICKER] will remember the testimony before the Banking and Currency Committee, either during or after the war, I have forgotten which—but after the war, I think—by the International Materials Conference, which was an informal organization in the State Department.

This is what the President's Materials Policy Commission said:

> The United States has not ratified the treaty but under a resolution of the United Nations Economic and Social Council is bound with other nations to recognize chapter VI as a general guide.

I read further:

> The further steps which in the Commission's view the United States should take on chapter VI of the Habana Charter are discussed later in relation to the Commission's conclusions about the types of agreements which may help to stabilize materials markets, agreements upon which chapter VI would have a definite bearing.

We are moving deeper and deeper into the orbit. There was an agreement on tin. Efforts were made to reach agreements regarding various critical materials; and some of the eager beavers were only too anxious to bring us into the orbit. Why? Well, here is the law; I read article 55. It is broad enough for anything. But John Harlan had nothing to do with it. The United States Senate approved that language; and there we are today.

So we get around to what? We get around to the real issue before the Senate this afternoon. What is it? It is not the nomination of John Marshall Harlan. The issue is the failure of the Senate of the United States to meet the challenge as the result of our excursions into these world organizations and the power of treaties. We speak of treaty power, but I am more interested in the power of treaties, and there is an excellent example. There is the United Nations Treaty, which echoes in a cemetery case in Sioux City, Iowa, and finally comes to the Supreme Court of the United States.

Mr. President, what is the function of Judge Harlan or any other judge? Only to interpret what the Congress has approved, only to interpret what, in conjunction with another body and the signature of the President, we place upon the statute books of the country. That will be his only function.

What would you say, Mr. President, if you read that language? I am not so sure what I might say in keeping with the oath I would take—"agreeably," as it says, "to the Constitution and the laws of the United States, so help me God." I can read the English language, and I can read the Constitution. I know it means different things to different people. But who, then, is the culprit—if that is not too inelegant a term? The

culprit is the Congress of the United States. Who is going to undo this? The Senate and the House. How are they going to undo it? Only by resuming their interest in the proposal which was made by the Senator from Ohio [Mr. BRICKER], for which he was a one-man crusader into every section of the land.

That proposal should be brought before the Senate right away. I wish to say to the distinguished Senator from Tennessee [Mr. KEFAUVER], who now occupies the chair, and who is chairman of the Subcommittee on Constitutional amendment, that I trust that at a very early date we can set a hearing on the Bricker resolution, call witnesses to testify, and then bring this all-important issue back to the only body which can do anything about it, and the only body which can close a loophole which was left as a result of the commitments and the delegations of power which have been made, under a treaty, to international organizations. John Marshall Harlan cannot do it. That is a job for the Senate and the House of Representatives.

This question will continue to recur. Every time there is a nominee for the Supreme Court, the question will be, "What are his political beliefs? What are his ideological beliefs? How will he rule on this or that?"

I am not so sure that it was proper for Judge Harlan to respond to some of those questions. It was perfectly proper for a member of the Judiciary Committee to ask the questions; but the nominee had to remember that today he is on the Federal bench, a judge of the second circuit. So, in making his responses, he had to bear that in mind.

I think I would have been very cautious if I had been in a similar position, and had appeared before a senatorial committee, and if such a question had been asked of me. I would have been thinking whether a case involving that point might come before the court for resolution, and whether perhaps I would tie my own hands, and whether perhaps I would be foreclosing my own thinking on it, and would be tying myself to a commitment I could not keep, upon more meticulous examination of the language which probably would be presented.

So, Mr. President, I wind up pretty well where I began. The issue is not John Marshall Harlan, brilliant lawyer, concededly brilliant; a man of integrity of character; a man who has done yeoman public service, and has done his full share of civic jobs and duties. No one has attacked him on that score. The attack came only because of his rather formal but almost casual identity with the Atlantic Union, about which he knew nothing. By his own confession, in the record, he did not know it called for common citizenship; he did not know it called for common currency; he did not know it called for a common authority to enforce peace. And in response to a question from the Senator from Indiana [Mr. JENNER], Judge Harlan said, "If that is the case and if that is true, I disassociate myself from it."

In this rather complicated and accelerated age that is the easy way out when one gets into difficulties by allowing his name to be used by an organization when he does not know fully what its objectives, programs, and purposes are. That he might have been misled is not strange, when 28 Senators and 10 Members of the House were cosponsors of the resolution in 1951, and another 100 Members of Congress indicated that they would support the resolution. It is not strange that a candidate for a place on the highest tribunal on the basis of a letter which he received from a former Justice of the Supreme Court, should send him a one-paragraph note and say, "I will join," and even make a $25 contribution. I think that aspect of the matter has been too thoroughly amplified, beyond its true context.

But as we go back and examine the record, we find Judge Harlan speaking, on page 173:

> My views are that the Constitution is the thing that governs us all, whether in one branch of the Government or another, and if the Constitution, through the wisdom of Congress or the caption of the people is amended in any particular respect, that becomes the Constitution, and so far as I personally am concerned, it is the Constitution that I am sworn to uphold, and that will be my endeavor, to do it to the best of my ability.

I do not know what more, by way of a commitment, we could ask from a man of unimpeachable integrity and conceded capacity and competence in the legal field. So we get back to the issue—not the interpretation, but the language which made it possible for the Court to work its will upon, and possibly contravene, the domestic law and the rights of our people. Never was it so imperative that the Senate Judiciary Committee roll into action at once on the Bricker resolution; and the sooner it is done the better, because this will be a constantly recurring question.

It is for the reasons stated that I shall support the nomination of Judge Harlan.

Mr. CHAVEZ, Mr. JENNER, and Mr. BARKLEY addressed the Chair.

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

Mr. DIRKSEN. I was about to yield the floor.

Mr. BARKLEY. Mr. President, I desire the floor briefly to speak on the nomination.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. CHAVEZ. Mr. President, will the Senator from Kentucky allow me to ask the Senator from Illinois a question, without the Senator from Kentucky losing the floor?

Mr. BARKLEY. Certainly.

The PRESIDING OFFICER. Without objection, the Senator from New Mexico may proceed.

Mr. CHAVEZ. The discussion this afternoon has involved the state of mind of the nominee on basic issues. In arriving at a conclusion as to whether or not the nominee deserves the approval of the Senate, should we not also consider the fine historical background of the nominee himself—his grandfather, his great grandfather, his early days in Indiana and his days in Kentucky?

Mr. DIRKSEN. There is a great tradition behind the family. That is the best one can say. They have been great citizens. They have carried on in the finest American tradition. I know of nothing more that one could ask, in that field, at least.

Mr. CHAVEZ. That is correct. The nominee might at a given moment entertain an idea which any Senator might entertain. Are we to say that we are the only ones who believe in the Constitution and Declaration of Independence? We take our oath of office to do our duty. If an American citizen, no matter how humble, holds to a certain belief, should we, merely for that reason, deny him the confirmation of his nomination to an office to which the President of the United States has appointed him?

Mr. DIRKSEN. I think the Judiciary Committee was entirely within its rights in pursuing one line of questioning or another. It is always for the nominee, with a proper concept of propriety, to determine whether or not he should answer the questions. That is a matter which only he could determine under the circumstances. So I do not quarrel for a moment with the questions which were asked. I say only that we ought to get the issue into its proper focus, because it will arise over and over and over again, every time the United Nations Charter is invoked in some domestic action at law or in equity. So let us go back to the basic issue. Let us go back to the document which was ratified by this body, and which, under the Constitution, is made the supreme law of the land. That is where we must go.

Mr. CHAVEZ. I agree with everything the Senator from Illinois has had to say. I sincerely and conscientiously believe that the Constitution and the Declaration of Independence are supreme over anything, regardless of what others might think, either correctly or incorrectly. Merely because Congress takes a certain action, I cannot for a moment see why a citizen of this country should not be free to entertain the idea that Congress might have been mistaken.

Mr. DIRKSEN. I will say to my friend from New Mexico that that is really not the issue. The issue I have been belaboring is simply this: When we effectuate a treaty, under our constitutional processes we give it the dignity of supreme law. Then the question arises: Is there language which, by reasonable interpretation, can supervene and contravene the rights of the people in a case under domestic law? The first paragraph of the Bricker resolution provides that a treaty shall not have the effect of internal law unless it is implemented, or unless it is consonant with the Constitution.

Mr. CHAVEZ. I voted for the Bricker resolution when it came before the Senate at the last session and if I have the opportunity it is my purpose to vote for it again. But until the Bricker resolution becomes the law of the land, or a part of the law of the land, there is no particular reason why, under our form of government, we should not pass judgment on a man whom I consider a pretty good citizen.

Mr. DIRKSEN. It seems to me that as a result of the discussion finally there will come an awakened interest in the substance of the Bricker resolution. I fancy that in due course the country will respond, because the people will see what the real issue is.

Mr. BARKLEY. Mr. President, I shall be very brief in my observations regarding this nomination.

I do not know Judge Harlan personally. So far as I now know, I never met him. I casually knew his father, who lived in Kentucky many years ago and moved to Illinois. That is the only thing I could hold against him.

As a boy in Kentucky, I was a great admirer of the nominee's grandfather, John Marshall Harlan, whose very name carries us back almost to the origins of our country, in the traditions of the American bar.

The original Justice Harlan was born in my State, in the county of Boyle. He became a county judge of that county. For 4 years he was attorney general of the State of Kentucky. Twice, in 1871 and 1875, he was the Republican nominee for governor of the State from which I come. Of course, in the state of political affairs at that time that was a hopeless honor, because he could not be, and was not, elected. In November 1877, the month and year in which I was born, he was appointed to the Supreme Court of the United States.

If I am not mistaken, he served longer than any other Justice of the Supreme Court in the history of the United States except John Marshall himself. Justice Harlan served as a Justice of the Supreme Court, as I recall, 34 years, and John Marshall, for whom Justice Harlan was named, served 35 years. He was not only one of the longest in service, but he was one of the most independent and outstanding Justices of the Supreme Court.

If the sins of the father are to be visited upon his sons to the third and fourth generation, surely the virtues of the father also should be visited upon his sons to the third and fourth generation.

I mention these circumstances merely to set forth the background of the nominee to the highest court in our land. I may be partially actuated by sentiments revolving around my own State. I may be partially actuated by the great admiration I had as a youth for Justice Harlan.

However, in view of that, and in view of an utter lack of any implications which would disqualify the grandson of Justice Harlan to be a member of the Supreme Court of the United States, I feel it my duty not only to vote for the confirmation of his nomination but to speak these brief words in support of confirmation by the Senate.

Mr. President, every time we vote to confirm the nomination not only of a member of the Supreme Court but of any other member of the judicial system, we take a chance. We take a chance on how a man's mind will work when he dons the robes of a Justice of the Supreme Court. We assume a risk. We cannot always know in advance everything—and probably we should not press an inquiry along that line—concerning how any nominee for appointment to the Court will decide a given case. He cannot know all the ramifications of a case. He cannot know in advance what the evidence will be and what the circumstances will be. Therefore we must trust the members of the Court as we must trust ourselves, and as we must trust other nominees whose confirmation we are called upon to consider.

I have only a meager knowledge of the personality of the nominee in this case. However, I understand that he had an honorable career at the bar. Like all lawyers, including some of us, he took cases as they came to him. There is no evidence that he ever went forth chasing cases. He was not an ambulance chaser. He was a dignified lawyer. He hung out his shingle and awaited clients. Clients came to him. He was a successful lawyer at the New York bar. The fact that he was appointed a judge of the court of appeals only a year or so ago does not militate against him or his qualifications. If that were a disqualification, many of the present members of the Supreme Court would not have been qualified to be appointed or confirmed. Many of them did not serve on any court prior to their appointment to the Supreme Court.

I shall not now discuss the Bricker amendment, but I shall discuss it if it comes before the Senate. I was not in the Senate last year, when it was voted on. Probably I shall be here when and if it is voted on again. I do not wish to bring that subject into this discussion. I do not believe it is important so far as the nomination of Judge Harlan is concerned.

Neither do I regard as important the fact that Judge Harlan was a nominal member of the advisory board of an international organization. Many good men have been enticed into membership in organizations which seem to be working in behalf of good causes designed to benefit mankind.

As the Senator from Illinois [Mr. DIRKSEN] has stated, many of us have been solicited from time to time to join such organizations. I had a similar experience several years ago. I joined the advisory board of an organization which seemed to be designed to benefit the American people. Later I found that it was giving out propaganda and statements and taking positions with which I did not agree. I immediately resigned. I never took any active part in it. However, that experience is likely to come to any man who has any public consciousness or who has any desire to allow his name or his influence to be used in behalf of some great cause that appeals to many people. I see nothing in that. I see no implication, so far as Judge Harlan's future attitude on public questions may be concerned, in his membership in such an organization.

I have many good friends who have been members of it. I have myself declined to be. That does not mean that I have lessened my respect for men who have seen fit to join such organizations in some capacity that appeals to them, in view of the world confusion and the world problems of today.

Mr. President, as a Kentuckian and as an admirer of the Harlan family, which until recently lived in the county of Boyle in the State of Kentucky, in which the grandfather of the nominee, the great Justice of the Supreme Court, was born and lived, I feel it my duty to vote for the confirmation of the nomination of Judge Harlan to be a member of the Supreme Court of the United States.

Mr. CHAVEZ. Mr. President, I shall be very brief. Notwithstanding the fact that the Senator from Kentucky and I are of different national origins, I believe we have something very much in common. We are emotional. I believe that possibly I, more than anyone else in the Senate, have been the beneficiary of the best things that are American. It is in that vein that I wish to speak to my fellow Members of the Senate today.

I, too, know the background of the nominee. I do not know the nominee personally. However, I have not only a sense of appreciation of my fellowman, but I have also a sense of duty toward my fellowman.

It was not so long ago when Ohio and Indiana and even Kentucky were a part of the great West. If anyone went beyond the New York line or the Pennsylvania line, he was lost. So far as Ohio and Kentucky and Indiana and even Illinois are concerned, they were populated by people who moved there from other States.

When we think of the Harlans in Kentucky, we think of the people from other States that settled in Kentucky. When we think of the appointment of the nominee's grandfather, in 1877, of what does it remind us?

It does not remind us of the present President of the United States, or of the previous President of the United States. It reminds us of the ideals of Rutherford P. Hayes and of the people of those times, descendants of Anglo-Americans, who came to this country to carry out the ideals of free nations. It was from the descendants of Daniel Austin, of Vermont; Moses Austin, of Missouri; and Steven Austin, of Texas; and of the Austins that Rutherford B. Hayes came.

In my opinion, Tilden should have been elected. I happen to be on the other side of the fence politically, but I think Hayes made a great contribution by having in mind, at least, the fact that the Constitution had to be interpreted by Americans, irrespective of party politics, and he did select John M. Harlan, of Kentucky, to be an Associate Justice of the Supreme Court of the United States.

I shall vote for the confirmation of the nomination, without knowing the nominee. But I have read the hearings, and I think he will make a great Justice of the Supreme Court. Many persons think a nominee for the Supreme Court must have had experience. The best judges I have ever known were lawyers whom the people elected at the grassroots. They would interpret the law in the first instance. An average person would not have an opportunity to be appointed to the Supreme Court. On that

Court we wish to have the best lawyers in the first instance. I believe this nominee, with his fine historical background, has an understanding of the philosophy of English common law and an understanding of the philosophy of a free government. I do not wish him to tell me how he should decide cases. If I should do so and he should follow my advice, I would not be in favor of the confirmation of his nomination. I wish him to decide cases as he sees them, as he understands the facts and the law.

Mr. JENNER. Mr. President, the people of the United States are deeply concerned over the appointment of a new Justice to the Supreme Court of the United States. They are especially concerned because of attempts to limit the sovereignty of the American Government through the United Nations Charter, and proposals for an Atlantic Union.

From persons in my own State and in other States I have received many letters, asking me to weigh the new appointment in the light of the long debate over the Bricker amendment, showing the dangerous expansion of the executive power through treaty-made laws.

Our people have also been disturbed more than a little by the facts revealed in the Sioux City Cemetery case in which the Court was evenly divided on a question involving the effect of treaty law on a private cemetery in Iowa. The decision carried to a critical point the danger revealed in the steel seizure case, in which three members of the Supreme Court were of the opinion that the President of the United States had the power and the duty, under the obligations of treaty law, to seize property which he was forbidden by the American Constitution to touch.

I share the doubts and concern of my fellow citizens. I agree that the new appointment to the Court is of transcendent importance. I have decided, nevertheless, to vote for the confirmation of the nomination of Judge Harlan. He is, I believe, fully qualified professionally for the position. He has stated that he will meet all issues with full obligation to his oath to support the Constitution.

But, Mr. President, the Senator from Illinois [Mr. DIRKSEN] put his finger on the spot. The United Nations Treaty is as much a part of the Constitution as is the Bill of Rights. If the Congress, by its ratification of that treaty, has diluted the American system of government, then it does not matter whether we place Judge Harlan on the Supreme Court bench or whether we place there the most conservative man we can find in the Nation. He would still have to uphold the law and the Constitution; and the United Nations Treaty is the supreme law of the land.

So, Mr. President, the only way we are going to remove these doubts of the American people is by political action, namely, for Congress to pass the Bricker amendment and also to take back the power it has given away.

This leaves the crucial political issue before us, with all the threatened dangers. The sovereignty of the United States is being eroded, and the Constitution is being undermined. Sixty-one Members of the United States Senate have voted, in the George amendment, that our Constitution needs new bulwarks to protect it against the strong currents leading, by way of treaty law, to a supergovernment.

I take the position that the duty of protecting the Constitution rests on Congress. It cannot be shifted by Congress to any other branch of government.

If Congress has passed a law, or the Senate has approved a treaty, which leads to diminution of American sovereignty, the members of the judicial branch have no choice but to interpret the law or the treaty as Congress has approved it.

I cannot ask a nominee for Justice of the Supreme Court to interpret the law in any way except the way Congress has written it.

The Supreme Court has been meticulously careful to observe the line between political and judicial powers. It has fully upheld the right of Congress to pass any laws and make any political choices within the limits set in the Constitution.

Congress is the branch of Government responsible for deciding political issues. The Executive has no choice but to administer the law as written. The courts have no choice but to interpret the law as written.

All the political winds and currents bear on Congress. It resolves those pressures into a set of policies which will serve the interests of the Nation as a whole.

This high task of weighing the diversities of interest and inclination within the Nation and shaping them into a truly American policy embodied in law I would not surrender to any other branch of Government if I could.

If Congress is dissatisfied with the results of its legislative acts, the whole responsibility to undo the damage rests on Congress.

At this time I should like to point out, Mr. President, the specific remedies which lie within our power.

Congress has passed a number of laws since the end of World War II which dilute American sovereignty. These include adoption of the U. N. Charter, the NATO agreement, the Status of Forces Treaties, and provisions in the mutual-security bills which permit the President of the United States to assign members of the Armed Forces and of civilian Government agencies to foreign governments or international agencies.

On January 8, 1954, the late Senator Pat McCarran, former chairman of the Senate Judiciary Committee, analyzing the legal implications of the U. N. Charter, stated on the Senate floor that:

> Today under the present state of the law, the Congress of the United States is no longer a legislature of delegated powers, to be exercised within prescribed limits, but a legislature of unlimited and undelegated power.

The checks and balances in the Constitution had already been removed by congressional approval of treaties which permitted or even compelled Congress, in honor, to pass laws contrary to the Constitution. The former chairman of the Judiciary Committee reminded us that any judge—and that includes Judge Harlan or any other person who might have been nominated—trying to decide on the constitutionality of a law today would have to hold the Constitution of the United States in one hand and the U. N. Charter in the other.

A few days later I myself stated that, under article 56 of the U. N. Charter, which the Senator from Illinois [Mr. DIRKSEN] just read to the Senate, the American Congress had pledged itself to "take joint and separate action," not in its own best judgment but "in cooperation with" the United Nations, that is, only in a form acceptable to the United Nations, to carry out the objectives of article 55, which pledged a world welfare state.

I say to the Senate that the question of saving our country and our liberties cannot be hung on some judge whose nomination is before the Senate for consideration. We must, by political action, withdraw the power we have passed on to others by the ratification of treaties which destroy the liberties of our country. That is where we find ourselves today, in the middle of the 20th century. The sooner we face up to this condition the sooner will the necessity of our meeting such problems day by day disappear. There is no sense in taking chances.

I heard the distinguished Senator from Mississippi [Mr. EASTLAND] quote from the speech of Secretary of State Dulles in Louisville, Ky. Then I heard the Senator from Mississippi quote Judge Harlan to the effect that Secretary Dulles had added to his statement since that time. Yes, I will tell Senators what the Secretary added to that speech.

He said, "What I said in Louisville, Ky., was right; but now that we have a Republican administration in office, trust us."

Mr. President, I trust no political party with the liberties and the future of my country. Why should we take a chance of any kind? Let us write safeguards into the law. Then when an official steps out of line he can be impeached.

"Trust us?" I am concerned about the danger to our national sovereignty which may come from future agreements drafted by the executive department or from future decisions by the Supreme Court.

The greater danger, however, is here now, and the duty of protecting our national sovereignty lies with us in Congress.

I shall not take the time of the Senate for any criticism of present or former Members of Congress. I know how these matters are conducted. The old propaganda machine is organized; and all the pinkos, eggheads, commentators, and columnists start grinding. Then up comes a United Nations treaty.

Mr. President, it was in August 1945 that the United Nations Charter was ratified by the Senate by a vote of 89 yeas; with only 2 Members voting against it.

We did not know that the Iowa Cemetery case was coming up; but it is here. That is what we are facing in the 20th century.

I do not wish to criticize past Congresses, because they are like some I have seen. Members do not even know what is contained in many treaties, and, naturally, they do not know what is contained in executive agreements. So we cannot be held accountable for them. There are thousands of them in existence today.

I have come to the conclusion that both Congress and the American people suffered a kind of shellshock during World War II, which was the effect of the monstrous misapplication of American energy we call unconditional surrender. We have hardly begun to estimate the errors, and confusions, and losses of those fateful years.

It is not our task to blame earlier Congresses for passing this legislation to reduce our sovereignty. But our people will blame the present Congress if it does not set to work at once to undo the damage.

I say the Bricker amendment, or the George amendment, or whatever it is desired to call it, should be brought before the Senate immediately. Then it will not be necessary to worry about the confirmation of the nomination of Judge Harlan or of anyone else. Protection will have been written into the law. It will not be necessary to depend upon men. The safeguards will have become a part of the body of law of the United States, which is not a government of men.

The advocates of supra-national sovereignty plan to subordinate our national security to that of other nations, to change our basic law, dilute our population, divide our national resources, and blot out the American way of life.

The first safeguard needed to protect our Nation is passage of the Bricker amendment which, in the form of the George amendment, received 61 votes in the Senate only last year. I need add nothing to what has been said of the importance of its early passage by this Congress.

I am greatly concerned about the fact that this is the year for revision of the United Nations Charter. Do Senators know that Congress already has appropriated many thousands of dollars for the study of the revision of the United Nations Charter, which is to be considered this year, I believe in September?

Supporters of restricted sovereignty for the United States are aggressive, well-organized, and well supplied with funds. They are busy shaping public opinion in all parts of the United States. What are the guardians of American sovereignty doing? The answer is: Nothing. Shall we sit and wait until a completed program is presented to us, with a well-organized prapaganda support, and then wring our hands, and say, "It is too late. We can do nothing. I do not particularly like it, but I am going to go along"?

How many times have I heard that statement on the floor of the Senate?

I intend to submit a resolution, Mr. President. I hope it will not be buried and forgotten, because I think it will be vital to the questions we are discussing today. I shall ask that the Senate Committee on Foreign Relations be authorized to prepare a complete report on all the legislation, treaties, amendments of treaties, executive agreements, court decisions, and other acts of government which have effectively reduced American national sovereignty. The report should also point out what action by Congress would be needed to reestablish in full the sovereign power of the United States and to protect its security, its population, its economic resources, and its way of life.

We shall then have complete and well-documented briefs on both sides of this great issue. The issue can be clearly seen. The decision will be made where it should be made, in full and open debate, on the floor of Congress, with plenty of time for full discussion by men and women who are responsible to the electorate for their decisions. It will not be confused with the debate on the confirmation of the nomination of a judge who can only interpret the law as Congress has written it.

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## CONVICTION OF HARVEY MATUSOW

Mr. EASTLAND. Mr. President, as some of my colleagues may already know, Judge Thomason, of the United States district court, in El Paso, Tex., today found Harvey Matusow guilty of criminal contempt in his effort to obstruct justice in the case of Clinton Jencks. Judge Thomason sentenced Matusow to 3 years in prison. Appeal bond was set at $10,000.

Judge Thomason's conduct and actions in this matter have been refreshing, and wholly praiseworthy. What Judge Thomason has done cannot help but add luster to the Federal bench, and contribute to the confidence and respect which the people of America have for the Federal judiciary.

Matusow's conduct before the Federal court in Texas, as it has been reported, was, like his conduct before the Internal Security Subcommittee, which I witnessed, a shoddy and reprehensible performance. Matusow's efforts to sell a pack of lies to serve the purposes of the Communist conspiracy provided a nauseating spectacle.

Cross-comparison of what Matusow said in his affidavit in the Jencks case, what he told the Internal Security Subcommittee, what is stated in the book False Witness, which bears Matusow's name as author, and what Matusow told his publisher, Albert Kahn, during tape-recorded sessions in which the book was shaped up, shows not only the duplicity of Matusow and the complicity of Kahn, but also gives an excellent illustration of the intellectual dishonesty of the Communist mind.

In his affidavit, in the case of United States against Clinton E. Jencks, Matusow said:

> There was no basis for my stating that Clinton E. Jencks was a member of the Communist Party at the time I stated so in court.

The author of False Witness says in that book:

> I have stated on the witness stand that in July and August 1950 I had visited the San Cristobal Valley Ranch in Taos, N. Mex., and that I had met Jencks there. I testified that I had three conversations with him in which he told me he was a Communist Party member. Actually, there was no basis whatsoever for this statement of mine; and in January 1955 the lawyers for Jencks' defense received from me a sworn statement to that effect.

The following are excerpts from the hearing record of the Internal Security Subcommittee:

> Senator DANIEL. Do you deny that Jenny Wells Vincent and Craig Vincent were members of the Communist Party?
>
> Mr. MATUSOW. I didn't know them as Communists.
>
> * * * * *
>
> Mr. SOURWINE. Do you know whether Clinton Jencks ever was a member of the Communist Party?
>
> Mr. MATUSOW. Of my own knowledge?
>
> Mr. SOURWINE. Yes.
>
> Mr. MATUSOW. No; I don't, sir.
>
> Mr. SOURWINE. When you first went to the San Cristobal Ranch in New Mexico in 1950, did you know it was operated by the Communist Party?
>
> Mr. MATUSOW. No, sir; I did not.
>
> Mr. SOURWINE. Do you know whether it was operated by the Communist Party?
>
> Mr. MATUSOW. No, sir; I didn't.
>
> Mr. SOURWINE. Do you know now whether it was then operated by the Communist Party?
>
> Mr. MATUSOW. No, sir.
>
> * * * * *
>
> Mr. SOURWINE. Mr. Matusow, can you say concerning any of the persons you have named as having been met by you, or known by you at San Cristobal Valley Ranch that to your knowledge they were not Communists?
>
> Mr. MATUSOW. I don't know one way or another, sir.

During the tape-recorded conversations between Matusow and Kahn, in advance of the actual writing of the book, but in preparation for writing the book, when Matusow was "talking it out" to Kahn, in accordance with outlines worked up by Kahn, the following colloquy took place:

> Mr. KAHN. Now let me ask you this for example—'cause I think this could come in well. You say in your testimony you met one of the Vincents at a Communist party—at the Albert Hotel. Now actually, what was that party?
>
> Mr. MATUSOW. Oh, I was being very flippant. I think I said it was a "hootnanny" or a "wingding." An affair put on by Peoples Artists. No, it's unimportant here what it was. It wasn't a Communist Party party. There's a difference, you see. I drew the line to myself. A Communist-front party—so it's a Communist party. I said Vincent was introduced to me as a Communist Party member. I wasn't introduced to him saying this is Craig Vincent. He is a party member. No, not like that. The intangible again. Vincent was a party member. I knew Vincent was a party member from talking to him. When I was expelled from the Communist Party, Vincent received the information from the party directly—through the party organization in New Mexico. I knew this, too. There was no doubt in my mind about Vincent's party membership. When—I mean that I can't say that I didn't—there was—I can't say that I really didn't know that Vincent was a party member. Then I'd be lying. I knew he was a party member and I said so. I knew Jencks was a party member and I said so. I can't say here that Jencks wasn't a party member after he signed the affidavits because I know that he was. But I shouldn't have testified. That's the important thing.
>
> Mr. KAHN. Why do you say you know he was?
>
> Mr. MATUSOW. I say I know he was—I mean in this way. Men like Ben Gold who

have been indicted on the same charge. He officially resigned from the Communist Party. Jencks also officially resigned from the party. Or he could have. Let's put it that way. But in—to my mind—then, in my thinking, it made him no less a Communist because he put a piece of paper down and said I'm no longer a member. As far as I was concerned, Jencks was still under Communist Party discipline. And there's a difference. He legally, according to the law, might not have been a member of the party. It didn't know that difference. Jencks didn't change his thinking because he issued that scrap of paper.

The same man who made that statement went on to tell an entirely different story in his book, and before the Internal Security Subcommittee, and in Judge Thomason's court in El Paso.

But the strategy of the forces behind Matusow has failed because of the honesty and integrity of a competent Federal judge. Once more, the system of American justice, at which the Communists scoff, and which they seek to pervert or destroy, has resisted a Communist onslaught and has emerged with vigor undiminished and with honor untarnished.

## THE INTERNATIONAL COMMUNIST TYRANNY

Mr. McCARTHY. Mr. President——

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). The Senator from Wisconsin.

Mr. McCARTHY. Mr. President, I think I am enough of a nationalist not to be apt to become so concerned about foreign peoples as I do about Americans—as I have been concerned, for example, in the fate of the 526 American servicemen languishing in Chinese Communist dungeons. But I want to speak today about a matter involving foreign peoples, a matter that has weighed heavily on my mind for some time, as I am sure it has on other Senators' minds. I desire to talk about 100 million eastern Europeans, who are held captive by the international Communist tyranny. In a very real sense, these enslaved millions hold I O U's against the United States of America. These I O U's are not financial obligations; they are claims on our national honor.

We need not think of our obligation to Eastern Europe in altruistic terms—in terms of Uncle Sam's duty to dispense charity all over the world. The obligation is based rather on the solemn word of the United States—on pledges indelibly written in the books of history. It is also based on deeds, shameful deeds, committed by a Democrat administration in the name of the American people, at a small Russian town called Yalta.

The pledges I mention were noble pledges; and they had, I believe, the support of the American people. On August 12, 1941, on board an American warship in the mid-Atlantic, the President of the United States and the British Prime Minister issued a declaration, which—by the time we actually became involved in the Second World War—became the official statement of our war aims.

In the Atlantic Charter we said:

> We * * * desire to see no territorial changes that do not accord with the expressed wishes of the people concerned. * * * We respect the right of all peoples to choose the form of government under which they will live; and * * * we wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them.

ANNOUNCEMENT THAT YALTA AGREEMENTS ARE BEING MADE PUBLIC TODAY

Mr. GEORGE. Mr. President, will the Senator yield to me for just a moment, in order that I may make an announcement?

Mr. McCARTHY. I shall be glad to yield for that purpose.

Mr. GEORGE. The chairman of the Senate Committee on Foreign Relations is advised that the executive branch of the Government is making public today the Yalta agreements, and that a copy of the agreements will be sent to the committee for the use of the committee or for the use of anyone who wishes to inspect the agreements.

I thank the Senator from Wisconsin very much for yielding.

Mr. McCARTHY. Mr. President, did I understand the Senator from Georgia to say that the agreements are being made public?

Mr. GEORGE. They are being made public today, and a copy is coming to the Senate Committee on Foreign Relations.

Mr. McCARTHY. I thank the Senator very much.

In connection with his announcement, I believe I should point out that yesterday I discussed the matter of the Yalta papers with one of the very reputable officials of the State Department, and he admitted to me at times as many as 150 persons were engaged in the job of censoring the Yalta papers. He maintained that they had done a fine job of it; that they tried to go down the center; but he said he had to admit that a large number of persons were engaged in censoring the Yalta papers. So what the Senator will get will not be the entire picture of Yalta.

Mr. GEORGE. That may or may not be the case. I do not express any view on that statement. I am simply giving to the Senate the information as I received it.

Mr. McCARTHY. I know the Senator is.

Mr. President, I continue with my statement.

I have read, Mr. President, our message of encouragement to people the world over whose liberty and homelands had been taken from them. The message did not fall on deaf ears—especially after America entered the war and put her military might behind her moral assurances. It was heard, for example, in Poland—gallant Poland, persuaded by her allies, as the war began, to wage, singlehandedly, a hopeless battle of resistance, yet willing to contribute the blood of her sons to the cause of freedom even after the homeland had been overcome by German arms and Soviet treachery. There can be no question that the decision of Polish divisions to join the fight abroad was prompted, in part, by America's promise that Poland's self-government and freedom would be restored. Then there was the heroic Warsaw uprising against such frightening odds in the summer of 1944. The battle would never have been undertaken were it not for the faith of the Poles in the promises of their allies. The indignant reaction in America to the barbaric and treacherous Soviet decision to let the uprising fail is proof we Americans intended at that time to vindicate the Poles' faith in us.

The story of Poland is only illustrative of what happened elsewhere in Eastern Europe. Rumania, Bulgaria, Yugoslavia, Hungaria, Czechoslavakia, Albania, Latvia, Lithuania, Estonia—all committed precious human lives and fortunes in support of underground guerrilla activities, trusting in our promises of deliverance. In Yugoslavia, for example, the valiant Chetniks, under General Mihailovitch, fought for 4 long years to preserve Yugoslav freedom against first the Nazi, then the Communist tyranny.

All of this sacrifice and devotion was, as I say, action in reliance on our promises. These people were encouraged to resist—not with the idea they would become Communist captives the moment they were rescued from the Nazis, but rather with the idea that they would be permitted to hold their heads high and walk in freedom again.

But, Mr. President, then came the great betrayal. As the war was drawing to a close, 3 men—Franklin Roosevelt, Winston Churchill, and Joe Stalin—men whose 3 countries were committed to the Atlantic Charter's guaranty that freedom and self-determination would be restored to the conquered peoples of Europe—met at Yalta and calmly decided to hand over 100 million human beings to the Soviet tyranny. The master plotter was, of course, the bandit Stalin. But the blame for the treachery is shared equally by the heads of the 2 western democracies who, with hardly a whisper of protest, consented, "in the interest of world unity," to put 10 nations in chains.

That deed, Mr. President, stained American honor as has no other deed in history.

The magnitude of the deed was only gradually appreciated. But when the truth about the Yalta agreement came to light, America was angry, her conscience was stung. Although most of us had nothing to do with the treachery, we had been committed by our leaders to the wrong, and so we were determined to undo the wrong.

The Republican Party decided to take steps to salvage American honor. In its platform of 1952 the Republican Party declared that if we were elected we would repudiate the Yalta agreement. We made a solemn pledge to the American people that if they should see fit to give us the reigns of Government, we would undertake to retrieve American honor. Repudiation of Yalta was a part, but a very important part, of our program to put America on the initiative in the world fight against Communism and to give our policies a moral tone that they had theretofore lacked. It was a part of the great policy of liberation to which, as a party, we pledged ourselves. I wonder how we will explain this in 1956 as we again campaign for office. I read

new from the Republican platform of 1952:

Teheran, Yalta, and Potsdam were the scenes of those tragic blunders with others to follow. The leaders of the administration in power acted without the knowledge or consent of Congress or of the American people. They traded our overwhelming victory for a new enemy and for new oppressions and new wars which were quick to come.

* * * * *

The Government of the United States, under Republican leadership, will repudiate all commitments contained in secret understandings, such as those of Yalta, which aid Communist enslavements. It will be made clear, on the highest authority of the President and the Congress, that United States policy, as one of its peaceful purposes, looks happily forward to the genuine independence of those captive peoples.

We shall again make liberty into a beacon light of hope that will penetrate the dark places. That program will give the Voice of America a real function. It will mark the end of the negative, futile, and immoral policy of containment which abandons countless human beings to a despotism and godless terrorism, which in turn enables the rulers to forge the captives into a weapon for our destruction.

Thus we promised to repudiate Yalta and the policy of containment.

It will be remembered that, depending upon the word of President Eisenhower and Secretary Dulles, Republican candidates all over the country promised a new foreign policy. We told the American people that the Truman-Acheson-Marshall policy of containment was ineffectual practically and contemptible morally. We said—and some speeches of ringing eloquence were made on this subject by the Presidential candidate and his choice for Secretary of State—that it was not enough merely to attempt to hold the line, but America must set her sights on the liberation of the enslaved peoples of the world.

Of course, a liberation policy was 100 percent inconsistent with the Yalta agreement which formally authorized slavery. Thus, as a first step toward liberation, we pledged ourselves to erase the black stain of Yalta. That was our solemn promise to the American people.

Today—nearly 2½ years after the American people registered their approval of the Republican platform—what does the record show? How does the Republican Party's performance stack up against its promises? The record, I regret to say, is no credit to the Republican Party. Yalta has not been repudiated. Our word has not been made good.

Let me say in this connection that it is not easy for me to criticize the Republican Party, and I suppose it would be shrewd not to do so. I have been told on a great number of occasions by my friends that I ought to desist from criticizing Republicans. I have been told that that is the surest path to political oblivian. Perhaps it is, Mr. President. So what? What is my job as a United States Senator, just to survive? I remind my Republican colleagues that I, and they, too, stumped the country in 1952—we addressed audiences from New York to California, from New Orleans to St. Paul—on the theme that the Democrats had a record of placing party above country.

Mr. President, may we have order? I wonder whether the function of the Chair is to keep order.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). The Chair wonders whether he has to enter into a discussion with the Senator from Wisconsin about the function of the Chair. There is order in the Chamber.

Mr. McCARTHY. Mr. President, may we have order?

The PRESIDING OFFICER. There is order.

Mr. McCARTHY. Mr. President, we claimed—and I think with voluminous evidence to support us—that many Democrats had put their personal political fortunes ahead of principle and the national interest. How are we to interpret our election? As a mandate to go ahead and do precisely what we had accused the Democrats of doing? I think not. I am a Republican, root and center, first and last. But I think the honor, as well as the success, of the Republican Party depends upon our playing square with the American people. So I say to my friends—to my practical friends—who advise me to go easy on Republicans, that, frankly, I am not optimistic of our chances in 1956 if we go before the American people with a series of broken campaign promises.

Let me hasten to add that the Republican Party as a whole is not to blame in this respect. It was only a matter of days after a Republican administration took office and a Republican majority was installed in Congress—in January of 1953—that a resolution repudiating the Yalta agreement was framed. That resolution, initially, had the support of a vast majority of Republicans in Congress. But it was not passed. It was not passed, in part, because the Democrats were opposed to it. At the margin, however, we must admit that the resolution failed because powerful pressure from the State Department and from the White House discouraged certain Republicans from supporting it.

I have no way of knowing the motives of the administration. But I can make some educated guesses about them. I would guess that the answer lies in the disposition and in the power of certain entrenched bureaucrats in the State Department, for repudiation of Yalta meant repudiation of them.

These men were holdovers from the Roosevelt-Truman-Acheson days. They are the likes of Charles Bohlen, who, as will be recalled, was made the Eisenhower administration's Ambassador to Russia, notwithstanding the fact that at Yalta he represented the State Department's Eastern European Division, and notwithstanding the fact that as late as 1953 he stoutly defended Yalta. These holdovers from the Roosevelt-Truman-Acheson regime exert a powerful influence on the shaping of American foreign policy even today. Some of them, unfortunately, are as inclined today to appease international communism as they were in 1945.

Not all, however, are holdovers from the Roosevelt-Truman-Acheson regime. A man whose advice is accepted above that of anyone else at the White House is Milton Eisenhower. My authority for this is President Eisenhower himself. Here is what he had to say in the New York Times of October 1, 1950:

I consider Milton to be a great liberal in the best sense of the word. I look on a liberal as a man trying to meet the problems of his day while still recognizing the indispensable requirements that we preserve human dignity and freedom.

The man's breadth of experience is really quite a remarkable thing. He is at once at home with ideas and also so practical. I ask his advice in things where I'm anxious to get down exactly what I mean. I think I'd rather take his views than those of anyone else. He's a unique baby brother—he's got the respect of all the older ones.

Who is Milton Eisenhower, who exerts such a tremendous influence on our foreign policy. Perhaps to get a picture of him, we should quote, from the Tydings committee hearings, Esther Brunauer reading a letter from Milton Eisenhower. Esther Brunauer was one of those I named as a security risk, and who was removed from the State Department on security grounds. I quote from page 299 of the Tydings Committee hearings:

Mrs. BRUNAUER. Yes. Then I have one more, Mr. Chairman, from Judge Marion J. Harron, who has known me since I was in high school. May I also read a personal letter from Mr. Milton Eisenhower. He said—

And now I read the letter from Milton Eisenhower to Esther Brunauer, who was "canned" from the State Department as a security risk because of her Communist connections—

DEAR ESTHER: I am happy you wrote me, because I have been so angry about the McCarthy charges that I have been wanting to take some kind of action. You give me the very opportunity I need. The first letter I wrote for you just smoked with adjectives. Then I decided you didn't want that kind of testimonial, so I send the attached very calm letter. If it isn't exactly what you want, please let me know at once.

I will see you in April at the commission meeting.

Incidentally, Mrs. Brunauer's husband was a close friend of Noel Field, who disappeared behind the Iron Curtain, and was dropped from the Navy Department because of Communist connections.

Then there was Owen Lattimore. I quote from page 224 of the McCarran committee report, where he is described:

Owen Lattimore was, from some time beginning in the 1930's a conscious articulate instrument of the Soviet conspiracy.

Here is the letter in full, from Milton to "dear Owen":

KANSAS STATE COLLEGE OF
AGRICULTURE AND APPLIED SCIENCE,
*Manhattan, October 22, 1943.*

Mr. OWEN LATTIMORE,
*Director, Pacific Operations,*
*Office of War Information,*
*San Francisco, Calif.*

DEAR OWEN: Thanks a lot for your informative letter. To tell you the truth, I was a little ashamed of myself not to have the appropriate information at my finger tips when Captain Arthur Farrell made the statements he did. Anyway, I now have the information direct from you and will be prepared for the next occasion.

Since I have been home here in Kansas I have made three rather extensive talks on

psychological warfare throughout the world and I talk on domestic war information. The audiences have been keenly interested and subsequent to the discussions have indicated a friendly attitude toward OWI.

Nothing would please me more than to have you stop in Manhattan when you are on one of your trips from Frisco to Washington. I do not mean to impose unduly on my friends but I am willing to impose on them a little. It would not only be fun to have a visit with you but I should like to have you carry on a few forum discussions at the College. You have had so much experience along this line that I needn't tell you that you would enjoy it. Of course you would.

Sincerely,

MILTON
M. S. Eisenhower.

I mention Milton Eisenhower merely because he is typical of the palace guard of New Dealers which lead Ike around without his ever knowing exactly where they are taking him.

Mr. President, the hour is growing late. A number of Senators have indicated that they are eager to reach a vote on the Harlan nomination. I understand that the yeas and nays have been ordered, so Senators do not wish to leave the Chamber. I indicated to one Senator that after I had progressed to a certain point in my speech I would be willing to have the rest of it inserted in the body of the RECORD, the same as though given, and yield the floor for a vote. So I now ask unanimous consent that the remainder of the speech be printed in the RECORD at this point.

Mr. JOHNSON of Texas. Mr. President, I have no objection to the Senator inserting his statement in the RECORD at this point.

The PRESIDING OFFICER. Without objection, the remainder of the statement will be printed in the RECORD.

The remainder of Mr. MCCARTHY'S statement is as follows:

What the White House offered as an alternative to repudiating Yalta was that Congress verbally slap the wrists of the Communists by reproaching the Soviet Union for having breached the Yalta Agreement. This was the administration's way of making good on our campaign promises.

Do not get me wrong. The Communists should be criticized for going even farther toward enslaving people than we had expressly agreed to let them go. But that sort of thing is old hat. The Communists have an unblemished record of breaking every agreement they have ever made as long as it is in their interest to do so. The American people know this and have known it for a long time. We Republicans did not waste our breath talking about that during the 1952 campaign. We talked rather about the agreements themselves, and pointed out that they were evil. What we Americans did in signing the agreements was evil. I ask my good friends not to be misled by that strange version of morality which says it is wrong for us to denounce Yalta because we always should keep agreements we have made. If you and I agree that together we will murder someone and later you realize that what you did was wrong, the way to redeem yourself is not to say "I will stick by my agreement," but rather "I will denounce the agreement and do whatever I can to prevent the murder."

Let us be very clear about why what we did was wrong, and why we are being dishonest with ourselves when we blame the Communists for doing pretty much what we agreed they could do.

At Yalta we agreed in effect that the Communists could have Poland. Let me refresh the minds of Senators as to the situation in Poland at that time. As you will recall, there were two claimants to the Government of Poland: one, the so-called Lublin Provisional Government, which was nothing more than a committee of Communists appointed by the Soviet Union to take over Poland, and the other, the officially recognized Polish Government-in-exile, which had its headquarters in London. Before Yalta it was the view of the American and British delegations that representatives of the Lublin group and the London Government should meet, and then under the direct supervision of all the Allied Powers should conduct free elections. I may say that even then we were promoting the unrealistic idea of a coalition government, including Communists; but at least we had the good sense to propose that any elections be supervised by Americans and British along with the Russians. But this proposal was distasteful to the Communists, so we agreed to what Stalin wanted. I now quote from the Yalta protocol, which we signed:

"The provisional government (meaning the Communists) which is now functioning in Poland should therefore be reorganized on a broader democratic basis with the inclusion of democratic leaders from Poland itself and Poles abroad. This new government should then be called the Polish Porvisional Government of National Unity."

In other words, the Communists were to be recognized as the de facto rulers of Poland. They agreed, of course, to reorganize themselves on a broader democratic basis. But no provision was made for enforcing that commitment. And no reasonable man could possibly believe that, if left to their own devices, the Communists would permit anti-Communists to join the Government. As a practical matter, we gave the Soviet Union and its Communist puppets a blank check. And the Communists, of course, proceeded as expected. The first delegates from the London government to arrive in Poland for the purpose of participating in the government—15 Polish Army officers—were quickly shipped off to Russia and shot.

At Yalta it was agreed that the eastern provinces of Poland should be handed over lock, stock, and barrel to the Soviet Union. This was to reward Russia, as Sir Winston Churchill has put it, for "her great deeds in * * * liberating Poland." Churchill did not explain how you can liberate a country and annex it at the same time.

At Yalta we agreed that Poland should take substantial areas of territory in the north and west. This meant that Poland would get, as she has gotten, huge sections of German territory, populated by Germans, in compensation for Russia's grab of Polish territory in the east. The result was that close to 9 million Germans had to leave their homes and try to find room to the west in order to avoid being ruled by an alien power.

At Yalta we agreed that Marshal Tito and his Communist followers should organize a government for Yugoslavia. The heroic Chetniks of General Mikhailovich, who had fought for so long and so valiantly against Nazis, Fascists, and Communists alike, were abandoned—and given the status of criminals.

At Yalta we agreed that the future of the other nations of eastern Europe—Czechoslovakia, Rumania, Bulgaria, Hungary, Latvia, Estonia, and Lithuania—should be decided by the Soviet Union. There was no specific mention of this in the Yalta protocol. But since, in the words of the protocol, a "general review of other Balkan questions" was undertaken at Yalta, and since no provision was made for America and Britain joining in setting up new governments for these countries, the only possible inference is that explicitly, or by default, Roosevelt and Churchill secretly agreed to give Russia the same free rein in the remainder of eastern Europe as she was allowed in Poland and Yugoslavia.

At Yalta we agreed that $20 billion be exacted from Germany in reparations—half of which was to go to the Soviet Union.

At Yalta we agreed that the Communists could physically cart away to the Soviet Union 80 percent of German industry located in the Russian Zone. Think what that meant. Think what it would mean if the United States were, all of a sudden, deprived of 80 percent of all its factories, its machinery, its machine tools, its rolling stock of railways, its investments in foreign enterprises, and so on. Think what it meant for Germany, already ruined by the physical devastation of war. This was to be our way of rebuilding Europe.

At Yalta we agreed—and this I regard as the most appalling commitment of all, the darkest blemish American honor has ever sustained—we agreed that "the use of labor" was to be part of Germany's reparation contribution. That deadly phrase to which we signed our name permitted the Communists to ship off hundreds of thousands—probably millions—of human beings as slave laborers to the Soviet Union. I can think of no greater crime against humanity.

At Yalta we agreed that war criminals should be tried and brought to justice. By this commitment we authorized the notorious Nuremberg trials, so courageously opposed at the time by the late Senator Taft. We committed ourselves to a rule of ex post facto law, theretofore utterly foreign to America's system of jurisprudence.

And finally at Yalta we agreed—and this part of the agreement was labeled "Top Secret" and carefully concealed from the public mind until months afterward—we agreed, with respect to the Far East, that the Kurile Islands should be handed over to Russia, that the southern half of Sakhalin Island should be given to Russia, that the Soviets should be allowed to occupy the northern half of Korea, that the port of Darien should be internationalized; that Russia should be given Port Arthur, and that the Soviet Union should be given pre-eminent rights in Manchuria. Why was this part of the agreement kept secret? For the very good reason that the Republic of China, perhaps our most trusted ally, had not been told that we were giving away her territory to the Soviet Union. It was not wise to run the risk of discouraging Chiang's war effort by telling him, while the war was going on, that we had bargained away his country. What monstrous treachery.

Do Senators see why it is intolerable that the good name of America should remain affixed to this infamous document? Compare what was done at Yalta with our declaration in the Atlantic Charter that we "desire to see no territorial changes that do not accord with the freely expressed wishes of the people concerned," and that we "respect the right of all people to choose the form of government under which they will live" and still again that we "wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them."

At Yalta they compromised our integrity; they made off with American honor. I hold that it is our solemn obligation to rescue American honor.

The Republican Party is so pledged. I would have the Republican Party make good on all of its pledges. I would have the Republican Party recall that it promised to the American people in 1952 a policy of liberation. Such a policy requires absolutely the repudiation of Yalta.

It also requires—and I wish to make this additional point because the subject is so timely—it also requires that we support the Republic of China in this, its hour of great

need. It requires that we encourage the Chinese to hope and plan for the rescue of their homeland from its oppressors. I said in Chicago, several weeks ago, and it bears repeating now, that the Eisenhower administration has ordered the Republic of China to retreat. I said that the Eisenhower administration, at the behest of the British, forced free China to abandon the Tachen Islands, and that there is evidence that the strongest sort of pressure is being brought to bear to compel Chiang to abandon also Quemoy and the Matsus. I said that this attitude on the part of the administration represents not only an attempt to appease communism and our alleged allies, but also indicates a final decision not to permit free China to even attempt to liberate the mainland.

At a recent press conference when asked whether we would support Chiang if and when he invaded the Communist controlled mainland, the President said, according to the New York Times of March 3, 1955:

"The United States is not going to be a party to an aggressive war; that is the best answer I can make."

So what during the campaign was called "rolling back the Communist" now becomes aggressive war by the Republic of China.

Neither are our British friends reticent to state a like position. Let me read a statement made just 5 days ago by the British Foreign Secretary, Sir Anthony Eden. After telling a cheering House of Parliament that a peaceful Formosa settlement would result in the West giving fresh consideration to Red China's claims to a seat in the United Nations, Eden went on to compliment the United States for helping to pacify the Formosa situation. Eden said:

"They (meaning the United States) have effectively restrained the Chinese Nationalists in recent weeks from initiating attacks against the Chinese mainland. They have persuaded the Nationalists to evacuate the Tachen and Nanchi Islands."

Is this the way the Eisenhower administration proposes to make good on its promise to pursue a policy of liberation?

I recommend to the President of the United States that he reread his campaign speeches of 1952—and those of his Secretary of State. I remind the President that his administration is pledged to a policy of liberation—not coexistence. The first step in charting such a policy is to denounce the infamous deal made at Yalta. I call upon President Eisenhower immediately to announce the support of his administration for formal congressional action repudiating the Yalta Agreements.

I myself have reintroduced such a resolution in the Senate.

There was a time when America was much weaker physically than she is today, but oh, how much stronger morally. Let us recover our moral strength. Let us keep faith with ourselves and with the millions of people in Asia and Europe whom, at Yalta, we helped consign to slavery. Let us set as our goal the redemption of American honor.

Twenty-seven months have passed since we Republicans have been in charge of the Nation's affairs. And despite the solemn commitments of our party to repudiate the illegal acts of the previous administrations, nothing has been done. Today more than ever it is essential that the President of the United States, in keeping with the platform of his party, should reject formally the treason of the past. The coming to office of the Republican Party gave new hope to tens of millions of enslaved people to whom our Voice had broadcast our platform such as it will mark the end of the negative, futile, and immoral policy of containment which abandons countless human beings to a despotism and godless terrorism. Chinese, Poles, Hungarians, Czechs, and East Germans have all been awaiting the accomplishment of the enunciated rollback policy, but they have heard nothing in these last 27 months. They are beginning to believe that the American Nation in which they have pinned their hopes has forgotten and abandoned them.

An immediate repudiation of the Yalta agreements which enslaved them would renew their confidence in the future and in the United States. Also, the Moscovites are eager now to sign a peace treaty with the Japanese. Soviet and Japanese delegates will meet in New York sometime next month to discuss conditions of such a treaty which may result in Japan getting into the Soviet sphere of influence. A denunciation of the Yalta agreement would have its immediate effect to nullify the Russian illegal occupation of the Kuriles and southern Sahkalin Islands, Japanese territories handed over to the U. S. S. R. by Mr. Roosevelt without the constitutional processes of the United States, that is to say the approval of the American Senate. It would give the Japanese Government a powerful weapon to be able to ask the Moscovites to move out of the islands in order to obtain the peace treaty they are so eagerly seeking now.

## THE SUPREME COURT OF THE UNITED STATES—NOMINATION OF JOHN MARSHALL HARLAN

The Senate, in executive session, resumed the consideration of the nomination of John Marshall Harlan, of New York, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of John Marshall Harlan to be Associate Justice of the Supreme Court of the United States?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STENNIS. Mr. President, I had some remarks prepared with reference to the pending question. However, in view of the lateness of the hour and the possibility of coming to a quick vote, I shall be very brief indeed.

After making a study, with deep concern, of the trend or drift for the past several years with reference to appointments to the Supreme Court, I finally prepared a short bill, which I introduced 2 days ago. It attempts to provide some kind of standard, some kind of guide, some kind of bench mark by announcing the policy the Congress believes the President should follow in making such appointments. In preparing and introducing the bill I had no personal reference to the present Chief Executive or to the nominee.

I was deeply impressed by the idea that the Constitution of the United States puts strong and binding limitations on the Chief Executive with reference to his general executive powers and imposes great limitations on Congress with reference to its legislative powers, but prescribes no guide, no rule, and no plan with reference to selecting associate justices of the Supreme Court, the branch of our Government which has become the most powerful of the three.

I was impressed by the fact that when the President of the United States makes an appointment of a minister or ambassador, he may recall him at any time he sees fit. A Cabinet member may be recalled during his term of service. The Congress itself may cut off funds. But when a person is appointed a member of the Supreme Court of the United States, the appointment is irrevocable. He is beyond the reach of the President of the United States. He is beyond the reach of Congress. He has a life tenure. It is a position of accumulated power over the decades, the like of which is not found in any other government in the world.

It is true that what nine men say about a statute of Congress or about the constitution of a State or with reference to any legal principle, theory, or policy is the final word and the final law. For that reason, long before the present nominee's name was mentioned—and I cast no aspersions or reflections on him—I said I was convinced of the need of a Supreme Court composed, at least in half, of men of mature judgment who have had experience as jurists; and that I would not vote to confirm the nomination of anyone who did not meet those qualifications. For that reason I shall vote against the confirmation of the nominee in this instance.

I submit to the membership of the Senate that this long-neglected subject is one of the most demanding in government today. We should prescribe some standard whereby there will be assurance, as appointments are made from time to time, that at least half of the number of nominees for the Supreme Court will have already been seasoned and matured as judges of law and will have had a thoroughly developed judicial concept before they become members of the highest court of the land and are invested with an irrevocable power.

I hope that Congress will consider the question of passing such a measure such as I have proposed for the guidance of future Presidents.

Mr. KEFAUVER. Mr. President, as a member of the Judiciary Committee, and one who was present at most of the hearings before the committee, I shall take only a few minutes to explain my position on the confirmation of the nomination of Judge Harlan.

I first became acquainted with Judge Harlan in 1950 or 1951, when he was appointed counsel for the New York State Crime Commission. I followed his work as counsel for that commission. He handled himself in a judicial manner. He was thorough. He was effective. He served without compensation. I thought he as counsel and the members of the commission did a most commendable job. There is no question about his legal ability or his aptitude or his capacity to be a member of the Supreme Court.

I have listened with a good deal of interest to the objections which have been made to the confirmation of his nomination, particularly on the ground that he was associated with an organiza-

tion designed to lend support to the United Nations, and also that he served on the advisory committee of the Atlantic Union Committee. I am not a member of the Atlantic Union Committee. But I wish to say that its officers and directors and those who have supported it are among the outstanding Americans of our time. They are men and women of both poltical parties.

My only partial criticism of Judge Harlan is that in the testimony he was slightly apologetic for his interest in the United Nations or in the Atlantic Union Committee. I would think more of Judge Harlan if he had straightforwardly and enthusiastically presented his suport of these two great efforts.

In my opinion, a person, a lawyer or a private citizen, who exercises influence in forming public opinion and in the guidance of the Nation, should have an interest in civic matters, indeed, in general political problems, and in our effort to have something better than wars every 25 years, and to have our Nation furnish leadership looking toward peace with honor. I would look with a great deal of suspicion upon an able man in private life who did not use his energy and some of his intelligence and ability toward trying to make this a world in which we will have a chance to live at peace.

Therefore, Mr. President, rather than being crticized, in my opinion the efforts Judge Harlan has made in some advisory capacity on behalf of the United Nations, or being interested in it at least, as well as in the Atlantic Union, should be commended.

Mr. President, I do not wish to retry the Bricker amendment. However, let me say that so far as the Atlantic Union resolution is concerned, I have felt for a long time that unless we can have some political implementation of the NATO treaty, and of the nine-power agreement, which is now being considered by various nations in connection with a military alliance, and unless we can have consultations upon economic and political matters and foreign-policy matters, I am afraid we will not be taking effective steps to hold together the free world. That must be done if we are to have peace.

What the resolution does, and all it does, is to request the President—and the President can heed the request or ignore it—to call a meeting of the interested nations so that they may determine what else can be done. It is purely exploratory. There is need of more discussions between our allies and ourselves. We need to explore what we can do to hold the free nations together, to reduce differences of opinion, and to stand united in the face of Communist unity which is threatening the peace of the world.

Mr. President, I respect the attitude of those who oppose the nomination of Judge Harlan, but I saw nothing in the hearings which indicated that he is not capable, that he does not have the proper concept with reference to the Constitution, or that as a private citizen he has not done his duty to his community and to the country. So, Mr. President, I shall vote for the confirmation of his nomination.

Mr. RUSSELL. Mr. President, I wish to speak briefly with reference to the nomination of Judge Harlan.

I do not doubt the legal ability of Judge Harlan. He is a member of one of the important law firms of this Nation and has been employed by those who would not have other than the best legal talent of this Nation to represent them. I have no question as to the personal character of Judge Harlan. The fact that he was selected to head the probe of crime conditions in New York attests to his character and standing in his own State. But I have become increasingly concerned over the appointment to the highest court of this land, a court from whose decisions there is no appeal, of those who have had no judicial experience whatever or such limited judicial experience that it has not grown into the maturity which comes from long service on the bench. There are other qualifications for service on the Supreme Court of the United States than mere brilliance of intellect or power of advocacy at the bar. The maturity of a real judge derives from judicial experience and judicial restraint. The willingness to decide questions as the judge finds the law to be, rather than to attempt to write the law as the judge feels it should be, is one of the most important characteristics of a judge of a court of last resort, from which there is no appeal.

The Supreme Court, I may say, Mr. President, has been assuming more and more power and infringing more and more on the prerogatives of the legislative branch of the Government in recent years.

Mr. President, this restraint can be acquired only by serving on a court whose decisions are subject to review.

I do not propose, Mr. President, to vote to advise and consent to the nomination of any judge to the Supreme Court bench who has not had considerable judicial experience under the restraint of precedent. There should be some members of that bench who believe that precedent plays a part in the organization of our judicial system and the decisions of our courts and who think that the doctrine of stare decisis has vadility and value even to a court of last resort.

I have always been very loath to oppose any nominations submitted to this body by the Chief Executive of the Nation. Our views are colored by our own experiences. As Governor of my State I have had some experience in dealing with the confirmation of nominations which has caused me generally to support the Chief Executive, of whatever party he may be, in proposing nominations to this body. I would be the last to abuse the power of advice and consent which is lodged in this body. But, in my opinion, Mr. President, the power to advise and consent which was vested in the Senate was wisely placed here by the Founding Fathers to deal with just such a situation as we find in this instance. There are many able judges of broad experience who have been seasoned in the restrain of precedent in this country who are available for appointment to the Supreme Court. There are many of them on the United States circuit court of appeals. We find them in Federal district courts. I doubt not that the courts of last resort in every State in the Union have men of broad and long experience who are well qualified to serve on the Supreme Court of the United States. For my part, I propose, with such authority and such responsibility as I have under the power of advice and consent, to oppose the nomination of men to the Supreme Court who play such a vital part in shaping the life of our Nation, affecting our economy and the very structure of our business, as well as our individual rights, unless they have experienced the restraint of precedent.

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

Mr. RUSSELL. I am glad to yield.

Mr. ERVIN. Is it not the understanding of the distinguished Senator from Georgia that of the 8 present members of the Supreme Court of the United States, only 1 had as much as a single second's judicial experience on an appellate court or a court of general jurisdiction prior to his elevation to his present position?

Mr. RUSSELL. I am quite confident that the statement made by the distinguished Senator from North Carolina is correct. I do not intend to go into the composition of the Supreme Court at the present time. I voted for the confirmation of the nominations of all the present members of the Supreme Court except the present Chief Justice; but I stated publicly in my own State, in the fall of 1953, that so long as I was in the Senate, I did not intend to vote for the confirmation to the Supreme Court of any person who was without judicial experience until there were some seasoned members of that body. I frankly have erred in doing so in previous instances.

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

Mr. RUSSELL. I yield.

Mr. ERVIN. I ask the distinguished Senator from Georgia if, in his judgment, it is not essential to the proper functioning of any appellate court that the court be composed of members who, by reason of prior judicial experience, have acquired both the capacity and the willingness to subject themselves to the restraint which is inherent in the judicial process itself when the judicial process is properly understood and applied.

Mr. RUSSELL. I would not say that that applied to every appellate court; but certainly I think it applies to a court of last resort, from which there is no appeal; a court which has sweeping power over the lives of the American people, power which has been either vested in or assumed by the Supreme Court of the United States.

Mr. JOHNSTON of South Carolina. Mr. President, this is a matter of deep importance to the people of the United States. For many weeks the Committee on the Judiciary has been studying the nomination of Judge Harlan to be a member of the Supreme Court. As I recall, the Committee on the Judiciary

made a divided report, 4 members voting not to confirm the nomination of Judge Harlan, and 1 member refraining from voting at that particular time. That action convinces me that the Senate should, at least, think over the question very seriously.

I regret I am unable to vote to confirm the nomination of Judge John Marshall Harlan to be a Justice of the Supreme Court.

He appears to be a gentleman of considerable ability and of high character. In some respects, I believe he might make an able Justice. When questioned, however, as to whether he would construe the provisions of a treaty to be subordinate to the provisions of the Constitution and the Bill of Rights, he would not commit himself, stating that that question might come before him in his judicial capacity and that it might be improper for him to state an advance opinion. I think such a question is vital and paramount, involving a principal of our Government rather than a disputed question of fact or law which that might thereafter come before the Court for its decision. Judge Harlan's unwillingness to declare himself in advance on that abstract important question completely foreclosed me from favoring his nomination.

I notice that the vote of the eight Justices of the Supreme Court of the United States in the cemetery case resulted in a tie, thus allowing the decision of the Iowa Supreme Court upholding the contract in controversy to stand. In that case, four Justices took the position that the United Nations Charter is a treaty which can override the contractual rights secured to citizens under decisions so ancient that they are a part of the American tradition and inheritance.

If by our action we allow to be placed on the Supreme Court a member having the background of Judge Harlan, I believe that the rulings of the Supreme Court in the future in such matters will be 5 to 4.

I think the provisions of the Treaty made under the Constitution are in the same category as is any law passed by Congress; and that when any contest or issue is raised as between the provisions of the Constitution, on the one hand, and the laws of Congress or the provisions of treaty, on the other hand, the latter should be subordinated to the provisions of the Constitution.

I am a fundamentalist and a strict constructionist. Moreover, I adhere strongly to the doctrine of States rights. There are too many people today who are either willing to forget or entirely fail to appreciate the fact that our States existed before the Federal Union was formed; and that the Bill of Rights is a part of the fundamental law of the land. Too many people are willing to overlook the fact that the rights not conferred on the Federal Government have been retained by the people of our States.

There is also a tendency in the United States today to be international-minded, instead of thinking first of our own Nation.

While I strongly favor our association with other Nations by a Treaty such as NATO, SEATO, and the United Nations, I am entirely unwilling to submit the individual rights of the American people, guaranteed to them by the provisions of the Constitution, to the whims and caprices of those unfamiliar with our national origin or who do not enjoy or understand the blessings guaranteed to us by the Constitution.

This country owes its progress and the high state of civilization we enjoy to the sacrifices made by our forebears, all of which they charted for us in the liberties provided for us by the Constitution.

I do not favor judicial legislation any more than I do executive legislation. Many lawyers have complained, and I agree with them, that a number of the recent decisions of our Supreme Court have had the effect of judicial legislation. If our form of Government is to be changed or our Constitution needs changing, I believe the change should be in the manner provided for in the Constitution, rather than by any loose, strained interpretation or covert construction of it.

For these reason, briefly stated, I shall vote against the confirmation of the nomination of Judge Harlan. I believe that if we do not stop, look, and listen, at the present time, and put on the brakes, so to speak, with respect to the "international crowd," we shall be certain to give up the rights of our States and our Nation under the Constitution.

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 | Flanders | Mansfield |
| Allott | Frear | Martin, Iowa |
| Anderson | Fulbright | Martin, Pa. |
| Barkley | Goldwater | McCarthy |
| Barrett | Gore | McClellan |
| Beall | Green | Millikin |
| Bender | Hayden | Monroney |
| Bennett | Hennings | Mundt |
| Bible | Hickenlooper | Neely |
| Bricker | Hill | Neuberger |
| Bush | Holland | O'Mahoney |
| Butler | Hruska | Pastore |
| Byrd | Humphrey | Payne |
| Capehart | Ives | Potter |
| Case, N. J. | Jackson | Purtell |
| Case, S. Dak. | Jenner | Robertson |
| Chavez | Johnson, Tex. | Russell |
| Clements | Johnston, S. C. | Scott |
| Cotton | Kefauver | Smathers |
| Curtis | Kerr | Smith, Maine |
| Daniel | Kilgore | Stennis |
| Dirksen | Knowland | Thurmond |
| Douglas | Kuchel | Thye |
| Duff | Langer | Watkins |
| Dworshak | Lehman | Welker |
| Eastland | Long | Wiley |
| Ellender | Magnuson | Williams |
| Ervin | Malone | |

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

The question is, Will the Senate advise and consent to the nomination of John Marshall Harlan to be an Associate Justice of the Supreme Court of the United States?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT (when his name was called). On this vote I have a pair with the senior Senator from Oregon [Mr. MORSE], who is absent. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. CLEMENTS. I announce that the Senator from Georgia [Mr. GEORGE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oregon [Mr. MORSE], the Senator from Montana [Mr. [MURRAY], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

The Senator from Massachusetts [Mr. KENNEDY] is absent by leave of the Senate because of illness.

I further announce that the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Missouri [Mr. SYMINGTON] if present and voting, would each vote "yea."

Mr. KNOWLAND. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Massachuetts [Mr. SALTONSTALL], the Senator from Kansas [Mr. SCHOEPPEL], the Senator from New Jersey [Mr. SMITH], and the Senator from North Dakota [Mr. YOUNG] are absent on official business.

The Senator from Kansas [Mr. CARLSON] is necessarily absent.

If present and voting the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from New Jersey [Mr. SMITH] would each vote "yea."

The result was announced—yeas 71, nays 11, as follows.

YEAS—71

| | | |
|---|---|---|
| Aiken | Dworshak | Long |
| Allott | Ellender | Magnuson |
| Anderson | Flanders | Malone |
| Barkley | Frear | Mansfield |
| Barrett | Fulbright | Martin, Iowa |
| Beall | Goldwater | Martin, Pa. |
| Bender | Gore | McCarthy |
| Bennett | Green | Millikin |
| Bible | Hayden | Monroney |
| Bricker | Hennings | Mundt |
| Bush | Hickenlooper | Neely |
| Butler | Holland | Neuberger |
| Byrd | Hruska | O'Mahoney |
| Capehart | Humphrey | Pastore |
| Case, N. J. | Ives | Payne |
| Case, S. Dak. | Jackson | Potter |
| Chavez | Jenner | Purtell |
| Clements | Johnson, Tex. | Robertson |
| Cotton | Kefauver | Smith, Maine |
| Curtis | Kerr | Thye |
| Daniel | Kilgore | Watkins |
| Dirksen | Knowland | Wiley |
| Douglas | Kuchel | Williams |
| Duff | Lehman | |

NAYS—11

| | | |
|---|---|---|
| Eastland | Langer | Stennis |
| Ervin | McClellan | Thurmond |
| Hill | Russell | Welker |
| Johnston, S. C. | Smathers | |

NOT VOTING—14

| | | |
|---|---|---|
| Bridges | Morse | Smith, N. J. |
| Carlson | Murray | Sparkman |
| George | Saltonstall | Symington |
| Kennedy | Schoeppel | Young |
| McNamara | Scott | |

So the nomination was confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith of the confirmation of the nomination of John Marshall Harlan, of New York, to be an Associate Justice of the Supreme Court of the United States.

## NOMINATION PASSED OVER

Mr. JOHNSON of Texas. Mr. President, I wonder whether we can pass over the nomination of Mr. Campbell, which it is planned to take up on Friday, and at this time consider the other nominations on the calendar, regarding which I believe there is no controversy.

The PRESIDING OFFICER. Without objection, the nomination of Joseph Campbell, of New York, to be Comptroller General of the United States will be passed over.

Mr. JOHNSON of Texas. Mr. President, I ask that the remaining nominations on the Executive Calendar, following that of Mr. Campbell, be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The next nomination will be stated.

## UNITED STATES MARSHAL

The legislative clerk read the nomination of Lama A. DeMunbrun, of Kentucky, to be United States marshal for the western district of Kentucky.

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

## POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Postmaster nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be notified forthwith of the confirmations of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

## LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I have a brief announcement to make for the information of the Senate: In accordance with agreement between the leadership, it is planned when the Senate concludes its business this evening that it take a recess until Friday at noon. At that time the Senate will be in executive session, and will proceed to consider the nomination of Joseph Campbell, of New York, to be Comptroller General.

When that nomination is acted upon, it is planned to have the Senate consider certain resolutions coming from the Committee on Rules and Administration. Previously I have made announcement regarding those resolutions.

When the Senate concludes the consideration of the various resolutions coming from the Committee on Rules and Administration, it is planned to have the Senate consider the cotton bill, coming from the Committee on Agriculture and Forestry.

When the Senate has concluded with that business, it is planned to take up the postal pay bill, and then to take up the classified pay bill—reserving the right, of course, to bring up, in between, any matters of an unusual or emergency nature. But as nearly as we can anticipate, that will be our program for the next several days.

I rather think the Senate will be in session only on Friday of this week. The pay bills will not be considered, of course, until some time next week—probably on Monday or later.

Mr. KNOWLAND. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. KNOWLAND. I have had prior consultation with the distinguished majority leader, and he has informed me of this general program; and of course I thoroughly approve of it.

As I understand the situation, after the Executive Calendar, including the nomination of Mr. Campbell, is cleared, and after action on the resolutions, the cotton bill will be brought up; and presumably at the beginning of the week we shall consider the postal pay bill and the classified pay bill. Is that correct?

Mr. JOHNSON of Texas. Yes, that is our plan—unless some other matter intervenes in the meantime.

But I think we should give the Members the assurance—and although I have not consulted with my friend across the aisle, if he is agreeable to having me give the assurance, I shall do so—that there will be no votes on the pay bills this week.

Mr. KNOWLAND. Mr. President, I should like to ask whether the Senator from Texas is prepared at this point to indicate the situation over Good Friday and the Easter weekend. I have had a number of requests from various Senators in connection with that situation, and I know he has been most obliging in making as early an announcement as possible. I did not know whether any final conclusion had been reached along the lines we had previously discussed tentatively. If he is not prepared to make such an announcement, that will be agreeable to me; but I thought he might be prepared to make one.

Mr. JOHNSON of Texas. Mr. President, I appreciate the courtesy of the Senator from California; he is always considerate in that way.

I had hoped, as I know a number of other Members have, that—perhaps by way of resolution—we could get away for a definite period during the Easter season. However, because of the uncertainties in regard to certain important legislative matters in certain committees, we felt we could not give any assurances at this time that we would have a recess for a period longer than from Thursday before Good Friday until Tuesday following Easter Sunday—in short, from Thursday to Tuesday. Of course it would be necessary for the Senate to return on Monday, but we would do so with the understanding that no votes would be taken on Monday, although there would be opportunity to make insertions in the RECORD, and to submit similar routine matters.

Mr. KNOWLAND. I thank the Senator from Texas.

Mr. JOHNSON of Texas. Let me say to the Senator from California that if the Reciprocal Trade Act extension bill or some of the other more important measures are not ready for action by the Senate at that time, it may be that we shall amend our plan, and shall consider having a more extended recess, such as the one the House of Representatives takes each year.

Mr. BUSH. Mr. President, does the Senator from Texas mean the Senate will not be in session on Thursday before Good Friday?

Mr. JOHNSON of Texas. No; the Senate will be in session on Thursday, and will take a recess from Thursday afternoon until the following Monday, but with the understanding that no votes will be taken before Tuesday afternoon, although the Senate will be in session on Monday.

Mr. CAPEHART. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. CAPEHART. There is one matter, which may be privileged, namely, the one dealing with the disposal of the rubber plants. I think the deadline, if the Senate is to act on that matter, is the 25th, which I believe will be a week from tomorrow.

Mr. JOHNSON of Texas. Nothing which is scheduled would keep that matter from being taken up. As I remember, the statute provides that any Member can call it up.

Mr. CAPEHART. But if any action is to be taken on it, it must be taken between now and next Thursday.

## ORDER FOR RECESS TO FRIDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in recess, in executive session, until 12 o'clock noon on Friday next.

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

## RURAL ELECTRIFICATION—REPORT OF HOOVER COMMISSION

Mr. NEUBERGER. Mr. President, the hour is late, and I venture to intrude on the time of the Senate for approximately two and one-half minutes to discuss an issue which is extremely important to the people of my State, if I may judge from the many communications received in my office.

Mr. President, last Monday the Commission on Organization of the Executive Branch issued a report on Federal lending agencies which recommends drastic curtailment of the services these agencies render to important segments of the national economy.

This Commission, set up by the present administration, is headed by former President Hoover and has become known as "the Hoover Commission"—a name which is associated in the public mind with the respect and confidence earned by the accomplishments of its predecessor, the original Hoover Commission. The latter group, created by President Harry S. Truman, made studies and recommendations to improve the efficiency of executive agencies and commissions of the Federal Government.

But, Mr. President, any popular confusion betwen that original Hoover Commission and the present one would be a grievous mistake, although, perhaps, it was intended that the good name of the former would be useful in glossing over the undesirable policies recommended by the present group.

The original Hoover Commission devoted itself fastidiously to problems of administration and efficient management, refusing to enter into matters of substantive policy. The present Commission makes far-reaching recommendations to change, curtail or abolish long-established national policies under the guise of furthering efficiency.

This is an unwarranted intrusion into areas of important national policies. An illustration of this, to take one example, is the present Commission's recommendations concerning the rural electrification program.

It is evident, Mr. President, that the recommendations of the Hoover Commission propose to return America to the old law of tooth and fang. The report suggests that the REA "secure its financing from private sources." This would raise by many millions of dollars the interest rates paid by farmers on the poles, wires, and transformers bringing electricity to their farms. It would put our farmers again at the mercy of the banks and utilities which left them without lights prior to the Roosevelt administration.

WHY ENDANGER FARM ELECTRICITY?

It appears that since financial soundness of supplying the power needs of rural families has been proved by REA, those interests which refused to finance farm service two decades ago now covet the rural power market. Their influence on formulating views of the task force cannot be ignored.

In 1933 only 27 percent of Oregon's farms had electric lights. By 1952—under the favorable impact of the Rural Electrification Administration—98 percent of our farms had central service, and most of this at reasonable rates. The Hoover Commission would end this magnificent record, which has brought the blessings of electricity to our Oregon farm people—and particularly for the women on the farms, who have been relieved of the drudgery of hand-washing of clothes and of cooking with kindling.

Many rural electric co-ops still must expand their service, as the population of our State increases, because it is one of the fastest-growing States in the Union. This requires further loans from the REA and more low-cost power. But the national administration, under Secretary McKay, already has cut down Bonneville's supply of power by choking off all new Federal "starts" in the Pacific Northwest. Not content with this sabotage, the Hoover Commission now proposes restrictions which would limit REA as a favorable factor in the lives of our farm families.

The Commission's meat-ax approach is deplorable. It is apparent that the task force entered its work with a preconceived notion that Government lending is generally bad, completely ignoring the fact that these agencies, which intimately affect the lives and well-being of millions of Americans, were established to carry out policies formulated after long discussion and investigation of national needs.

COMMISSION NOT OPEN-MINDED ON ISSUES

And the end is not yet in sight. Other task-force groups of the present Hoover Commission have reports and recommendations in production. Hearings staged by the task force on water resources forecast the type of proposals which can be expected to be made public. At hearings held in Portland, Oreg., last June, members of this group apparently had less interest in obtaining the views of the people than they did in telling the people of the Northwest what they should think. As the Oregonian stated in an editorial on July 1, 1954:

> Members of the Hoover Commission task force on water resources had their minds pretty well made up when they came here.

As a result of this entry into the controversial field of policymaking through this report, 5 of the 12 members of the Commission filed statements of dissent. One of the present Commission members, the Honorable CHET HOLIFIELD, recognized the closed-mind attitude and the policy-making role assumed in the present report. In his dissenting statement, Mr. HOLIFIELD said:

> The Congress re-created the Hoover Commission to study the present operation of the executive department and agencies, with a view to better management and economy. I do not believe that the Congress wanted advice from the Commission on public policies of every sort. The Commission has construed its congressional mandate otherwise. This report indicates that the Commission is willing to roam far and wide in the field of public policy.

I agree with Mr. HOLIFIELD's dissent. No good purpose will be served by turning over policymaking functions to a commission which misconstrues its powers of recommendation.

Mr. President, I should like to conclude my brief remarks by placing in the CONGRESSIONAL RECORD a very succinct and pertinent statement on the so-called power partnership program, which was written last fall by a former distinguished Member of this body, the Honorable Rufus C. Holman. Many Members of the Senate will recall Senator Holman for his notable service in the Senate from 1939 until 1945.

Senator Holman has correctly pointed out that the proposed power partnership of the national administration is adverse to the public and will benefit only private monopolies. The statement of Senator Holman is reprinted from the Weekly Review of Milwaukie, Oreg.

I ask unanimous consent that the statement be printed in the body of the RECORD at the conclusion of my remarks.

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

GUEST EDITORIAL BY FORMER UNITED STATES SENATOR RUFUS C. HOLMAN

*To the Readers of the Milwaukie Review:*

The consumer and user of hydroelectric energy is more interested and concerned in what he pays for it than from whom he buys it; therefore, let us see just why he can get electric energy more cheaply from the publicly owned, operated and transmitted hydroelectric plants than he can from the privately owned power trust plants.

First, the large hydroelectric generating plants are too large for private enterprise and it is in the largest units that electric energy can be generated most economically.

Secondly, it is the rate payer who pays for the construction, maintenance, operation, and transmission of all the hydroelectric plants whether they be publicly or privately owned and operated plants. In each case, the original capital is borrowed but with this difference: The capital debts of the publicly owned plants are gradually reduced and finally extinguished and, therefore, there is finally no item of expense for debt service included in the rate structure, making it possible to eventually reduce the rates for electric power and the cost of it to the consumer and user; whereas in the privately financed and operated hydroelectric plants the capital debts are seldom, or never, reduced and extinguished, but on the contrary often are increased, with the result that a large item for debt service always is calculated in the rate structure. Consequently, the cost of electric light, heat, and power to the consumer is never reduced and may be increased so as to continue to earn profits for large salaries to the private operators, dividends to the owners, and interest to the bankers and moneylenders and their interlocking directorates.

Observe that the Columbia River Interstate Bridge which was built by the public administration never cost the taxpayers a dollar. The tollpayers paid for it in 11 years. Today it is a free bridge, while 50 miles up the river at Hood River is a privately owned bridge operated like the privately owned hydroelectric plants and, likewise, 50 miles down the river at Longview is another privately owned toll bridge operated for private profit. A thousand years from now the public which uses these two privately owned and operated toll bridges will still be paying tolls to cross them.

Obviously it is no advantage to the people for the public to go into partnership by contributing their free bridge to the partnership with the private owners of the two toll bridges.

Similarly, it has not been made crystal clear to intelligent people how it can be of advantage to the people to contribute their great hdyroelectric plants at Bonneville, Grand Coulee, and elsewhere in a "partnership" deal with the private power trust (subsidiaries of the Electric Bond and Share Co.).

Such a deal is about as idiotic as it would have been for Henry Ford to have gone into partnership with Al Capone in the automobile business; yet there are those in and out of public service and holding positions of public trust who advocate such a "partnership."

Money has few votes but it causes many birds to sing.

RUFUS C. HOLMAN,
*United States Senator, 1939–45.*

## 1954—A FAIRLY PROSPEROUS "DEPRESSION" YEAR

Mr. HICKENLOOPER. Mr. President, I wish to call attention to various conflicting statements which have been made recently on the question of agricultural prosperity in this country. Many statements have been made based upon assumptions of facts which are not accurate. The fact is, I believe, that agricultural prosperity generally in this country is, if not at an all-time high, at least at the top of the curve.

On March 11, Mr. R. K. Bliss, the head of the extension service at Iowa

State College, delivered a radio address entitled "1954—A Fairly Prosperous 'Depression' Year." Because he analyzes the high level of agricultural income of 1954 and shows the reasons for it, as well as the deficiencies of those who argue that it was not a highly prosperous year, I ask unanimous consent to have this address, consisting of 4 pages, printed in the RECORD at this point as a part of my remarks.

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

1954—A FAIRLY PROSPEROUS DEPRESSION YEAR

(By R. K. Bliss, extension service, Iowa State College)

During the first half of 1954 there were constant predictions of an oncoming depression. Agriculture was said to be in a particularly bad situation. Many economists joined in this gloomy prophecy. It was a forecast based on previous experiences. War had ceased in Korea. Government spending was being sharply reduced. Depressions usually come under such circumstances and following wars. How did it turn out? Let us take a look at farm income in 1954 from the following viewpoints.

1. Farm income in Iowa.
2. Farm income in the United States.
3. General observations.

The Department of Agriculture has just issued preliminary estimates covering cash receipts received by farmers for farm marketings in 1954. This first report may be changed up or down later, but probably not very much.

FARM INCOME IN IOWA

Let us first take a look at farm income in Iowa. Cash receipts from farm marketings received by Iowa farmers in 1954 totaled over $2½ billion ($2,347,221,000).

How does this compare with 1953? Let us take a look at that too. Final revised figures on Iowa's cash receipts from farm marketings in 1953 totaled a little less than $2⅖ billion ($2,386,312,000) or $39,091,000 more than in 1954. In view of drought conditions this was not a serious drop in cash receipts.

However, there is more to be included in determining Iowa's production of farm wealth in 1954 than cash receipts. Iowa's Crop and Livestock Reporting Service shows that the numbers of livestock on Iowa farms figured on the basis of grain-consuming units as of January 1, 1955, were 9 percent more than a year earlier on January 1, 1954. Iowa had the highest number of cattle of record (6,279,000 head), 3 percent more than the next highest year. The increase in the livestock inventory on January 1, 1955, over January 1, 1954, was 411,000 cattle; 1,386,000 hogs; and 356,000 chickens. Iowa was down 9,000 head on sheep and lambs and 6,000 head of turkeys.

We will have to wait and see what we receive in cash for this increased inventory of hogs and cattle but as of January 1, 1955, we had a much larger inventory of livestock on farms than on January 1, 1954. If we figure the actual present value of this increased livestock inventory it raises Iowa's agricultural wealth production for 1954 considerably above 1953.

Iowa's grain inventory was also up. On January 1, 1955, as compared with January 1, 1954, Iowa had in all positions an increase of 24½ million bushels of corn, an increase of 9½ million bushels of oats, and an increase of almost 10¾ million bushels of soybeans.

Iowa led all of the States in cash receipts from farm marketings for the first 10 months of 1954. California, which might be called more of an empire than a State, rallied in the last 2 months and topped Iowa over $100 million.

Iowa's 1954 receipts from sales of livestock totaled $1,891,210,000. This was $720,000,000 more than that received by Illinois the next nearest State, and more than twice the amount of livestock sold by Texas.

Iowa's agricultural year of 1954 compares quite favorably with previous years. Now let us take a look at national United States farm income.

FARM INCOME IN THE UNITED STATES

The Department of Agriculture estimates the total cash receipts from farm marketings in the United States at about 30 billion dollars ($29,953,873,000). Farmers net cash income is estimated at $12 billion, down 10 percent from the 1953 figure. This is the figure you will probably read in the papers. It is not the real increase in farm wealth production because it does not include changes in farm inventories.

If inventory changes are included says the Department, the decline in net income from 1953 to 1954 was only a little over 1 percent. Much of the income farmers realized in 1953 was the result of inventory liquidation, that is selling more than they produced. In 1954 farmers sold less than they produced building up their inventories of both crops and livestock. Including inventories along with cash receipts is the accurate way of figuring the total increase in farm wealth production.

The following statement made by the Department is of such interest that I am quoting it in full. "Net income after the adjustment for inventory change which represents the net value of farm output during the year was $12.3 billion in 1954. Adding farm wages of $2.1 billion and $5.7 billion income from nonfarm sources gives $20.1 billion as the total income of the farm population. Although this was 3 percent below 1953, the farm population was down 3½ percent so that total income per capita of the farm population actually rose slightly from 1953 to 1954."

The Department goes on to say that, "Smaller cash receipts from wheat, cotton, dairy products, and eggs accounted for practically all of the $1.5 billion decline in the total." This refers to the decline in gross cash farm marketings in 1954 as compared with 1953. It is of interest to note that the decrease in cash receipts were for wheat and cotton both supported at 90 percent of parity and for dairy products which received 90-percent support part of the year and at all times substantial support. Eggs were not supported. Curtailing acreage to make rigid 90-percent price supports work appears to have reduced farmers' gross income. Perhaps the income might have been still lower with somewhat lower supports. However that may be, high rigid supports does certainly curtail markets, especially foreign markets, and farmers must have markets in order to prosper.

There is another item in this farm income report that will be if interest to Iowa people. Farm products, garden stuff, fruit, meat, eggs, milk, etc., grown and consumed on the farm are figured in as part of the farm income. Farmers consumed about the same amount of home grown food but owing to lower prices principally for dairy products, poultry and eggs this item was reduced $150 million thus reducing total farm income for 1954 by $150 million.

This did not mean that farmers received $150 million less cash. It did not mean a nickle out of farmers' pockets because they grew and consumed the produce on their own farms and there was no buying or selling. It seems rather amusing to decrease farmers' income by $150 million because the food he produced and consumed on his own farm was selling for that much less on the market, but I presume that is about the only way to figure it.

It is something like the story of the economy-minded man who walked to his work rather than pay 10 cents a ride to the street car company. Then the company lowered the price to 5 cents a ride and our economy-minded pedestrian made less money because he could then make only 5 cents a trip by walking while before that he could make 10 cents.

It is rather difficult to exactly determine per capita farm income in the United States because of the increasingly large number of part-time farmers who derive a considerable portion of their income from off the farm work. The Department estimates that United States farmers in 1954 received 5.7 billion dollars from nonfarm sources. Most of it, I suppose, came from off-the-farm employment. This item may be expected to grow.

The number of farms in the United States was 1 percent fewer than in 1953. This raised the average per capita farm income a bit. Farm operators average net income per farm, including the inventory change, was $2,268 in 1954. For the farm operation this was ½ percent below 1953.

GENERAL OBSERVATIONS

The farm income report makes a comparison of per capita farm income with per capita city income. Per capita farm income rose slightly to $918 in 1954. On the other hand, the nonfarm population continued to increase while total income remained about the same. As a result, nonfarm income dropped 3 percent per capita in 1954 to a total of $1,836 per capita. Interestingly enough, the average per capita nonfarm income is just twice the farm income.

Why in this free country should there be such a difference in per capita income between city and country? People do not have to stay on farms if they are dissatisfied with the income. In fact they are not staying on farms. There has been an actual decrease in farm population in the United States of about 10 million people in the past 20 years. Farmers are moving in what might be called a migration to other types of employment.

I believe there are, however, many people who like to live on small tracts of land, work for others part of the time, raise as much of their own food as they can, and on the whole do about as they please. They may enjoy life as much as any of us. Now there are many people and I suppose I am among them that think something ought to be done, as we say, to raise the standards of living of these people.

I don't think this can be done all at once. It is principally a matter of education and incentive. As Dr. Knapp, the agricultural statesman of the South, once said, "When people are in a rut the first thing to do is to make the rut more livable and then they will work themselves out of the rut." He did not feel that there was any short cut to getting people out of ruts. I am of the same opinion. I recall in the early days of extension work a story of an elderly woman who listened to a lecture on home improvement by Miss Isabel Bevier, a pioneer home economist in Illinois. After the lecture someone asked her what she thought about it. Her answer was that "it was all right, but just the same, I'd ruther do what I'd ruther." There are many people like that in this world of ours.

## TRANSPORTATION OR MAILING OF OBSCENE MATTER

Mr. KEFAUVER. Mr. President, in reporting favorably from the Committee on the Judiciary S. 599 and S. 600, I wish to point out certain facts.

S. 599, which is a bill to prohibit the transportation of obscene matters in interstate and foreign commerce, and S. 600, a bill to amend title 18 of the

United States Code relating to the mailing of obscene matter, are legislative proposals which, if enacted, would be helpful in checking the interstate traffic in pornography.

This traffic has reached serious proportions. Conservative estimates have placed the nationwide traffic in this filth at 100 to 300 million dollars annually. It is big business, and it depends for a large portion of its profits upon the lunch money and allowances of school children. Curiosity and immaturity of growing boys and girls make them sales targets of the producers and hucksters of pornography.

The Subcommittee To Investigate Juvenile Delinquency has made certain preliminary studies of the traffic in pornography. These studies have shown that it is chiefly interstate in character and flourishes because of a loophole in the present Federal law. While the Federal statutes now prohibit the interstate shipment of obscene materials by common carrier or through the mails, it is not unlawful to transport pornographic materials by private car or by truck. And it is because of the existence of this loophole that the insidious traffic thrives on an interstate basis.

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

Mr. KEFAUVER. I yield.

Mr. MAGNUSON. The Senator rendered yeoman service in his own special crime investigating committee in connection with that subject, although other matters took precedence.

Would not the question of the interstate traffic be a subject for the Committee on Interstate and Foreign Commerce, aside from the question of penalties, which come under the jurisdiction of the Committee on the Judiciary? Would not the suppression of this particular traffic come within the jurisdiction of the Committee on Interstate and Foreign Commerce? The Senator suggests that there is a loophole in the law.

Mr. KEFAUVER. I do not know. The bills were introduced and were referred to the Committee on the Judiciary, so I assume that committee had jurisdiction.

Mr. MAGNUSON. I hope the committee will continue its work in connection with this subject. My only suggestion is that, if it is necessary to change the law regarding interstate traffic, the Committee on Interstate and Foreign Commerce will be found very cooperative in amending the so-called Interstate Commerce Act, to which the Senator refers. I think there is a loophole, which should be examined.

Mr. KEFAUVER. I know of the interest of the distinguished chairman of the Committee on Interstate and Foreign Commerce in this connection, and his interest as a Senator. I think it is a subject which undoubtedly should be considered by both committees.

Mr. MAGNUSON. Yes. The point I make is that whichever committee does the work, it should be done. We wish to cooperate in every respect.

Mr. KEFAUVER. I know that in connection with a great many similar questions there has been a very fine line as between the jurisdiction of the Committee on Interstate and Foreign Commerce and that of the Committee on the Judiciary. We are very fortunate in having the finest type of cooperation in dealing with such questions.

Mr. MAGNUSON. I thank the Senator.

Mr. KEFAUVER. These two bills would help to plug the loophole in existing statutes.

The subcommittee, in the course of hearings in various parts of the United States, has heard witnesses tell of the flood of obscene materials which are available to both adults and adolescents. I should like to call attention to statements of some of the witnesses. A lieutenant of the Philadelphia police department testified that his investigations revealed that obscene picture books distributed among Philadelphia schoolchildren were being produced across the state line in South Camden, N. J.

Testimony at the subcommittee hearings in El Paso, Tex., brought out the fact that extensive pornographic materials are being sold across the border in Juarez, Mexico, and are being imported in substantial amounts into the United States.

Testimony at the hearings in Miami, Fla., revealed an extensive traffic in pornographic motion-picture films. Miami police in 1 raid seized 58 rolls of pornographic films in addition to many obscene photographs and books. The dealer who had those pornographic materials had a long record of previous arrests.

In the testimony at the hearings of the subcommittee in San Diego, Calif., an incident was told of a 7-year-old boy who came home with a pornographic book he had obtained by swapping comic books.

The collector of customs at Los Angeles testified that large amounts of pornographic films and pictures came into the port of Los Angeles from abroad.

James A. Fitzpatrick, a member of the New York State Legislature, testified that the most salacious type of material is being mailed to youngsters in schools. He found there were "unsolicited mailings to a list of youngsters in preparatory school, asking if they did not want to buy this type of material."

It was found that one New York dealer purchased names of juvenile comic-book readers and mailed them circulars advertising a number of books which have been declared nonmailable under the postal statutes.

While the Subcommittee To Investigate Juvenile Delinquency is continuing its investigation into this insidious traffic in filth designed to sap the moral fiber of our Nation's young people, and while I am sure that further remedial legislative proposals will be forthcoming, I urge that the Senate give favorable consideration to S. 599 and S. 600, as two measures which, if enacted, would go far toward reducing the traffic in pornographic materials.

Mr. President, I now desire to introduce two bills.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

## MINIMUM STANDARDS FOR OPERATING RAILROADS AND PERSONNEL

Mr. KEFAUVER. Mr. President, out of order, I introduce for appropriate reference, two bills, one to authorize the Interstate Commerce Commission to prescribe minimum standards of training and experience for operating personnel of railroads, and for other purposes, and the other to authorize the Interstate Commerce Commission to prescribe minimum standards of safety for railroad tracks, bridges, and related facilities, and for other purposes.

The PRESIDING OFFICER. The bills will be received and appropriately referred.

The bills, introduced by Mr. KEFAUVER, were received, read twice by their titles, and referred to the Committee on Interstate and Foreign Commerce, as follows:

S. 1481. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards of training and experience for operating personnel of railroads, and for other purposes; and

S. 1482. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards of safety for railroad tracks, bridges, and related facilities, and for other purposes.

Mr. KEFAUVER. Mr. President, I wish to make a statement about a very serious problem which confronts my section of the country and which has relevance to the two bills. It is a matter of tremendous importance, not only to the one section of the country, but, if the strikes continues, to the economy and commerce of the entire Nation.

A few days ago strikes were called by the nonoperating brotherhoods on three railroads which operate in my section, the L. & N., the N. C. & St. L., and the Clinchfield Railroad. These strikes have to some extent paralyzed commerce in this area. I have received a great many telegrams and a great many calls from various companies, businesses, and individuals expressing the hope that the strikes can be settled and that some composition of them can be made. Some of the plants will have to close down if the strikes continue. In addition, many people are being inconvenienced by the lack of transportation. It is indeed an extremely serious matter.

I know that practically all the people, including, I am sure, many connected with railroad management and railroad unions, as well as the public generally, want to see every effort made to bring the strikes to a conclusion as soon as possible. They have been writing and urging those of us in Congress who represent that area to do something about the situation.

I thought I should say something this afternoon about what is causing the strike. I think it is well for us to keep the matter in perspective and to try to find the facts. In that way people will know what the issues are.

There is a great deal of excitement and exaggeration on both side. In order to bring about a meeting of minds, and to have the public clearly understand the issues, I believe it is well to understand some of the basic questions involved in the strikes.

I certainly hope there may be an early settlement of the dispute. We have always been very proud of the fact that for many years there has been on the statute books the railway mediation law, which has always been considered a model of excellence insofar as bringing about a settlement of disputes between railroad employees and railroads is concerned.

Under the Railway Mediation Act, disputes have usually been settled and the railroads have operated almost constantly for many years without having to be closed down by strikes. The Railway Mediation Act requires, first, that demands be made. An effort is made by conferees called by the National Mediation Board to settle the dispute. If that is not successful, the question is finally referred to the President of the United States. The President then appoints an emergency board to make findings and recommendations. Then there is a 30-day cooling off period after the Presidential emergency board has made its finding.

Ordinarily that has served the purpose of avoiding a stoppage of transportation caused by management-labor disputes. The present strike of the operating employees may be the largest one that has taken place since the shopmen's strike in 1922. It is important to consider what is happening in connection with the railway mediation law and to determine whether efforts under it will be sufficient in the days to come.

The chronological happening of events in this case is that on May 22, 1953—and I have talked with a great many people about it—the nonoperating brotherhoods served notice on the carriers, in which they asked for certain improvements in working conditions. They asked for paid vacations, paid holidays, premium pay for work on Sunday, group life insurance, hospital and surgical and medical protection for employees and their families, to be paid for by the railroads, and for liberalized pass privileges.

The railroads countered by asking for certain changes insofar as the rules were concerned, which the railroads felt would be helpful to them.

I ask unanimous consent to have printed in the RECORD a part of the original proposal presented by the nonoperating brotherhoods in November 1953.

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

On May 22, 1953, the 15 cooperating railway labor organizations served notice pursuant to the Railway Labor Act on the railroads throughout the United States proposing to revise and supplement existing agreements so as to provide:

1. Improved vacations with pay—allowing employees with 1 year of service 5 days of vacation; those with 2 years but less than 5 years, 10 days; those with 5 years but less than 15 years, 15 days; and those with 15 or more years, 20 days. Our proposals also contained improvements in other sections of the vacation agreement dealing with qualifications and service requirements, etc.

2. Seven holidays with pay for all employees, with additional double-time pay for employees required to work on holidays.

3. A health and welfare plan which would allow each employee group life insurance equal to his full-time annual earnings with a minimum of $3,500, and hospital, medical, and surgical benefits for all employees and their dependents, and with the carriers paying all the costs of such insurance and benefits.

4. Premium pay for Sunday service at time and one-half when it is an employee's regular working day, and at double time when it is his day off.

5. A uniform system of free transportation applying to employees of all railway companies, terminals, and joint facilities, the pullman and the express agency and providing specified privileges of free transportation over the lines of their own companies and—under certain conditions—on all other carriers, parties to the agreement.

Mr. KEFAUVER. After an individual effort was made to reach a settlement of the demands and the counterdemands, after the brotherhoods had negotiated with the carriers, and after those efforts had failed, the carriers and the brotherhoods joined in asking for national negotiation, that is, that the railroad labor law be invoked for the purpose of trying to bring about a settlement of the demands.

The first thing that was done was to bring the matter before the National Mediation Board. This was done in October 1953. The strike ballot was taken in November 1953. During the same month the Mediation Board got the parties together—that is, the representatives of the brotherhoods and the representatives of the railroads—for the purpose of trying to work out a compromise and settlement. The Mediation Board continued its efforts until December 1953.

Having failed to mediate the dispute and to settle it, the Board reported that fact to President Eisenhower. They reported that the Board was unable to compromise the differences. Automatically under the law, on December 26 or 27, President Eisenhower appointed the Emergency Board, which was made up of three distinguished men. Mr. Charles L. Loring, the Chairman of the Board, is a former chief justice of the Minnesota Supreme Court. Mr. Adolph E. Wenke, a member of the Emergency Board, was a justice of the Nebraska Supreme Court. Mr. Martin P. Catherwood, another member of the Board, is dean of the New York State School of Industrial and Labor Relations at Cornell University.

President Eisenhower's commission held hearings beginning in the middle of January 1954. It continued its hearings for several months, until the 7th or 8th of April 1954. I have been advised that the President's Emergency Board held very extensive and lengthy hearings on the demands of the nonoperating brotherhoods and of the railroads.

The board reported to the President on May 15, 1954, and I have a copy of the report.

Neither the railroads nor the brotherhoods were satisfied with the report of the emergency commission. It gave the union members a great deal less than they had requested, and it did not give to the railroads the relief they had requested.

Two or three of the things which the emergency board recommended in connection with an extra week off after a certain number of years' service have been put into effect by all the railroads of the Nation, including the three here involved. One of the recommendations of the board had to do with a health and welfare plan. The board recommended that a health and welfare program be set up in cases where the railroads did not already maintain provision for treatment and hospitalization of employees.

The board recommended that such a program be entered into on the basis of a contribution by the employees of 2 or 3 cents an hour, and a like amount by the companies. The board said:

The charges in connection with such associations are reported for the most part in the range of $4 to $7 a month.

It said the plan could be put into effect by an item that would take 2 or 3 cents from the employees, and that the employer would put up the same amount.

On page 97 of the report of President Eisenhower's Emergency Board, the health and welfare plan is specifically recommended and found to be justified, and it is there set forth. The report was made on May 15, 1954. Under the law, after the report is made, there is still a cooling-off period of 30 days before a strike is called. Thirty days passed after May 15, 1954, and no strike was called.

The railroad companies and the unions got together in the early part of June to see if they could work out agreements which would put into effect the findings and the recommendations of the President's Emergency Board.

I have been advised that agreements were reached on August 21, 1954, with approximately 95 percent of the railroads of the country and covering approximately 95 percent of the employees, and that, as a matter of fact, agreements were reached with all of them except these 3 railroads and 1 or 2 small subsidiary railroads operating in Atlanta. The record shows that some 10 days before the agreement was reached on August 21 the representative of the Louisville and Nashville Railroad, who was also representing the Nashville, Chattanooga & St. Louis Railroad, withdrew those railroads from the negotiations. The agreement provides for payment of $3.50 a month by each employee and a similar amount by the railroads into a health and welfare fund for a policy which had been worked out with the Traveler's Life Insurance Co. for medical treatment, hospitalization, and services of that kind.

There were some negotiations in an effort to get the Mediation Board back into the picture.

Finally, the full agreement was consummated on January 18, 1955, with the Traveler's Insurance Co. and with 95 percent of the other railroads.

The three railroads I have mentioned refused to go along with the health and welfare program. That is the issue which is here involved.

Strike notices were given which set forth the provisions in the original strike notice of a year and a half ago.

Of interest in this matter, Mr. President, is the fact that these three railroads are actually owned or controlled by the Atlantic Coast Line. The Louisville & Nashville Railroad owns a controlling interest through the ownership

of 74 percent of the common stock of the Nashville, Chattanooga & St. Louis Railroad. The Louisville & Nashville Railroad and the Atlantic Coast Line operate the Clinchfield Railroad by lease.

There has been some suggestion that the Nashville, Chattanooga & St. Louis management might have a settlement worked out with the Clinchfield, and that the Louisville & Nashville ownership and control has been one of the main difficulties in trying to get the recommendations of the President's board agreed to.

On March 9, 2 or 3 days before the strike was to start, an application for an injunction was made in the circuit court in Louisville, Ky., in the chancery court. The matter was heard before the judge of that court. The injunction was requested on the ground that it would be illegal to withhold a part of the compensation of the employees, and that the proposed strike would be an illegal strike. The injunction was asked to prohibit any effort to try to get any part of the wages of the employees withheld. The question was heard by Judge Lampe, and his opinion sets forth, I think, in pretty clear terms what the issues were and what the strike was about involving these three railroads.

Mr. President, I ask unanimous consent to have certain pertinent parts of Judge Lampe's opinion printed in the RECORD at this point.

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

JEFFERSON CIRCUIT COURT, CHANCERY BRANCH, SECOND DIVISION—LOUISVILLE & NASHVILLE RAILROAD CO., PLAINTIFF *v.* BROTHERHOOD OF RAILWAY & STEAMSHIP CLERKS ET AL., DEFENDANT

OPINION

I am aware of the public importance of this litigation. If there was any legal way to avert a threatened labor dispute that might cripple the transportation of this community and in a large measure that of the State and a large segment of the country I would like to find that legal way. I am aware that not only are customers of the railroad injured but also members of the general public and sometimes the employees themselves are injured by the very strikes designed to aid them. It is, therefore, desirable that labor disputes be settled, if that is at all possible, before they culminate in crippling strikes.

Neither the Congress of the United States nor the legislature of Kentucky, however, has vested courts with authority to avert strikes through judicial settlement of labor disputes. Accordingly, I cannot inquire into which of the adversaries to this dispute is in the right or which is in the wrong. I am limited to a determination of one question only. Is the strike about to be called on Monday of next week a legal strike? K. R. S. 366.130 affords employees, collectively and individually the right to engage in a peaceful strike. That statute is merely expressive of the public policy not only of Kentucky but also of the United States.

There is no contention here that any violence is threatened nor were we confronted with any suggestion of a breach of the peace. I must assume that any strike called would be a peaceful one. The question then is when can I enjoin a peaceful strike? In view of the statute just quoted, I feel that I could do that only when such a strike would be clearly against the law. During this trial I had expressed misgivings as to whether I could inquire into the question of whether the threatened strike might violate a Federal law, feeling that I was limited only to determine the question of whether it violated a State law. I had in mind the case of *Garner* v. *Teamsters' Union,* 98 Law Ed. 228, which involved a matter under the N. L. R. B. and held a Federal remedy to be exclusive, thereby depriving State courts of the right to act in the same matter since the Congress had pre-empted the field. That case, however, dealt with an exclusive remedy not with substantive law.

Without available time to consider all other authorities, I accept those offered by the plaintiff to the effect that it is appropriate for me to determine whether this strike is violative of the Federal statute.

The National Railway Labor Act has set up an elaborate method designed to avoid strikes among railway carriers and their employees. First, the parties must negotiate with each other relative to rates of pay, rules and working conditions. When negotiation fails mediation is attempted. Provision is made for the President to appoint an emergency board if other efforts fail. After a report by that Board there is a waiting period of 30 days before actions such as strikes are taken.

It is significant, however, that nowhere does Congress prohibit a strike. The right of labor to strike is not denied. Unions are merely required to comply with the act before resorting to a strike.

All of this procedure under the Railway Act was taken in this case. Appendix A, filed as an exhibit to the complaint, shows the matters that the unions demanded and offered for negotiation in May 1953. It is the unions' contention that the benefits there claimed are still the demands being made by the unions although there is some dispute as to this position.

When the Presidential Emergency Board considered this case it recommended among other things a health and welfare plan, one-half of the cost of which was to be paid by the carrier and one-half of the cost of which was recommended to be deducted from the wages of the employees. Many carriers settled the dispute with the unions on the basis of this recommendation. The Louisville & Nashville, and a few others declined to do so, taking the position that they should not require their employees to contribute compulsorily. They offered what they considered a better voluntary plan.

The Louisville & Nashville and some of their employees intervening herein, now take the position that the Louisville & Nashville was not required to negotiate a health and welfare plan under the Railway Act because such health and welfare does not, they insist, constitute rights of pay, rules, or working conditions. For comparison I am referred to *Inland Steel* v. *NLRB* (170 F. (2d) 247). There, the Seventh Circuit Court of Appeals pointed out the difference in the NLRB and the National Railway Labor Act.

I do not think it important whether health and welfare is to be considered within rates of pay, rules and working conditions.

If health and welfare does come within these terms, then it was a proper subject for negotiation as was carried through to the final consideration by the Presidential Emergency Board. If it does not come within those terms, I find nothing in the act that requires either the carrier or the unions to go through the elaborate procedure provided in the act as a condition precedent to a strike based on health and welfare demands. There is no expressed congressional intention to deprive the unions of any right to strike for a health and welfare fund. Counsels say that that intention is to be implied.

In view of the Kentucky Statute specifically authorizing employees to engage in peaceful strikes, I do not feel justified in denying them that right by implying into the Federal statute a provision against strikes.

The L. & N. insists that after it rejected the recommendation of the Presidential Emergency Board, there has been no good faith effort on the part of the unions to negotiate, and they offer that position as a violation of the Railway Labor Act, and a basis for denominating this strike an unlawful strike. I reject that theory. The unions were willing to accept the recommendation of the Presidental Emergency Board. It is nowhere shown that they affirmatively withdrew the original demands contained in Appendix A. They were willing to compromise with the L. & N. as they had with the other carriers. I cannot see how it is possible for me to hold that, because they were willing to accept the Emergency Board's recommendation, that they should now be held to have refused in good faith to bargain because thereafter the L. & N. was unwilling to accept that recommendation and insisted upon further bargaining.

It seems to me that at any time after 30 days after the finding of the Presidential Emergency Board, the unions were justified, under the terms of the Railway Labor Act, to pursue any course authorized by that act.

Moreover, the record discloses that as late as 1954, in December, a letter was directed by at least one of the unions to the L. & N. offering to negotiate the May, 1953 demands.

I conclude that the threatened strike does not violate the Railway Labor Act.

The L. & N. insists that the threatened strike is unlawful under the law of Kentucky. Since the recommendation of the Presidential Emergency Board, or at least since the acceptance of the Board's recommendation by most of the other carriers in August 1954, the L. & N. insists that the demands of the unions have been, not as set forth in appendix A requiring the carrier to pay all the costs of the health and welfare fund, but rather the L. & N. accept the compromise recommendation of the Emergency Board, which would require the carrier to deduct one-half of the cost compulsorily from the employees wages. This, the company contends violates section 244 of the Kentucky constitution and K. R. S. 337.060 which prohibits the withholding from employees wages of any sum unless authorized by the employee or a deduction authorized by State or Federal law. If I accept the L. & N. contention as being correct from a factual standpoint, there is merit to its position. The statute does contain this provision. In passing my attention has been called to litigation that was pending in a Federal Court which might have determined whether or not the deduction, which the L. & N. claims is insisted upon, was authorized by Federal law. This litigation was voluntarily dismissed by the L. & N. and others involved therein.

More important to the issue here involved, however, is the inquiry into what originated this labor dispute, upon what questions did the unions vote to strike and what issues were contained in the strike call. No one contends but that the orignal demands were for the company to pay all the health and welfare contribution. When a strike vote was taken in the fall of 1953 it appeared on the ballot that the purpose of the strike was to require the company to pay all of the costs, not to deduct some part thereof from the employees' wages. The strike call issued the day this litigation was initiated, before any issues were argued herein, discloses that, among other things, the purpose of the strike was to require the company to pay all of the costs, not to impose a part of them on the employees.

It may still be, and apparently is, the unions' attitude that they will accept the compromise contained in the Presidential Emergency Board's recommendation. If an agreement along those lines were to be reached it might be that a declaratory judgment action would still be required to de-

termine whether under Kentucky law the deduction would be legal. I do not decide that question now.

I do decide that I cannot hold the unions to be embarked upon an unlawful strike based chiefly upon their willingness to abide by the recommendation of the Presidential Emergency Board, even if those recommendations do require further litigation to determine their validity.

I think the unions' position of being willing to abide by the Presidential Emergency Board's recommendation, but at the same time contending that if the L. & N. is unwilling to abide by it they maintain their right to strike for the original demands, is not an inconsistent position.

Even though the unions have expressed willingness to accept the compromise; even though in their negotiations they have tried to urge upon the L. & N. that compromise in which event at the most they were trying to carry out the spirit of the Railway Labor Act; I do not believe that they have deprived themselves of the right to strike based upon their original demands.

Accordingly, it is therefore ordered by the court that the motion for a temporary restraining order filed by the intervenors is treated as a motion for a temporary injunction and denied; the motion made by the L. & N. for a temporary injunction is also denied. To which the plaintiff and intervenors objected, and they are granted 20 days within which to apply to a judge of the court of appeals to order the issuance of such temporary injunction, if any, as may be proper.

STUART E. LAMPE,
*Judge.*

Mr. KEFAUVER. Mr. President, the judge held that the injunction should not be issued, and it was not issued. The question was appealed to the court of appeals in Kentucky a day or so following that time, and the court of appeals refused to issue the injunction.

On the Saturday before, or a few days before the strike, an application was made for an injunction to prohibit efforts to get the companies to withhold employees' wages. The application was made in Nashville. An injunction was issued there, and on the following day an injunction was issued at Johnson City, so far as the Clinchfield Railroad employees were concerned.

These matters will be heard in a few days, and the question as to whether the injunction should have been issued will be decided.

I think it is well to point out that the strike was called upon the original strike notice, a copy of which I have already placed in the RECORD, which does not require the company to withhold any amount whatsoever from the employees' salaries. The original demand and strike notice called for the entire amount to be paid by the company. But following the finding by the President's Emergency Board, the brotherhoods agreed to go along with the finding of that Board, and to settle the dispute on the basis that the cost of the health and welfare policy would be borne equally by the employees and the railroads.

Grave questions are raised in connection with the operation of the railway-labor law by reason of the injunctions which have been issued. There is a question whether they are operative in a field which is covered by a Federal law, such as the national-mediation law. There is some doubt about the right of State courts to act in the absence of violence or destruction of property. There is a question as to the right of the employees to strike in the event they have followed all the procedures of the national railway-labor law, and then find their efforts thwarted. There is a question of what kind of action could be brought against the company if the situation were the other way around.

This situation brings up the question of the validity of the Norris-LaGuardia Act, which is, of course, applicable only in Federal courts. It would seem to be very difficult to apply the jurisdiction of State courts in a field which has largely been taken over by the national railway-labor law.

Another problem involved in the matter of injunctions is the application of the Louisville & Nashville Railway for an injunction to prohibit the operating unions from striking. A restraining order was issued by a Kentucky judge which, in substance, would require the operating employees to continue to run the trains, even though signalmen and maintenance-of-way men were not on their jobs, thus endangering the lives of train crews and the safety of passengers and the general public. Fortunately, I understand that this restraining order has been withdrawn, and that the problem is not immediately urgent in Kentucky.

My office has received a number of calls from persons who were worried about trains being operated by personnel who are not especially trained for the operating of locomotives or other rolling stock.

So the question arises whether the Interstate Commerce Commission should have jurisdiction in the interest of public safety to provide at least a limited standard of qualifications for persons who operate trains.

When these calls were received by my office, we called the Interstate Commerce Commission, in order to ascertain what the rules are. We were advised that although the Commission required specific inspections of locomotive boilers and airbrakes, it had no jurisdiction whatsoever over the minimum experience which might be required of anyone employed in the train-operating service.

Therefore, one of the bills relates to that problem, and I ask unanimous consent that it may be printed at this point in the RECORD.

There being no objection, the bill (S. 1481) was ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.*, That section 1 of part I of the Interstate Commerce Act (49 U. S. C. 1) is amended by inserting at the end thereof the following new paragraph:

"(23) The Commission may, after hearing, on a complaint or upon its own initiative without complaint, establish reasonable regulations with respect to the minimum standards of training, experience, and physical qualification which shall be required of any or all classes of personnel engaged in the operation of railroad trains of carriers by railroad. Any carrier subject to this part which knowingly permits any individual to participate in the operation of any railroad train of such carrier in violation of such regulations shall be liable to a penalty of $100 for each day during which each such violation continues. Such penalty shall accrue to the United States, and may be recovered in a civil action brought by the United States."

Mr. KEFAUVER. Mr. President, the other bill relates to the question whether, if operating employees should be forced to continue to operate trains, or if inexperienced or less-experienced personnel should operate trains, the safety of passengers and the general public would be protected if there were no standard of safety for the maintenance of railroad tracks, bridges, and related equipment.

I ask unanimous consent that that bill be printed at this point in the RECORD.

There being no objection, the bill (S. 1482) was ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.*, That section 1 of part I of the Interstate Commerce Act (49 U. S. C. 1) is amended by inserting at the end thereof the following new paragraph:

"(23) The Commission may, after hearing, on a complaint or upon its own initiative without complaint, establish reasonable regulations prescribing the minimum standards of safety which shall be required in the construction, operation and maintenance of rights-of-way, tracks, switches, crossings, bridges, tunnels, signaling devices, and other facilities (except railroad locomotives and cars) necessary for the operation of railroad trains by carriers by railroad. Upon the promulgation of such regulations, the Commission shall establish and maintain an adequate inspection service which shall inspect periodically such facilities of such carriers. Any carrier subject to this part which knowingly violates any such regulation shall be liable to a penalty of $100 for each day during which each such violation continues. Such penalty shall accrue to the United States, and may be recovered in a civil action brought by the United States."

Mr. KEFAUVER. Mr. President, after the President's Emergency Board found that there should be a health and welfare plan, a policy with the Travelers Insurance Co. was worked out with all the railroads except these three. The policy will cost about 2 cents an hour for each employee. This is in accordance with the finding of the Presidential Board.

I have been advised that at least one of the railroads in question offered its employees a health and welfare insurance policy in a smaller amount. The policy has a number of limitations and fewer benefits, and is more temporary than the one which has been worked out with all the other railroads. The policy in question was not negotiated and there seemed to have been no effort made to negotiate it or to have it substituted; it was simply prepared by one of the railroads, perhaps others. It would cost the same amount of money, so it would seem that the amount involved is not large, and that the difference between the employees and the railroads is not great.

The railroads apparently are willing to make some payment toward a health and welfare plan or policy, as is evidenced by the fact that, unilaterally, they drafted a policy, which was not, however, negotiated.

It seems to me that, in a matter of this kind, about the best that can be done is to follow the procedure which has been established by law, and to have

mediation and negotiation. If that should fail, then the Presidential Board, composed of disinterested persons, should examine the facts and make a recommendation. So the question involved is in connection with the Presidential Emergency Board's recommendation.

The amount of difference involved between the employees and the railroads is not large. Certainly there should be some way by which the strike can be settled; and the President's Emergency Board should carry substantial weight in the matter.

The public should know that there has been a Board finding, and should know what the finding was. I think it is a matter of public importance to know what steps have been taken to try to put into effect the program which has been effectuated by most of the railroads.

I understand that some of the complaint on the part of the railroads, and perhaps some of the contention with respect to the court orders, is that the railroads are not authorized to make deductions from the wages of employees for the purpose of a welfare program or for any other program. It seems to me that if that is not going to be possible under our labor laws it will be very difficult to have collective bargaining. That was the finding of the judge in Kentucky.

The purpose of collective bargaining is to let some organization speak for all the employees. That is the way the railway labor law operates. Such a provision was a part of the Wagner Act; and it is a part of the Taft-Hartley law, which is now on the books. These laws provide that, under certain circumstances, designated officials, properly selected by an organization, a union, or a brotherhood, shall have the right to speak for the employees. I know of no law in the State of Tennessee which would prevent that from being done.

I also know the history is that back in the depression, in 1932 and 1933, and perhaps part of 1934, when the railroads were met with a situation in which they could not possibly make ends meet, and were having a hard time, and when they were asking that there be reductions in wages, the railroads in question, and perhaps most of the railroads of the Nation, did enter into agreements with their unions, including the nonoperating unions, whereby the unions or brotherhoods authorized those railroads, and others, to deduct 10 percent from the wages of the employees, which amount was kept by the railroads, in order to enable the railroads to have smaller deficits and to continue operations. So that if it was legal at that time, I know of nothing that has changed the law since then.

Furthermore, since then the Wagner Act and the National Labor Relations Act have been enacted. The Railway Labor Act has been strengthened by the legislation of 1950. So it is an accepted part of our labor-management policy and program that the duly constituted representatives of unions and brotherhoods on questions of this kind, having to do with wages and working conditions of the employees, have the right to speak for and act for all of the employees.

Mr. President, the strike would do damage to the State of Tennessee, to the railroads, and to industry. Nobody wants that to happen, I am sure the brotherhoods, the employees, would be very happy to have the strike settled. It is hoped that there will be calm and serious consideration of the facts, that there will be no violence, and that there will be an understanding of what the issues involve. I firmly feel that if there is a full appreciation of the issues, the force of public opinion will play an important part in having the parties get together in this very unfortunate labor dispute.

Mr. President, I have concluded my remarks.

## RECESS TO FRIDAY

The PRESIDING OFFICER. If there is no further business to come before the Senate, pursuant to the order previously entered, the Senate will stand in recess until Friday, March 18, 1955, at 12 o'clock meridian.

Thereupon (at 7 o'clock and 3 minutes p. m.) the Senate, in executive session, took a recess, the recess being, under the order previously entered, until Friday, March 18, 1955, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate March 16 (legislative day of March 10), 1955:

### Diplomatic and Foreign Service

Ellis O. Briggs, of Maine, a Foreign Service officer of the class of career minister, now Ambassador Extraordinary and Plenipotentiary to the Republic of Korea, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

William S. B. Lacy, of Virginia, a Foreign Service reserve officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

### Atomic Energy Commission

Allen Whitfield, of Iowa, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1955, vice Joseph Campbell, resigned.

## CONFIRMATIONS

Executive nominations confirmed by the Senate March 16 (legislative day of March 10), 1955:

### Supreme Court of the United States

John Marshall Harlan, of New York, to be Associate Justice of the Supreme Court of the United States.

### United States Marshal

Lama A. DeMunbrun, of Kentucky, to be United States marshal for the western district of Kentucky.

### Postmasters

#### ALABAMA

Max A. Wilder, Dadeville.

#### CALIFORNIA

Keith D. Rice, Blythe.
Julius George Ponchak, Bostonia.
Paul S. Kinsey, Cloverdale.
Winifred B. Thomas, Happy Camp.
Bessie E. Hardy, Inyokern.
Fred J. Figge, Lockeford.
Rocco V. Pernetti, Los Banos.
Robert V. Ely, Lucerne Valley.
Lewis W. Hartwell, Madera.
Bernard P. Piotrowski, Northridge.
Wilma E. Graham, Sloat.
Samuel G. Andersen, Stateline.
Joseph Beeson, Sunnymead.

#### CONNECTICUT

Roger H. Clark, Cobalt.
Joseph Rocco Ferrigno, Meriden.

#### GEORGIA

Carl V. Ivey, Lincolnton.
William H. Marshall, Parrott.

#### ILLINOIS

Vernon L. Wilking, Chebanse.
Carl D. Roadarmel, Cowden.
John Edwin Mickens, Danvers.
Edward J. Hickey, Fox River Grove.
Walter Lueking, Hoffman.
Richard C. Atwood, Hutsonville.
Mary E. Burleigh, Ingleside.
George C. Bryce, Irving.
Vincent E. Cyrier, Manteno.
Cuma F. Holtzclaw, Maunie.
Warren G. Hess, Ontarioville.
Sidney L. Shaw, Petersburg.
Erwin H. Brandt, St. Peter.
Ronald E. Shawger, Sterling
Arnold C. Lapsansky, Witt.
Arthur Hay, Wonder Lake.

#### INDIANA

Hiram J. Shepherd, Butlerville.
Thomas R. Spence, Galveston.
Clifford K. Smith, Leesburg.
Lloyd D. Spann, Madison.
Don P. Guild, Medaryville.
Joseph S. Dean, Napoleon.
Franklin O. Rarick, Warsaw.
Vera G. Wilkins, Wolflake.

#### IOWA

Clarence A. Forslund, Harcourt.

#### MASSACHUSETTS

Frances V. Conley, Manchaug.
Robert L. McCarthy, Warren.

#### MICHIGAN

Jean N. Carruthers, Bancroft.
Ronald C. Cheever, Britton.
Robert J. Terrell, Byron Center.
Chester V. Muntz, Cass City.
Olga L. Thoms, Centreville.
Wynne Vanderkarr, Corunna.
Donovan E. Springsteen, Fenwick.
Carl F. Riebow, Harrisville.
Wilbur T. McLane, Lake.
Ralph H. Jokipii, Pelkie.
Robert J. McIntosh, Port Huron.
Myrtle E. Kennedy, Topinabee.

#### MINNESOTA

Raymond O. Johnson, Cloquet.
Dale A. Lahti, Kelly Lake.

#### MISSISSIPPI

Philip E. Swayze, Benton.
Dora F. Lynd, Escatawpa.
Joseph B. Pickett, Pope.
Carroll M. Butler, Raleigh.
Elizabeth H. Branch, Shelby.
Roy A. Schmidt, Sontag.

#### NEBRASKA

Bernard J. Holen, Bertrand.
Lois J. Larson, Macy.
Anton F. Fisher, Weston.

#### NEVADA

Norma N. Bianchini, Beowawe.

#### NEW JERSEY

J. Ward Johnson, Belford.
Lyman H. Graham, Bradley Beach.
Joseph J. Kelly, Coytesville.
George E. Cusick, Demarest.
Anna P. MaGill, Lafayette.
Dorothy L. Curley, Lyons.
Ruth E. Alt, Morganville.
Edna I. McTamney, Neshanic Station.
Henry J. Formon, Ridgefield.
Amelia S. Applegate, South River.
Philip N. Mazziotta, Towaco.

NEW YORK

W. Arthur Lewis, Fishers.
Florence Thompson, Harriman.
Donald M. Baker, Moriah.
Lloyd A. Carter, Saranac.
Berta L. Wixom, Trumansburg.
Donald M. Tobey, Victor.
John A. Harrington, West Oneonta.

PENNSYLVANIA

Bernard E. O'Connor, Bainbridge.
Ward O. Sharpe, Murrysville.
Rita P. Ritchie, Prospect.
James M. Dougherty, Ralston.
Arthur Mosteller, Shawnee on Delaware.
Marie H. McDannell, Spartansburg.
Jane E. McKenry, West Bridgewater.

SOUTH CAROLINA

Lucille G. Heyward, Bluffton.
Lee M. Blanchett, Summerville.

SOUTH DAKOTA

Ranald A. Bishop, Hurley.

TEXAS

Edward A. Buffington, Anderson.
Bernice F. Hines, Diboll.
Hal E. Hanson, Dickinson.
Martin B. Glasscock, La Feria.
Samuel S. Williams, Marshall.
Howard G. Turner, Orange.
Odie K. Gaylor, Pampa.
Claud M. Erwin, Rocksprings.
Oscar C. Hope, Jr., Scottsville.
Donald H. Smith, Spearman.
Miller E. Herrington, Whitney.
Esta L. Matson, Zephyr.

UTAH

Byron L. Huish, Magna.

VIRGINIA

Robert K. Drumwright, Jr., Fork Union.

WISCONSIN

Archie W. Christman, Darien.
Wendell G. Williams, Elcho.
Floyd A. Fralick, Glen Haven.
Arnold L. Peters, Marinette.
DeWayne W. Jensen, Minong.
Ernest M. Iverson, Williams Bay.

WYOMING

Allen L. Swan, Douglas.
Robert A. Lowham, Evanston.
Walter S. Brown, Jr., Pine Bluffs.

# HOUSE OF REPRESENTATIVES

## WEDNESDAY, MARCH 16, 1955

The House met at 12 o'clock noon.

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

Eternal God, our Father, whose thoughts concerning us are always those of love and peace, we rejoice that daily we are living under the canopy and shelter of Thy divine grace.

Grant that in this moment of quietness our minds and hearts may be filled with the spirit of penitence and humility, of gladness and gratitude, of faith and hope.

Help us to give ourselves unreservedly to the guidance of Thy Spirit and may every thought of our minds be brought into a glad obedience to the way of our Master.

May we be one in our longings and search to know Thy will for our generation and one in our aspirations and endeavors to obey Thy will with courage and faithfulness.

Inspire our character and conduct with the holiness and heroism, the consecration and dedication of our blessed Lord, in whose name we pray and bring our petitions. Amen.

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

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Carrell, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 4259. An act to provide a 1-year extension of the existing corporate normal-tax rate and of certain existing excise-tax rates, and to provide a $20 credit against the individual income tax for each personal exemption.

### COMMITTEE ON FOREIGN AFFAIRS

Mr. BURLESON. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 92) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved,* That the expenses of conducting the studies and investigations, authorized by House Resolution 91, 84th Congress, incurred by the Committee on Foreign Affairs, acting as a whole or by subcommittee, not to exceed $75,000, including expenditures for the employment of such experts, clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or subcommittee, signed by the chairman of the committee, and approved by the Committee on House Administration.

The resolution was agreed to, and a motion to reconsider was laid on the table.

### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. BURLESON. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 117) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved,* That effective from January 5, 1955, the expenses of the investigations and studies conducted pursuant to House Resolution 105, by the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, not to exceed $60,000, including expenditures for employment of investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

The resolution was agreed to, and a motion to reconsider was laid on the table.

### ELIMINATING NEED FOR RENEWAL OF OATH OF OFFICE UPON CHANGE OF STATUS

Mr. BURLESON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 913) to eliminate the need for renewal of oaths of office upon change of status of employees of the Senate.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That no person who, upon appointment as an employee of the Senate, has subscribed or hereafter subscribes to the oath of office required by section 1757 of the Revised Statutes of the United States, as amended, shall be required to renew such oath so long as the service of such person as an employee of the Senate is continuous.

With the following committee amendments:

Line 4, following the word "Senate", insert "or House of Representatives."

Line 8, following the word "Senate", insert "or House of Representatives."

The bill was ordered to be read a third time, and was read the third time, and passed.

The title was amended to read: "An act to eliminate the need for renewal of oaths of office upon change of status of employees of the Senate or House of Representatives."

A motion to reconsider was laid on the table.

### OUR AMERICAN GOVERNMENT, WHAT IS IT? HOW DOES IT FUNCTION?

Mr. BURLESON. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Con. Res. 85) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

*Resolved by the House of Representatives (the Senate concurring),* That the author of the pamphlet entitled "Our American Government, What Is it? How Does it Function?", as set out in House Document No. 465, 79th Congress, and subsequent editions thereof, revise the same, bring it up to date, and that it be printed as a public document.

SEC. 2. Such revised pamphlet shall be printed as a House document, and there shall be printed 300,000 additional copies, of which 24,750 copies shall be for the use of the Senate; 266,150 for the use of the House of Representatives; 3,100 for the Senate Document Room; and 6,000 for the House Document Room.

The concurrent resolution was agreed to, and a motion to reconsider was laid on the table.

### REPORT ON ESTABLISHMENT OF PRAYER ROOM

Mr. BURLESON. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Con. Res. 90) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

*Resolved by the House of Representatives (the Senate concurring),* That the Legislative Reference Service of the Library of Congress is hereby authorized and directed to prepare a report on the origin, establishment, furnishing, and decoration of the Prayer