at the minimum levels required under present import quotas. Loans previously made under these programs are being placed in the hands of private financial institutions as rapidly as possible.

These many bureaus, divisions, 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 devoted and skilled career people. It was not only self-staffed so much under the past administration as some other departments, and the operations of the Treasury have continued at the close of the current fiscal year. Nevertheless, in the last 2 years we have been able to make significant improvements in the management of the 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, implementing new 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 $8 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 wish to express 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.

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

HOUSE OF REPRESENTATIVES

THE JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDREDTH CONGRESS, SECOND SESSION, THURSDAY, NOVEMBER 17, 1988, COMMENCED AT 11:05 A.M.

H. R. 904. An act for the relief of William Martin, of Tok Junction, Alaska.
H. R. 989. An act for the relief of Dr. Larry J. Sehley.
H. R. 1068. An act for the relief of Mrs. Louise 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 Bifochechi Boschetti.
H. R. 1029. An act for the relief of Boris Ivanovitch Olieslov.
H. R. 1048. An act for the relief of Christine Susan Calado.
H. R. 1072. An act for the relief of Clyde M. Litton.
H. R. 1156. An act for the relief of Paul Bernstein.
H. R. 1130. An act for the relief of Mrs. Anita Scavone.
H. R. 1171. An act for the relief of George Gahn and Margarette Gahn.
H. R. 1192. An act for the relief of Angélita Haberer.
H. R. 1356. 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 Ghost.
H. R. 1404. An act for the relief of Bernard F. Elmer.
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. 1440. An act for the relief of Ciro Picardi.
H. R. 1450. An act for the relief of Stylianos Haralambidou.
H. R. 1640. An act for the relief of Constanine Hily.
H. R. 1644. An act for the relief of Charles Chan.
H. R. 1671. An act for the relief of Clement E. Sprouse.
H. R. 1745. An act for the relief of Paul E. Millward.
H. R. 1686. An act for the relief of Mr. and Mrs. Thomas V. Compton;
Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate 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.

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 attend 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 fiscal year 1955 (with 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 (which was received on the floor of the Senate); 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 1894 (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, 1894 (with an accompanying report); to the Committee on Government Operations.

Petitions 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, 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 National Bank Committee, Jackson Heights, Long Island, N. Y., signed by H. Joseph Mahoney, legislative secretary, praying for the recognition of the Senate Joint Resolution 1, relating to the treaty-making power; to the Committee on the Judiciary.

By Mr. Langer (for himself and Mr. Vorys):

Two concurrent resolutions of the Legislature of the State of North Dakota; to the Committee on Interstate and Foreign Commerce:

"Resolved, That copies of this resolution be sent to such of the officers of the United States as are requested to provide a means whereby it will be feasible for the State of North Dakota to market its boundary streams.

"Resolved, That the National Bank Committee of the Senate is hereby authorized by such subcommittee 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 to establish a 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 it 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 presented to the President of the Senate of the North Dakota Congressional delegation, to the Secretary of the Interior, and to all other persons interested in the matter.

"C. P. Pitch.

"Speaker of the House.

"K. A. Fitch.

"Chairman of the House.

"C. P. Dahl.

"President of the Senate.

"Edward Leno.

"Secretary of the Senate."
The conclusions presented by Mr. HUMPHREY were referred to the Committee on Foreign Relations, and order to be printed in the Record, as follows:

**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 providing that the acreage increase in tobacco acreage allotments shall first be extended to farms on which there have been decreases in such allotments (Rept. No. 106); and

**S. 1457.** A bill to redate the national marketing quota for burley tobacco for the 1956-56 marketing year, and for other purposes (Rept. No. 111).

**S. 1326.** A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 107).

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

**S. 1456.** A bill to amend the national marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 106).

**BILLS AND JOINT RESOLUTION INTRODUCED**

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

**S. 1346.** 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, 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.

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

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

**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.

**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.

**S. 1468.** A bill to provide for the appointment of a district judge for the district of Connecticut; to the Committee on the Judiciary.

**S. 1469.** A bill to declare the portion of the Grand River Dam reservoir to be a project of the Public Power and Water Resources Administration; to the Committee on Interior and Insular Affairs.

**S. 1470.** A bill to provide for the appointment of a district judge for the district of Montana.

**S. 1481.** A bill to provide for the appointment of a district judge for the district of New Mexico; to the Committee on the Judiciary.

**S. 1485.** A bill to provide for the appointment of a district judge for the district of North Dakota; to the Committee on the Judiciary.

**CROSSDEAL 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.
By Mr. THYE: 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. DOWSHAK: A bill to enable the Secretary of Agriculture to extend financial assistance to desert-land entrants to the same extent as to homesteaders, to the Committee on Agriculture and Forestry.

By Mr. Keefe: A bill for the relief of Perri Sturino; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill to authorize the issuance of a special stamp commemorative of the 125th anniversary of the establishment of the Department of the Interior, to the Committee on Post Office and Civil Service.

By Mr. DOUGLAS: A bill for the relief of Daniel Castro Quilantan and his wife, Gracela de Jesus Garza Quilantan; and A bill for the relief of Clorinda Perri Sturino; to the Committee on the Judiciary.

By Mr. PASTORE: A bill to provide for refund or credit of internal revenue taxes and customs duties paid on distilled spirits and wines on account of license fees or other taxes or charges, or condemned by health authorities as a result of the hurricanes of 1954; to the Committee on Finance.

By Mr. BEALL: A bill for the relief of Marie Noelle; to the Committee on the Judiciary.

By Mr. KEFAUVER (for himself and Mr. WATKINS): A bill to amend chapter 328 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: 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; to the Committee on Interstate and Foreign Commerce.

By Mr. KEFAUVER: 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.

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 navigable 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 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 bill, together with the statement and other matters mentioned by the Senator from Connecticut, will be printed in the Record.

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 Federal district judge in his district, and a resolution adopted by the executive committee of the Bridgeport, Conn., Bar Association, be printed in the Record.

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 Federal district judge in his district, and a resolution adopted by the executive committee of the Bridgeport, Conn., Bar Association, be printed in the Record.
in the future, Judge Smith does not con-
sider the need urgent at the present time. For
that reason the needed legislation does not
provide for sessions of the Federal court
at Bridgeport. It would be my expectation
that meetings of the bar of New Haven
will be able to present their views on this matter
when hearings on the bill are held by the
Senate and House Committees on Judicary.
It is my hope that such hearings
will be scheduled at an early date.

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 am forwarding to your consideration and that of your colleagues from
Connecticut of provision for an addi-
tional district judge to handle this court
property to take care of the present and
future volume of litigation in the district.
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. 44).

The volume of business in the district has,
considering the many cases brought in since
1927, as well as the increase in the last 4½ years.
In the past, we were able to handle the
normal business and occasionally to help
out during the summer 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 nec-
sary to hold court throughout the year
without recess.

Any hope Judge Anderson and I had that
the increased business would prove tempo-
rary and that two judges would be able to
handle it with occasional outside help upon
leaving court 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 illus-
strative statistics, copies of which are en-
closed, 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
court have shown that a far greater illus-
tration 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 rea-
sions for delay in disposing of litigation.

Judge Clark agrees that an additional judge is needed at this time, and will pre-
sent the situation to the circuit council and
the judicial conference for their recommen-
dations.

It might prove advisable in the future to
request court quarters in Fairfield County,
in view of the volume of litigation now or-
ing as yet as many cases as we have in New Haven.

New Haven has no courtroom and a bankruptcy court which we now use for court trials when two
Judges are sitting at New Haven. This bank-
ruptcy court should be converted to a small
judicial courtroom.

Provision of another judge is the presen-
ing need as well, and 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.


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

Dear Judge Clark:

[Letter content]

Of course, the caseloads may vary in type,
so that statistics are valuable primarily in
explaining the significant one of increased
delay in reaching trial and in demonstrat-
ing 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 busi-
ness 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 pro-
posed 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

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Filed</th>
<th>Fiscal year</th>
<th>Terminated</th>
<th>Fiscal year</th>
<th>Pending</th>
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</thead>
<tbody>
<tr>
<td>1946</td>
<td>153</td>
<td>1951</td>
<td>276</td>
<td></td>
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<td>1947</td>
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<td>1948</td>
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<tr>
<td>1950</td>
<td>120</td>
<td>1955</td>
<td>109</td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Median interval (months)</th>
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<tbody>
<tr>
<td>1946</td>
<td>7.6</td>
</tr>
<tr>
<td>1947</td>
<td>7.2</td>
</tr>
<tr>
<td>1948</td>
<td>7.0</td>
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<tr>
<td>1949</td>
<td>6.4</td>
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<td>5.5</td>
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</tr>
<tr>
<td>1953</td>
<td>5.8</td>
</tr>
<tr>
<td>1954</td>
<td>5.9</td>
</tr>
</tbody>
</table>

Estimated median time interval, claims for trial list and trial 9.6 (months), Feb. 25, 1955.

Civil cases commenced and terminated dur-
ding the fiscal years 1944-55 and pending
cases

| Fiscal year | Com-
menced | Termin-
ated | Pending |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1946</td>
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</tr>
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<td>1947</td>
<td>332</td>
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<tr>
<td>1950</td>
<td>407</td>
<td>405</td>
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<tr>
<td>1951</td>
<td>478</td>
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<tr>
<td>1952</td>
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<td>1955</td>
<td>622</td>
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<tr>
<td>1956</td>
<td>1,207</td>
<td>1,205</td>
<td>1,709</td>
</tr>
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</table>

1 Commenced and terminated July 1, 1946, through December 31, 1955.
2 Pending as of March 31, 1955.
### Caseload per Judgeship in United States District Courts (having 3 judgeships) during Fiscal Year 1954

<table>
<thead>
<tr>
<th>District</th>
<th>Civil Cases</th>
<th>Private Civil Cases</th>
<th>Criminal Cases</th>
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<tbody>
<tr>
<td>Delaware</td>
<td>27</td>
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<td>7</td>
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<tr>
<td>Virginia, Eastern</td>
<td>133</td>
<td>108</td>
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<tr>
<td>Texas, Northern</td>
<td>348</td>
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<td>Ohio, Northern</td>
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<td>Missouri, Eastern</td>
<td>111</td>
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<td>Missouri, Western</td>
<td>266</td>
<td>254</td>
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<td>Oregon</td>
<td>94</td>
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<td>5</td>
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<tr>
<td>Washington, Western</td>
<td>93</td>
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<td>10</td>
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<tr>
<td>Connecticut</td>
<td>261</td>
<td>261</td>
<td>20</td>
</tr>
</tbody>
</table>

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 civil" cases filed during the fiscal year 1954 and No. 6 as to "criminal" cases filed.

### Bankruptcy Cases commenced and terminated during the fiscal years 1940-55 and pending cases

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>commenced</th>
<th>terminated</th>
<th>pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>1940</td>
<td>228</td>
<td>212</td>
<td>34</td>
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<tr>
<td>1941</td>
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<td>1942</td>
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<tr>
<td>1943</td>
<td>246</td>
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</tr>
<tr>
<td>1944</td>
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<td>13</td>
</tr>
<tr>
<td>1955</td>
<td>320</td>
<td>307</td>
<td>13</td>
</tr>
</tbody>
</table>

1 Fiscal year 1955.

### Caseload per Judgeship by Fiscal Year in United States District Courts, by Circuit (based on cases filed)

<table>
<thead>
<tr>
<th>Circuit</th>
<th>Fiscal Year 1951</th>
<th>Fiscal Year 1952</th>
<th>Fiscal Year 1953</th>
<th>Fiscal Year 1954</th>
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<tbody>
<tr>
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<td>1st circuit</td>
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<td>22</td>
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<td>8th circuit</td>
<td>190</td>
<td>100</td>
<td>20</td>
<td>22</td>
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<tr>
<td>9th circuit</td>
<td>195</td>
<td>100</td>
<td>20</td>
<td>22</td>
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### Caseload per Judgeship, by Fiscal Years, in United States District Courts having two (2) Judgeships (based on cases filed)

<table>
<thead>
<tr>
<th>District</th>
<th>Civil Cases</th>
<th>Private Civil Cases</th>
<th>Criminal Cases</th>
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<tbody>
<tr>
<td>Total districts</td>
<td>204</td>
<td>111</td>
<td>180</td>
</tr>
<tr>
<td>2nd circuit</td>
<td>186</td>
<td>95</td>
<td>58</td>
</tr>
<tr>
<td>3rd circuit</td>
<td>164</td>
<td>80</td>
<td>12</td>
</tr>
<tr>
<td>4th circuit</td>
<td>221</td>
<td>133</td>
<td>88</td>
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<tr>
<td>5th circuit</td>
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<td>206</td>
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<td>163</td>
</tr>
<tr>
<td>9th circuit</td>
<td>181</td>
<td>137</td>
<td>135</td>
</tr>
</tbody>
</table>

1 Three judgeships.

### District having only one Judgeship prior to Fiscal Year 1954

- Nebraska: 56
- North Dakota: 64
- South Dakota: 27

1 District having only one Judgeship prior to Fiscal Year 1954.
Mr. SMATHERS. Mr. President, I ask unanimous consent that I may speak on the joint resolution in 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; 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 in nursing; 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 permitted more of the practice of nursing to be based on scientific principles. This Joint resolution would set up a Commission on Nursing Services.

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 68,000 nurses should concern 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 68,000 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 seems to be a lack of a central source of facts and expert opinion about nursing care for the entire field of health services. This Joint resolution would set up a Commission composed of 12 members—4 appointed by the President, 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;

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 in nursing; 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 made a statement 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. By applying 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, including the findings of the President, the problem of 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 from 5 to 6 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 psychoses, 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 in earned 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 suffer some form of mental illness; that about 10 percent of these 9 million individuals who are not hospitalized, but who are suffering from mental illness—considered almost hopeless 30 years ago—have been carried on the citizens’ fight against mental illness, states that mental illness can be conquered with a three-point program of research, training, and treatment.

Recent research has 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 80 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 hospitalization and specialized 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 of 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 to face the growing demand.

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. There have even been doctors who have said there is not a single private psychiatrist or a psychiatric clinic where people with mental disorders can go for treatment. It is now that we have the knowledge and the techniques 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 hospitalization and specialized casualties.

Whereas 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.

Whereas the program is now in progress, and is being carried on by the National Association for Mental Health. This association is carrying on the citizens’ fight against mental illness just as effectively as it did in the war, and we are not the ordinary foal.

This program is now in progress, and is being carried on by the National Association for Mental Health. This association is carrying on the citizens’ fight against mental illness just as effectively as it did in the war, and we are not the ordinary foal.

In keeping with the spirit of the President’s comments and to express the sense of the Congress concerning this problem, the Concurrent Resolution on Mental Health, and cure of mental illness—by far the most serious health problem of all.

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 there with 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 adequate treatment for the mentally and emotionally ill, research on mental illness research is in dire need of public support in order to improve conditions in mental hospitals, provide adequate treatment for the mentally and emotionally ill, research on mental illness, and provide mental health education; and

Whereas it is understood that the week beginning May 1, 1955 and May 7, 1955, is 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.
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 1, 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 objects of the United States and Great Britain, declares "respect for the rights of all peoples to choose 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 forcibly deprived of their right to 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 the United Nations 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.

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 of the Senate Committee on Agriculture and Forestry to report to the Senate 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 to 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, (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 such needs as may be 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 to the amendment of Senate Joint Resolution 39, proposing an amendment to the Constitution of the United States relative to equal rights for men and women. Is there objection? The Chair hears none, and it is so ordered.

ADDRESSSES, 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. BARKEY 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 Portugal, and William 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 matter 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 this: The Dairy Research Age, an Age of Science, an Age of Exploration. And Americans, best of all, know what research, what discovery, 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 has been popularly focused on 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 items which have poured on to the American market, winning millions upon millions of new customers. These industries are successfully following 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 pouring our resources into the battle against the atom.

But-bound people may say, "Let dairy research—which everyone agrees is very good indeed—continue on its present pattern, 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 basis. Let's do a little research here and a little research there."

But the American 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 seeking for creating a handsome new building as such; I am speaking and writing for getting a job done—through the best people how we can mobilize—in new buildings or old, with whatever facilities are needed to do the job properly.

Why cannot we send word to the world that in addition to the work of our scientists in testing A-bombs at Yucca Flat, Nev., other United States scientists have just been given the green light for a "Manhattan district-like" project for milk? This will be the battle 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 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 the organization, I have included the full name and address, but where it is from an individual I have referred only to his location. I have not continued the story, or added any of my own. I have merely quoted or quoted and italicized.

In respect to bill S. 788, in introducing this bill, once again you have shown statesmanlike foresight. We believe that a laboratory such as you envisage is needed, this would be fine, and no doubt many of our problems particularly those which make for many divergent theories and little practical attainment.

I hope you will continue to do the job. 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.

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.

LETTER FROM JOHNSTOWN, PA.

I thoroughly agree with what you said in the article that was published in the February issue of Better Farming. I have read your article in Better Farming. I am deeply grateful for all the past services which you have rendered the dairy industry.

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 16 cents out of the consumer's dollar, this compared to 42 cents received by the American farmer. In view of this fact, would it not be wise to see if we can close this wide gap between producer and consumer?

Mr. WILEY. Mr. President, I ask unanimous consent to print the following letter which I have received from Mrs. Charles W. Cotton, of Glasgow, Mont.

POSTAL SUBSIDIES AND FARMERS

Mr. MURRAY. Mr. President, I ask unanimous consent to print the following letter which I have received from Mrs. Charles W. Cotton, of Glasgow, Mont.

In this letter Mrs. Cotton protests $3 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 leper 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:


Dear Senator Murray: I have written to Life magazine protesting its attitude toward farmers but can't seem to get past the 15th secretary, so to speak.

In a recent article, the magazine 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—in the ranks of the Committee on Agriculture, of the need for experienced personnel 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 urge that the present reenlistment figures be lowered to the levels established as sound.

The Air Force figures for the calendar year 1954 show a 24.5 percent career reenlistment rate for Air Force personnel and 3.6 percent for those who were induced under selective service.

The effects of the starting figures shown above are far-reaching. In 1953, for example, the Navy Department estimated a need of 115,000 to 120,000 more defense per defense dollar spent.

The Nation is in need of a defense force far greater than the one indicated by the present reenlistment figures. Actually, according to administration estimates, the figure is 2,850,000 men. But it is impossible under existing conditions to meet this goal. The reenlistment figures in the services for 1954 are only 97 percent, thus it is expected that it will be necessary to replace approximately 800,000 men during the coming year. During the first ten months of this year, only 298,000 have been reenlisted.

The situation is such that if we are to meet our national defense needs, we must increase the training of new personnel to accomplish the necessary turnover. A draft of trained and skilled men is needed. I, therefore, urge that the Navy Department be authorized to increase the number of trained and experienced men who are willing to make one of the greatest services to their country.

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. 1465) 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 the basic rates of pay for all members of the armed 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 greatest services to their country.

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 professionals; 1 million officers and 2 million enlisted men. This bill is a part of a general federal manpower plan.

Actually, according to administration estimates, the figure is 2,850,000 men. But it is impossible under existing conditions to meet this goal.

The reenlistment figures in the services for 1954 are only 94 percent, thus it is expected that it will be necessary to replace approximately 800,000 men during the coming year. During the first ten months of this year, only 298,000 have been reenlisted.

The nation is in need of a defense force of approximately 3 million professionals; 1 million officers and 2 million enlisted men. This bill is a part of a general federal manpower plan.

The reenlistment figures in the services for 1954 are only 94 percent, thus it is expected that it will be necessary to replace approximately 800,000 men during the coming year. During the first ten months of this year, only 298,000 have been reenlisted.

The Nation is in need of a defense force of approximately 3 million professionals; 1 million officers and 2 million enlisted men. This bill is a part of a general federal manpower plan.

The reenlistment figures in the services for 1954 are only 94 percent, thus it is expected that it will be necessary to replace approximately 800,000 men during the coming year. During the first ten months of this year, only 298,000 have been reenlisted.

The Nation is in need of a defense force of approximately 3 million professionals; 1 million officers and 2 million enlisted men. This bill is a part of a general federal manpower plan.

The reenlistment figures in the services for 1954 are only 94 percent, thus it is expected that it will be necessary to replace approximately 800,000 men during the coming year. During the first ten months of this year, only 298,000 have been reenlisted.

The Nation is in need of a defense force of approximately 3 million professionals; 1 million officers and 2 million enlisted men. This bill is a part of a general federal manpower plan.

The reenlistment figures in the services for 1954 are only 94 percent, thus it is expected that it will be necessary to replace approximately 800,000 men during the coming year. During the first ten months of this year, only 298,000 have been reenlisted.

The Nation is in need of a defense force of approximately 3 million professionals; 1 million officers and 2 million enlisted men. This bill is a part of a general federal manpower plan.

The reenlistment figures in the services for 1954 are only 94 percent, thus it is expected that it will be necessary to replace approximately 800,000 men during the coming year. During the first ten months of this year, only 298,000 have been reenlisted.

The Nation is in need of a defense force of approximately 3 million professionals; 1 million officers and 2 million enlisted men. This bill is a part of a general federal manpower plan.

The reenlistment figures in the services for 1954 are only 94 percent, thus it is expected that it will be necessary to replace approximately 800,000 men during the coming year. During the first ten months of this year, only 298,000 have been reenlisted.
wepons 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, dictates maintenance 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 said:

"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 services than there have been increases in pay, but 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-the-job training, job opportunities, employment pay, disability pensions, home and farm loans, hospital care, and other benefits which out-weigh the current benefits of reenlistment. It must be realized, however, that 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 you are going to end reenlistment, as listing 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. By May 1, 1955, Congress should approve to all enlisted men and officers who have more than 2 years of active service. President Eisenhower recommended a military pay raise of 25 percent and signed the bill into law on 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 lieutenant 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 increase may be as low as $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 is not enough. Eventually, we must be more of a step in the right direction.

Traditionally one of the advantages of a career in the Armed Forces was that the services offered more nonpay benefits and fringe benefits than private industry. A 25 percent increase in pay plus fringe benefits will be a step in the right direction. The administration measure lists selective increases which range from 25 percent military pay increase for those staying in the service, to discriminatory selection of draftees for nonpay benefits of reenlistment. It must be realized, however, that in maintaining an all-volunteer force of capable men in the service is to increase the gains for those staying in the service.

An armed service of professionals cannot be built by conscription. As in any profession there must be a certain amount of promotion. 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, or Air Force. If the rate of officer promotions and pay increases is not increased, the 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.
This new plan would empower the National Guard to draft men who have completed 6 months' basic training or a period of active duty in the Armed Forces, when essential to maintain 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 career of the Armed Forces his career. The future of these men is always overshadowed with the possibility of recall on short notice.

How much does an additional 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 those young men with 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 because of enlistment or draft liability. 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.

Dr. Abrams attributes the situation 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 Reserve is an asset which 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 high schools and colleges.

The instruction should be supervised by the school faculty and the military personnel.

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

"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-drafting method in the United States is exerting intensive efforts upon the young men and that these youths 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, do 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 these subjects 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 grants to colleges for systematically directed teaching.
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 professional scientists and engineers generally is 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 federal governmental agency 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 studying in the sciences and mathematics below the graduate level.

Nuclear weapons, intercontinental guided missiles, supersonic jet planes, radar, and many other complex instruments on which depend 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 to undertake at institutions of their choosing, the advanced training necessary for a lifetime of research.

The Armed Forces that we have today are those that we bought at a devastating aerial and ground level.

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 is in point:

The next war, should there be one, may well be lost in the laboratories years before the battle develops 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 professional armed force of 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 for 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. Restoration and increased fringe benefits for servicemen and their families.


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. The resolution will be stated by title.

The Armed Forces. 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 consider 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 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 for the fiscal year 1955, and for other purposes.

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
Allen
Allott
Anderson
Barkey
Barkley
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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, Jr., to be Associate Justice of the Supreme Court of the United States?

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

The yea and nay votes were ordered.

Mr. KILORE. Mr. President, there is before the Senate the nomination of John Marshall Harlan, Jr., 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, 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 & Ribush, subsequently Root, Ballantine, Harlan, Bushby & Palmer—of New York City. The nominee was a member of that firm from January 1921 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 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 the Soviet Union from 1942–45, as Chief of Operations, analysis section, 8th Air Force; and subsequently he was a member of the planning section for the occupation of Germany by the 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 committees 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 have testified before the full committee.

Under the Constitution, it is incumbent upon the Members of the Senate to give this address, and to consider the nominations made by the President to the Supreme Court. It is not only a constitutional duty, but 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, 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:


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 since before his graduation from the bar. His family, as well as the family of the late Chief Justice, have for many years been associated with the practice of law in Murray Bay, in Canada, where we all became acquainted.

I can say without hesitation that Judge Harlan is outstandingly qualified to occupy a place on the Supreme Court. I know him as an undergraduate at Princeton University, as a Rhodes scholar to Oxford University, and as a practicing lawyer and, in my opinion, he would reflect the opinion of the entire bar of New York. I am able, therefore, to testify of my own knowledge that he is a most distinguished man, 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 of the Supreme 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 veterans who have 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 the Senate is greatly privileged to have such a man to erect to the bar at a time when 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 on the record 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.

Mr. SMITH of New Jersey. Mr. President, one of the gratifications in having been awarded a seat 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 personally known to each Member. 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 legal career. About a year ago he was appointed by the President to the United States Court of Appeals in the second circuit, an appointment from which he was removed February 4, 1954.

We know of nothing whatever which would militate against his confirmation.

Believe me,
Very sincerely yours,
W. Davis.

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 Chief Justice, have for many years been associated with the practice of law in Murray Bay, in Canada, where we all became acquainted.

I can say without hesitation that Judge Harlan, personally and professionally, is outstandingly qualified for so important a position as Associate Justice of the United States Supreme Court, which has 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.

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

1. The highest courts of the several States in the fight which now is being waged by powerful, organized pressure groups on the Atlantic seaboard to secure the overthrow of the Superintendence of the United States, their truculent and rights secured therewith would contraven 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.

2. 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 and liberties. The Supreme Court is in the position of a jurist; the Senate of the United States is in the position of an arbitrator; and the President of the United States is in the position of an executive. Should we, as a Nation, place the sovereignty of a single State above the sovereignty of the United States? And if we do, should we not, if confirmed, accept cash annuities or awards from organizations which promote legislation before the courts to lobby with him by giving him honorary dinners and "achievement" plaques.

3. 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 undertaken the Constitution to prevent 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 where the nominee stands on the issue.

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

I do not think he is too smart to understand what was evidently the intent of the Founding Fathers in 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 thinks he was correct in so stating—that he would not, if confirmed, accept cash annuities or awards from organizations 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 that is not true of the Supreme Court of the United States.

Mr. President, I believe that he would cite the law as he sees it, and would 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 lack 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 unethically motivated groups, that pressure groups will be able to influence him through cash awards and honorary dinners.

One of the primary reasons for the dispute 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. The education of the people in schools maintained by State taxation is a matter beyond the scope of Federal authority with the management of such schools cannot be justified, except in the case of a State which is dominated in its policies by organized pressure groups on the Atlantic seaboard, the education of the people in schools maintained by State taxation is a matter beyond the scope of Federal authority.

I wish to show the fallacy of the charge, and to show that the Justices are not competent to consider the 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, 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 beyond the scope of Federal authority with the management of such schools cannot be justified, except in the case of a State which is dominated by organized pressure groups on the Atlantic seaboard. The education of the people in schools maintained by State taxation is a matter beyond the scope of Federal authority with the management of such schools cannot be justified, except in the case of a State which is dominated by organized pressure groups on the Atlantic seaboard.
much greater importance and significance is an ideological difference that
extends above and beyond the frame
work of the Constitution. It is on this
basis that I must part ways with Judge
Harlan.
Mr. President, previously I have re
viewed—and I shall later, perhaps, do so
more fully—in some detail the develop
ment of judicial decisions concerning the applica
tion of treaties to the domestic law of the
United States and that of the several States.
Prior to Judge Harlan’s appear
ance, the Supreme Court of the United
States and the Supreme Court of the
several States, it is a self-evident fact
that permissory doctrine is now being
given widespread credence by responsible
officials in 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 com
ment.
Mr. President, it is the duty of the Ju
diciary Committee to inquire into the
legal philosophy of a nominee. It is in
vant upon us to see that the law is upheld.
That has nothing to do with a specific case which
may or may not ever come before the court,
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 Congress and give them to the Presi
dent; they can take powers from the State
Governments, 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
Senate, from Mississippi yield for a ques
ion?
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
protected by the Constitution of the United States and a treaty of who
ever he said, “I decline to answer.”
Mr. President, if we are going to con
firm the nominations of men who take
oppositions which I regard as dangerous
and which I think are not in accord with the
best interests of our country, then I
may as well abdicate the right of the Senate to confirm judicial nomina
tions. We have a duty and a right to know
the legal philosophy of a man who is nomi
nated to the Supreme Court bench. I
know that every Senator will conscien
tiously 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 empha
siz.e the point which bears upon this
nominee’s qualifications.
Mr. President, 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 in this body. Judge Rutledge was a
man who was an able
lawyer, a man who was
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 Uni
versity, a man who 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, expert in law and international affairs, has not expressed any personal or private view on a matter which is so important as is the Bricker amendment. It is regrettable, however, that he has not had the opportunity to express such a view. This matter is of the utmost importance, and it is to be regretted that Judge Harlan will not be in a position to express an opinion on this matter.

Mr. EASTLAND. I yield for a question.

Mr. DANIEL. Mr. President, will the Senate vote today?

Mr. EASTLAND. I yield for a question.

Mr. DANIEL. Judge Harlan says:

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 inquiry 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 disagree and be so even-handed, I can imagine no better answer to the great question: The issue involved is whether Red China should be admitted to the United Nations or kept out.

Mr. DANIEL. I assume the Senator from Mississippi understands the reason why I asked Judge Harlan, as to whether he had expressed himself regarding the admission of Red China to the United Nations.

Mr. EASTLAND. Yes, I understand. The Senator's 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 yield for a question.

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

Mr. EASTLAND. No; I do not object. The Senator asks.

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

My feeling 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 general principle with me. That is why I asked Judge Harlan the questions.

Mr. EASTLAND. I think the distinguished Senator from Texas is exactly right. 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 in a position to speak of a man who advocates and recommends the recognition of Communist China, a country whose government has murdered thousands of Americans.

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 going to the people and advocating the admission to the United Nations.

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 Court in this matter. I said I had not intended to have that happen today, but since the Senator from Mississippi has raised the question and has himself expressed such disagreement, I will join with him today 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, again it is 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 around the country espousing pro-Communist causes, returned to legal chicanery in an effort to save from execution two Communist spies? I submit, Mr. President, that a nomination for confirmation is the product of Thomas E. Dewey and his associates. A man that a learned and intelligent man, who does not have a fixed conviction one way or another, can be reminded of this.

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 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 and the Atlantic Union, recommended an amendment to the Constitution of the United States to secure and preserve the making of treaties with the United Nations. It 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 DURICK. 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 as it was put down the treatymaking power contained in the Constitution. It was a subject of widespread discussion and debate. The House of Representatives, as Senator Daniel, 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.

Again I say that practically every schoolchild in the United States knew about the great fight which the senator
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 Harriman. 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 I was not satisfied beforehand and I think that Senator Dirksen 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, it seemed peculiar to me. Yet, about them, Judge Harlan pleaded 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 stems 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 questions, contained in the articles of incorporation of the Atlantic Union Committee are:
1. 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:
2. To promote the formation of such a union and the union of the union, 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 Roberts’ 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 from him 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, the president, to invite you to join us in our effort to underwrite the safety of freedom.

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

"Mr. Lithgow Osborne has suggested to me 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 be indexed to that. First, you will be alining yourself with leaders in the free world who believe that aggression and human rights can be deterred by determined, collective action.

"Secondly, you will be acting on your own convictions by joining a group that is translating this intention into practice through supporting legislation moving toward union of democracies." The Gen. replied on April 21, 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 that I cannot count on for any work or activity in connection with the common cause for the next year, owing to an antitrust litigation in which I am engaged.

Judge Harlan. That, gentlemen of the committee, is that 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. 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, not necessarily 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 menace, that was all.

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 personal from the beginning, and I have found that I have heard since that indicates the Atlantic Union stands for any different set of principles than the ones 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 that I think is a little bit unclear, I think, that within your knowledge the Atlantic Union had nothing to do with the kind of proposition, common currency, common defense, that there is nothing in the Atlantic Union policies that in your opinion would in any way be appropriate to 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 minority 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 the 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 Roberts, I think we would like to know, Judge Harlan, how far you would be willing to go toward the proposed Atlantic Union reduce American sovereignty?

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 as stated 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 federal members."

Now, that is Justice Roberts’ statement on what are the proposals of the Atlantic Union.

Judge Harlan. Well, I—

Senator Jenner. Then this 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 cut that would eventually, by consent of all the nations, confer on 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 portion 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 the Nation—I would like your honest views on your political philosophy on that kind of proposition, common currency, common defense, and so on?

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 sentiment read. If Justice Roberts is correctly quoted, and the implication that you draw from what is said there is correct, I dissociate 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 the Atlantic Union, published by the Atlantic Union Committee, from page 3 following, which I will dictate into the record:

Senator DANIEL. 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 questions, let me point out that Judge Harlan's admitted connection with still another organization.

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


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 which has been around a 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 American ideas. 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. 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.

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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, a member of the Carnegie Foundation and a member of the Board of International Nations. Certainly no question has been raised as to his patriotism. 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.

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Mr. President, at great length and in detail, I have analyzed the attitudes and stand points of organizations, and the members thereof, devoted to the principle of supergovernments. Judge Harlan, himself, was forced to admit publicly that these organizations were setting up a super government which he characterized as the 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 by the people. 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 statement. It is closed and carries with it a blanket condemnation of the 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 with that statement, whether a treaty can cut across the Bill of Rights, whether it can override the Constitution of the United States, and that the rights given under the treaty will be paramount to the domestic laws of the State.

Judge Harlan. First of all, 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 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 limited circumstances 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 to express his opinion 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, to answer the scope of the treaty-making power which has a long history, stemming from the original adoption of our Constitution, as you gentlemen know, as well as the Convention, which 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 qualified 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 we would not have further constitutional action with respect to the treaty-making power, either by constitutional amendment or otherwise, I would conceive as we are now limited by the Constitution and the law made by Congress as it appeared to me was the constitutional intent of the Constitution or legislative 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 treaty-making power, we have it here. A great jurist refuses point blank to vouchsafe any opinion as to what our Constitution now means in respect to the scope, extent, or meaning of the treaty-making power. 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." And I combine 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 Supreme Court, would participate in a decision by which this country would lose its sovereignty.

Mr. President, would I 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 it proper to amplify the Supreme Court's decision or that it would be proper for me to do so, and I will have to stand on my previous answer with the condition, that I 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 of those who believe that Senate Judiciary Committee should be a rubber-stamp in exercising its constitutional responsibilities. 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 Senate would recognize that under our scheme of things that a nominee to a 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 a member of this Court. And 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 or the Constitution of this Republic, to surrender one iota of its sovereignty, and that the relationships that we must necessarily have in this complex 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 undermine the American power vested in it by the Constitution and transfer it to some international body.

Mr. Daniel. Mr. President, will the Senate from Mississippi yield?

Mr. Eastland. I yield for a question.

Mr. Daniel. The Senator from Mississippi does not mean to do, 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 a treaty can be negotiated and ratified a treaty which would deprive citizens of their rights guaranteed by the Bill of Rights, it could only 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. WATKINS. 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 question if he had, 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 a decision on the question—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 it will be clear to the American people where we stand on this subject.

Mr. EASTLAND. I yield to the Senator from Indiana. 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 do not know of any 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 think the distinguished Senator from Indiana has put the matter before the Senate in an entirely correct manner. I hope we can succeed in having such an amendment adopted.

Mr. JENNER. Mr. President, will the Senator from Indiana yield?

Mr. EASTLAND. This nominee, if his nomination be confirmed, will have the deciding vote. I shall yield for a moment to the Iowa case in which Bricker was not adopted, but the sooner it is decided the better.

Mr. EASTLAND. I yield to the Senator from Mississippi. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. I yield.

Mr. WATKINS. Mr. President, what question did the Senator say would have to be decided?

Mr. EASTLAND. This 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 situation where the rights of American citizens 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.

Mr. JENNER. Mr. President, will the Senate from Mississippi yield?

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 this historic amendment 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, of those of us who supported the Bricker amendment and believe that the Constitution itself provides that a treaty is the supreme law of the land, that it provides that a treaty becomes the supreme law of the land?

Mr. EASTLAND. The question before the Supreme Court is the question of the interpretation of the Constitution itself. The question might come before the Court in the future and it would not say that treaties are the supreme law of the land.

Mr. EASTLAND. That is correct.

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

Mr. EASTLAND. I yield.

Mr. LANGER. Mr. President, let us take, for example, the case of Reel-Seizure Corporation. If a case is willed recently decided, and one which is discussed quite often. As I remember, the
Mr. JOHNSON of Texas. I ask unanimous consent that the Senate 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:

Alten, Frear, McCarthy
Aliott, Fulbright, McChesney
Anderson, George, Milikin
Barclay, Goldwater, Mundt
Barrett, Gore, Neuberger
Beal, Gumm, O'Malley
Bender, Hayden, Pastore
Bibb, Hickenlooper, Potter
Bicker, Hill, Purcell
Branes, Busk, Russell
Bush, Hurka, Sayre
Butler, Humphrey,
Byrd, Iverson, J. Strom
Capchart, Jackson, Muskie
Carlson, Jenner, Saltzgiver
Case, N. J., Johnston, S. Dak.
Case, S. Dak., Johnston, G. N.
Chavez, Keating, Scott
Chenault, Kermit, Senators
Clements, Keer, Smith, Maine
Corron, Kefauver, Smith, N. J.
Curtis, Knowland, Sparkman
Daniel, Kuchel, Sccnsa
Dirksen, Lehman, Schuett
Douglas, Lehman, Thurmond
Dorf, Lenski, Thye
Dowdorshak, Magnussen, Watkins
Eastland, Malone, Weikl
Eland, Marlin, Weicker
Ervin, Martin, Iowa, Waters
Flanders, Martin, Pa., Young

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

RECESS

Mr. BIBLE. Mr. President, I ask unanimous consent that the Senate remain 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 invited to speak in this place a 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 reflect some degree of confidence.

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 I believed to speak in this place I have to 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 body 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 treaty-like safeguards and obligations; and to accept those, you have had to exhibit a willingness to place burdens—heavy burdens—on your own people. I am political enough to acknowledge, in 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 others else. That must, as it comes back to you occasionally, maybe make you feel somewhat irritated. But I should like to say, on behalf of Australia, that we have nothing but admiration, nothing but gratitude and 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 that Winston Churchill once described as a 19th 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, the smallest country in the British Commonwealth; but we thought we 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 you we believe there must 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, sometime in the future, may come to this 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. We must not allow them so trivial that I will venture to say, not acceptable to another great government, to be destroyed or dissipated by this technique of divide and conquer. The enemy is very astute to seize upon every point of difference to magnify them from being points of difference into being vast areas of conflict, hoping that in that way he will produce misunderstandings, produce quarrels and thus entice the government to adopt irrecoverably 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, understanding, and to be friends with all other people and to myself, "We must watch this. We must keep our friendships in repair. We must not allow them to be dissipated."

Sir, that is the vital fact; and if we contemplate our differences, we dissipated by this technique of divide and conquer. Let me 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 stand together, we would know, of 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 that, I say, there is nothing to worry about with the Communist technique of divide and conquer. No more subtle propaganda is going on in the world today—no more subtle propaganda is going on in the world today, for I have been everywhere in 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. The Communists say, "What are they doing? They are propounding some new doctrine, some new system of government." I bear 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 we 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 should not affect in any way the people of that nation 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, become an essential part of a system of government. However, there are differences and so far as Australia and America are concerned, we know that the bonds of friendship which we stand—not some man or some administration.

The Prime Minister 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 do not permit that you 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.

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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 commodities and raw materials to be processed in occupied areas and sold, and it was signed by the President pro tempore.

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

The Senate in executive session rescinded 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 disturbed last night at the 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.

Mr. BYRD. 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.

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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 writing or unwriting. 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 understandable today. Twice in the history of the United States, as being contrary to our earlier philosophy, the Supreme Court has declared unconstitutional. Time and again, the Supreme Court has declared unconstitutional.

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. This week there being no objection, the list was ordered to be printed in the Record, as follows:

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</table>

1 Individual Cabinet members having continuous service in the same post under more than one administration have been counted once. Members being reappointed after a lapse in service or named to a different Cabinet post have been counted more than once.

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. Thirty States have never been represented in either the Cabinet or on the Supreme Court. They are:

- Arizona
- Florida
- Idaho
- Montana
- Nebraska
- North Dakota
- South Dakota

### Total Population

- 1930: 26,500,500
- 1950: 30,350,000

### Total Population

- 1940: 22,990,000

### Total Population

- 1920: 14,670,000

### Total Population

- 1880: 22,990,000

Eight States have never had a representative in the Cabinet:

- Arizona
- Florida
- Idaho
- Montana
- Nebraska
- North Dakota
- South Dakota

John Marshall Harlan, refused to answer the question. Have we approached or passed the point of no return? Then, finally, we have the Iowa case which has brought us to the threshold of what might 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 the country. The most valuable essential 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 antichrist that 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 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 New York citizens. It is not certain that entirely too many States have been neglected, and that for that additional reason I would vote against confirmation in this case.

### Total Population

- 1930: 26,500,500
- 1950: 30,350,000

### Total Population

- 1940: 22,990,000

### Total Population

- 1920: 14,670,000
CONGRESSIONAL RECORD — SENATE

March 16

North Dakota.................. 619,696
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..................... 2,061,743
Arkansas..................... 1,099,511
Delaware..................... 318,065
Georgia...................... 3,444,978
Louisiana.................... 2,663,516
Massachusetts................ 1,913,744
Mississippi................... 2,106,814
New Hampshire.............. 533,242

Total population............. 15,143,333

States with the greatest number of appointments are:

<table>
<thead>
<tr>
<th>State</th>
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<th>Cabinet</th>
<th>Total</th>
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<tr>
<td>Pennsylvania</td>
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<td>Illinois</td>
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<tr>
<td>Ohio</td>
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</tr>
<tr>
<td>New York (38)</td>
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<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

The appointments from these 17 States represent 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 is as follows:

Secretaries of State: 10
Secretaries of Treasury: 11
Secretaries of War: 10
Secretaries of the Interior: 9
Attorneys General: 7
Secretaries of Commerce and Labor: 2
Secretaries of Commerce: 2
Secretary of Labor: 1
Secretaries of Defense: 2

Total: 59

Twenty-one 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 206,978 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 15 percent of all Cabinet appointees; 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 Su-

preme 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, or 30 percent of the total. Twenty States, previously listed, with a combined population of 26,300,372 have never received a single appointment to the Supreme Court.

Six States, New York, Massachusetts, Ohio, Pennsylvania, Kentucky, and Maryland, account for 56 percent of all made. The Supreme Court representation by States is:

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Mr. EASTLAND. Mr. President, in conclusion, let me say to that 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 nomination, and 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 any 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 re-
cite 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 Judge Harlan, and particular 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 attachment as a specialist in the monop-

oly field 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 that he is a man of brilliant attainments and of the highest achieve-
ments which have come to my attention.

Mr. President, I was present at the hearing, and I have read very carefully 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, and the legal field, a man of his vigor, could be wanting in judicial tempera-
ment and in judicial capacity. I think we can take that for granted from the record.

The point of controversy 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 that 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 once a month or so, something comes to my desk each 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-
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 believe that the purpose of which is to override the Constitution of the United States, to surrender one lot of its sovereignty, and that the relationships that we must necessarily have in this complicated world and dangerous situations which are 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 his role of a man who can consider or 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. I think that the fear today springs from the danger 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 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, under the authority of the United States, shall be the supreme law of the land.

And then, Mr. President, the Constitution 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, and the most nearest, 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, I do not read anything to do with the writing of this charter. This charter was ratified by the United States Senate. It was ratified on July 28, 1945. It was ratified by a vote of 89 to 2. I think my friend 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 Judge, voted for the United Nations Charter. 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 it was ratified.

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 peoples, 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 the charter was ratified, 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, the House, and the Senator 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 56.

The Senate of the United States knew that the United States was in the Charter, and so 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 read the General Assembly and 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, 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 it. All he will do is 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 1958. 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 cemetery, the Sioux City Cemetery Association 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 the case seemed to be governed by article 55 of 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. If 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. In all the cases that 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 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. So 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 in the Supreme Court of the United States. Article 55 was divided 4 to 4. It would have been rather interesting to hear the arguments as to article 55 from the clerks 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 that charter. When we read it, and then when we refer to article VI of the Constitution, which provides that—

All treaties made * * * under the author—

ized by 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 say 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. William S. Paley, president of the Columbia Broadcasting Corp., as chairman, and George R. Brown, Arthur H. Bunker, Eric Hobsig, 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 Iowa (Mr. Carter) will remember the testimony before the Banking and Currency Committee, either during or after the war, I have forgotten—maybe he will 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 are discussed in relation to the Habana Charter and are 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 wanted to go too far 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 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.

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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 last year, and that is the amendment made by Senator Butler and Senator 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 Senator from Kentucky, Mr. Jenner, that I think that as early as 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 committee and the delegations of power which have been made under a treaty, to international organizations, by Mr. Harlan, Mr. 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 arise, "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 answer 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 second circuit, 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 review. I would have perhaps tied 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 mature reflection, a judge of the second circuit. So, in making his responses, he had to bear that in mind.

Mr. CHAVEZ. Mr. President, will the Senator from Illinois yield; and if so, to whom?

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 Senate from Kentucky is recognized.

Mr. CHAVEZ. Mr. President, will the Senator from Kentucky allow me to ask the Senator from Kentucky a question of the first moment? 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. DIREKSEN. 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 moved to Illinois. That is the admirer 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 Kentucky, 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 1873, he was nominated for governor of the State of Kentucky 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 of Illinois for 34 years. 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. He 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 disqualified the grandson of the former Justice as 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 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 impressive record as a lawyer. 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 United States 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 confirmed 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 up the same question of amendment, but 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 elicited into membership in organizations which seem to be working in behalf of good causes designed to benefit mankind.

As the Senator from Illinois [Mr. DIREKSEN] 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 or his taking positions on an advisory board. 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 he is a Republican and I am a Democrat, I do not think we 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. As to Judge Harlan's personality 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 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 Indiana are concerned, they were populated by people who moved there from other States.

When we think of the Harlans in Kentucky, I think of those of this generation. What of the 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 Eleven 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 to 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 nominee, without knowing the nominee. But I have read the hearings, and I think we shall make a good contribution to justice if we confirm the nominee. Many persons think a nominee for the Supreme Court must have had experience. The best judges of men have been old men 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.
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 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 oppose an appointment in the light of the long debate over the Bricker amendment, showing the dangerous expansion of the executive power through treaty-made laws.

One has also been dicussed 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 property in a cemetery in Iowa. The decision carried to a critical point the results of its legislative acts, and made no 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 which will serve the interest 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 executive 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 I believe Congress should pass.

Congress has passed a number of laws since the end of World War II which dilute American sovereignty. These include adaptation of the U. N. Charter, the NATO agreement, the Status of Forces Treaties, and provisions in the security treaties 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 Foreign Relations Committee and a member of the Committee on the Judiciary, stated on the Senate floor that:

Today under the present state of the law, the Government of the United States is no longer a legislature of delegated powers; to be exercised within prescribed limits, but a legislature of unlimited and undegraded powers.

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. DRAXSEN] just read to the Senate, the American Congress had pledged itself to "take joint and separate action," not in its judicial capacity 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 political action is before the Senate for consideration. We must not withdraw the power we have passed on to others by the ratification of treaties which destroy the liberties of our country. That is what we are facing 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. That is why we are taking the first step.

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 safe guards 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 to 1; 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 the 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 it has done.

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 be set forth, without further ado, that 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 subdivide our national sovereignty 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 mean nothing to what has been said of the importance of its early passage by this Congress.

I am greatly concerned about the fact that many of my colleagues may already know, and I am greatly concerned 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.

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have been indicted on the same charge. He officially resigned from the Communist Party. Jencks also officially resigned from the party.

Orations of the Cold. 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 of the party; I was concerned, Jencks was still under Communist Party discipline. And there's a difference. He legally resigned, Mr. Chairman, which he had 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 International 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 America is just what it is which scoff, and which they seek to pervert or destroy, has resisted a Communist onslaught and has emerged with vigor undiminished and with honor un tarnished.

THE INTERNATIONAL COMMUNIST TYPANNY

Mr. McCARTHY. Mr. President—

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 American peoples. I have been concerned, for example, in the fate of the 500 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 and that has come before me. I desire to speak about the 100 million eastern Europeans, who are held captive by the international Communist tyrants. It is a very real sense, these enslaved millions hold IOU's against the United States of America. These IOU'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 eyes of the American people, at a small Russian town called Yalta.

The pledges I mention were noble terms—made a solemn pledge to the American people 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 frighten ing 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 barbarous and treacherous action 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 illustrative of what happened elsewhere in Eastern Europe. Rumania, Bulgaria, Yugoslavia, Hungary, Czechoslovakia, 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 Mihailovich, fought for four 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 they would be permitted to hold their heads high and walk in freedom again.

But, Mr. President, then came the story of the man who 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 those who have committed precious human lives 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, Joseph 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 in a way that no other deed in history so stained it.

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 would try to make it clear to the American people that if they should see fit to give us the reigns of Government, we would undertake to retrieve American honor.

The Yalta agreement 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 the persons of the President and the Congress, 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 to the American people registered their approval of the Republican platform—what does the record show? How does the 1948 platform of the Republican Party stack up against those of the Democratic Party?

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 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 charged that the countless human beings to a despotism and godless terrorism, which in turn enables the rulers to forge the captives into a weapon for overseas expansion.

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. We want to acknowledge 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 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, we must admit that the resolution failed because of 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 that State Department, for repudiation of Yalta meant repudiation of them.

These men were holocausts from the Roosevelt-Truman-Acheson days. They are the likes of Charles Bohlen, who, I may say, was installed in Congress—in January of 1935—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, we must admit that the resolution failed because of pressure from the State Department and from the White House discouraged certain Republicans from supporting it.

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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 anxious to retire, so Senators do not wish to leave the Chamber. I indicated to one Senator that I would promise him a certain point in my speech which 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 voice vote. I would be willing to forbear enforcing that point that the remainder of the speech be printed in the Recceas at this point.

Mr. JOHNSON of Texas. Mr. President, I have no objection to the Senator inserting his statement in the Recceas at this point.

The PRESIDING OFFICER. Without objection, the remainder of the statement will be printed in the Recceas, without his ever knowing exactly what he was taking.

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 after we signed the Yalta Protocol. At Yalta there were two claimants to the Government of Poland: one, the so-called Lublin Provis­ onal Government in-exile; and the other, the Provisional 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 representatives to delineate a Polish political machine. 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 Russians alike. That 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 an organized fashion in the London Government should be recognized as the de facto rulers of Poland. They agreed, of course, to reorganize themselves on a broader democratic basis. But no parolaton was made for enforcing that commitment. And no reasonable man could possibly believe that, if left to their own devices, the Communists would invite the anti-Communists to join the Government. As a practical matter, we gave the Soviet Union and the London Government a chance to checkmate the Communists, and the Communists, of course, proceeded as expected. The first delegates from the London government to arrive in Poland for the purposes of participating in the govern­ment—15 Polish Army officers—were quickly shiped 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 the position of 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 northern part of East Prussia, which Poland would get, as she has gotten, huge sections of German territory, populated by Germans, in compensation for Russia's loss 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 followers be given 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, and Latvia, be determined by the Soviet Union. There was no specific mention of this in the Yalta Protocol. But subsequent to that agreement, a "general review of other Balkan questions" was undertaken at Yalta, and since no pro­vision was made for these countries to be autonomous, there is no question of Poland and British and American 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 which she was allowed in Poland and Yugoslavia.

At Yalta we agreed that $50 billion be extended to the Soviets for rebuilding—half of which was to go to the Soviet Union.

At Yalta we agreed that the Communists could have Hungary. The balance—80 percent of German industry located in the Russian Zone. Think what we thought that it would mean if the United States were to agree to a proved of 80 percent of all its factories, its machinery, its machine tools, its rolling mills, and thousands of machine enterprises and so forth. 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 blinsh American honor has ever sustained—we agreed that "the use of labor" is a 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 German workers to Russia to toil in the Russian war machine under the threat of Russia to the Soviet Union. I can think of no greater crime against humanity.

At Yalta we agreed that criminals should be tried and brought to justice. By this commitment we authorized the notori­ously corrupt Nuremberg trials. We were opposed at the time by the late Senator Taft. We committed ourselves to a rule of ex post facto law, theretofore utterly foreign to American jurisprudence.

And finally at Yalta we agreed—and this part of the agreement was labeled "Top Secret"—that the Soviet Union would be allowed to occupy the northern half of Korea, that there the United Nations 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 Korea and the Soviet Union were Allies at the time. China was not told that we were giving away her territory to the Soviet Union. It was not until after the Chiang war effort by telling him, while the war was going on, that we had bargained away his country. What monstrous treachery.

I have no doubt 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 still more freely to see that all peoples are free to govern and rule their own affairs." The Republican Party at this time—It also requires—and I wish to make this additional statement—It also requires that 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, and I say it now, repeating now, that the Eisenhower administration has ordered the Republic of China to retreat. I said it at the United Nations at the behest of the British, forced free China to abandon the Tachen Islands, and that there is evidence that the stronger Communist nations in the Far East are beginning to see that the Chinese are no longer an effective Formosa settlement would result in the West giving fresh consideration to Red China's claims to a seat at the United Nations, Eden went on to compliment the United States for helping to pacify the Formosa situation. Eden said:

"The United States (States) have effectively restrained the Chinese Nationalists in recent weeks from initiating attacks against Formosa, and the United States 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 the Chinese Nationalists speeches of 1953—and those of his Secretary of State. I remind the President that his administration is pledged to a policy of liberation of the Philippines. In charting such a policy is to denounce the infamous deal made at Yalta. I call upon President Eisenhower to denounce 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 who look to us, at least in part, to be a model. Let us keep faith with the millions of enslaved people to whom our Voice had broadcast our platform such as the redemption of American honor.

I was impressed by the fact that when the President of the United States makes an appointment of a man who is the 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 one of the members 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 final and weighty. It is that kind of standard, some kind of bench mark by announcing it as a statement of the views of the Supreme Court, I finally had pointed counsel for the New York State Attorney General today, and they 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 cases.

Mr. KEPAUVER. 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 while he was Attorney General of Indiana. 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 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 political 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 do not mean to say that Judge Harlan if he had straightforwardly and enthusiastically presented his support 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 public and political and economic matters, so that he may serve 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 criticized, in my opinion the efforts Judge Harlan has made in some advisory capacity on behalf of the United Nations or his interest in it, 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 we cannot have any political implementation of the U.N. treaty, and on the Atlantic Union resolution, 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 make the four nations together, with the United States, the U.S.S.R., Great Britain, and France, and other nations, 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 taken 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 a Senate subcommittee for the investigation of 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, I think it is in the understanding of the distinguished Senator from Georgia that of the 8 present members of the Supreme Court of the United States, only I had as much as a single paragraph in the long and detailed history of the life of our Nation. I was not a part of the saga of 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 for a further question?

Mr. Russell. I yield. Mr. President, 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 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. President, I do not intend to go into the composition of the Supreme Court at the time. The question of the nomination 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 1955, 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.

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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, as I see it, makes 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 perhaps a question necessary for our Government rather than a disputed question of fact or law which might thereafter come before the Court for its decision. Judge Harlan’s unwillingness to define more clearly the position he would take in that abstract question completely foreclosed me from favoring his nomination.

I notice that the vote of the eight Judges 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 any law passed by Congress; and that when any contest or suit 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 subordinate to the provisions of the Constitution.

I am a fundamentalist and a strict constructionist, and 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 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 have been handed down to us by 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 amendment it should be in the manner provided for in the Constitution, rather than by any loose, strained interpretation or covert construction of it.

For these reasons, 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:

Mr. SCOTT (when his name was called). On this vote I have a pair with the senior Senator from Oregon [Mr. Mosses], who is absent. If he were present and voting he would vote “nay.” 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. McNamar], the Senator from Oregon [Mr. Mosses], 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. McNamar], 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. Barker], the Senator from Massachusetts [Mr. Saltonstall], and the Senator from Kansas [Mr. Schoppe] are absent on official business.

The Senator from Kansas [Mr. Carson] is necessarily absent.

If present and voting the Senator from Massachusetts [Mr. Saltonstall] and the Senator from New Jersey [Mr. Gunther] would each vote “yes.”

The result was announced—yeas 71, nays 11, as follows:

YEAS—71

Aspen Long

Dworshak Magnussen

Anderson Flinders

Barrett Flanders

Harlan Manfield

McNamar Manville

Dunn Malone

Lehman Mansfield

COSEN—14

Bridges Smith, N. J.

Carlson Sparxman

Casey Birmingham

Kennedy Schoeppe

McNamara Scott

NOT VOTING—14

The PRESIDING OFFICER [Mr. FEAR 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.
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 calendar, including 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 Luma 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 at this time.

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 an 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 Reciprocal Trade Act extension bill and consider the other resolutions coming from the Committee on Agriculture and Forestry.

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 other matters that I would hope the Senate would be anxious to consider, 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. Mr. President, 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 20th, when I believe I 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 day 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 con-
fusion between that original Hoover Com-
mission and the present one would be a
gratifying mistake, although, perhaps, it
was intended that the good name of the
former should be used as a shield against
the undesirable policies recommended by
the present group.

The original Hoover Commission de-
voted itself fastidiously to problems of
administration and efficient manage-
ment, refusing to enter into matters of
substantive policy. The present Com-
mision makes far-reaching recom-
mendations to change, curtail or abolish
matters of the present group.

The Hoover Commission would end this
lieved of the drudgery of hand-washing
of clothes and of cooking with kindling,
put our farmers again at the mercy of
drainage and the so-called power partnership program

It appears that since financial sound-
ness 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 influ-
ence 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 per-
cent of Oregon's farms had electric
lights, the women on the farms, who have been re-
ceived of the drudgery of hand-washing
of clothes and of cooking with kindling.

Many rural electric co-ops must
expanding 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
Bank for Rural Reconstruction, and most of this at reasonable
rates. The Hoover Commission would end this
magnificent report, which has brought the
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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 troubles 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 this debate.

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. What had happened in Korea, Government spending being sharply reduced. Depressions usually come under such circumstances. The question was: will Iowa have another drought this year? the point 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 issued preliminary estimates covering cash receipts on Iowa's cash receipts from 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 in Iowa for the first 10 months of 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 $2 billion ($2,286,312,000). Farmers net cash receipts were $150 million less cash. It did not mean a wholesale curtailment of farm work. The Department estimates that United States farmers in 1954 received 5.7 billion dollars from nonfarm sources. Most of this came from workers in other farms. 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. Farmers operators average net income per farm, including the inventory change, was $2,266 in 1954. For the farm operation this was ½ percent below 1953.

General observations

The farm income figures make 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, farm nonfarm income increased. The net farm income increased while total income remained about the same. As a result, nonfarm income dropped 3 percent per capita in 1954 to a total of $1,886 per capita. Interestingly enough, the average per capita nonfarm income is just twice the farm income.

In my opinion, there should 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 1,048,000 people in the 10 years. Farmers are moving in what might be called a migration to other types of employment.

Farmers consumed about the same amount of food he produced and consumed on his own farm, including the inventory change, was $2,266 in 1954. For the farm operation this was ½ percent below 1953.

It is not the real increase in farm wealth production because it does not include changes in farm inventories. If inventory changes are included the Department, the decrease 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 increased prices during World War II and after. In view of drought conditions this was not a serious drop in cash receipts. If inventory changes are included the Department of Agriculture estimates the decline in net income from wheat, cotton, and tobacco was $300 million, or 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.

Farm income in Iowa.

The Department of Agriculture estimates the decline in net income from farm marketings in the United States at about 39 billion dollars ($29,953,870,000). Farmers net cash receipts were $150 million less cash. It did not mean a wholesale curtailment of farm work. The Department estimates that United States farmers in 1954 received 5.7 billion dollars from nonfarm sources. Most of this came from workers in other farms. This item may be expected to grow.

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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 bare 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, they do not prohibit their transport 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 Senate 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 others have also rendered service.

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 the insidious traffic be a subject for the Committee on Interstate and Foreign Commerce, which has the responsibility of the Government, of a traffic that the Subcommittee on Juvenile Delinquency has discovered on an interstate basis? 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 with them.

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 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 exploitation of the schoolchildren in the state shipment of obscene materials. Conservative estimates have placed upon the lunch money of schoolchildren a portion of its profits upon the lunch money and allowances of school children. These studies have shown that the producer and hucksters of pornography are businesslike. These studies have shown that in-...
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 provides the President, in case of a failure of conference, 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 Labor Act requires that demands be made. An effort is made by conferences called by the National Mediation Board to settle the dispute. If that is not successful, the question is put to the Emergency Board, the President appoints an emergency board to make findings and recommendations. Then the 30-day cooling-off period after the President's emergency board has made its finding.

Ordinarily, it has served the purpose of avoiding a stoppage of transportation on the part of labor or management. The present strike of the operating employees may be one of the largest 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 was as follows:

On May 22, 1953, 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. The strike occurred in connection with the rail­way mediation law and to determine the demands and the counterdemands.

The board appointed an emergency board to make findings and recommendations. Then there is a 30-day cooling-off period after the board made its finding.

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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 based on one of the main difficulties in trying to get the recommendations of the President's board agreed to.

On March 9, 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 granted so that 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 and well-defined terms 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:

JENNINGS CIRCUIT COURT, CHANCERY BRANCH, SECOND DIVISION—LOUISVILLE & NASHVILLE RAILROAD CO., PLAINTIFF & BROTHERHOOD OF RAILWAY & STEAMSHIP CLERKS ET AL., DEFENDANTS

OPINION

I am aware of the public importance of this litigation. If there was any legal way to avoid a strike, I say I would have liked to find that legal way. I am aware that not only are customers of the railroad injured by the strike, but the general public and sometimes the employees themselves are injured by the strike. It is, therefore, desirable that labor disputes be settled, if 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. The case was brought here under authority of the Kentucky statute that limited to a determination of one question only, Is the strike about to be called on Monday of next week a legal strike? The case was not required to negotiate a health and welfare plan under the Railway Act because the L. & N. has resisted the claims of the unions, and insisted upon further bargaining. 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 the country, the L. & N. insists that the demands of the unions have been, not as set forth in appendix A, but as set forth in appendix B, which required the carrier to pay all of the costs of the health and welfare fund, but rather that the L. & N. accept the compromise recommendation of the Emergency Board. Moreover, the record discloses that as late as May 1954, in December, a letter was directed by 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.

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termine whether under Kentucky law the deduction would be legal. I do not decide that question now.

I do not 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, 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 objecting to the manner in which they are willing to abide by it if they maintain their right to strike for the original demands, is not an inconsistent position.

Both 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 a temporary restraining order filed by the intervenors is treated as a motion for a temporary injunction. The motion made is denied. To which the plaintiff and intervenors objected, and they are granted 20 days within which to file a notice or statement in accordance with the rules of court of appeals to order the issuance of such temporary injunction, if any, as may be proper.

Stuart E. Lamp, Judge

Mr. Keefauver. Mr. President, the judge held that the injunction should not be issued, and it was not issued. The question is covered by a Federal law, such as the Interstate Commerce Act, of which 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 file a notice or statement in accordance with the rules of court of appeals to order the issuance of such temporary injunction, if any, as may be proper.

The motion was 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' wages. The application was made for a temporary injunction. An injunction was issued there, and on the following day an injunction was issued at Johnson City, which 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 on the theory that it was not equitable to 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 other employees, 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 operation 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, I referred them to 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 air brakes, it did not require 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. 181) is 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, and without complaint, establish reasonable regulations prescribing the minimum standards of training and experience which shall be required in the construction, operation and maintenance of rights-of-way, tracks, switches, crossings, bridges, tunnels, signaling devices, and other facilities (including 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 for such carriers. Any carrier subject to this part which knowingly violates any such regulation shall be liable to the payment of $100 for each day during which each violation continues. Such penalty shall accrue to the United States, and may be recovered in a civil action brought by the United States."

Mr. Keefauver. Mr. President, the other bill relates to the question whether, if operating employees should be forced to minimize 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 qualification 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) is 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, and without complaint, establish reasonable regulations prescribing the minimum standards of training and experience which shall be required in the construction, operation and maintenance of rights-of-way, tracks, switches, crossings, bridges, tunnels, signaling devices, and other facilities (including 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 for such carriers. Any carrier subject to this part which knowingly violates any such regulation shall be liable to the payment of $100 for each day during which each violation continues. Such penalty shall accrue to the United States, and may be recovered in a civil action brought by the United States."
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

Ellie 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. Lacey, of Virginia, a Foreign Service reserve officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Korea.

ATOMIC ENERGY COMMISSION

Allen Whitefield, 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 M. Harlan, of New York, to be Associate Justice of the Supreme Court of the United States.

UNITED STATES MARSHAL

Luna 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 Pondak, Bostonia.

Paul S. Kinsey, Chico.

Winifred B. Thomas, Happy Camp.

Bessie E. Hardy, Inyokern.

Geld J. Freg, Lockwood.

Rocco V. Ferranti, Los Banos.

Robert V. Ely, Lucerne Valley.

LEWIS W. Hartwell, Madera.

Bernard P. Pietrowski, Northridge.

Wilton E. Graham, Slot.


Joseph Beeson, Sunnymead.

CONNECTICUT

Roger H. Clark, Cobalt.

Joseph Rocco Ferrigno, Meriden.

GEORGIA

Carl V. Ivey, Lincolnport.

William H. Markham, Calhoun.

ILLINOIS

Vernon L. Wilking, Champaign.

Carl D. Rosdarmel, Cowden.

John Edwin Mickens, Danvers.

Edward J. Hickory-Lake Grove.

Walter Lucking, Hoffman.

Richard C. Atwood, Huttonsville.

Mary E. Burleigh, Inglewood.

George C. Ely, Irving.

Vincent E. Cyrier, Manteno.

Cuma F. Hill, North Chicago.

Warren G. Hess, Ontarioville.

Sidney L. Shaw, Petersburg.

Erwin H. Brandt, St. Feuer.

Ronald E. Shaver, Monroeville.

Arnold C. Lapsansky, Wit.

Arthur Hay, Wonder Lake.

INDIANA

Clifford K. Smith, Muncie.

Lloyd D. Spann, Madison.

Don P. Guild, Muncie.

Joseph S. Dean, Napoleon.

Franklin O. Rarick, Warsaw.

Vera G. Wilkins, Vincennes.

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. Munitz, Cass City.

Olga L. Thomas, Centreville.

Wynne Vanderkarr, Canada.

Donovan E. Springsteen, Fenwick.

Carl F. Riebow, Harsenville.

Walthar P. Myer, Whitehall.

Ralph H. Jokipi, Pelkia.

Robert J. McIntosh, Port Huron.

Myrtle E. Kennedy, Topinabee.

MINNESOTA

Raymond O. Johnson, Clayton.

Dale A. Laiti, Kelly Lake.

MISSISSIPPI

Philip E. Swayze, Benton.

Dora F. Lynd, Escatawpa.

Joseph B. Pickett, Bone.

Carroll M. Butler, Raleigh.

Elizabeth H. Branch, Shelby.

Roy A. Schmidt, Sontag.

NEBRASKA

Bernard J. Holen, Bertrand.

Los J. Larson, Macy.

Anton F. Fisher, Weston.

NEVADA

Norma N. Blanchini, Beawave.

NEW JERSEY

J. Ward Johnson, Belmar.

Lyman H. Graham, Bradley Beach.

Joseph J. Kelly, Curtisville.

George E. Cusick, Demarest.

Anna P. McGil, Sayville.

Dorothy L. Pearl, Lyons.

Ruth E. Alk, Morganville.

Edna L. McCutcheon, St. Elizabeth.

Henry J. Forman, Ridgefield.

Amelia S. Applegate, South River.

PHILIP N. Mazziotta, Towaco.
Eternal God, our Father, whose
wisdom, of gladness and gratitude, of faith
in the way of our Master.
D. D., offered the following prayer:
with the spirit of penitence and humility
our minds and hearts may be filled
into a glad obedience to the way of our
search to know Thy will for our gen-
endeavors to obey Thy will with courage
message from the Senate by Mr. Car-
relied, 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. 4299. An act to provide a 1-year ex-
tension 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.

SAN ANTONIO

 unnamed

Edward A. Bunning, Anderson.
Bernice E. Mines, Doboli.
Hal E. Hausen, Dickinson.
Martin B. Glasscock, La Feria.
Samuel E. Williams, Marshall.
Howard G. Turner, Orange.
Odie K. Gaylor, Pampa.
Charles M. Ewun, Rocksprings.
Oscar C. Hope, Jr., Scottsbluff.
Donald H. Smith, Spearman.
Miller E. Herrington, Whitney.
Esta L. Matson, Zephyr.

Edward R. Briskamp, Pampa.
Howard G. Turner, Orange.
Samuel S. Williams, Marshall.
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