

the hard core of leadership on the American side, and reinforce it. You can study how the collectivists spread their slogans and symbols and then tell the story of our Constitution as it affects the fight today.

You may not win a majority in Congress on the first try, but you can begin to tip the balance your way. In each succeeding Congress you can do a little more. In a few

short years you can have a constitutionalist Congress. Then your Congress can cut down big spending and demobilize the bureaucratic elite.

Or, if you wish, you can do nothing.

Let me end with this. While you do nothing, the mesh of world government is being woven tighter and tighter, in the U. N., in NATO, in SEATO, in UNESCO.

It is moving to control your money, your foreign policies, your armies, and the minds of your little children.

The collectivists are watching. They will know the moment when they dare spring the trap.

Once they spring the trap, my friends, I promise you, you will be helpless to do anything, because you will have had it.

## SENATE

FRIDAY, JUNE 22, 1956

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

Father of all mankind, as together we pause at this shrine of devotion our fathers built, grant us, we pray Thee, the steadying vision of Thy eternal goodness. We give Thee thanks for the high souls of the yesterdays which are our cloud of witnesses today, and who still urge us on to deathless goals. Join us to "that company of souls supreme, the conscripts of the mighty dream."

In a day when all we value most seems so often to be at the mercy of what we value least, so direct Thy servants who here serve the Republic that the best which is expected of them and of which their dedicated faculties are capable may be brought to bear, without fear or favor, upon the confused issues of this critical day. Grant us, with resolution striving for a peace built on justice and decency and on the respect for the rights of nations great and small, such courage and patience in defending these high principles, despite any disheartenment, that the children of coming generations shall rise up and call us blessed. We ask it in the dear Redeemer's name. Amen.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 21, 1956, was dispensed with.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had passed the bill (S. 2772) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in England in 1957, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 11740) to provide for a temporary increase in the public debt limit, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 244) to provide for a joint committee of the Congress to represent the Congress at the unveiling of the Commodore John Barry Me-

morial at Wexford, Ireland, on September 16, 1956, in which it requested the concurrence of the Senate.

### HOUSE BILL REFERRED

The bill (H. R. 11740) to provide for a temporary increase in the public debt limit was read twice by its title and referred to the Committee on Finance.

### HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 244) to provide for a joint committee of the Congress to represent the Congress at the unveiling of the Commodore John Barry Memorial at Wexford, Ireland, on September 16, 1956, was referred to the Committee on the Judiciary, as follows:

*Resolved by the House of Representatives (the Senate concurring),* That there is hereby created a joint committee to be composed of 6 Members of the House of Representatives to be appointed by the Speaker of the House and 6 Members of the Senate to be appointed by the President of the Senate, to represent the Congress at the ceremonies in connection with the unveiling of the statue of Commodore John Barry to be presented by the President to Ireland on behalf of the people of the United States at Wexford, Ireland, on September 16, 1956. The members of the joint committee shall select a chairman from among their number.

The expenses of the joint committee incurred in carrying out the purposes of this resolution, not to exceed \$25,000, shall be paid out of the contingent fund of the House of Representatives upon vouchers authorized by such joint committee and approved by the Committee on House Administration of the House of Representatives.

### COMMITTEE MEETING DURING SENATE SESSION

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

### OBJECTION TO COMMITTEE ON THE JUDICIARY MEETING TODAY DURING THE SESSION OF THE SENATE

Mr. JOHNSTON of South Carolina. Mr. President, I wish to enter objection to the Judiciary Committee sitting this afternoon during the session of the Senate. I simply wish to enter my objection.

### LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous

consent that statements made in connection with the transaction of the routine morning business be limited to 2 minutes.

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

### EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, and take up nominations on the Executive Calendar.

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

### EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. FULBRIGHT, from the Committee on Banking and Currency:

James Cunningham Sargent, of New York, to be a member of the Securities and Exchange Commission, vice Clarence H. Adams.

The PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

### FEDERAL COMMUNICATIONS COMMISSION

The Chief Clerk read the nomination of T. A. M. Craven, of Virginia, to be a member of the Federal Communications Commission.

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

### DEPARTMENT OF THE NAVY

The Chief Clerk read the nomination of Garrison Norton, of the District of Columbia, to be Assistant Secretary of the Navy for Air.

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

### IN THE ARMY

The Chief Clerk read the nomination of Maj. Gen. Lewis Blaine Hershey, United States Army, to be a lieutenant general.

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

### IN THE MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the Marine Corps.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the

nominations in the Marine Corps be considered and confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Marine Corps will be considered en bloc and, without objection, they are confirmed en bloc.

#### UNITED STATES COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the United States Coast Guard.

Mr. JOHNSON of Texas. Mr. President, I make the same request in regard to the nominations in the United States Coast Guard.

The PRESIDENT pro tempore. Without objection, the nominations in the Coast Guard will be considered en bloc, and, without objection, they are confirmed en bloc.

#### COAST AND GEODETIC SURVEY

The Chief Clerk proceeded to read sundry nominations in the Coast and Geodetic Survey.

Mr. JOHNSON of Texas. Mr. President, I make the same request with reference to the nominations in the Coast and Geodetic Survey.

The PRESIDENT pro tempore. Without objection, the nominations in the Coast and Geodetic Survey will be considered en bloc, and, without objection, they are confirmed en bloc.

#### POSTMASTERS

The Chief Clerk proceeded to read sundry nominations for postmasters.

Mr. JOHNSON of Texas. Mr. President, I make the same request with reference to the nominations of postmasters.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters will be considered en bloc, and, without objection, they are confirmed en bloc.

#### NOMINATIONS PLACED ON THE VICE PRESIDENT'S DESK

The Chief Clerk proceeded to read routine nominations in the Army, the Air Force, and the Navy and Marine Corps, which had been placed on the Vice President's desk without being printed on the Executive Calendar.

Mr. JOHNSON of Texas. Mr. President, I make the same request concerning these nominations.

The PRESIDENT pro tempore. Without objection the nominations will be considered en bloc, and, without objection, they are confirmed en bloc.

Mr. JOHNSON of Texas. Mr. President, I ask that the President be notified immediately of the nominations today confirmed.

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

#### LEGISLATIVE SESSION

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

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

#### EXECUTIVE COMMUNICATIONS, ETC.

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

##### AMENDMENT OF ACT OF JUNE 21, 1950, RELATING TO APPOINTMENT OF BOARDS OF MEDICAL OFFICERS

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to amend the act of June 21, 1950, relating to the appointment of boards of medical officers (with an accompanying paper); to the Committee on Armed Services.

##### REPORT ON OPERATIONS OF LIGNITE RESEARCH LABORATORY, GRAND FORKS, N. DAK.

A letter from the Secretary of the Interior, reporting, pursuant to law, on the activities of, expenditures by, and donations to the Lignite Research Laboratory, Grand Forks, N. Dak., for the calendar year 1955; to the Committee on Interior and Insular Affairs.

##### REPORT OF NATIONAL TRUST FOR HISTORIC PRESERVATION

A letter from the Secretary, National Trust for Historic Preservation, Washington, D. C., transmitting, pursuant to law, a report of that trust, for the calendar year 1955 (with accompanying papers); to the Committee on Interior and Insular Affairs.

##### AUTHORIZATION FOR JUDICIAL CONFERENCE TO PROMULGATE MINIMUM STANDARDS OF QUALIFICATIONS FOR PROBATION OFFICERS

A letter from the Director, Administrative Office of the United States Courts, Washington, D. C., transmitting a draft of proposed legislation to authorize the Judicial Conference of the United States to promulgate minimum standards of qualifications for probation officers (with an accompanying paper); to the Committee on the Judiciary.

##### ADMISSION OF DISPLACED PERSONS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Todrys Wallach from a report transmitted to the Senate on January 16, 1956, pursuant to section 6 of the Refugee Relief Act of 1953, with a view to the adjustment of his immigration status (with an accompanying paper); to the Committee on the Judiciary.

##### AMENDMENT OF FLOOD CONTROL ACT OF 1941, RELATING TO EMERGENCY FLOOD CONTROL WORK

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 5 of the Flood Control Act of August 18, 1941, as amended, pertaining to emergency flood control work (with an accompanying paper); to the Committee on Public Works.

##### DISPOSITION OF EXECUTIVE PAPERS

A letter from the Acting Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

#### PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of the City of Los Angeles, Calif., favoring the enactment of legislation to permit recipients of aid to the aged to earn \$50 a month, which amount shall not be taken into consideration in computing aid to such recipients; to the Committee of Finance.

A resolution adopted by the convention of the District of Columbia Bankers Association, at Hot Springs, Va., relating to the location of Federal agencies outside the District of Columbia; to the Committee on Government Operations.

A telegram in the nature of a petition from the national board, Young Women's Christian Association, of New York, N. Y., signed by Mrs. F. Beardsley Foster, Jr., vice president, relating to the administration of funds for economic aid and technical assistance sections of the mutual security program; ordered to lie on the table.

#### OVERTIME PAY—RESOLUTION OF WISCONSIN FEDERATION OF LABOR

Mr. WILEY. Mr. President, today I received a letter from George W. Hall, secretary-treasurer of the Wisconsin State Federation of Labor, enclosing copy of Resolution No. 24, which was recently adopted at the last convention of that federation. I ask unanimous consent that the resolution be printed in the RECORD, following my remarks, and also be appropriately referred.

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

Whereas it is established in industry to set overtime rates for weekend work schedules over and above the standard straight time rate; and

Whereas postal employees are a loyal conscientious part of the American laboring class of people, striving to gain favorable conditions to their interest and welfare; and

Whereas postal employees are frequently required to work weekends and holidays throughout the year: Therefore be it

*Resolved*, That the delegates to the Wisconsin State Federation of Labor in convention assembled in the city of Oshkosh, Wis., August 15 through 18, 1955, go on record as favoring legislation to grant compensatory overtime rates commensurate with industry for weekends and holidays; and be it further

*Resolved*, That the Wisconsin State Federation of Labor go on record as being ready and willing to support any and all legislative objectives adopted by the Government Employees Council of the American Federation of Labor.

#### RESOLUTIONS OF OAKDALE COOPERATIVE ELECTRICAL ASSOCIATION

Mr. WILEY. Mr. President, I have received this morning from Roy McCaskey, manager of the Oakdale, Wis., Cooperative Electrical Association, an important series of resolutions which were adopted by the 21st annual meeting of that organization.

I believe these resolutions from a grassroots REA will be of deep interest to my colleagues.



I particularly commend to the attention of the Senate the expression with regard to the full utilization of our great REA system in connection with the Nation's progress in nuclear development.

This has been an objective in which I personally have long been deeply interested.

I also invite attention to the important comments in opposition to Commission proposals which would endanger the future of REA.

I present the resolutions, and ask unanimous consent that they be printed in the RECORD, and thereafter appropriately referred.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

RESOLUTION No. 1

DAIRY MARKETING

Whereas Wisconsin farmers have had their income sharply reduced on dairy products; and

Whereas profits of the 2 leading sales distributors of dairy products have increased by one-third during this period, and profits of the third largest company have increased 50 percent in the past year; and

Whereas agricultural economists have estimated that 95 percent of the investment in facilities of the dairy industry has been made by farmers: Now, therefore, be it

*Resolved*, That we endorse the program for a national dairy sales cooperative to carry the 45 percent of dairy products now handled at one stage by cooperatives into national markets and to enable producing dairymen to retain more of the retail price; and be it further

*Resolved*, That we commend the efforts to assist dairy farmers in achieving this objective so vigorously being pushed by the Wisconsin Association of Cooperatives.

RESOLUTION No. 2

OPPOSITION TO HOOVER COMMISSION RECOMMENDATIONS ON REA

Whereas a Citizens Committee for the Hoover Report has recently organized an intensive public drive for the indiscriminate adoption of all recommendations of the Hoover Commission without regard to their individual merit; and the private utilities have seized upon this opportunity to kill REA by disguising the attack under a high-pressure glamorized propaganda program to blanket all Hoover recommendations, covering multifarious and unrelated subjects, under an all-or-none and the bad-with-the-good principle; and

Whereas the United States Government has in fact made a profit on REA loans to cooperatives; and

Whereas the Hoover Commission has recommended the abolition of REA and the establishment of a corporation to loan money to the rural electric cooperatives at interest rates in excess of twice the rate now paid, thereby destroying the original sound partnership between Government and rural people to improve and make rural life bearable on a private enterprise basis of repayment of loans with interest more than sufficient to cover the Government's cost: Now, therefore, be it

*Resolved*, That we urge that REA be continued as presently constituted, with adequate administrative and loan funds, and that all bills designed to alter the REA Act in line with the Hoover Commission recommendations be defeated.

RESOLUTION No. 3

HOOVER COMMISSION RECOMMENDATION ON WATERWAYS USER CHARGES

Whereas recommendation No. 8 on water resources and power adopted by the Hoover Commission urges that Congress authorize a user charge on inland waterways; and

Whereas such a policy would end our historical national policy of encouraging maximum commerce by toll-free use of waterways; and

Whereas many industries such as Dairyland Power Cooperative developed their operations in the good faith that our traditional national policy on waterways would be continued to sustain the feasibility of locating steam-generating facilities strategically to take full advantage of the most advantageous use of these waterways; and

Whereas preliminary estimates included in the task-force report of a user charge would amount to 95 cents per ton of additional transportation cost to haul coal up the Mississippi to our steam-generating facilities and due to our rapid expansion would soon add \$1 million per year to the production costs of Dairyland Power Cooperative resulting in unnecessary substantial increases in rural electric rates; and

Whereas any increase in costs to Dairyland Power Cooperative will result in greater costs to our company and then to the farmers: Now, therefore, be it

*Resolved*, That we go on record in opposition to the adoption by the Congress of this recommendation and urge the continuation of the Nation's historic policy of encouraging maximum through toll-free use of our waterways.

RESOLUTION No. 4

ATOMIC ENERGY FOR COOPERATIVES

Whereas the intention of Congress as expressed in the Atomic Energy Act of 1954 for achieving rapid development of the use of the atom for producing electric power has not been substantially effectuated, and most progress thus far achieved has resulted primarily from taxpayer subsidy of cost; and

Whereas Congress is now considering legislation authorizing and directing the Atomic Energy Commission to construct six large demonstration atomic powerplants with these projects to be located as steps in a continuing program to equalize and stabilize power-supply costs at the lowest possible levels, with adequate consideration for public and cooperative electric systems; and

Whereas this legislation, introduced by Senator ALBERT GORE, makes clear the intent of Congress that such Federal atomic power program shall be undertaken as one of the major objectives of Government policy and provides for establishment of an electric power liaison committee within a Division of Civilian Power Application with particular emphasis on coordination of its activities with other Federal agencies having responsibilities in the power field: Now, therefore, be it

*Resolved*, That we, the members of Oakdale Cooperative Electrical 21st annual meeting of the cooperative, do hereby go on record in support of Senator GORE's proposed legislation; be it further

*Resolved*, That we favor REA being prepared to implement this legislation by the addition of nuclear power specialists on its staff to work in liaison with AEC and other Federal agencies to assist the most rapid development of atomic energy for rural application; and be it further

*Resolved*, That we favor full cooperation by officials of the electric cooperative program with REA and AEC in preparation for that time when it might be considered feasible for experimental application on our systems; be it further

*Resolved*, That we extend our full congratulations to one of our own members of WEC, the Rural Cooperative Power Association of Elk River, Minn., for its pioneering work in

this field and join with this member cooperative in urging expeditious AEC approval of the installation of an experimental reactor, approval for which Rural Power has made formal application; be it further

*Resolved*, That if Rural Power's application is approved we pledge our support to extend our full cooperation and wish them every success.

RESOLUTION No. 5

HELLS CANYON AND NIAGARA

*Be it resolved*, That we, the members at this 21st annual meeting of Oakdale Cooperative Electrical Association, reassert positions taken at previous annual meetings in favor of Federal development of the Snake River with a high dam at Hells Canyon; and be it further

*Resolved*, That we endorse the Lehman-Davidson bills for development of Niagara Falls and further urge passage in the form reported out of committee giving preference to rural electric cooperatives and municipal electric utilities.

RESOLUTION No. 6

CONTINUED SUPPORT

*Be it further resolved*, That we recommend to our Congress and the President that they give as enthusiastic and generous support to the Farmers Electric Cooperatives as was the policy of the Federal Government in the early years of the REA when the first cooperative lines were built.

Respectfully submitted,

RESOLUTIONS COMMITTEE,  
WILLIAM RASMUSSEN,  
MERLE REMINGTON,  
WALTER VEHERS.

Dated June 8, 1956.

CONTROL AND DISTRIBUTION OF WATER—RESOLUTIONS

Mr. HRUSKA. Mr. President, the Nebraska Stock Growers Association met in their 67th annual convention in North Platte, Nebr., on June 14 to 16. Among the subjects which they discussed was S. 863, pertaining to the control, appropriation, use, and distribution of water, with the objective of making same subject to the laws of the State in which it is located.

On this very important subject, a resolution was duly adopted by the convention. I ask unanimous consent that it be printed in the RECORD, together with a similar resolution on the same subject as adopted by the Republican Valley Conservation Association on June 6, 1956.

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

RESOLUTION ON WATER RESOURCES BY NEBRASKA STOCK GROWERS ASSOCIATION

Whereas our national and local economy, both agricultural and industrial, is closely geared to the efficient management and use of our total water supply, both surface and subterranean; and

Whereas our area is devoid of many of the wealth-producing natural resources that other areas are blessed with, but is rich in water; and

Whereas central bureaucracy is attempting to completely dominate development and usage of our water without regard to our State and local needs both current and for our future potential; and

Whereas the stock growers of Nebraska believe that any increased Federal control of our water resources would be detrimental to our agriculture and industry and that

this Federal control would be in violation of States rights: Be it therefore

*Resolved*, That the Nebraska Stock Growers Association strongly oppose any attempt to increase the Federal control of our water resources and also strongly endorse any legislation or program which tends to retain State control of these water resources; be it further

*Resolved*, That a copy of this resolution be forwarded to our Nebraska Senators, Congressmen; to the Secretary of the Interior, Fred Seaton; and to Secretary of Agriculture, Ezra Taft Benson; to Senator BARRETT, of Wyoming; to the Attorney General of the United States, Herbert Brownell; and all others who might be connected with this problem.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE REPUBLICAN VALLEY CONSERVATION ASSOCIATION, McCOOK, NEBR., JUNE 6, 1956

*Be it resolved*, That the association favors support of national legislation now pending in Congress upholding the rights of the States for regulation and control of waters within the respective boundaries; be it further

*Resolved*, That the secretary of this association send copies of this resolution to our Representatives in Congress, the Honorable Governor Victor Anderson, Secretary of the Interior Fred Seaton, Commissioner of Reclamation Wilbur Dexheimer, Director of Fish and Wildlife Service John Farley, and the National Chamber of Commerce.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAVEZ, from the Committee on Public Works, with an amendment:

S. 1384. A bill to provide that the Secretary of the Army shall return certain mineral interests in land acquired by him for flood-control purposes, to the former owners of such land (Rept. No. 2286).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, without amendment:

S. 4011. A bill to amend section 650 of title 14, United States Code, entitled "Coast Guard," relating to the Coast Guard Supply Fund (Rept. No. 2293);

H. R. 4652. A bill to authorize the Secretary of the Treasury to transfer certain property to the Panama Canal Company, and for other purposes (Rept. No. 2294);

H. R. 5147. A bill to change the distribution of Coast and Geodetic Survey charts (Rept. No. 2295);

H. R. 6245. A bill to authorize the Panama Canal Company to convey to the Department of State an improved site in Colon, Republic of Panama (Rept. No. 2296); and

H. R. 6850. A bill to create an academic advisory board for the United States Merchant Marine Academy (Rept. No. 2297).

By Mr. PASTORE, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 2643. A bill to promote the common defense and the general welfare of the people of the United States by encouraging maximum development of low-cost electric energy from all sources of power, including atomic energy, coal, oil, natural gas, and water, and for other purposes (Rept. No. 2287); and the bill was referred to the Joint Committee on Atomic Energy.

By Mr. STENNIS, from the Committee on Armed Services, with amendments:

H. R. 9952. A bill to provide a lump-sum readjustment payment for members of the reserve components who are involuntarily released from active duty (Rept. No. 2288).

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

S. 3903. A bill to amend the Agricultural Trade Development and Assistance Act of

1954, as amended, so as to increase the amount authorized to be appropriated for purposes of title I of the act, and for other purposes (Rept. No. 2290).

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, with amendments:

S. 3820. A bill to increase the borrowing power of Commodity Credit Corporation (Rept. No. 2289).

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, with amendments:

S. 2634. A bill relating to the transportation of mail by highway post office service, and for other purposes (Rept. No. 2291).

By Mr. GEORGE, from the Committee on Foreign Relations, without amendment:

H. R. 10766. A bill to authorize the payment of compensation for certain losses and damages caused by United States Armed Forces during World War II (Rept. No. 2292).

#### AMENDMENT OF ATOMIC ENERGY ACT OF 1954, AS AMENDED

Mr. ANDERSON. Mr. President, from the Joint Committee on Atomic Energy, I report favorably an original bill, to amend the Atomic Energy Act of 1954, as amended, and for other purposes, and I submit a report (No. 2298) thereon.

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

The bill (S. 4112) to amend the Atomic Energy Act of 1954, as amended, and for other purposes, reported by Mr. ANDERSON, from the Joint Committee on Atomic Energy, was received, read twice by its title, and placed on the calendar.

#### BILLS INTRODUCED

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

By Mr. LANGER:

S. 4107. A bill for the relief of Lloyd Lindbo; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 4108. A bill for the relief of John Leary; to the Committee on the Judiciary.

By Mr. MONROE:

S. 4109. A bill to provide for the sale of lands in reservoir areas under the jurisdiction of the Department of the Army for cottage site development and use; to the Committee on Public Works.

By Mr. MALONE (for himself, Mr. BARRETT, Mr. GOLDWATER, and Mr. DWORSHAK):

S. 4110. A bill to establish in the Department of the Interior a Bureau of Coal Mine Safety; to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY:

S. 4111. A bill for the relief of Henry Holland; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 4112. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes; placed on the calendar.

(See the remarks of Mr. ANDERSON when he reported the above bill from the Joint Committee on Atomic Energy, which appear under a separate heading.)

By Mr. PURTELL (for Mr. POTTER):

S. 4113. A bill to amend subsection (b) of section 3 of the Securities Act of 1933, to provide that responsible officers or other persons shall be liable in damages on account of untrue statements or material omissions in statements or documents filed under such subsection as a condition of exemption; to the Committee on Banking and Currency.

#### APPOINTMENT OF HEADS OF REGIONAL AND DISTRICT OFFICES OF POST OFFICE DEPARTMENT—RECOMMITTAL OF BILL

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that Calendar No. 579, the bill (S. 63) to provide for the appointment of the heads of regional and district offices of the Post Office Department by the President by and with the advice and consent of the Senate, be taken from the calendar and recommitted to the Committee on Post Office and Civil Service.

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

#### STUDIES OF FOREIGN AID—REFERENCE OF RESOLUTION TO COMMITTEE ON RULES AND ADMINISTRATION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that Calendar No. 2301, the resolution (S. Res. 285) arranging for exhaustive studies to be made regarding foreign assistance by the United States Government, be taken from the calendar, and referred to the Committee on Rules and Administration.

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

#### AMENDMENT OF WAR HAZARDS COMPENSATION ACT—CHANGE OF REFERENCE OF LETTER

Mr. FULBRIGHT. Mr. President, by letter dated June 1, 1956, addressed to the President of the Senate, the Secretary of the Army forwarded a proposed draft of legislation to amend and make permanent several temporary statutes providing certain benefits for civilian employees of the Department of Defense subject to war-risk hazards. The communication was referred to the Committee on Banking and Currency.

In previous years legislation on this subject has been originated by the Committee on Banking and Currency, in 1953; the Committee on the Judiciary, in 1954; and the Committee on Labor and Public Welfare, in 1955.

In the House, such legislation uniformly has originated in the Committee on the Judiciary.

The proposed legislation does not pertain to insurance, but rather to outright relief payments somewhat in the nature of the claims bills against the Government which are within the jurisdiction of the Committee on the Judiciary.

This matter has been discussed with the Parliamentarian and the staff on the Senate Committee on the Judiciary, and it is agreed that the message is within the cognizance of the Committee on the Judiciary.

Therefore, I ask unanimous consent that the Committee on Banking and Currency be discharged from the further consideration of the letter of the Secretary of the Army dated June 1, 1956, addressed to the President of the Senate, and that it be referred to the Committee on the Judiciary.



The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

**INTERIM REPORT OF ALEXANDER HAMILTON BICENTENNIAL COMMISSION (S. DOC. NO. 131)**

Mr. MUNDT. Mr. President, as chairman of the Alexander Hamilton Bicentennial Commission, pursuant to section 6 of Public Law 601, 83d Congress, to establish a Commission for the celebration of the 200th anniversary of the birth of Alexander Hamilton, I submit an interim report of that Commission. I ask unanimous consent that the report be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

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

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

By Mr. WILEY:

Excerpts from address delivered by him to the National Association of Plumbing Contractors, at Milwaukee, Wis., on June 12, 1956.

**ADDRESS BY SENATOR KENNEDY, OF MASSACHUSETTS**

Mr. JOHNSON of Texas. Mr. President, on June 14, 1956, the junior Senator from Massachusetts [Mr. KENNEDY] was awarded an honorary degree by his alma mater, Harvard University.

I know that the Senator's colleagues will be pleased by the citation which accompanied this award. It reads as follows:

Brave officer, able Senator, son of Harvard; loyal to party, he remains steadfast to principles.

As a part of the exercises of that day, Senator KENNEDY delivered an address. This address did not receive the national attention it should have, and it was only by an accident, that it happened to come into my hands.

This speech is the most eloquent defense of politics and politicians that it has ever been my pleasure to read. Those of us who belong to this honorable profession understand only too well that we have many critics. I suspect that all of us from time to time are inclined to feel that while some of this criticism may be deserved, much of it is based on a woeful lack of understanding and of knowledge of how the legislative process works.

The junior Senator from Massachusetts has made an eloquent plea for a better understanding of the politician by the group which criticizes him most—the intellectuals and college professors.

Mr. President, I ask unanimous consent that this address of the junior Senator from Massachusetts be printed in the RECORD.

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

It is a pleasure to join with my fellow alumni in this pilgrimage to the second home of our youth.

Prince Bismarck once remarked that one-third of the students of German universities broke down from overwork; another third broke down from dissipation; and the other third ruled Germany. As I look about this campus today, I would hesitate to predict which third attends reunions (although I have some suspicion) but, I am confident I am looking at rulers of America in the sense that all active, informed citizens rule.

I can think of nothing more reassuring for all of us than to come again to this institution whose whole purpose is dedicated to the advancement of knowledge and the dissemination of truth.

I belong to a profession where the emphasis is somewhat different. Our political parties, our politicians are interested, of necessity, in winning popular support—a majority; and only indirectly truth is the object of our controversy. From this polemic of contending factions, the general public is expected to make a discriminating judgment. As the problems have become more complex, as our role as a chief defender of Western civilization has become enlarged, the responsibility of the electorate as a court of last resort has become almost too great. The people desperately seek objectivity and a university such as this fulfills that function.

And the political profession needs to have its temperature lowered in the cooling waters of the scholastic pool. We need both the technical judgment and the disinterested viewpoint of the scholar, to prevent us from becoming imprisoned by our own slogans.

Therefore, it is regrettable that the gap between the intellectual and the politician seems to be growing. Instead of synthesis, clash and discord now characterize the relations between the two groups much of the time. Authors, scholars, and intellectuals can praise every aspect of American society but the political. My desk is flooded with books, articles, and pamphlets criticizing Congress. But, rarely if ever, have I seen any intellectual bestow praise on either the political profession or any political body for its accomplishments, its ability, or its integrity—much less for its intelligence. To many universities and scholars we reap nothing but censure, investigators and perpetrators of what has been called the swinish cult of anti-intellectualism.

James Russell Lowell's satiric attack more than 100 years ago on Caleb Cushing, a celebrated Attorney General and Member of Congress, sets the tone, "General C is a drefle smart man, he's ben on all sides that give places or pelt but consistency still wuz a part of his plan—he's ben true to one party, that is himself."

But in fairness, the way of the intellectual is not altogether serene; in fact, so great has become popular suspicion that a recent survey of American intellectuals by a national magazine elicited from one of our foremost literary figures the guarded response, "I ain't no intellectual."

Both sides in this battle, it seems to me, are motivated by largely unfounded feelings of distrust. The politician, whose authority rests upon the mandate of the popular will, is resentful of the scholar who can, with dexterity, slip from position to position without dragging the anchor of public opinion. It was this skill that caused Lord Melbourne to say of the youthful historian Macauley that he wished he was as sure of anything as Macauley was of everything. The intellectual, on the other hand, finds it difficult to accept the differences between the laboratory and the legislature. In the former, the goal

is truth, pure and simple, without regard to changing currents of public opinion; in the latter, compromises and majorities and procedural customs and rights affect the ultimate decision as to what is right or just or good. And even when they realize this difference, most intellectuals consider their chief functions that of the critic—and politicians are sensitive to critics—(possibly because we have so many of them). "Many intellectuals," Sidney Hook has said, "would rather die than agree with the majority, even on the rare occasions when the majority is right."

It seems to me that the time has come for intellectuals and politicians alike to put aside those horrible weapons of modern internecine warfare, the barbed thrust, the acid pen, and, most sinister of all, the rhetorical blast. Let us not emphasize all on which we differ but all we have in common. Let us consider not what we fear separately but what we share together.

First, I would ask both groups to recall that the American politician of today and the American intellectual of today are descended from a common ancestry. Our Nation's first great politicians were also among the Nation's first great writers and scholars. The founders of the American Constitution were also the founders of American scholarship. The works of Jefferson, Madison, Hamilton, Franklin, Paine, and John Adams—to name but a few—influenced the literature of the world as well as its geography. Books were their tools, not their enemies. Locke, Milton, Sydney, Montesquieu, Coke, and Bolingbroke were among those widely read in political circles and frequently quoted in political pamphlets. Our political leaders traded in the free commerce of ideas with lasting results both here and abroad.

In those golden years, our political leaders moved from one field to another with amazing versatility and vitality. Jefferson and Franklin still throw long shadows over many fields of learning. A contemporary described Jefferson, "A gentleman of 32, who could calculate an eclipse, survey an estate, tie an artery, plan an edifice, try a cause, break a horse, dance a minuet, and play the violin."

Daniel Webster could throw thunderbolts at Hayne on the Senate floor and then stroll a few steps down the corridor and dominate the Supreme Court as the foremost lawyer of his time. John Quincy Adams, after being summarily dismissed from the Senate for a notable display of independence, could become Boylston professor rhetoric and oratory at Harvard and then become a great Secretary of State. (Those were the happy days when Harvard professors had no difficulty getting Senate confirmation.)

The versatility also existed on the frontier. In an obituary of Missouri's first Senator, Thomas Hart Benton, the man whose tavern brawl with Jackson in Tennessee caused him to flee the State, said, "With a readiness that was often surprising, he could quote from a Roman law or a Greek philosopher, from Virgil's Georgics, the Arabian Nights, Herodotus, or Sancho Panza, from the Sacred Carpets, the German reformers or Adam Smith; from Fénelon or Hudibras, from the financial reports of Necca or the doings of the Council of Trent, from the debates on the adoption of the Constitution or intrigues of the kitchen cabinet or from some forgotten speech of a deceased Member of Congress."

This link between the American scholar and the American politician remained for more than a century. Just 100 years ago in the presidential campaign of 1856, the Republicans sent three brilliant orators around the campaign circuit: William Cullen Bryant, Henry Wadsworth Longfellow, and Ralph Waldo Emerson. Those were the care-free days when the eggheads were all Republicans.

I would hope that both groups, recalling their common heritage, might once again forge a link between the intellectual and political professions. I know that scholars may prefer the mysteries of pure scholarship or the delights of abstract discourse. But, "Would you have counted him a friend of ancient Greece," as George William Curtis asked a century ago during the Kansas-Nebraska controversy, "who quietly discussed patriotism on that Greek summer day through whose hopeless and immortal hours Leonidas and his 300 stood at Thermopylae for liberty? Was John Milton to conjugate Greek verbs in his library or talk of the liberty of the ancient Shunamites when the liberty of Englishmen was imperiled?" No, the duty of the scholar, particularly in a republic such as ours, is to contribute his objective views and his sense of liberty to the affairs of his State and Nation.

Secondly, I would remind both groups that the American politician and the American intellectual operate within a common framework—a framework we call liberty. Freedom of expression is not divisible into political expression and intellectual expression. The lock on the door of the legislature, the Parliament, or the assembly hall—by order of the King, the Commissar, or the Fuehrer—has historically been followed or preceded by a lock on the door of the university, the library, or the print shop. And if the first blow for freedom in any subjugated land is struck by a political leader, the second is struck by a book, a newspaper, or a pamphlet.

Unfortunately, in more recent times, politicians and intellectuals have quarreled bitterly, too bitterly in some cases, over how each group has met the modern challenge to freedom both at home and abroad. Politicians have questioned the discernment with which intellectuals have reacted to the siren call of the extreme left; and intellectuals have tended to accuse politicians of not always being aware, especially here at home, of the toxic effects of freedom restrained.

While differences in judgment where freedom is endangered are perhaps inevitable, there should, nevertheless, be more basic agreement on fundamentals. In this field we should be natural allies, working more closely together for the common cause against the common enemy.

Third and finally, I would stress the great potential gain for both groups resulting from increased political cooperation.

The American intellectual and scholar today must decide, as Goethe put it, whether he is to be an anvil—or a hammer. Today, for many, the stage of the anvil, at least in its formal phases, is complete. The question he faces is whether he is to be a hammer—whether he is to give to the world in which he was reared and educated the broadest possible benefits of his learning. As one who is familiar with the political world, I can testify that we need it.

For example: The password for all legislation, promoted by either party, is progress. But how do we tell what is progress and what is retreat? Those of us who may be too close to the issue, or too politically or emotionally involved in it, look for the objective word of the scholar. Indeed, the operation of our political life is such that we may not even be debating the real issues.

In foreign affairs, for example, the parties dispute over which is best fitted to implement the long-accepted policies of collective security and Soviet containment. But perhaps these policies are no longer adequate, perhaps these goals are no longer meaningful—the debate goes on nevertheless, for neither party is in a position to undertake the reappraisal necessary, particularly if the solutions presented are more complex to, and less popular with, the electorate.

Or take our agricultural program, for another example. Republicans and Democrats

debate long over whether flexible or rigid price supports should be in effect. But this may not be the real issue at all—and in fact I am convinced that it is not, that neither program offers any long-range solution to our many real farm problems. The scholars and the universities might reexamine this whole area and come up with some real answers—the political parties and their conventions rarely will.

Other examples could be given indefinitely—where do we draw the line between free trade and protection, when does taxation become prohibitive, what is the most effective use we can make of our present nuclear potential? The intellectuals who can draw upon their rational disinterested approach and their fund of learning to help reshape our political life can make a tremendous contribution to their society while gaining new respect for their own group.

I do not say that our political and public life should be turned over to experts who ignore public opinion. Nor would I adopt from the Belgian constitution of 1893 the provision giving 3 votes instead of 1 to college graduates; or give Harvard a seat in the Congress as William and Mary was once represented in the Virginia House of Burgesses.

But, I would urge that our political parties and our universities recognize the need for greater cooperation and understanding between politicians and intellectuals. We do not need scholars or politicians like Lord John Russell, of whom Queen Victoria remarked, he would be a better man if he knew a third subject—but he was interested in nothing but the constitution of 1688 and himself. What we need are men who can ride easily over broad fields of knowledge and recognize the mutual dependence of our two worlds.

"Don't teach my boy poetry," an English mother recently wrote the Provost of Harrow. "Don't teach my boy poetry; he is going to stand for Parliament." Well, perhaps she was right—but if more politicians knew poetry, and more poets knew politics, I am convinced the world would be a little better place in which to live on this commencement day of 1956.

#### ADDRESS BY THE SECRETARY OF STATE

Mr. KNOWLAND. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD the address delivered by the Honorable John Foster Dulles, Secretary of State, before the 41st annual convention of Kiwanis International, in the civic auditorium in San Francisco, Calif., on Thursday, June 21, 1956.

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

ADDRESS BY THE HONORABLE JOHN FOSTER DULLES, SECRETARY OF STATE, BEFORE THE 41ST ANNUAL CONVENTION OF KIWANIS INTERNATIONAL, CIVIC AUDITORIUM, SAN FRANCISCO, CALIF., THURSDAY, JUNE 21, 1956

#### I

Your organization has, as its purpose, to develop internationally "intelligent, aggressive, and serviceable citizenship." Therefore, you must, I know, be deeply interested in the contest now going on between freedom and despotism.

It is, of course, nothing new that despotism and freedom should be combating each other. That has been going on since the dawn of history. But today that contest has the magnitude and intensity which are characteristic of our time.

The forces of despotism are more highly organized than ever before. Already they control one-third of the entire human race

and they openly proclaim their ambition to extend their system throughout the world.

So far, their gains have come through the use of violence, or the threat of violence. During the Stalin era, 15 nations, in whole or in large part, were forcibly subjected to Soviet Communist dominion. But the free nations became aroused to the danger. They built up their deterrent power and joined in measures of collective defense. It was no longer possible for Soviet communism to pick up nations one by one.

So the Soviet rulers now say that they will renounce the use of violence. But they say that they still expect their system to win its way in the world because it is so good that all will want it.

#### II

We welcome and shall encourage these developments. But it would be foolhardy to assume that danger is past and that we can abandon the mutual security policies which have frustrated the old Soviet tactics. The Soviet rulers retain capabilities which enable them quickly to revert to their old policies of violence and attempted coercion, and they would surely be tempted to do so if ever the free nations abandoned their policy of standing together. For violence is the classic and natural tactic of Soviet communism as taught not merely by Stalin, but by Lenin.

Soviet industries are working at top speed to develop ever more potent atomic and nuclear weapons. Their nuclear experiments are being multiplied. They work unceasingly to increase the means for the delivery of new weapons by means of bombers, intercontinental rockets, and submarines.

They are also developing new techniques of indirect aggression. They are, for example, striving to introduce their agents into other countries—persons who are technicians but also part of the political apparatus of international communism. And they try to ensnare needy countries with economic lures. Thus they prepare the possibility of subverting other governments, irrespective of the will, or even knowledge, of the peoples concerned.

It is therefore vital that the free nations should maintain their guard and their peace insurance policies, including in our case the mutual-security program now pending in Congress.

At the same time we confidently take up the challenge of the Soviet Communists, to compare our systems.

#### III

First of all we ask: If communism is so good that, as its leaders say, others will freely accept it on its merits, why not give the first chance to those who know it best? The Russian people have now had 39 years within which to appraise the merits of the Soviet Communist system. The peoples of Eastern Europe have had a decade or more to appraise that system. If communism can win on its merits, under conditions of genuine freedom of choice, why do not its proponents demonstrate that where communism now prevails?

The Soviet rulers last July at the summit pledged themselves to let the German people have free elections. Seventeen million of those Germans know communism at firsthand and most of the others have had eyewitness reports. Why does the Soviet Government now say, as it said at Geneva last November and still repeats, that it will not permit the promised free elections because it fears the German people would turn away from the so-called social gains that the Communist regime has imposed on East Germany?

Are not the free peoples entitled to presume that there is something basically wrong about a system that has never been accepted voluntarily by any people and that the Soviet rulers are unwilling to submit to the verdict of the peoples who know it best?



IV

Let us, however, not reason solely on the basis of this presumption, however reasonable. Let us look more closely at the Soviet system.

Of course, dictatorship seems to offer some short-range advantages. It permits of opportunism. It makes possible a flexibility of action which is denied to democratically based governments. Despots can go in one direction one day and then in another direction the next day without need to explain or to justify their zigs and zags. They are not bound by parliamentary directives or budgets. They can channel the education of their people in accordance with the dictates of expediency and they can compel persons of their choice to perform governmental tasks at home and abroad. Also, Communist dictatorships, being atheistic and materialistic, can and do treat human labor as a commodity to be used for the glorification of the state.

Through such powers dictators can do some things that cannot be done by governments which derive their powers from the consent of the governed.

Many of the despotic societies of the past have created notable monuments—pyramids, coliseums, palaces, and temples—built by slave labor to glorify kings and potentates who personified the state. The Soviet state has comparable achievements to its credit. By the ruthless use of forced labor, the dictators have created modern monuments in the form of industrial plants, power developments, and the like. They have subjected their economy to a forced and unbalanced growth, and, with the help of natural resources and a temperate climate, attained a rapid rate of industrialization and a rapid increase of technical training.

All of this is featured in the Soviet Communist propaganda.

However, there is another side of the picture.

V

I shall not attempt here to catalog all of the many evils of Soviet Communist despotism. I do wish, however, to call attention to the revelations recently made by Mr. Khrushchev, the present head of the Soviet Communist Party, in his initially secret speech before the 20th Party Congress of the Soviet Communist Party. It is the most damning indictment of despotism ever made by a despot. It should of itself be sufficient to make all free peoples shun that type of despotism as they would shun a plague.

Khrushchev, understandably, tried to keep his speech secret. He said: "We cannot let this matter get out of the party, especially not to the press. . . . We should not give ammunition to the enemy; we should not wash our dirty linen before their eyes."

Mr. Khrushchev's address has now become known. It should be read and studied throughout the world.

What did Mr. Khrushchev say? He said that the man who for many years headed the Soviet Communist Party and Soviet state, who was portrayed as a demigod and whose writings were treated as authoritative by international communism the world over, was, as regards doctrine, a "deviationist"; was as head of state so blind to the dangers to his nation as to be almost a traitor; and was as a man so brutal and sadistic in character as to rival one of the most evil of the Roman emperors, Caligula. Furthermore—and this is the main point—Mr. Khrushchev exposes the inability of the Soviet Communist system to liquidate its own evil leadership, because it was the evil leader who had the supreme power to liquidate others.

VI

Let me give you a few of the highlights of Khrushchev's long speech.

Mr. Khrushchev, after recalling some of Stalin's writings, says, "This is, of course, a clear deviation from Marxism-Leninism,

a clear debasing and belittling of the role of the party."

Mr. Khrushchev says that prior to Hitler's attack on Russia Stalin was amply warned, but that "Despite these particularly grave warnings the necessary steps were not taken to prepare the country properly for defense and to prevent it from being caught unawares."

Mr. Khrushchev says that the fear of Stalin was such that those who had the business of gathering and assessing information did so with trepidation lest what they reported would anger Stalin and jeopardize their own lives. He says:

"Because the leadership was conditioned against such information, such data was dispatched with fear and assessed with reservation."

He alleges that Stalin, to satisfy his sadistic lusts, constantly invoked torture to procure false confessions which were then made the basis of judicial murder. He directed long tortures and habitually himself called the investigative judge, gave him instructions, advised him on which investigative methods should be used; these methods were simple—beat, beat, and once again, beat. Mr. Khrushchev recites incident after incident of the application of these tortures.

VII

Mr. Khrushchev's speech portrays a loathsome scene. The speech cannot be read without horror and revulsion. But we must not stop at that instinctive, emotional reaction. We must go on to ask the basic question: "Why was not this situation unmasked during Stalin's life?" Or, indeed, not until 3 years after Stalin died?

Mr. Khrushchev attempts to give the reason. He points to Beria as Stalin's principal agent for torture and murder, and says:

"The question arises why Beria, who had liquidated tens of thousands of party and Soviet workers, was not unmasked during Stalin's life. He was not unmasked earlier because he had utilized very skillfully Stalin's weaknesses; feeding him with suspicions, he assisted Stalin in everything and acted with his support."

In short, the Soviet Communist system provides no safeguards against even such extreme abuses as those that Mr. Khrushchev recounts. There are no checks and balances. The system is, as even Lenin said, one of unlimited power, based on force and not on law. It operates in the dark. It provides no dependable method of changing the ruler. When there is misrule, only death or violence can assure the end of that misrule, and even that is no assurance, for Beria, whom Khrushchev calls even worse than Stalin, would probably have succeeded Stalin had not Beria been violently liquidated in the post-Stalin contest for power.

The principal political figures in Russia today were all intimates of Stalin and knew full well what was going on. Khrushchev and Bulganin were Stalin's close collaborators and indeed the beneficiaries of his purges within the party. And today they must admit that once their system is fastened upon a country there are no means to prevent the grossest abuses.

VIII

Also, it is to be observed that while the Soviet Communist leaders now privately discuss Stalin's crimes and seek publicly to disassociate themselves from Stalin, and while they show some signs of hoping to avoid a repetition of his misrule, not even this much gain is registered by the Chinese Communist Party, which seeks to extend its system in Asia. Its leaders have been the most dedicated imitators of Stalin. Mao Tze-tung, writing of Stalin after his death, said: "We rallied around him, ceaselessly asked his advice, and constantly drew ideological strength from his works." The Chinese Communist representative to the 20th party congress in Moscow, where Mr. Khrushchev's

address was made, applauded the firmness and invincibility of the Soviet Communist Party created by Lenin and reared by Stalin.

The Chinese Communists have, indeed, sought to outdo Stalin in brutality. And while the Soviet successors to Stalin at least profess to have renounced the use of force in international affairs, the Chinese Communists still refuse this. We have been, and are, patiently trying to get them to make a meaningful renunciation of force, particularly in the Taiwan (Formosa) area, but so far without success.

IX

Thus, we see revealed the system which Messrs. Bulganin and Khrushchev say they hope the free peoples of the world will voluntarily accept. It is a system which again proves Lord Acton's dictum that "Power tends to corrupt; absolute power corrupts absolutely." It is a system of inevitable abuses which provides no dependable means for the correction of those abuses.

As against that system stands the system of the free societies, where government rests on the knowledge and consent of the governed, and is changed when the governed so desire. The Soviet Communists' principal indictment of these societies is that they are reactionary, status quo societies. But what is the record?

It is the good custom of the free societies to indulge in self-criticism and to expose their deficiencies. But, occasionally, it is profitable to pause and take stock of the immense changes for good that are accomplished by representative governments. This is the more necessary because peaceful change rarely attracts as much attention as change that is wrought by violence.

So, let us look at the peaceful evolution which has occurred within our American society since 1917 when the revolutionary Bolsheviks took over in Russia.

Our free society derives its principal momentum from its religious character. We believe in the spiritual nature of man, and in the human dignity which results from the fact that man has his origin and destiny in God.

Such beliefs provide a constant and powerful compulsion toward peaceful change toward a better world.

Within the period of years of which I speak, the specific changes have been immense.

Women have been relieved of the many disabilities that were for centuries their lot, and have now gained a political, economic, and social status totally different from that of 40 years ago.

Race discrimination, while not yet wholly eliminated, is rapidly diminishing. The present bears no resemblance to the conditions of 40 years ago.

There has been growing protection of health. Infant mortality has been reduced by 75 percent. Many dread diseases are being eradicated.

Science is performing miracles. It was free-world scientists who first cracked the atom and opened up vast new possibilities of advancement in economic and medical fields. These possibilities are being spread throughout the world by international agreements, and we look forward to the early formation of an international atomic energy agency, pursuant to President Eisenhower's atoms for peace proposal to the United Nations.

National productivity has about tripled in 40 years.

Working men and women are living a good life. They have higher wages, shorter hours, greater job security, and retirement plans. Wages are up and hours of labor down. In 1916 the average factory wage, in 1955 dollars, was about \$32 for a 49-hour week. Today it is about \$76 for a 41-hour week. The spread between the average wage of factory workers and of executives is less in the United States than in the Soviet Union.

Not only have living standards risen sharply during the last 40 years, but the lower income groups have gained relatively the most.

During recent years the income, before taxes, of the upper fifth of our families increased by 33 percent, while the income of the lowest fifth increased by 125 percent. Furthermore, income taxes and inheritance taxes, almost negligible 40 years ago, now take largely from the upper income groups for the general welfare. This further increases the relatively greater share of the lower income groups.

Property ownership, limited in 1917, is today widely diffused. Over 8 million individuals own shares of American business companies. Over 22 million families now own their homes, compared to 7 million 40 years ago.

Educational facilities are greatly expanded even in terms of higher education. Today 87 percent of young people between the ages of 18 and 21 are enrolled in educational institutions as against 8 percent in 1920.

All these, and many more advances, have come about under our free society.

In the international field, a vast change also has come about. Much progress has been made toward developing conditions of collective security. This is the enlightened way. Mature societies fight crime with a collective police system, fight fire with a collective fire department, and fight disease with public-health services. This same principle of collective effort is now emerging internationally. The free nations have been its sponsors, both in terms of the United Nations, and in terms of collective security treaties. The United States now has such treaties with 42 other nations. These developments apply the great moral principle that "we are every one members, one of another."

Similarly, the principle of human dignity has been applied to the colonial problem. During a period when international communism was forcibly extending its dominion over more than 650 million alien people, and destroying or truncating the independence of some 15 nations, free nations were according independence to 17 nations with aggregate populations of around 650 million. Thus we have the most dramatic contrast between the dynamic liberalism of free societies and the brutal reactionism of those who glorify physical power.

So, whether we look at the domestic scene or at the international scene, we see the immense and benign changes wrought by the processes of freedom.

x

But we dare not be complacent and feel that our past automatically assures our future. It is essential that the dynamic and liberalizing influence of freedom should constantly be made apparent, not only by word but by deed.

In any contest with despotism, the free societies are under certain seeming disadvantages. They expose their deficiencies, whereas despotisms habitually hide their deficiencies. Thus, free societies often appear worse than they are and despotic societies for a time may appear better than they are.

It is not often that despotism can be publicly unmasked, as by the publication of Mr. Khrushchev's speech. To overcome this ability of despotism to mask itself, the free societies must make clear, so that none can doubt, their own constant dedication to liberal principles of peaceful change.

It is not enough to prove that despotism is bad. It is equally necessary to go on, and on, proving that freedom is good.

Unless the free peoples do that, despotism will gain, if only because peoples in need, such as those of the newly developing countries, can readily be tempted by what seems a prospect of rapid economic change which is the specialty of the Soviet rulers.

That is the great mission to which the free nations are dedicated. If we can continue to show freedom as a dynamic liberalizing force, then we need not fear the results of the peaceful competition which the Soviet rulers profess to offer. More than that, we can hope that the forces now at work within the Soviet Union, and within the captive countries will require that those who rule shall increasingly conform to principles of freedom. This means that they shall increasingly recognize the dignity of the human individual, shall increasingly satisfy the aspirations of the people, and shall increasingly be themselves subject to peaceful change by the will of the governed. Thus will come about the beginning of a worldwide era of true liberalism.

That possibility is now clearly visible for the first time in many years. That possibility should spur us on to increased effort. Now we can be confident that it may be possible for our generation to share in building the kind of a world which we will be proud to bequeath to our children.

Mr. KNOWLAND. Mr. President, I commend the address delivered by the Secretary of State to the attention of all Members of the Senate and of the House of Representatives. In it Mr. Dulles very clearly points out the vast differences between the world outside the Iron Curtain—the free world—and the system of totalitarianism which is represented by the Communist powers. He compares the advances which have taken place under our free system in the period of time from the rise of communism in the Soviet Union in 1917.

The Secretary of State also, Mr. President, made a very realistic appraisal of the recent downgrading of Stalin by Khrushchev before the Supreme Soviet.

Furthermore, Mr. President, I think the Secretary of State very clearly pointed out the difference in the past 25 years between the action of the free world and the several nations constituting it in having given freedom to over 600 million people who had a colonial status, and the opposite trend in the Soviet Communist world, where the freedom of 15 nations which were once independent, also representing about 600 million people, was lost.

#### VISIT TO THE SENATE BY HON. DOUGLAS HOUGHTON, MEMBER, HOUSE OF COMMONS, GREAT BRITAIN

Mr. MANSFIELD. Mr. President, it is a great honor and a high privilege to have the opportunity to present to the Senate at this time a distinguished member of the British House of Commons. He is here looking into some of our legislative processes. He is at the present time occupying the seat of the President pro tempore. It gives me much pleasure to introduce to the Senate the Honorable Douglas Houghton, a member of the House of Commons, Great Britain. [Applause, Senators rising.]

#### MERGING SCENIC AREAS

Mr. BENNETT. Mr. President, I ask unanimous consent that an editorial appearing in the Salt Lake Tribune for June 19, 1956, in support of a bill which I introduced, S. 3106, which would merge the Zion National Monument with its

contiguous neighbor, Zion National Park, be printed in the body of the RECORD.

The bill has been reported favorably by the subcommittee to the full Senate Interior and Insular Affairs Committee, and an identical bill has already passed the House. S. 3106 is supported by the Department of the Interior and the people of Utah, particularly those in southern Utah, and they are anxious that it be passed.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Utah?

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

#### MERGING SCENIC AREAS

Mission 66, the 10-year national park development program to be climaxed in 1966, the golden anniversary of the National Park Service, contemplates merging Zion National Park and Zion National Monument which adjoin in southern Utah.

Aside from some psychological and administrative differences, national parks and national monuments are generally the same. National parks are traditionally created by Congress and monuments by Executive order, but use of the latter method is declining.

When Zion National Monument, northwest of the park, was created in 1937, plans were announced for a development program to make its red cliffs and grass-bottomed canyons available for public enjoyment. As has been the case in so many national monuments in this region, hardly anything has been done, however, and Zion Monument is reached only by a rough unimproved dirt road from the little town of Virgin.

In keeping with the aims of the Mission 66 program, Utah's Senator BENNETT is sponsoring a bill in Congress to merge Zion Monument with Zion National Park. The two areas are already administered by the superintendent of Zion Park but consolidation would eliminate some budgetary and book-keeping problems, simplify administration, and clear up misunderstanding. Consolidation might also result in building roads and otherwise developing the monument. This is important since Zion Park is overcrowded in summer, and opening of adjoining scenic areas is needed to relieve the pressure.

Inside the monument is the Hurricane Fault, containing a bold, jagged escarpment, and the 8 Kolob Canyons with walls from 1,500 to 2,500 feet high. Streams flow in several; the La Verkin Creek tributary of the Virgin River is the most easterly one.

Senator BENNETT says he has been assured by George D. Clyde of the Utah Water and Power Board that no projects would be adversely affected by the merger. If this is true, we see no reason why the monument should not be added to the park. We wonder why Cedar Breaks National Monument is not also included and why Grand Canyon National Monument is not incorporated in Grand Canyon National Park. The tendency in the future likely will be to make all sizable national monuments national parks, eliminating confusion and controversy over their status.

#### ARE PRIVATE POWER COMPANIES FOREIGN OWNED?

Mr. GOLDWATER. Mr. President, many times during the discussions that develop between advocates of public power and private power, the charge is made by the public-power group that private companies are foreign owned. By this, they mean to infer that a private-power concern, whether it be in Arizona, or in California, or in Idaho, or



in any other State in the Union, is owned—lock, stock, and barrel—by a mysterious group of people who, by some quirk of circumstances, live some place in an area bounded on the south by Philadelphia and on the north by Hartford, Conn., with the eastern boundary being the Atlantic Ocean, and the western boundary some indefinite line not many miles inland. This charge has been leveled against private-power companies in my own State; and during the course of the hearings on Secretary of the Interior Fred Seaton, a similar charge was hurled against a power company in Idaho. Having a suspicion that this charge was not any more accurate than that hurled at the companies in my State, I asked that company to give me a breakdown, if it could, of its stockholders by areas. I have received from the Idaho Power Co. an answer in the form of correspondence which took place between the president of that company and a distinguished member of this body, the senior Senator from Tennessee; and I ask unanimous consent that the correspondence be printed at this point in the RECORD.

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

IDAHO POWER CO.,  
Boise, Idaho, June 12, 1956.

The Honorable JOSEPH C. O'MAHONEY,  
United States Senator, Senate Office Building, Washington, D. C.

DEAR SENATOR: It has just come to my attention that during the course of the June 5, 1956, hearing before the Senate Interior and Insular Affairs Committee on the nomination of Fred A. Seaton as Secretary of Interior there was some discussion regarding the ownership and control of Idaho Power Co. and there was inserted in the record of that hearing a list of the 10 top stockholders as of some unstated date. The inference drawn from that list was that Idaho Power is owned, controlled, and directed from some point remote from its service area.

The list of the 10 largest stockholders mentioned was taken, I am sure, from our 1952 annual report to the Federal Power Commission, because it coincides exactly with a similar list used by Senator KEFAUVER in January and February of 1954.

Because I am certain you would wish to be accurate in your public references to the ownership of our company, I am enclosing my exchange of letters with Senator KEFAUVER under dates of January 15, February 12, and February 25, all in 1954, which I think demonstrates that Idaho Power is not owned or dominated from the outside but, in every sense of the word, is a local institution with a widespread ownership interest.

I am sending a copy of this letter and the attachments to Secretary Seaton, Senators Dworshak and Welker, and those other Senators present at the hearing, in order that they, too, may have before them the complete facts in the event this question is again discussed.

With kindest regards, I am,  
Cordially,

T. E. ROACH,  
President.

P. S.—As of today, 71 percent of our employees are shareowners.

IDAHO POWER CO.,  
Boise, Idaho, January 15, 1954.

The Honorable ESTES KEFAUVER,  
United States Senate,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR KEFAUVER: There has just come to my attention the release dated Janu-

ary 5, 1954, embodying your remarks prepared for delivery before the International Platform Association meeting in Washington, D. C., on January 4, 1954, entitled "Public Versus Private Power." On page 4 of that release the second paragraph reads as follows, the words in brackets being mine: "Secretary McKay tried to justify his position by talking about letting the local people do the job. By local people, [he obviously meant the Idaho Power Co., a New England concern, headquartered in Maine, having few, if any, stockholders west of the Hudson River.]"

I am confident that you would not knowingly, or with malice, be guilty of a misstatement of ascertainable facts, and assume, therefore, that your research assistant or some other source is responsible for the completely inaccurate statement regarding the geographic location of the majority of the share owners of our company.

For your information, the geographic distribution of our share owners as of October 31, 1953, is as follows:

	Percent
11 Western States.....	59.48
6 New England States.....	15.23
5 Mid-Atlantic States.....	10.41
12 North Central States.....	11.43
8 South Central States.....	1.96
6 Southeastern States.....	1.14
Outside United States.....	.35
	100.00

Of particular significance in connection with the bracketed portion of your statement above is the fact that "40 percent of our share owners actually reside in the States of Idaho and Oregon and the majority of them are likewise customers of the company." Moreover, 55 percent of our employees are also share owners.

The corporate voting power of Idaho shareowners alone is almost double that of shareowners residing in any other State, attesting to the comparative size of the investment made in Idaho Power Co. by people of Idaho.

Furthermore, another readily ascertainable fact from the files of the Federal Power Commission and the Securities and Exchange Commission in Washington, D. C., is that our headquarters are in Boise, Idaho, that all of our directors are substantial and responsible Idaho and Oregon business, professional and agricultural men, and that all of the company's officers are residents of its service area.

It is a fact that we are incorporated in the State of Maine, an event which took place at the time the company was organized in 1916, because that State was then considered to have corporation laws which afforded the greatest protection to investors and shareowners. We, of course, must conform in addition to the corporation requirements of the States in which we operate, Idaho, Oregon, and Nevada, a fact that must be well known to you.

To change our corporate domicile would cost approximately \$300,000, and our shareowners have been unable to satisfy themselves that there is any sound reason for incurring that needless expense. The question of corporate domicile has not heretofore been raised by anyone having an ownership, a regulatory, or a customer relations interest in our company. It has been seized upon by certain public power proponents who have attempted to attach to it some sinister influence or intent for the purpose of creating prejudice against the company.

I believe sincerely in the right of free speech and freedom of opinion, and I fully respect your viewpoint with regard to public and private power, although I disagree with that viewpoint. At the same time I am sure you will agree with me that the approximately 11,000 shareowners who have voluntarily invested some of their savings in the equity securities of Idaho Power Co. are entitled to expect, as a matter of right and

fairness, that your references to them should be accurate. Certainly, the least they should have from you is a public correction of your statement.

Yours very truly,

T. E. ROACH,  
President.

UNITED STATES SENATE,  
February 12, 1954.

Mr. T. E. ROACH,  
President, Idaho Power Co.,  
Boise, Idaho.

DEAR MR. ROACH: I am sorry for the delay in answering your letter of January 15 in which you object to a statement that I made in a speech before the International Platform Association meeting in Washington.

The quotation which you attributed to me is not quite accurate. The paragraph to which you object appears on page 5 of the enclosed mimeographed text of my talk and you will note that in referring to the Idaho Power Co., your company is identified as "having few controlling stockholders west of the Hudson River" rather than "having few if any stockholders west of the Hudson River" as you have stated in your letter.

I appreciate your letter, which apparently was distributed rather widely, giving what you refer to as a "geographic distribution of shareholders." However, I do not believe that a "geographic distribution of shareholders" sheds any light on the point that I was making. My question has to do with the ownership of controlling voting stock. According to the records of the Federal Power Commission, which I had at hand at the time I delivered the speech, the first 10 holders of Idaho Power Co. stock are as follows:

Steele & Co., Philadelphia, Pa.  
Etna Life Insurance Co., Hartford, Conn.  
Baer-Stearns Co., New York, N. Y.  
Cotton & Co., Boston, Mass.  
Eastman Dillon & Co., New York, N. Y.  
Hallgarten & Co., New York, N. Y.  
John Hancock Mutual Life Insurance Co., New York, N. Y.

Northwestern Mutual Life Insurance Co., Milwaukee, Wis.

Olen & Co., Chicago, Ill.  
New England Mutual Life Insurance Co., Boston, Mass.

If you are still of the opinion that I misstated any facts concerning the Idaho Power Co., I will be glad to receive from you a full listing of the voting shares and number of shares held by each shareholder, together with the location of the shareholders, which is after all the real point at issue.

Sincerely,

ESTES KEFAUVER.

IDAHO POWER CO.,  
Boise, Idaho, February 25, 1954.

The Honorable ESTES KEFAUVER,  
United States Senate,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR KEFAUVER: Thank you for your letter of February 12 received here during my absence from Boise on a trip from which I returned today.

Whether your statement in a speech to the International Platform Association meeting in Washington, D. C., on January 4 referred to Idaho Power Co. as "a New England concern, headquartered in Maine, having few if any stockholders west of the Hudson River," as previously reported, or as "a New England concern, headquartered in Maine, having few controlling stockholders west of the Hudson River," the implication remains that Idaho Power Co. ownership is predominantly eastern.

The latter statement in quotation marks, which you say is the correct quotation from your speech, still implies that Idaho Power Co. does have a small controlling group of eastern stockholders, which is definitely not the case regardless of geographic location. Our largest shareowner represents an ownership of about 2 percent of the total in terms of corporate voting power. As a

consequence, there is no small group of controlling shareowners of Idaho Power Co. On the contrary, the ownership is widely distributed, as I demonstrated in my letter of January 15. I further pointed out in that letter that the corporate voting power of Idaho shareowners alone is almost double that of share owners residing in any other State.

Approximately 81.87 percent of our preferred shares and 33.61 percent of our common shares are held by residents living outside of the mid-Atlantic and New England States. Because each preferred share (\$100 par value) is entitled to 5 votes in contrast to 1 vote for each common share (\$20 par value), these shareholdings represent majority ownership and control. The share-ownership in the Pacific Coast and Intermountain States alone represents over 42 percent of the voting power.

It is true that several eastern educational institutions and a good many old-line, prominent life insurance companies with headquarters in the East have thought sufficiently well of our company and of our section of the country to invest some of their endowment funds and policyholders' premium payments in the equity securities of our company, which accounts for much of the ownership interest in that part of the country. This fact we feel to be a real tribute to the high regard in which our company is held, rather than a basis for criticism.

So far as the life insurance companies are concerned, I think a point of greater interest is the fact that the number of Idaho policyholders in those life insurance companies having investments in the securities of Idaho Power Co. total approximately 138,000. Therefore, about one-fourth of the citizens of our State have an indirect ownership interest in our company, in addition to the large number having a direct ownership.

The list of the first 10 holders of Idaho Power Co. stock, to which you refer in your letter, does not coincide with the current record of ownership in our office. Your list is that taken, I am sure, from our 1952 report to the Federal Power Commission and is the list which has been widely circulated by certain public power proponents in the West and represented by them as being the controlling owners of company securities.

It so happens that the investment firms listed in your letter as among the first 10 holders of Idaho Power Co. stock were members of the underwriting group which was the successful bidder for the public offering at competitive bidding, under the supervision of the Federal Power Commission, of 225,000 shares of our common stock in October 1952. These firms held that stock in their names during a period of approximately 2 weeks while they were distributing it at retail to investors all over the United States. Their very temporary ownership was reported to the Federal Power Commission in our 1952 annual report, but their ownership ceased with the public distribution.

The ownership listings of Steere & Co., Philadelphia; Catton & Co., Boston; and Olen & Co., Chicago, represent the small holdings of hundreds of individual trust accounts administered under the common-trust laws of the States of Pennsylvania, Massachusetts, and Illinois through the agency of accredited trust companies and trust departments of banks at the election of the particular owners. The ownership names here listed are merely convenient corporate nominees established for that express purpose. This is a long-established procedure for the administration of investments of individual and common trust accounts, with which I am sure you are acquainted.

In summary, therefore, the investment firms listed in your letter of February 12 were (1) merely transitory underwriting owners; (2) life insurance companies which represent thousands of policyholders whose

premium funds are being invested for the policyholders' benefit, and (3) trust account nominees who are the convenient administrative custodians for hundreds of individual owners. In no instance is there reflected in any of these groups the concentration of control which is implied in your letter.

Incidentally, I am sure a check on your part of the investment holdings of the life insurance companies of the country would reveal that their assets include very substantial investments in Government bonds, as well as in various public and municipal utility revenue bonds. I assume you would not look upon such ownership of those securities as inimical to the best interests of the Federal Government or of the public agencies involved, or would feel that it would in any way change the local character of such agencies. Rather, I think you would feel that the willingness of the insurance companies to place such a substantial proportion of their funds in those investments was to be commended. I can see no contrary distinction in our case.

Our service area in Idaho and eastern Oregon, as you may know, is a very sparsely populated section of the country. While we would be most happy to be able to raise within our own area boundaries all of the very large sums of investment capital constantly required in a business of our magnitude, it should be apparent to any informed individual that such an achievement is not possible. We must, of necessity, therefore, go outside of the area for some of our capital in exactly the same manner as Seattle City Light, Tacoma City Light, or any of the Washington State public utility districts must go outside their areas for part of their capital funds. I think you might find it of considerable interest to learn where the large percentage of the revenue bonds of the agencies just mentioned are held, and through what investment channels those bonds are normally marketed. I am sure you would find the vast majority of them held in the East.

Under the regulations of the Federal Power Commission, we are obligated to make public offerings of security issues at competitive bidding, subject to the approval of that agency, and are not free to choose the avenues through which our securities are offered.

You must know that I am not free to supply you with a listing of the shares held by each shareholder, nor do I think it should be necessary to do so as a matter of proof of the truthfulness of my statements with respect to ownership. We are a responsible, completely regulated public utility, with a record of 40 years of faithful public service, a fact fully attested by the people whom we have been privileged to serve over these years, and on the basis of our record are entitled to have our statements with respect to ownership accepted as accurate and truthful.

I have made a sincere endeavor to cover completely the questions raised in your letter of February 12, and hope that with this additional evidence of the inaccuracy of your implication with respect to our ownership you will make the correction I requested on behalf of our shareowners in my letter of January 15.

Yours very truly,

T. E. ROACH,  
President.

#### IMPORTANCE OF LIBERALIZATION OF THE McCARRAN-WALTER IMMIGRATION ACT

Mr. LEHMAN. Mr. President, as my colleagues know, for several years—in fact, ever since its enactment in 1952—I have worked against the present immigration law which is commonly known as the McCarran-Walter Immigration Act.

On Wednesday of this week—June 20—I spoke in reference to a bill which would permit admission into the United States, under special preference, of a group of 350 sheepherders. At that time I said:

The time has come for the Congress to face the issue frankly and admit that the McCarran-Walter Act is a cruel, unreasonable, and oppressive law, and that action must be taken to change it substantially. I do not expect to continue to vote for special bills for sheepherders, while watchmakers, needleworkers, carpenters, doctors, scientists, metalworkers, and other useful workers continue to be barred from the United States by the operation of the McCarran-Walter Act.

Mr. President, this morning the Washington Post and Times Herald contained an editorial which I wish to read into the RECORD. The editorial, which is entitled "Sheep and Goats," reads as follows:

#### SHEEP AND GOATS

After all the exhortations from the White House and all the speeches in Congress on the need for liberalization of the McCarran-Walter Immigration Act, the Senate Judiciary Committee has labored and brought forth a mere baby lamb. It has reported H. R. 6838, a bill to provide for the admission, above quota, of some 350 sheepherders and to eliminate the quota mortgaging which resulted from the long series of previous special bills regularly sponsored by the late Senator McCarran for the admission of sheepherders into the United States. This would be funny if it weren't tragic. It leaves in full effect all the pitiless and pointless rigidities of the McCarran-Walter Act. Senator LEHMAN was quite warranted in expressing the bitter hope that "the Judiciary Committee will shortly move to show as much consideration for human beings as they have shown for sheep."

The bill reported by the Judiciary Committee not only fails to embrace any part of the sweeping reform of immigration policy sought by Senator LEHMAN and any of the moderate liberalization recommended by the President and sponsored by Senator WATKINS; it fails to embrace even the limited revision endorsed by Representative WALTER. Senator WATKINS observed the other day that this sheepherders bill cannot now be accepted as constituting an immigration program for 1956. He is quite right. We suggest that he move to amend it on the Senate floor by adding to it at least those changes which President Eisenhower has said are necessary in the name of humanity.

Mr. President, today we have no reasonable or fair or humane immigration law. Men and women of great worth and who would be of great service to our country are excluded because of race, religion, or national origin. Until we do away with the national origins quota system, we shall not have a reasonable, fair, humane, and workable immigration law. I wish to say that I shall continue with all my strength to fight for such a law so long as I am in the Senate, or outside the Senate if I do not return to this body for another term.

#### APPEAL FOR IMMEDIATE FUNDS FOR KEWAUNEE HARBOR

Mr. WILEY. Mr. President, I should like to bring to the attention of my colleagues and, in particular, to the attention of the Corps of Engineers, a most important matter affecting my State. I



refer to further improvement of Kewaunee Harbor.

Folks not familiar with the upper Midwest may not realize the full significance of this vital car-ferry port. Kewaunee represents, tonnage-wise, Wisconsin's third largest port on Lake Michigan. The harbor, by its very nature, is large enough to handle any amount of traffic. But it becomes absolutely essential to extend the present Federal project so as to handle this increased traffic. An additional fleet will be using the harbor before the end of the year. So it is imperative that present facilities be expanded. This is not only a long-range matter; this is a situation of urgent emergency significance.

Under date of May 24, the Senate Public Works Committee wisely adopted a resolution requesting the Chief of Engineers to review the present status of Kewaunee Harbor by studying the report which had been published as House Document No. 43 of the 72d Congress, 1st session. Regrettably, the action of the Public Works Committee came at a date too late to have funds included in the public works appropriation bill, which now has been reported from the Senate-House conference committee, and which is thus in its concluding stages.

I want publicly to urge, therefore, that the Corps of Engineers give its sympathetic attention to the possibility of allocating funds for this purpose out of existing revenues, to the extent that there may prove to be funds to meet this problem head-on. Therefore I publicly make this request of our able friend, Maj. Gen. E. C. Itschner, Assistant Chief of Engineers for Civil Works.

I know that my colleagues from the great State of Michigan join with me in making this appeal, because this harbor—located on the western shore of Lake Michigan at the mouth of the Kewaunee River—is of the utmost importance to our neighbor State, as it is to us, and, indeed, to many other States of the Union. Car-ferry steamers ply throughout the year between Kewaunee port and Frankfort and Ludington, Mich.

The existing project for Kewaunee Harbor—providing for breakwater construction, pier alteration and construction, and dredging of an entrance channel and turning basin—is about 70 percent complete. The additional work, which is so urgently necessary, is essential for further deepening of the channel and extension of the interior basin.

By way of indicating the urgent necessity for the project, I send to the desk a telegram which I received today from the Honorable J. J. Reinke, mayor of the city of Kewaunee. I have moreover received a telegram from Fred J. Peterson, of the Kewaunee Engineering Corp., along the same line. I append to Mayor Reinke's telegram a letter which had come from Mr. Don W. Jirtle, chairman of the harbor commission.

Finally, as an indication of the broad, grassroots position on which this request is based, I append the text of an earlier letter which I had received from the mayor and the common council, in behalf of this project. I ask unanimous

consent that all of these communications be printed at this point in the body of the RECORD.

I look forward to an early report from General Itschner, to whom I am conveying the text of these remarks.

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

Kewaunee, Wis., June 21, 1956.  
Senator ALEXANDER WILEY,  
Senate Office Building,  
Washington, D. C.:

Senate public works resolution for Kewaunee Harbor survey highly valuable but emergency and business needs of this vital car-ferry port require immediate allocation of funds for early survey by Corps of Engineers. Present needs equally important to Michigan lake cities emergency allocation of funds should be favored by Senators PORTER and McNAMARA. Special conference in this city of Chesapeake & Ohio, Ann Arbor, Green Bay & Western, and other marine interests last evening wish you will secure necessary funds for immediate survey as desired by General Itschner. Because of high necessity will you please advise if money can be made immediately available?

Mayor J. J. REINKE,  
City of Kewaunee, Wis.

Kewaunee, Wis., June 15, 1956.  
Hon. ALEXANDER WILEY,  
United States Senator,  
Senate Building,  
Washington, D. C.

DEAR SENATOR: Our harbor commission and our mayor and council of the city of Kewaunee, have under consideration Senator McCARTHY'S review resolution of our harbor as enacted by the Senate Public Works Committee May 24, and now with the Corps of Engineers to process.

As you know, General Itschner's position is necessarily that action is dependent on the Senate appropriation subcommittee making money available if quick action is desired.

You know the high importance of the Kewaunee Harbor and the car-ferry service which is valuable and necessary to shippers and people of 40 States, as contrasted to the local municipality. Car-ferry service in our harbor has long needed an enlargement of our turning basin and the extension of a channel up to and through an existing bridge. A present emergency exists because, in addition to the car-ferry operation, the Kewaunee Engineering Co. plans for immediate construction of a storage tank farm for petroleum products brought in by water, imperatively needs both the turning basin enlargement and the channel extension.

We ask you to assist in this present need with the Senate subcommittee to authorize the necessary amount for immediate survey, and with General Itschner that he will take immediate action. The cost of survey is slight, even as compared to value, or conversely, of damage to shippers in many States.

We trust we may have your cooperation, and shall supply any additional information you need. And, as you know, Wisconsin car-ferry ports are part of the use of similar ports in Michigan, which is of interest to Senator POTTER who is a member of the subcommittee of the Appropriations Committee.

Very truly yours,  
DON W. JIRTLE,  
Chairman, Harbor Commission.

Kewaunee, Wis., March 12, 1956.  
Hon. ALEXANDER WILEY,  
United States Senator,  
Washington, D. C.

HONORABLE SIR: The mayor and common council of the city of Kewaunee asks your help to determine whether there is a possibility of obtaining Federal aid for the dredging of the north basin of Kewaunee Harbor.

Most of the north basin shoreline is now occupied by the depot and docks of the Corps of Engineers, United States Army. Adjoining the Corps of Engineers, area is occupied by the Kewaunee Engineering Corp. and the Kewaunee, Green Bay & Western Railroad.

It is understood that the Kewaunee Engineering Corp. has plans pending for building, repairing, loading, and unloading freight ships, and the need for greater channel depth and a turning basing there is urgent.

Very truly yours,

C. F. Temby, Mayor; Elizabeth M. Kuehl, Clerk; J. P. Stangel, Alderman; B. Albrecht, Alderman; William A. Murphy, Alderman; Robert F. McKay, Alderman; John H. Jerabek, Alderman; Sylvester P. Monty, Alderman; Thomas Kelliher, Alderman; W. J. Wessely, Alderman.

#### A TRIBUTE TO OUR SWEDISH PEOPLE

Mr. THYE. Mr. President, I ask unanimous consent to proceed for 4 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Minnesota may proceed.

Mr. THYE. Mr. President, this weekend a large portion of the population of my State of Minnesota will participate in an annual celebration known as Svenskarnas Dag, or Swede's Day. This is a great occasion in our State and is a tradition brought to our country by the more than 1 million Swedish immigrants who have come to our shores since 1638, the year when the first handful of Swedish colonists landed in Delaware.

The Scandinavian Peninsula is located much farther north in latitude than the United States. In June the days lengthen until that part of the world is able to enjoy almost continuous daylight. Each year in Sweden this is observed by a great celebration known as Midsummer Eve.

It is only fitting that our Swedish immigrants and their descendants should continue this fine custom with a similar celebration on Sunday, June 24. On many occasions down through the years I have been privileged to attend the Minneapolis celebration of Svenskarnas Dag. Since coming to the Senate it has been most difficult to leave during the pressing last days of the session to participate in this fine celebration, and again this year I shall be unable to attend the festival. This I regret, inasmuch as these occasions have always served as an inspiration and as a powerful reminder of our American heritage.

It is not difficult to understand why our Nation is great when we think of the unusual qualities a person had to have to leave the securities of home, family, and job for all the uncertainties of the New World. Whether we are first-generation or tenth-generation Americans, we can be extremely proud of our forefathers and the splendid heritage they have created for you and for me. If heredity has any influence whatsoever in determining our characteristics, then there can be no cause for wonder at America's greatness.

The Swedish peoples, like every other nationality, have made great contribu-

tions to this American heritage. Although few in number in the early history of our country, many of Swedish descent distinguished themselves during the American Revolution and during the first critical years of the Republic. One was John Hanson, a signer of the Declaration of Independence and for a time President of the Confederation. Another was John Morton, a member of the Pennsylvania delegation which approved the Declaration. Although Sweden did not actively participate in the American Revolutionary War, more than 70 Swedish officers volunteered to fight for our cause, and in 1783 Sweden became the first nation, not participating in the war, to recognize the United States as a free, equal, and independent country.

The history of Minnesota has been closely tied to the Swedish immigration to this country. Although the first Swedish immigrants came to Minnesota only a little over 100 years ago, 1 in every 4 persons in our State can trace their national origin to Sweden. These Swedish immigrants and their descendants have helped to build Minnesota from a wilderness into a rich agricultural and manufacturing region. The Swedes have made their mark in all walks of life. They can be found in every profession; in government, as mayors, State legislators, Members of Congress, and governors; in the factories of the Twin Cities and in the iron mines of northeastern Minnesota; they can be found in business; teaching in our high schools and colleges; and tilling the rich, black Minnesota earth as successful farmers.

Again this year, in Minnesota, we salute the spirit of friendship between the peoples of Sweden and the United States. This spirit originated before the Revolution and has continued without interruption through the generations which have come and gone to this date. During all these years we have experienced a feeling of kinship, resulting from our common love for peace, freedom, independence, and a truly democratic way of life. Basic to this fine relationship has been a dedication to God and religious principles by the people of both our countries.

I am proud of the Swedes of Minnesota and of their century of fine contributions to our way of life.

As we approach the celebration of Svenskarnas Dag, I think it is, indeed, fitting and proper that we pay tribute to the Swedish immigrants for the role they have played in developing the great American heritage, and to all those people living today in this country who proudly claim Swedish descent for their contribution in keeping America great.

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

#### CONTROL OF NARCOTIC DRUGS

Mr. O'MAHONEY. Mr. President, on May 31, last, the Senate passed Senate bill 3760, a bill to provide for a more effective control of narcotic drugs, and for other related purposes.

Last Wednesday the House of Representatives passed a similar bill, House bill 11619, which is now on the calendar as order of business No. 2303.

In order to get this measure to conference it is necessary to substitute the language of the Senate bill for the language of the House bill.

I therefore ask unanimous consent that the Senate proceed to the consideration of House bill 11619.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 11619) to amend the Internal Revenue Code of 1954 and the Narcotic Drugs Import and Export Act to provide for a more effective control of narcotic drugs and marihuana, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate proceeded to consider the bill.

Mr. O'MAHONEY. Mr. President, I offer an amendment to strike out all after the enacting clause in House bill 11619 and substitute therefor the language of Senate bill 3760.

The amendment was agreed to, as follows:

That this act may be cited as the "Narcotic Control Act of 1956."

#### TITLE I

SEC. 101. Part I of title 18 of the United States Code is amended by inserting after chapter 67 the following new chapter:

#### "CHAPTER 68—NARCOTICS

"Sec.

"1401. Definitions.

"1402. Heroin—penalties.

"1403. Sale of heroin to juveniles—penalties.

"1404. Smuggling of marihuana—penalties.

"1405. Second or subsequent offenses—procedure.

"1406. Surrender of heroin—procedure.

"1407. Use of communications facilities—penalties.

"1408. Additional authority for the Bureau of Narcotics and Bureau of Customs.

"1409. Motion to suppress—appeal by the United States.

"1410. Issuance of search warrants—procedure.

"1411. Border crossings—narcotic addicts and violators.

"§ 1401. Definitions

"As used in this chapter—

"The term 'heroin' shall mean any substance identified chemically as diacetylmorphine or any salt thereof.

"The term 'marihuana' shall have the meaning given such term in section 4761 of the Internal Revenue Code of 1954.

"The term 'United States' shall include the District of Columbia, the Territory of Alaska, the Territory of Hawaii, the insular possessions of the United States, the Trust Territory of the Pacific, and the Canal Zone.

"The term 'person' shall include any partnership, association, company, corporation, or one or more individuals.

"§ 1402. Heroin—penalties

"Notwithstanding any other provision of law, whoever knowingly imports or otherwise brings any heroin into the United States, or causes any such heroin to be imported or otherwise brought into the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such heroin after being imported or brought in, knowing the same to have been imported or brought in contrary to law, or conspires to commit any such act or acts shall, except as provided in

section 1403 of this chapter, be fined not more than \$3,000 and imprisoned not less than 5 nor more than 10 years. For a second offense, the offender shall be fined not more than \$5,000 and imprisoned not less than 10 nor more than 30 years. For a third or subsequent offense the offender shall be fined not more than \$10,000 and imprisoned for life, except that the offender shall suffer death if the jury in its discretion shall so direct.

"Whenever on trial for a violation of this section, the defendant is shown to have or to have had the heroin in his possession, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains his possession to the satisfaction of the jury.

"§ 1403. Sale of heroin to juveniles—penalties

"Notwithstanding any other provision of law, whoever knowingly sells, gives away, furnishes, or dispenses, facilitates the sale, giving, furnishing, or dispensing, or conspires to sell, give away, furnish, or dispense any heroin unlawfully imported or otherwise brought into the United States, to any person who has not attained the age of 18 years, shall be fined not more than \$10,000 and imprisoned for life, or for not less than 10 years, except that the offender shall suffer death if the jury in its discretion shall so direct.

"Whenever on trial for a violation of this section, the defendant is shown to have had heroin in his possession, such possession shall be sufficient proof that the heroin was unlawfully imported or otherwise brought into the United States unless the defendant explains his possession to the satisfaction of the jury.

"§ 1404. Smuggling of marihuana—penalties

"Notwithstanding any other provision of law, whoever, knowingly, with intent to defraud the United States, imports or brings into the United States any marihuana contrary to law, or smuggles or clandestinely introduces into the United States any marihuana which should have been invoiced, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such marihuana after importation, knowing the same to have been imported or brought into the United States contrary to law, or whoever conspires to do any of the foregoing acts, shall be fined not more than \$3,000 and imprisoned not less than 5 nor more than 10 years. For a second offense, the offender shall be fined not more than \$5,000 and imprisoned not less than 10 nor more than 20 years. For a third or subsequent offense the offender shall be fined not more than \$10,000 and imprisoned for life.

"Whenever on trial for a violation of this section, the defendant is shown to have or to have had the marihuana in his possession, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains his possession to the satisfaction of the jury.

"§ 1405. Second or subsequent offenders—procedure

"(a) Upon conviction of any of the offenses defined in section 1402 or 1403 hereof, or upon a second or subsequent conviction of the offense defined in section 1404 hereof, execution of sentence shall not be suspended, and the provisions of section 4202 of title 18 of the United States Code shall not apply, and in the District of Columbia the provisions of the act of July 15, 1932 (47 Stat. 697, D. C. Code 24-201 and the following), as amended, shall not apply.

"(b) For the purpose of this chapter, an offense shall be considered a second or subsequent offense, as the case may be, if the offender previously has been convicted of any of the offenses defined in section 1402, 1403, or 1404 hereof, or if he has been



convicted of any other Federal offense involving the unlawful importation, transportation, purchase, dispensing, distributing, sale, or concealment of heroin or marihuana or of conspiracy to commit any such act or acts. After conviction, but prior to pronouncement of sentence, the court shall be advised by the United States attorney whether the offense is a first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth any prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies such identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the jury to be the person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in this chapter.

“§ 1406. Surrender of heroin—procedure

“(a) Any heroin lawfully possessed prior to the effective date of this act shall be surrendered to the Secretary of the Treasury, or his designated representative, within 120 days after the effective date of the act, and each person making such surrender shall be fairly and justly compensated therefor. The Secretary of the Treasury, or his designated representative, shall formulate regulations for such procedure. All quantities of heroin not surrendered in accordance with this section and the regulations promulgated thereunder by the Secretary of the Treasury, or his designated representative, shall by him be declared contraband, seized, and forfeited to the United States without compensation. All quantities of heroin received pursuant to the provisions of this section, or otherwise, shall be disposed of in the manner provided in section 4733 of the Internal Revenue Code of 1954, except that no heroin shall be distributed or used for other than scientific research purposes approved by the Secretary of the Treasury, or his designated representative.

“(b) Any heroin or marihuana introduced into the United States in violation of section 1402, 1403, or 1404 hereof shall be summarily forfeited to the United States without the necessity of instituting forfeiture proceedings of any character. All quantities of heroin so forfeited shall be disposed of in the same manner as provided in subsection (a) hereof, and all quantities of marihuana so forfeited shall be disposed of in accordance with the provisions of section 4745 of the Internal Revenue Code of 1954.

“§ 1407. Use of communications facilities—penalties

“(a) Each use of any telephone, mail, or any other public or private communication facility in the commission or in causing or facilitating the commission, or in attempting to commit any act or acts constituting a violation of or a conspiracy to violate section 1402 or 1403 hereof, or section 2 of the Narcotic Drugs Import and Export Act, or any provision of the Internal Revenue Code of 1954, the penalty for which is provided in section 7237 (a) of such code, as amended, shall be considered a separate offense punishable by a fine of not more than \$5,000 and imprisonment for not less than 2 nor more than 5 years.

“(b) As used in this section, the term ‘communication facility’ means any and all instrumentalities used or useful in the transmission of writings, signs, signals, pictures, and sounds of all kinds by wire or radio or other like communication between points of origin and reception of such transmission.

“§ 1408. Additional authority for the Bureau of Narcotics and Bureau of Customs

“The Commissioner, Deputy Commissioner, Assistant to the Commissioner and agents of the Bureau of Narcotics and Bureau of Customs may carry firearms, execute and serve search warrants and arrest warrants at any time of the day or night, serve subpoenas and summonses issued under the authority of the United States, and make arrests without warrant for violations of any law of the United States relating to narcotic drugs (as defined in the first section of the Narcotic Drugs Import and Export Act (21 U. S. C. 171)) or marihuana (as defined in section 4761 of the Internal Revenue Code of 1954) where the violation is committed in the presence of the person making the arrest or where such person has reasonable grounds to believe that the person to be arrested has committed or is committing such violation.

“§ 1409. Motion to suppress—appeal by the United States

“In addition to any other right to appeal, the United States shall have the right to appeal from an order granting a motion to suppress evidence or return seized property made prior to the trial of a person charged with a violation of sections 1402, 1403, or 1404 hereof or section 2 of the Narcotic Drugs Import and Export Act, or of any of the provisions of the Internal Revenue Code of 1954, the penalty for which is provided in section 7237 (a) of such Code, as amended: *Provided*, That the United States attorney shall certify to the judge granting such motion, that the appeal is not taken for purposes of delay and that the prosecution is unable to go forward without the evidence suppressed. Any such appeal shall be taken within 30 days after the decision or order has been entered and shall be diligently prosecuted.

“§ 1410. Issuance of search warrants, procedure

“Notwithstanding the provisions of rule 41 (c) of the Federal Rules of Criminal Procedure, in any case involving a violation of sections 1402, 1403, or 1404 hereof, or section 2 of the Narcotic Drugs Import and Export Act, or any of the provisions of the Internal Revenue Code of 1954, the penalty for which is provided in section 7237 (a) of such code, as amended, (1) a search warrant may be served at any time of the day or night if the judge or the commissioner issuing the warrant is satisfied that there is probable cause to believe that the grounds for the application exist; and (2) a search warrant may be directed to any officer of the Metropolitan Police of the District of Columbia authorized to enforce or assist in enforcing a violation of any of such sections.

“§ 1411. Border crossings—narcotic addicts and violators

“(a) In order further to give effect to the obligations of the United States pursuant to the Hague Convention of 1912, proclaimed as a treaty on March 3, 1915 (38 Stat. 1912), and the limitation convention of 1931, proclaimed as a treaty on July 10, 1933 (48 Stat. 1571), and in order to facilitate more effective control of the international traffic in narcotic drugs, and to prevent the spread of drug addiction, no citizen of the United States who is addicted to or uses narcotic drugs, as defined in section 4731 of the Internal Revenue Code of 1954, as amended (except a person using such narcotic drugs as a result of sickness or accident or injury and to whom such narcotic drugs is being furnished, prescribed, or administered in good faith by a duly licensed physician in attendance upon such person, in the course of his professional practice) or who has been convicted of a violation of any of the narcotic or marihuana laws of the United States, or of any State thereof, the penalty for

which is imprisonment for more than 1 year, shall depart from or enter into or attempt to depart from or enter into the United States, unless such person registers, under such rules and regulations as may be prescribed by the Secretary of the Treasury, with a customs official, agent, or employee at a point of entry or a border customs station. Unless otherwise prohibited by law or Federal regulation such customs official, agent, or employee shall issue a certificate to any such person departing from the United States; and such person shall, upon returning to the United States, surrender such certificate to the customs official, agent, or employee present at the port of entry or border customs station.

“(b) Whoever violates any of the provisions of this section shall be punished for each such violation by a fine of not more than \$1,000 or imprisonment for not less than 1 nor more than 3 years, or both.”

Sec. 102. The analysis of part 1 of title 18 of the United States Code, immediately preceding chapter 1 of such title, is amended by adding

“68. Narcotics”

after

“67. Military and Navy.”

TITLE II

Sec. 201. (a) Section 212 (a) (23) of the Immigration and Nationality Act is amended to read as follows:

“(23) Any alien who has been convicted of a violation of, or a conspiracy to violate any law or regulation relating to the illicit possession of, or traffic in narcotic drugs, or who has been convicted of a violation of, or a conspiracy to violate any law or regulation governing or controlling the taxing, manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, exportation, or the possession for the purpose of the manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, or exportation of opium, coca leaves, heroin, marihuana, or any salt derivative or preparation of opium or coca leaves, or isonipeaine or any addiction-forming or addiction-sustaining opiate; or any alien who the consular officer or immigration officers know or have reason to believe is or has been an illicit trafficker in any of the aforementioned drugs.”

(b) Section 241 (a) (11) of such act is amended to read as follows:

“(11) is, or hereafter at any time after entry has been a narcotic drug addict, or who at any time has been convicted of a violation of, or a conspiracy to violate any law or regulation relating to the illicit possession of or traffic in narcotic drugs, or who has been convicted of a violation of, or a conspiracy to violate any law or regulation governing or controlling the taxing, manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, exportation, or the possession for the purpose of the manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, or exportation of opium, coca leaves, heroin, marihuana, any salt derivative or preparation of opium or coca leaves or isonipeaine or any addiction-forming or addiction-sustaining opiate.”

(c) Section 241 (b) of such act is amended by adding at the end thereof the following additional new sentence: “The provisions of this subsection shall not apply in the case of any alien who is charged with being deportable from the United States under section 241 (a) (11) of this act.”

Sec. 202. Section 8 of the act entitled “An act to create in the Treasury Department the Bureau of Narcotics, and for other purposes”,

approved June 14, 1930 (46 Stat. 587), as amended, is amended to read as follows:

"Sec. 8. (a) The Secretary of the Treasury shall cooperate with the several States in the suppression of the abuse of narcotic drugs in their respective jurisdictions, and to that end he is authorized (1) to cooperate in the drafting of such legislation as may be needed, if any, to effect the end named, (2) to arrange for the exchange of information concerning the use and abuse of narcotic drugs in said States and for cooperation in the institution and prosecution of cases in the courts of the United States and before the licensing boards and courts of the several States, (3) to conduct narcotic training programs, as an integral part of narcotic law enforcement for the training of such local and State narcotic enforcement personnel as may be arranged with the respective local and States agencies, and (4) to maintain in the Bureau of Narcotics a 'Division of Statistics and Records' to accept, catalog, file, and otherwise utilize narcotic information and statistics, including complete records on drug addicts and other narcotic law offenders which may be received from Federal, State, and local agencies, and make such information available for Federal, State, and local law-enforcement purposes. Any law to the contrary notwithstanding, Federal agencies of the United States shall make available to the Bureau of Narcotics the names, identification, and any other pertinent information which may be specified by the Secretary of the Treasury, or his designated representative, of all persons who are known by them to be drug addicts or convicted violators of any of the narcotic laws of the United States, or any State thereof. The Commissioner of Narcotics shall request and encourage all heads of State and local agencies to make such information available to the Bureau of Narcotics.

"(b) As used in this section, the term 'Federal agencies' shall include (1) the executive departments, (2) the Departments of the Army, Navy, and the Air Force, (3) the independent establishments and agencies in the executive branch, including corporations wholly owned by the United States, and (4) the municipal government of the District of Columbia.

"The Secretary of the Treasury is hereby authorized to make such regulations as may be necessary to carry this section into effect."

Sec. 203. Section 4744 (a) of the Internal Revenue Code of 1954 is amended to read as follows:

"(a) Persons in general: It shall be unlawful for any person who is a transferee required to pay the transfer tax imposed by section 4741 (a) to acquire or otherwise obtain any marihuana without having paid such tax, or to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of any such marihuana, knowing the same to have been acquired contrary to law, or to conspire to commit any of such acts in violation of the laws of the United States; and proof that any person shall have had in his possession any marihuana and shall have failed, after reasonable notice and demand by the Secretary or his delegate, to produce the order form required by section 4742 to be retained by him shall be presumptive evidence of guilt under this section and of liability for the tax imposed by section 4741 (a)."

Sec. 204. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remaining provisions of this act, or the application of such provisions to other persons or circumstances, shall not be affected thereby.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. O'MAHONEY. Mr. President, I ask that the title be amended in accordance with the title of Senate bill 3760.

The title was amended so as to read: "A bill to provide for a more effective control of narcotic drugs, and for other related purposes."

Mr. O'MAHONEY. Mr. President, I move that the Senate insist upon its amendment, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. EASTLAND, Mr. O'MAHONEY, Mr. DANIEL, Mr. WELKER, and Mr. BUTLER conferees on the part of the Senate.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS, 1957

The Senate resumed the consideration of the bill (H. R. 10986) making appropriations for the Department of Defense for the fiscal year ending June 30, 1957, and for other purposes.

##### SHORTAGE OF SCIENTISTS AND ENGINEERS

Mr. MANSFIELD. Mr. President, it is my purpose today to talk about the great need of scientists and engineers in this country and to indicate how that need is related to our defense needs, and also to compare the differences between the greatly expanding Soviet scientific-engineer curve, and the declining American scientific-engineer curve.

I sincerely hope that Secretary of Defense, Charles E. Wilson, will not refer to my statements as "phony" as he did on yesterday with reference to congressional demands to appropriate more money for more B-52's. Secretary Wilson has a facility for making statements "off the cuff" which will not stand up under close scrutiny. There is nothing phony about trying to make our country secure. There is nothing phony in recognizing that the testimony before the congressional committees by Generals LeMay and Twining, as well as Secretary Quarles, is directly contrary to what Mr. Wilson has to say about the B-52's or the air strength of the United States vis-a-vis the Soviet Union, and the development of our missile program. There was nothing phony about the unanimous action of the Congress last year in restoring \$40 million to keep the Marine Corps at its then present strength. There was something phony about the attempt of the Department of Defense to take unto itself the greater portion of this \$40 million and to use it for other activities in the Armed Services not so designated by Congress. Thanks to the distinguished Senator from Georgia [Mr. RUSSELL] and his Appropriations Committee, this attempt on the part of Mr. Wilson to divert these funds for the use of the services other than the Marine Corps was stymied.

I understand, Mr. President, that the Pentagon, perhaps through the orders of Secretary Wilson, will issue an order that all uniform personnel while on duty in the metropolitan Washington area

will be put into civilian clothes on the first of July 1956. If this order has been issued, or is to be issued, is the idea behind it to try to play down the role of the military in our Government and the extremely large number in evidence in this Capital. I think that it would be a mistake to issue an order of this kind because I think in a Government such as ours, we should have a daily reminder of the influence of the military in our Government.

Mr. President, on several occasions I have made reference to the critical shortage of scientists and engineers that we face in the United States. Today I wish to pursue further this general topic and attempt to construct a picture of the grave situation that exists today.

As never before in our history this Nation's security rests in the hands of its scientists and engineers in the technological front lines of scientific progress. Nuclear and thermonuclear weapons, intercontinental guided missiles, supersonic jet planes, radar warning nets, these are the complex instruments upon which depends our ability to preserve peace and to resist aggression if it should come. To develop these instruments and to improve them we need men and women of the highest caliber in both theoretical and applied mathematics, physics, chemistry, and related fields. We have today a drastic, almost catastrophic shortage of these essentials personnel and there is no immediate relief in sight.

The United States requires 30,000 to 35,000 new engineers annually; the new production burdens of the cold war require another 3,000 to 4,000 a year. But in 1954 accredited United States schools graduated only 22,000 engineers. At the same time, the Soviet Union graduated more than 53,000. In addition, Russia is graduating far more men in the sub-professional fields of engineering, in the "technical areas that are so vital in a technological age." The Russians who produced only about 9,500 engineers in 1928 are now graduating engineers at a rate two and one-half times greater than the United States.

According to Ramsey D. Potts, Jr., in the May 1955 issue of the Annals of the American Academy of Political and Social Science:

While the United States has been turning out far more university graduates, the Soviets, between 1928 and 1953, have graduated 150,000 more engineers than the United States. In 1928 the Soviets had some 26 institutions offering engineering training. Today there are approximately 175 schools offering training in engineering exclusively. Their enrollment numbers about 30,000 students. By comparison, some 210 United States colleges offer engineering courses with an enrollment of about 194,000 students. \* \* \* Since 1951 the Soviets have been graduating at least 1,200 to 1,400 aeronautical engineers per year. In 1954 the United States graduated 645 aeronautical engineers. The quality of Soviet instruction is very high by United States standards: the students get considerably more education in the general sciences and especially in mathematics.

The general education program in America is far superior to the Soviet's



but we are beginning to fail in this one area.

The critical nature of the American shortage of engineers and scientists has been voiced by the top men in education, science, and government. Last year, Allen Dulles, Director of the Central Intelligence Agency, speaking before the Alumni Federation of Columbia University, said that in the decade from 1950 to 1960, the Soviet Union would graduate 1,200,000 scientists and engineers, compared to 900,000 in the United States. And he warned that unless something was done at once, Soviet scientific manpower might well outnumber ours in many key areas.

In December of last year Dr. Alan T. Waterman, Director of the National Science Foundation, said that this country's need of trained scientists was becoming more and more critical. Dr. Waterman stated that the fault lies at all levels of American education, especially in the secondary schools, which, he declared, are not turning out graduates competent to profit by scientific education in colleges.

Secretary of State Dulles had voiced his alarm on this topic, as seen from a foreign affairs point of view. He believes that this country with an economy two-thirds greater than the Soviet Union's will be able and willing to provide much more economic assistance than the Communists in years to come. However, he is worried about the Soviet Union's ability to raise and disperse an army of technical advisers all over Asia and Africa. The Soviet Union does not have a surplus of capital or goods, but it is becoming evident that there soon will be a surplus of excellent technicians trained in the sciences and engineering, and, of course, well trained in the art of political subversion. Unless the current trend in the United States is changed, this Government will not be able to compete with the Soviet offers of technical aid.

One of the latest warnings comes from former Senator William Benton, of Connecticut, who made an intensive study of Soviet education and propaganda last year, making it clear that the Soviet educational system is geared to win the cold war. According to Senator Benton, the Soviet Union is producing a surplus of engineers and technicians who will be assigned to carry out technical assistance in every uncommitted country in the world. He made many interesting and disturbing statements in his recent interview with Washington correspondent, Marquis Childs. The Senator's recommendations should be kept in mind by all of us who have not had the opportunity to see the Soviet educational system at first hand.

Lewis L. Strauss, Chairman of the Atomic Energy Commission, has warned on occasion that in the decade 1950-60 the Soviet Union is expected to graduate far greater numbers in the sciences and engineering than the United States.

President Eisenhower sent Congress a report in late January warning that the United States has an inadequate supply of scientists, particularly in the research field.

Atomic Energy Commissioner Willard F. Libby told a recent Engineers and Architects Day celebration here in Washington that today's scientific manpower shortage was fearsome and awful.

Perhaps the finest summation of the situation which confronts the Nation is a report on engineering and scientific manpower in the United States, Western Europe, and Soviet Russia, issued in March by the Joint Committee on Atomic Energy. In the preface, subcommittee chairman, the Honorable MELVIN PRICE, of Illinois, stated:

It should be no secret that the United States is in desperate danger of falling behind the Soviet world in a critical field of competition, the life-and-death field of competition in the education and training of adequate numbers of scientists, engineers, and technicians. But although it is not a secret, the facts have not sunk into the public mind.

Many warnings have been issued, many speeches have been made. They have been reported. But they have not sunk into the mind of the administration and the Congress, even when the warnings came from eminent administration sources. I suggest that the time has come for strenuous measures, for action by the Government, by business corporations, and universities, for what might be called a crash program to increase swiftly and steadily the number of adequately trained American scientists and engineers.

I recommend that all members of Congress give serious consideration to this report which is, in my estimation, the most complete and factual study that has been published on the scientist and engineer shortage.

These statements and figures do not paint a very pleasant picture, particularly at a time when our strength depends greatly on technological advancement. We must meet the situation head on, admit the inadequacies of the past and work to meet this shortage.

The shortage is due to a number of factors. Prior to the Korean war we had an overabundance of scientists and engineers. But the Korean conflict and the boom in electronics, nuclear energy, and guided missiles transformed the picture. The industrial ratio of engineers to factory workers, which stood at 1 to 250 in 1900, increase to 1 to 60 in 1950 and is rising with every new automation process. In some industries today the ratio is as high as 1 engineer for every 10 employees.

The source of one of the major problems is at the high-school level. There is a sharp decline in interest in the sciences among high-school students. Figures issued by the United States Office of Education show that proportionately fewer students now take courses in chemistry, physics, science, and mathematics than ever before. Half the high schools in the country do not even offer chemistry today.

Training in the sciences and higher mathematics should begin no later than the junior year in high school. But in the last 50 years, the proportion of high-school students studying algebra has dropped from 50 percent to 20 percent, physics from 20 percent to 4 percent. A basic curriculum in the sciences in high school is necessary as a background for

college work. There are technological schools which are not filled because they lack properly qualified applicants.

The decline in student interest in science has been attributed by some to a soft educational policy, which has turned students away from the hard scientific subjects and into easy courses in social studies and vocational education.

Some people argue that teaching science at the high-school level is of little value, that the real basis in science is to be found in college. This may or may not be true, but we must not forget that it is in the high school where the interest in science and mathematics is developed, and this can only be done by exposing the students to this field in the high-school curriculum.

There is an immense problem of getting teachers adequately trained in the sciences and mathematics. Many schools are unable to compete with the salaries offered by the Government and private industry. The shortage of competent people in the sciences is severe and even more so with those needed in the teaching field. To give new life to our science program, there must be a change at the high school level.

Another problem which takes its toll of potential scientists and engineers is of a financial nature. Many students who have great potential in the fields of science and engineering do not have enough funds to continue their education beyond high school. It is costly to attend these schools, as any parent who has a son or daughter in college will testify to.

Another factor which enters the picture is the Selective Service program. The draft takes away many potential engineers and scientists. Many young men who could be providing a great service to private industry or the Federal Government are now filling a routine position in one of the branches of the service, where their capabilities are not being fully utilized.

A portion of the unattractiveness of the scientific or engineering careers can be blamed partly on the desire of students to avoid the kind of personal tragedies that befall scientists when they run afoul of the security program.

This shortage has brought a mad scramble by United States companies for engineers and scientists. Teams of recruiters are swarming over every campus, winning, dining, and tempting seniors with beginning salaries of an average of \$7,200 to \$7,500 per year according to Engineering Societies Personnel Service, Inc. Some companies are reported to have tried to hire entire graduating classes.

The Washington Post and Times Herald recently carried a feature story of a young senior engineering student at the University of Maryland. His services were being sought by 15 companies after his graduation this spring. This dilemma is not uncommon today on the campuses of our schools of higher education.

Thus we have a brief picture of the critical situation we now face. There is no immediate solution; it will have to be a long-term proposition. We are fighting for first place in this technological

race and we must not lose. The program for training and employing scientists and engineers needs a complete adjustment from top to bottom.

The first thing which must be done is to give some new life to our science and mathematics programs in the high schools. There must be a new incentive instilled in our young people to seek careers in science and engineering.

Every responsible educational agency at the Federal and State level and even the small school boards should take a long hard look at the present high school standards and see what can be done to raise them.

The interest of those students who have a natural inclination toward the sciences should be kindled as early as possible. The raising of standards would be one step, but it is also necessary to have competent teachers of science. Education spokesmen say that untold numbers of students get their first distaste for scientific courses from incompetent teachers who show little aptitude or understanding for their subjects. With better salaries and more adequate facilities, the proper kind of natural science teaching could be brought back into the curricula. We cannot do this by scrapping laboratories, refusing to install new equipment or by assigning science and mathematics classes to anyone who might happen to have a free period.

One proposal which might counteract the indifference at the college level was discussed editorially by Benjamin Fine, columnist for the New York Times. The proposal suggests the creation of a Reserve Officers Training Corps in the fields of engineering and science. At present many campuses in the Nation support these corps in the various branches of the Army, Navy, and Air Force. According to Mr. Fine, the Pentagon has under consideration an extension of these programs, to include ROTC units devoted to engineering and science students. Under such a plan, the military officials would provide financial support to qualified students in the technical fields. This program seems to have considerable merit.

It has also been suggested that a science academy be set up, comparable to our military academies. Promising students would enter the science academy on a competitive basis. Upon completion of the course the graduates would be required to work a minimum number of years for the Federal Government in one of its research programs or in connection with a federally sponsored program in private industry.

An expanded Federal scholarship program would do much to increase our supply of scientists and engineers. Financing college and graduate study is one of the major obstacles to aspiring scientists and engineers.

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

port 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 awarding of fellowships for predoctoral study also, the Foundation offers to an average of 600 selected students a year the opportunity to undertake at institutions of their choosing, the advanced training necessary for a career in research.

The foundation is also requesting funds to embark on a program of supplementary training for high-school science and mathematics teachers. Under this new program a grant awarded to a teacher will enable him to obtain further education in the field of science, in which he is interested. These refresher courses would be for approximately 1 year. The House considered this program so important that they increased the amount requested by \$5,650,000 above the budget estimate.

This program is a proven success, but the Federal Government's role needs to be greatly expanded to meet the shortage we are facing. The number of scholarships should be increased and funds should not be limited to predoctoral and graduate work. Direct assistance to students studying in the sciences and mathematics below the graduate level is necessary in order to increase the number of capable scientists and engineers.

A nationwide testing program in our high schools would be a start in seeking out the potential student applicants for scholarships to study science and engineering in college or at graduate schools.

There needs to be a reexamination of our selective-service program. A more realistic attitude must be taken. Scientific and engineering students are being drafted before they have completed their studies. This is particularly true of students preparing to do graduate work or those who are in the midst of the course and then they are called into the service. Graduate study is becoming more essential with each technological advance in the world of science. Allowances should be made for these students. They will be of much more value to the Nation in the laboratories than they will in an office or behind a gun.

A feeling of personal security must be returned to scientific work. The present security system has induced an unattractiveness in scientific careers that has turned young men and women into other fields.

Beyond the general shortage of scientists and engineers there is an ever-increasing differential between the number who seek a career in the service of the Federal Government and private industry. We are faced with a situation similar to that which we have in the armed services. We want our Army, Navy, and Air Force to be made up of career men instead of short-term draftees in order to promote efficiency and strength.

Private industry is beginning to outstrip the Government service in salaries and benefits in most cases. Private industry is offering engineers and physical scientists with bachelor of science

degrees on the average \$50 per month more than the starting salary offered them by the Government. There is generally the same difference between salaries offered graduates with master's degrees. Most firms pay part or all of the moving expense incurred by their new professional employees, a practice which the United States civil service cannot follow under existing policies. Fringe benefits in the Government service are no longer the attraction that they originally were. In addition, there is much more personal security in the service of private industry.

The Federal Government needs increasing numbers of capable scientists and engineers to keep ahead in this worldwide technological race. The United States Government has superior research facilities and equipment. With all of this, is the Federal Government going to have to employ second- and third-rate people to work in our laboratories and installations? I sincerely hope not, but if we do not enact a constructive program that is exactly what we will be doing.

We have a problem which must be studied and approached from every angle, Federal, State, county, and the local school districts. The lot of scientists and engineers cannot be improved merely by setting up a vast scholarship program; there also must be an interest created in our high schools. There must be competent instructors. They need better salaries and equipment. Science and engineering graduates must have personal security in addition to financial well-being. All of these things must go together to meet this shortage of scientists and engineers.

I have discussed the shortage of scientists and engineers that faces this Nation of ours at some length. I think the problem is clear enough for all to realize the seriousness of the situation.

There are a number of things which need to be done, but what are we doing about it? At the moment, very little at the Federal level. There are a number of broad and limited scholarship programs in the form of legislation pending before Congress, but no action has been taken.

We need an immediate source of incentive to increase our supply of scientists, engineers, and young people who are interested in pursuing these careers. Many of the proposals we are familiar with would take time to get into operation. We have many fine private scholarship programs for college students. The Ford Foundation, last year, embarked upon the largest college scholarship program of its kind in our history, with initial grants of \$20 million from the Ford Foundation and \$500,000 from the Carnegie Corp. Other corporations and foundations are planning to contribute. The first year there will be approximately 350 awards. The number of awards will increase, according to the announced plan.

In the United States many of our young men and women would like to go on to college, but do not, largely because of the lack of financial means. In the Soviet Union this would be of no concern for they select the most able youth



and send them to college at no expense. These young people have no choice in the matter, but the number of Russian graduates in the sciences far outnumbers those in America today. This approach is contrary to our way of life.

In the entire scholarship and fellowship program in the United States the undergraduate student has probably benefited the least. There has been a tendency to concentrate on grants in the field of graduate study.

The Federal Government has available today the means of instituting such a scholarship program for the undergraduate in our colleges and universities. We must remember that the step from high school to college is often the most difficult one to make.

The means available to the Federal Government to which I referred is the National Science Foundation. Under Public Law 507, 81st Congress, "The Foundation is authorized to award, within the limits of funds made available specifically for such purpose pursuant to section 16, scholarships and graduate fellowships for scientific study or scientific work in the mathematical, physical, medical, biological, engineering, or other sciences at accredited nonprofit American or nonprofit foreign institutions of higher education, selected by the recipient for such aid, for stated period of time."

The Foundation, as I have said, makes available scholarships for graduate work and plans refresher courses for qualified high school mathematics and science teachers. Since the organization of the Foundation, in 1950, a scholarship program for the undergraduate college students has not been sponsored. The major limitation on the expansion of its program to include undergraduates has been the amount of funds appropriated each year.

I have written to the Senate Committee on Appropriations, asking that additional funds be appropriated for the National Science Foundation, specifically for a Federal undergraduate scholarship program in fiscal year 1957. I ask that this letter be printed in the RECORD at this point in my remarks.

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

UNITED STATES SENATE,  
Washington, D. C.

HON. WARREN G. MAGNUSON,  
Chairman, Subcommittee on Independent Offices Appropriations, Committee on Appropriations, United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: I have given a good deal of thought and consideration in the past year to the shortage of scientists and engineers which plagues American leaders in education, industry, and government. In the decade from 1950 to 1960 the Soviet Union will graduate 1,200,000 scientists and engineers, compared to 900,000 in the United States, according to official estimates. This is only a small sampling of the voluminous material available indicating the seriousness of the crisis we face.

Considerable interest has been aroused in both Houses of Congress, but to date the Federal Government has done little to help relieve the situation. As you know, there are a number of bills pending before Congress which would set up general and limited

scholarship programs. In addition to various other proposals to relieve the critical situation in future years. The necessity to increase the supply of engineers and scientists in this country is immediate.

Private foundations and scholarship programs have greatly expanded in recent years, but I feel that it is the duty of the Federal Government to take the lead in meeting this crisis. Only the Federal Government has the resources and prestige to produce the new emphasis on the training of qualified young people in the engineering and scientific fields.

In meeting this crisis action must be taken at all levels, Federal, State, county, and district. The Federal Government has available an agency with the necessary authority to put into operation an expanded scholarship program to help relieve the shortage. I refer to the National Science Foundation, which you sponsored, as authorized by the 81st Congress. The foundation offers scholarships, within the limits of funds made available for scientific study or scientific work, both here in America and abroad. Since the beginning of the program, foundation scholarships and fellowships have been limited to graduate work and specialized courses. The foundation has not offered scholarships to undergraduates in our colleges, largely because of fund limitations, according to information at my disposal.

If we are to increase the number of students in the fields of science, it will have to start in undergraduate work. It is a big step from high school into college, and many of our capable young people do not make it because of their inability to finance a higher education. A Federal scholarship program for undergraduate students in the sciences and engineering would be a major effort in meeting the crisis.

I am taking the liberty of recommending to the Appropriations Committee that the funds for the National Science Foundation under H. R. 9739, which the subcommittee is now considering, be increased by \$20 million, designating this additional money for a Federal scholarship program for undergraduate students. This is the most immediate way of helping to meet the crisis, and we are using an agency which has the authority and facilities to put such a program into operation with little delay. Even if this amount is allowed, it must be borne in mind that it will mark a beginning, not an end, to fulfilling our national needs.

I ask that this proposal be given consideration at the time appropriations for the National Science Foundation are before the subcommittee.

Thanking you for the opportunity to express my views on this matter, I remain,  
Sincerely yours,

MR. MANSFIELD. Mr. President, as the independent offices appropriation bill passed the House, it contained an appropriation of \$35,915,000 for the operation of the National Science Foundation in fiscal year 1957. My recommendations would have increased this appropriation to \$55,915,000, designating that the additional \$20 million be made available for undergraduate scholarships as authorized. While my suggestion was not adopted, I am delighted that the conferees of the Appropriations Committees of the Senate and House did increase the amount for the National Science Foundation by \$4,085,000 to a total of \$40 million over the amount passed by the House. It is my hope that out of these funds—still \$1,300,000 below the Budget request—that consideration will be given to the proposal I advanced.

This proposal utilizes an authority and an agency which already exists. It will

not be necessary to set up a new scholarship program for scientists and engineers. The extent and necessity of such a program can be regulated by appropriation. If ever there should be an oversupply of technicians, scientists, and engineers, this program could be curtailed with little effort. The shortage of engineers and scientists is distressing, but what is being done about it?

In the words of Rear Adm. H. G. Rickover, Chief of the Atomic Energy Commission's Naval Reactor Branch, the critical question is: How can we provide the trained men and women needed to maintain the momentum of our rapidly expanding technical civilization? The most immediate answer to this question is the National Science Foundation, an agency of the Federal Government. However, we must keep in mind that this would be a beginning—not an end—to fulfilling our national needs.

Mr. President, a great deal of credit is due Admiral Rickover for alerting the Nation to the serious nature of the shortage of scientists and engineers. The admiral, in his spare moments, and there are very few of those, has traveled throughout the country trying to bring home the seriousness of this problem.

Mr. President, in conclusion, I recommend a five-point program to meet the shortage of scientists and engineers, a program of immediate and long-range effort. It is a cooperative program, but the Federal Government must take the lead through the National Science Foundation.

First. An expanded Federal scholarship program for college and graduate students in the natural sciences and engineering under the National Science Foundation. In order to insure an adequate number of trained personnel in the service of the Federal Government in highly technical and skilled fields, I suggest that the Government, under a scholarship program, select a number of high-school students each year who have shown special scientific interests and capabilities and underwrite their education. In return these students could be required to put in a period of service after graduation which would be in some way beneficial to our national security, in the military or in industry.

Second. Reemphasis on science and mathematics instruction in the high schools of the Nation. This must be a cooperative move between the local school districts and the State departments of education.

Third. A Federal grant-in-aid program to the States for science and mathematics teachers in the high school somewhat similar to existing Federal aid for certain agricultural and vocational training in the secondary schools.

Fourth. A revised Selective Service program, making allowances for students and graduates pursuing a career in the sciences and engineering.

Fifth. An improved public relations and security program for scientists, engineers and technical personnel.

The Federal Government must take the lead in meeting this crisis; nothing else will do. Only the Federal Government has the resources and prestige to produce the new emphasis on the train-

ing of qualified young people in the engineering and scientific fields.

I want to say that in order to keep ahead in the worldwide race of technological advancement, the United States will need a vast and continuing supply of first-rate scientists and engineers. Today we are facing a severe shortage. The proposals that I have made will, in my estimation, help to contribute to and insure American stability and supremacy in the sciences, which will be so necessary in the years to come.

Mr. President, I ask that an editorial, entitled "Where Soviet Gains Are Greatest," from the Great Falls Tribune, Great Falls, Mont., be printed in the RECORD at the conclusion of my remarks.

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

#### WHERE SOVIET GAINS ARE GREATEST

There has been so much discussion in recent months about alleged Russian superiority in developing guided missiles that a more important factor in the contest between Soviet and American science has been obscured. This concerns Russia's long-range program for attaining scientific leadership throughout the world.

It has long been recognized that the foundation of America's tremendous strength rests on our superior production capacity, which in turn rests on the high level of skills and "know-how" of the American populace.

But in the field of science Russia, by concentrated attention and heavy subsidy, has made astonishing progress in the last few years. This progress has brought a warning from Dr. John Turkevich, a Princeton chemistry professor and leading student of the Soviet Union. According to Turkevich, an iron curtain around the Russian scientific community was lifted with the passing of Stalin. Scientists, elevated to a new position of importance and esteem, were permitted freer traffic in science and technology was stepped up in Russian schools.

Results are already apparent. Turkevich says the Russians have made rapid strides in virtually all fields of scientific endeavor.

The most significant gains have been in education. Soviet output of scientists and engineers now surpasses that in the United States, and many young Russians are starting scientific careers as early as age 7. Science occupies 30 percent of the primary curriculum in Russia, 46 percent in secondary schools. And the Russian child studies 6 days a week instead of 5.

Dr. Turkevich feels that Soviet science represents "a tremendous potential for scientific and technological progress," and that Russia obviously is making "a conscious, well-planned attempt to assume the scientific leadership of the world."

What is scientific leadership worth in this day and age? It is much more than a matter of prestige. An immense new technological era has been opened in the past decade, an era in which a nation ranking at the top in scientific endeavor occupies an unusually advantageous position with respect to military, industrial and economic potential.

While we in America are concentrating on our more immediate scientific developments, we need also a better coordinated national science program—and soon.

During the delivery of Mr. MANSFIELD's speech,

Mr. JOHNSTON of South Carolina. Mr. President, has the Senator from Montana had occasion to note how many generals, colonels, majors, and other of-

ficers have been appointed to executive positions in the administration?

Mr. MANSFIELD. I will say to the distinguished Senator from South Carolina that the Senator from Montana has looked into that matter and he is appalled at the large number of retired generals and colonels in the administration and others who are working in the United Nations, and who receive tax-exempt salaries in addition to their retirement pay.

Mr. JOHNSTON of South Carolina. And the ordinary person who comes into contact with these men is not aware of the fact that they are or have been in the military service.

Mr. MANSFIELD. That is correct.

Mr. JACKSON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. JACKSON. Mr. President, I should like, first, to compliment the distinguished junior Senator from Montana for his fine statement regarding the need for scientists and engineers. We are living in an age when the future security of our country is more and more dependent upon scientific achievement. Unless we can continue to expand along the lines suggested by the Senator from Montana, we are going to be in serious trouble. The Senator has made an excellent contribution today.

Mr. MANSFIELD. I thank the Senator from Washington for his kind words. I am sure he will agree with me that there is nothing "phony" about the suggestion that a shortage of scientists and engineers exists in our country at this time.

Mr. JACKSON. I am glad the distinguished Senator mentioned the word "phony." It seems to be a word of considerable significance as the result of comments made by the Secretary of Defense yesterday. As I understand, he implied that the \$1,100,000,000 increase in funds for the Air Force voted by 13 members of the Senate Appropriations Committee, both Republicans and Democrats, was a "phony."

Mr. MANSFIELD. That is correct.

Mr. JACKSON. I should like to ask the Senator this question: Is it not a fact that the Republican members of the Appropriations Committee, headed by the distinguished ranking Member on the Republican side of the aisle, the Senator from New Hampshire [Mr. BRIDGES], have asked for a half-a-billion-dollar increase?

Mr. CHAVEZ. The Senator from New Hampshire is only half a phony. [Laughter.]

Mr. JACKSON. Does not the junior Senator from Montana think that all members of the Appropriations Committee, Republicans and Democrats alike—

Mr. MANSFIELD. Will the Senator from New Mexico read the names of the Senators, in addition to the Senator from New Hampshire, advocating the smaller amount?

Mr. CHAVEZ. The Senator from North Dakota [Mr. YOUNG].

Mr. MANSFIELD. A Republican.

Mr. CHAVEZ. The Senator from Wisconsin [Mr. McCARTHY].

Mr. MANSFIELD. A Republican.

Mr. CHAVEZ. And the fine lady from Maine [Mrs. SMITH].

Mr. MANSFIELD. A Republican.

Mr. JACKSON. I think there is almost unanimous agreement in the Appropriations Committee that there should be some increase for the Air Force. But, according to Mr. Wilson's statement, any increase is a "phony."

I should like to ask the Senator from Montana if Mr. Wilson has not placed his own associates in the position of being "phonies." For instance, the Secretary of the Air Force asked for \$18,881,000,000 with which to conduct the operations of the Air Force. This sum is \$2,363,000,000 more than was suggested to the Senate Appropriations Committee by Mr. Wilson.

So, Secretary Quarles, to follow the statement just made by the distinguished senior Senator from New Mexico, is twice a phony, because he asked for twice the increase approved by the Senate Committee on Appropriations.

Mr. MANSFIELD. Is not Secretary Quarles charged with the direct responsibility of determining the needs of the Air Force year by year?

Mr. JACKSON. He is; and the top professional soldier in the Air Force, General Twining, asked for \$19,392,000,000 for the Air Force.

I think it is pertinent at this point to call the attention of the Senate to the distinguished airpower record of the Secretary of Defense. On May 19, 1953, the Secretary of Defense told a subcommittee of the Senate Committee on Appropriations:

It [the Russian air force] is much more a defensive air force and not an offensive air force. A defensive air force would be more fighters and interceptors, and an offensive air force would be more bombers and long-range fighters. That ought to give the American people some encouragement.

That was on May 19, 1953. On February 1, 1954, Secretary Wilson told the House Appropriations Committee:

My analysis would indicate that the Russians have been much more afraid of us than we are of them, and their buildup has been a defensive buildup.

Then after the May Day 1954, Moscow fly-by of a prototype Bison, which is a long-range Russian bomber comparable to the United States B-52, the Secretary of Defense said at a press conference on May 4, 1954, that the Russians were "about 3 years" behind the United States in jet bombers.

After the May Day, 1955, fly-by, and on May 24, 1955, the Secretary of Defense, at a press conference, said:

I think it would be a fair assumption that the Russian Air Force is shifting its emphasis to a long-range strategic bomber force. We have known for some time that they [the Russians] were striving to increase their production of these types of aircraft. These are facts which are not new to the Defense Department.

Secretary Wilson made that statement after a long series of previous statements, year by year, in which he said that the Russians were interested only in a defensive build-up and were not building long-range bombers.

This is Secretary Wilson's record of miscalculations with respect to the B-52.



He made two miscalculations in 1 year, starting on May 24, 1955. On that date, asked at a press conference if the Moscow fly-bys would cause him to ask Congress for more funds, Secretary Wilson replied:

I don't think so.

But in June 1955—the following month—Secretary Wilson asked for approximately one-quarter of a billion dollars for B-52 production speed-up.

On March 6, 1956—this year—asked at a press conference how a decision to step up B-52 production would affect appropriation requests, Secretary Wilson replied:

You wouldn't have to do anything about it, in my opinion.

In the following month, in April of this year, Secretary Wilson asked for approximately one-quarter of a billion dollars for B-52 production speed-up. I might add, parenthetically that that was a week prior to the time the Armed Forces Subcommittee started its investigation of airpower.

Here we have the record of the Secretary of Defense on the subject of airpower. In my humble judgment—and I said this more than 3 years ago—he should no longer serve as Secretary of Defense.

His latest comment has demonstrated his ability to keep his foot in his mouth most of the time. The rest of the time he is trying desperately to take his foot out of his mouth.

Mr. MANSFIELD. I am glad the Senator from Washington has placed the statements of Secretary Wilson in the RECORD for all to see. I now yield to the distinguished senior Senator from New Mexico, the chairman of the Subcommittee on Appropriations for the defense establishment.

Mr. CHAVEZ. So far as the chairman of the Subcommittee on Department of Defense Appropriations is concerned, he is willing to accept the designation of phony so long as it will protect the American people in their national security.

The difficulty of the Secretary of Defense is that he forgets he is not running General Motors but is working for the public. He cannot get over the idea that notwithstanding his success with General Motors, as a public servant he is behaving as a child. Every time he holds a conference, his limbs become so limber that, as the proverbial saying goes, he puts his foot in his mouth. He certainly has done so on this particular occasion.

Mr. MANSFIELD. It is getting to be a habit.

Mr. CHAVEZ. It is a habit.

Mr. SYMINGTON. Mr. President, I rise to speak on a subject which is not a partisan matter. It involves the future security of every American.

Since the 25th of February, when the distinguished junior Senator from Georgia, the chairman of the Senate Armed Services Committee, and the authority on military matters in this body, established the Senate Subcommittee on the Air Force, I have tried to refrain from comment on the current controversy with respect to adequate defense.

This morning, however, in the press of the Nation, the Secretary of Defense has made statements attacking other mem-

bers of his own organization, taking issue with their sworn testimony, ridiculing their statements made under oath as a result of requests from the Senate to be given the truth.

Far more important than that, however, is Mr. Wilson's deliberate attack on the Senate itself.

Apparently this Cabinet officer does not understand our form of government, especially that part which embraces the division of power in our Constitution, and which gives Congress the right to decide what funds are necessary for the creation and maintenance of the Armed Forces.

A full-page headline in the press this morning states:

Wilson sees no more funds needed for B-52 program but White House support of defense boost is hinted.

Mr. President, the junior Senator from Missouri is not interested in possible disagreement between the White House and the man to whom the President has entrusted our defenses. But he is interested in the second heading, which states:

Secretary says drive in Senate for bigger Air Force is a phony.

And he is also interested in the third heading, which states:

KNOWLAND calls GOP bid for \$500 million increase more acceptable to administration than Democratic move for \$960 million.

Mr. President, ever since Mr. Wilson took office his opinion of the Senate has never been a secret. In his first year, 1953, after disagreeing with one of the Nation's great soldiers of World War II, Wilson remarked, in effort to ridicule this soldier at an open convention: "You talk like a Senator."

I have spent a little time on what Mr. Wilson thinks of the Senate. I will not spend any time on what the Senate thinks of Mr. Wilson.

In the press this morning, however, statements are made which the Senator from Missouri does not intend to let go unchallenged.

The Secretary of Defense is quoted as saying yesterday:

The Russian Bison bomber is vastly inferior to the United States B-52 intercontinental jet bomber.

Mr. Wilson is also quoted as saying:

There is a popular impression that the B-52 and the Russian Bison are equal. It is not so. The B-52 is greatly superior to the Bison, in the altitude it can fly, and the distance it can fly, without refueling.

Mr. Wilson also said:

General LeMay acted as if he didn't know what our plans are. He didn't know that we had gone up from 17 to 20 per month.

In making these statements, Mr. Wilson not only ridicules General LeMay; he tells the American people that his—LeMay's—sworn testimony is false.

I now read the sworn testimony of the world's greatest authority on strategic airpower, Gen. Curtis E. LeMay, as he was questioned by the committee's very able counsel, Mr. Fowler Hamilton:

Mr. HAMILTON. What different kinds of long-range bombers, General, do we now have in operation?

General LEMAY. B-36's; B-52's.

Mr. HAMILTON. Which, if either of these, is becoming obsolete?

General LEMAY. The B-36.

Mr. HAMILTON. Directing your attention to the Russian situation, what different kinds of long-range bombers do the Russians now have and which, if any, of these is becoming obsolete?

General LEMAY. The Soviets now have the Bear, which is a turboprop aircraft; the Bison, which is a jet-powered aircraft comparable to our B-52. These are new aircraft and neither is obsolete.

Mr. HAMILTON. General, is it not a fact that the quality of Russia's modern long-range bombers, the Bear and the Bison that you have mentioned, is comparable to that of our own aircraft of the same type, that is to say, our B-52?

General LEMAY. If our estimates as to the performance characteristics of the Bison are accurate, then it is comparable to our B-52. The Bear, while a long-range bomber, is a turboprop-powered aircraft, and therefore its performance is greater in range but less in speed and in altitude than that of the B-52.

The Congress, the American people, will decide whether to believe the statements, based on his experience, of Mr. Wilson—or the statements, based on his experience, of General LeMay.

When Mr. Wilson says the B-52 is far superior in altitude and distance, he is also making statements directly contrary to other sworn testimony of other high-ranking officers in the Department of Defense.

The press also reports Mr. Wilson also observed yesterday that the Russians do not have tanker planes to refuel the Bison in flight.

He has no more knowledge of that than anyone else. What he does know, or what he should know, is that whereas this country has almost no modern tankers for refueling, the Bear, the new Russian turboprop long-range bomber, has an estimated range greater than the B-52, and is an ideal plane to be used as a tanker.

We have testimony the Russians are working on another form of tanker for refueling—which may be inferior to ours, and may be superior.

The LeMay testimony was given the Senate Subcommittee on the Air Force under oath, in executive session, on April 30.

Mr. Wilson says, "General LeMay acted as if he didn't know what our plans are." He, Wilson, then talked about production being raised first from 13 per month to 17 per month, then to 20 per month—and the idea is thereby generated that this was comparable to production now going on.

But not too long ago a responsible newspaper had an editorial entitled, "Only 17 per Month." The editorial urged that production be raised to 45.

Later, this same paper had an editorial which was, in effect, an apology; because they had found out actual production was only four a month.

This morning, a responsible columnist makes the following statement:

Between January 1 and June 9 (of this year) the Air Force took delivery of only eight B-52's.

At this point in the RECORD, Mr. President, I ask unanimous consent to have printed a reply of the Secretary of the Air Force to the distinguished Senator

from Georgia [Mr. PURSELL], chairman of the Armed Services Committee, to the latter's request for knowledge as to what could be done with \$1½ billion more appropriations from the Congress.

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

DEPARTMENT OF THE AIR FORCE,  
OFFICE OF THE SECRETARY,  
Washington.

HON. RICHARD B. RUSSELL,  
Chairman, Committee on Armed Services,  
United States Senate.

DEAR MR. CHAIRMAN: In accordance with the request of the Senate Armed Services Committee, the Air Force has given consideration to the purposes to which funds in the amount of approximately \$1.5 billion could be applied if such funds were added to the fiscal year 1957 budget request then pending before the Congress. As would be expected, we have found that there have been developments and changes in several of the budget areas since our fiscal year 1957 budget was prepared, which suggest further specific needs, as outlined below.

#### ACCELERATION OF B-52 PRODUCTION PROGRAM

It will be recalled that last year the production rate of the B-52 program was stepped up substantially. A review of production experience to date in the principal airframe, engine, and equipment contractors has indicated the feasibility, with only minor additions to existing facilities, of further acceleration of B-52 production. This acceleration would make it possible to place a greater number of B-52 aircraft under contract and to produce by (date) some 80 more than would be delivered under the existing schedule. We propose to adopt this new schedule and increase our total purchase through fiscal year 1957, deferring decision as to whether additional B-52 aircraft will be purchased in fiscal year 1958. To finance the additional aircraft in the fiscal year 1957 program would require an additional estimated \$230 million in aircraft procurement, including spares and an additional \$18.5 million in facilities for aircraft and related equipment production.

#### B-52 BASE DISPERSAL

This step-up in the rate of production of B-52 aircraft makes it highly desirable to accelerate our program for dispersal bases for such aircraft. A detailed study of this situation indicates that we should start in fiscal year 1957 the preparation of 4 or 5 additional dispersal bases beyond those previously planned. These are presently existing bases requiring additional construction to make them suitable for B-52 aircraft. To accelerate B-52 base dispersal to this extent would make it necessary that these bases be added to the Military Construction Authorization Act for 1957 and that additional funds in the amount of \$60 million be added to the Air Force military public works appropriation.

#### DISTANT EARLY WARNING LINE—WESTWARD EXTENSION

A recent restudy of the westward extension of the distant early warning line indicated the desirability of a change to a better and more economical plan under which land stations along the Aleutian chain would be substituted for a portion of the picket ships which, under the previous plan, the Navy would have funded in fiscal year 1958. This has the effect of placing a new requirement on the Air Force for \$68 million for construction of the land stations. Since this westward extension of the distant early warning line is a vital part of our warning system, the Air Force proposes that this westward extension be undertaken without delay and that, to this end, additional military public

works in the amount of \$68 million be authorized and appropriated.

The above new programs which we now recommend for additional support in the fiscal year 1957 budget total \$376.5 million. Sums in the above amounts and for these specific purposes have been submitted by the President to the Congress as a supplement to the budget which was before the committee at the time the request to which we are now responding was made. Aside from contingencies in our ballistic missile program which we are not in a position to estimate at this time, it is felt that the Air Force fiscal year 1957 budget supplemented as above is adequate to meet the essential needs of the Air Force in this budget period. Without implying a request for funds beyond those included in the Air Force fiscal year 1957 budget as supplemented, the Air Force would recommend that if the Congress decides to appropriate funds beyond this they be appropriated to a new Air Force account, with the provision that withdrawal of funds from such account and transfer to other Air Force accounts must be for specific purposes and must have the approval of the Secretary of Defense and the Director of the Bureau of the Budget. The availability of such an account would make it possible to meet contingencies in fiscal year 1957, such as any deficiency in ballistic missile program funds. To the extent that contingencies do not arise that would justify the withdrawal and use of these funds, the balance in this account at the end of the fiscal year would become available as a prepayment against the budgetary requirements of the Air Force for fiscal year 1958.

Sincerely,

DONALD A. QUARLES.

Mr. SYMINGTON. Mr. President, in my years in Government, this reply is about the most extraordinary letter I have seen. It was first classified, but, upon the Senator from Georgia protesting it was declassified.

The Senator from Georgia asked the Air Force "to give consideration to the purposes to which funds in the amount of \$1½ billion could be applied if such funds were awarded to the fiscal year 1957 request" then pending before the Congress.

The reply states the Air Force will recommend additional support, in the 1957 budget, of \$376½ million.

Instead of thereupon stating what the Air Force could do with the remaining \$1.124 billion, the request of the Senator from Georgia, the Air Force suggests:

If the Congress decides to appropriate funds beyond this, they be appropriated to a new Air Force account with the provision that withdrawal of funds from such an account and transfer to either Air Force accounts must be for specific reasons.

And note this:

Must have the approval of the Secretary of Defense and the Director of the Bureau of the Budget.

The significance of this Pentagon policy is further illustrated by Mr. Wilson's comments yesterday in reply to a request of what he would do in case \$1.160 billion approved by the Senate Appropriations Committee was given him; or the \$500 million recommended by another authority on military matters of the Senate, the senior Senator from New Hampshire, ranking Republican, and member of the Senate Armed Services Committee.

This is what Mr. Wilson said yesterday, in reply to these bipartisan suggestions for an increase in funds:

What do you do when someone forces money upon you? I cross bridges when I come to them. I'll wait and see if I need it. At the moment, I don't think I'll need it.

Now I direct attention to the testimony of another four-star general, Gen. Earle Partridge, head of both the Continental Air Command and the Air Defense Command, the man entrusted with the responsibility of defending the United States against attack.

In sworn testimony on April 30, General Partridge told the Senate:

They also brought out and are producing in large numbers a heavy bomber comparable to our B-52. This is the Bison.

At this point testimony was censored by the Department of Defense.

The testimony then continues:

I should like to invite your attention to the 4 large intake ducts which indicate they have 4 large very powerful engines. In other words they are doing with 4 engines what we are doing with 8 in the B-52.

The other aircraft for which we have no counterpart is the Bear. This is a turbo-prop bomber of extremely long range. The Soviet now have [deletion by Department of Defense censor] of these in operational units, and the reason it is built is to get not only the high altitude and the high speed but to get the extreme range which the Soviet feel they need for a two way attack on this country unrefueled.

Why does not the Secretary of Defense, in his off-the-cuff ramblings, tell the American people also that the other new long-range Russian bomber, the Bear, has a longer range than either the Russian Bison or the United States B-52?

Mr. President, Mr. Wilson is the man who only 3 years ago took more than \$7 billion out of our national defense without even obtaining an opinion from the Joint Chiefs of Staff.

It was at this time the late General Vandenberg said the reductions in personnel made then would mean that planes could not be properly operated.

Mr. President, here is a story which illustrates what happens as a result of the heavy cuts in maintenance and operation put through by this administration. Some weeks ago, when in Omaha, I asked General LeMay to give me an illustration of how these cuts had damaged the Air Force.

The general replied:

One of my best men was preparing for take-off when the ejector seat on his plane went off. He was thrown 40 feet in the air, came down on the concrete. The next morning he died, leaving behind a young wife and 2 children.

General LeMay said:

I wanted to see the ejector pin, so I told them to get me the crew chief. They brought in a 19-year-old boy. I asked him whether or not he had inspected the ejector pin, and he assured me that he had. I tried to get it. They could not find it. I had magnets applied to the field to find it, but it could not be found. So I called the boy back. Then he broke down and admitted he had not inspected the pin.

I asked General LeMay at that point, "What did you do with the boy?" He replied, "I could have court-martialed



him and ruined his life, but he was only 19 years old. He had no right to be crew chief at 19. So I told him he had already cost the life of a fine officer. 'Go forth and be a better airman.'

Those who are saying what the Senate is trying to do for the defenses of the country is phony might consider that story. Similar stories are coming in from over the world.

Is there one Senator who does not believe that since the Congress has the right to draft boys off the farms and from civilian life, it has the duty likewise to see to it that these men have the best equipment and best training possible, so they in turn may have the best chance to return alive to their families, after their tour of duty is over?

Mr. President, the Secretary of Defense did not stop here in his criticism of yesterday. The press states:

8. He (Mr. Wilson) dislikes to quarrel with Dr. James Killian, who expressed a belief that the Department should spend more money on basic research (\$100 million more for that purpose is contemplated in the opposition Senators' planning), but Wilson feels that the Defense Department should concern itself with "objective research." If the country wishes to spend money on wholly basic research it should vote money for that purpose, he insists, and not have it concealed in a defense appropriation.

Mr. BRIDGES. Mr. President, will the Senator from Missouri yield? I have to leave the Chamber in a moment.

Mr. SYMINGTON. I am glad to yield to the distinguished senior Senator from New Hampshire, who is a great authority on air power.

Mr. BRIDGES. I merely wish to say that I read with amazement and shock the statement of the Secretary of Defense, as published in the newspapers this morning, in which he describes the efforts of Members of the Senate as "phony." I feel there is an honest difference of opinion between Senators, but I believe all of them are attempting sincerely to fulfill the objective of providing the ultimate security for America. I consider the statement by the Secretary of Defense, in terming those efforts of Senators as "phony," to be an unwarranted slur upon Senators; and I wish to be registered as emphatically saying so on this floor.

Mr. SYMINGTON. I thank the distinguished Senator from New Hampshire for his wise and logical position on this as on other matters of great interest to the security of our country.

Only last Wednesday, this scientist, President Killian, of the Massachusetts Institute of Technology, called attention to our shortcomings in the field of research and development.

Mr. Wilson now takes on Dr. Killian, also.

Yesterday, Mr. Wilson said:

If the country wishes to spend money on wholly basic research, it should vote money for that purpose and not have it concealed in a defense appropriation.

Mr. President, this is not new thinking on the part of Mr. Wilson. Back in 1954, Mr. Wilson said:

If we want to go ahead and have pure research, let us let somebody subsidize it. Let us not put the burden of it on the

Defense Department. I am not much interested, as a military project, in why potatoes turn brown when they are fried.

Senator MAYBANK.—

Our late, beloved colleague—

Did they have such a project as that?

Secretary WILSON. That is an apt way to describe it.

Senator MAYBANK. I have to differ with you.

Senator HILL. Mr. Wilson, why not give us a real or true illustration, not about potatoes, but something you did not approve of.

Secretary WILSON. We were pushing the atomic airplane. You could consider that was in the area of pure research.

This opinion, with the resultant action, from one who literally had been on the job only a few weeks, resulted in serious delay to a program whose priority is now exceeded only by that on ballistic missiles.

Mr. President, I have gone into some detail today, because this member of the President's Cabinet, in these trying times, in his latest comments about the Senate, not only has attacked the Senate's intelligence, but also has actually attacked the rights of this body under the Constitution of the United States.

I believe a majority of the Congress and the American people will agree that the usefulness of this Cabinet officer has come to an end.

Over the years he has bewildered the people with his varied contrary statements—statements not supported by the sworn testimony of many of his highest ranking officers.

Mr. ERVIN. Mr. President, will the Senator from Missouri yield to me?

Mr. SYMINGTON. I am glad to yield to my distinguished colleague, the Senator from North Carolina.

Mr. ERVIN. The distinguished Senator from Missouri has called the attention of the Senate to the fact that the Secretary of Defense has insulted the Senate by asserting that the claim of some Senators, which is based upon the testimony of military men, that we need more money for the Air Force, is a phony or fraudulent claim. The Secretary of Defense not only insults the Senate, but he also insults the American people. According to the dispatch which appeared this morning in the Washington Post, the Secretary of Defense also said that—

The people of our country want to make sure we have a strong defense. But when it comes to paying off, they take a different slant.

I should like to state to the Senator from Missouri that I resent the insult to the Members of the Senate and the military officers who happen to disagree with the Secretary of Defense. I likewise resent the gratuitous and unfounded insult to the American people. From my observation, the American people are not only giving their sons to the defense of their country, but they are also giving their dollars; and since I came to Washington 2 years ago I have not heard any American citizen other than the Secretary of Defense complain about any appropriation for defense purposes.

As a result of my service on the Senate Armed Services Committee and on the Special Subcommittee on the Air Force, I have come to the deliberate

conclusion that the Secretary of Defense is much more concerned about the security of dollars than he is about the security of our Nation.

Mr. SYMINGTON. I thank the great Senator from North Carolina, a member of the Senate Armed Services Committee.

Mr. President, as has just been pointed out, the statements made by the Secretary of Defense have seriously impaired much of the morale in our Defense Department all over the world.

The Commander in Chief would be the first to say there is nothing more important to any military establishment than morale.

When General Eisenhower was Chief of Staff of the Army, he testified before the Congress:

We have asked for these things because from our point of view these are what we would like to have; these are what we think we need; we will defend these same estimates in the Senate, but it is the responsibility of the Congress under the Constitution, to determine what portion of the national economy can be assigned to the national defense, and that is the responsibility that the Constitution places upon the Congress.

If the President is informed of these latest attacks by Mr. Wilson on other members of the Department of Defense and on the Congress, and still allows him to remain on the job, then it will be obvious that Mr. Eisenhower no longer believes in 1956 what General Eisenhower told the Congress in 1945.

Mr. SMATHERS. Mr. President—

Mr. SYMINGTON. Mr. President, I yield with pleasure to my distinguished friend, the Senator from Florida.

Mr. SMATHERS. I thank the Senator from Missouri.

First, let me congratulate him upon his very excellent statement, and particularly upon giving us the benefit of the statements made by the then General Eisenhower, as to what is our constitutional—

The PRESIDENT pro tempore. Let the Chair state that a Senator who has the floor can yield only for a question.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Missouri may yield to the Senator from Florida without losing his right to the floor.

The PRESIDENT pro tempore. Is there objection? The Senator from Missouri had yielded, but the Chair is ruling that a Senator who has the floor can yield only for a question.

Mr. JOHNSON of Texas. Mr. President, I have made a unanimous-consent request. If objection is made, I shall be glad to abide by it.

Mr. SMATHERS. I shall be happy to ask a question.

The PRESIDENT pro tempore. Is there objection to having the Senator from Missouri yield to the Senator from Florida for other than a question?

Mr. SALTONSTALL. Mr. President, I shall not object.

Mr. JOHNSON of Texas. I hope the Senator from Massachusetts will not object.

Mr. SALTONSTALL. No, Mr. President; I shall not object. I only say—

Mr. JOHNSON of Texas. Mr. President, may we have the regular order?

The PRESIDENT pro tempore. The Chair hears no objection. The Senator from Florida may proceed.

Mr. SMATHERS. Mr. President, I thank the Senator from Texas and the Senator from Massachusetts, and I wish to repeat my expression of thanks to the very able Senator from Missouri [Mr. SYMINGTON] for, in effect, defending the integrity of all the Members who sit in this great body.

I am sure all of us recognize that, as the Senator from Missouri has so well pointed out, we do have a responsibility to look into these matters of national defense and to determine whether we do or do not have a sufficient national defense. Our duty is to the general public, just as is that of Secretary Wilson.

I certainly agree with the Senator from Missouri that it is time the President called on the Secretary of Defense to apologize to the American people, because, as the Senator from North Carolina has so well pointed out, there is no evidence that the people of the United States are unwilling to pay for the defense which they think they need in order to preserve their great institutions and in order to preserve their lives.

For him to infer this morning that they may want a defense but that they are unwilling to pay for it is an insult to the American people, and the time has come for the President of the United States to call upon Secretary Wilson to apologize to them. Once again he evidences his great ability to put both feet in his mouth at the same time. The Secretary of Defense can make more errors than Mickey Mantle can make hits. I do not know when we have had anyone in the Government of the United States who has managed more often to insult not only those with whom he must work within his own Department, but Members of Congress as well. He acts as though he knew more about this particular problem than such well-qualified men as General LeMay and other outstanding American patriots who have spent their lives in this particular field, and who testify just the opposite of what the Secretary is trying to tell the American public.

I congratulate the Senator from Missouri. Let me say that so far as I am concerned, I am one of those who highly resent the statement made by the Secretary of Defense this morning.

Mr. SYMINGTON. I thank the distinguished Senator. If we analyze the statements made by Mr. Wilson as reported in the various newspapers of the United States, it will be seen that what he is doing is challenging the sworn statements of those subordinates on whom he must rely for morale in case this country gets into trouble. The testimony under oath of Generals LeMay and Partridge is at direct variance with what the Secretary said yesterday at Quantico. As I stated in my prepared statement, I believe that the usefulness of Mr. Wilson as Secretary of Defense has come to an end.

I thank the Senator from Florida for his typically kind, gracious, and very thoughtful remarks.

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

Mr. SYMINGTON. I yield.

Mr. JOHNSON of Texas. I am very pleased that no Member of the Senate on either side of the aisle has sought to justify the statement made by the Secretary of Defense yesterday. I think the statement which the Secretary made was repugnant to all patriotic Americans, regardless of party. I think it ill behooves a Cabinet officer in an administration which is now asking the Senate to restore in excess of \$700 million to the foreign-aid bill to brand the efforts of Senators as "phony" when they offer \$500 million additional for America's own defense system.

Like every other Senator, I regret the statement of the Secretary of Defense. I think it is unfortunate, and to be deplored.

Mr. SYMINGTON. I thank the distinguished majority leader for his remarks. The senior Senator from Texas has fought for his country. He has been decorated for gallantry in action, and he has every right therefore, as an American who has seen that type and character of action, to express his opinion with respect to the comments made by the Secretary of Defense during the past 24 hours.

Mr. President, I yield the floor.

Mr. SALTONSTALL. Mr. President, I should like very briefly to discuss the defense appropriation bill now pending before us. The committee was unanimous on all items submitted by the Army, the Navy, and the Office of the Secretary of Defense. The only items of disagreement related to the Air Force. There by a vote of 13-12, the committee voted to add to the budget request \$1,160 million. After the bill was reported, the Senator from New Hampshire [Mr. BRIDGES], the senior minority member of the committee, planned to offer an amendment to the committee, amendment which will increase the budget request by \$500 million instead of \$1,160 million.

In several respects these amendments are similar. Both increase the research and development by \$100 million. Both increase the personnel appropriation by \$20 million. The committee amendment increases the operation and maintenance by \$40 million; the Senator from New Hampshire by \$30 million, a difference of \$10 million. The Bridges amendment omits the construction of bases in the amount of \$200 million. The difference becomes a difference of timing rather than dollars. The military construction bill has not yet been authorized and money for it cannot be appropriated until it is authorized. The work on the authorization will be completed and submitted to the Senate next week. We, who joined with the Senator from New Hampshire, believe that if we are going to have a separate military construction bill, the appropriation should all be included in that bill and not separated into two bills.

The amount of time lost will be so negligible that it is much wiser to keep the two bills completely separate and know what the new authorizations and extension of old authorizations may be.

The big difference comes in aircraft procurement. The original estimate, including the supplementary request, amounted to \$6,048,500,000. The majority of the committee would raise this by \$800 million. The Bridges amendment would raise this by \$350 million, or a difference of \$450 million.

A study of the testimony will indicate that the production of B-52 bombers, the newest, latest bomber, is going upward at an accelerated rate and will build up the planned number of wings more rapidly than was originally contemplated. Whether more money appropriated can further accelerate this rate or whether it will just result in placing further orders ahead, is a decision that the Air Force will have to make. There can be an acceleration also of tactical aircraft and jet tankers.

Secretary Quarles has testified that they have sufficient money at the present time for aircraft procurement. Certainly an additional \$350 million may give them additional flexibility, but more than that amount will be difficult for them to plan to use advisedly now.

General LeMay, the leader of the Strategic Air Command, and General Partridge, the overall commander of Continental Defense, want as much for their commands as they believe they can use. LeMay has testified he could use \$3 billion additional a year for the SAC for the next 4 years. Partridge has testified he could use \$6 billion between 1950 and 1965 for continental defense.

This gives us some indication of what would be involved if all requests were filled in full. The economic life of this country cannot bear such a burden except in wartime when everything is concentrated on the winning of the war.

At the same time Generals Twining, LeMay, and Partridge have unanimously testified that they place their priorities as follows:

First. Personnel—trained personnel.

Second. Air bases for dispersal purposes.

Third. Research—this is inserted by General Twining.

Fourth. Aircraft production.

First. We have made an effort in this Congress through the military dependent and medical benefits bill, reenlistment bonuses, and other bills to induce trained personnel to stay in the Armed Forces. Possibly a pay raise for those meeting certain technical requirements will have to come in the next Congress. We are all cognizant that we must do more to keep trained personnel in the Armed Forces if we are to operate the highly technical equipment we now have in the air, on the sea, and on the ground.

Second. Construction of military bases. As we get more planes we must have more places on the ground to put them, and if there is danger of a sudden and unexpected attack, we should have as wide a dispersal as possible. Naturally the bigger the planes, the longer and heavier the runways must be. Consequently I intend to support the full amount requested for air bases.

Third. There is no dispute that we must stimulate our research and development of new instruments as fast as we efficiently can. Some competition, but



not duplication, by the services is extremely helpful. Our research must be efficient and imaginative, because we must have the best quality of airplanes, and, as early as possible, guided and ballistic missiles in our defense inventory. There is no question about that and no disagreement.

Fourth. Production of airplanes, as I have stated, must proceed. Guided missiles and ballistic missiles are still far from being in the quantity production to supplant in any way the need for the present strategic bombers and tactical fighters. On the other hand, a plane becomes obsolete almost overnight. The B-52's were on the drawing boards back in 1944-45. They are in regular production now. As they increase in numbers the B-36's become more obsolete. Certainly we want to use the B-36's until we have enough B-52's to take their place. We have a fine inventory of B-47's, although we do not hear much about these planes in the discussions of this subject. They, too, will become obsolete in due course. But in all the discussion concerning the B-52's we must not overlook the fact that the B-47 is an exceedingly fine strategic bomber, and with the bases we have around the world, the B-47 is a mighty important deterrent factor. So we must have the best quality planes in the greatest possible numbers consistent with the building up of a peacetime force, and ever watchful of obsolescence due to new inventions.

But airplanes and air bases are of no value unless we have the trained personnel to operate them; and as one who has listened to much testimony on this subject in the past 6 months, I know how important it is to keep our ablest young men in the Armed Forces. Certainly we have been fortunate over the years in the quality of men who have desired to make the military a career. Certainly we must do everything in our power to maintain that desire among our young men who are coming along today.

We were very fortunate indeed during World War II in having the experience of men like General Marshall and General Eisenhower and Admiral King and Admiral Nimitz, and other great military leaders. Certainly we should stimulate the interest of the young people who are looking toward a career in the Armed Forces.

Mr. President, I shall not today go into a discussion of airpower. As a member of the Subcommittee of the Armed Services Committee on Air Power, I expect to discuss that subject more fully when that committee makes its report sometime soon. As a member of the Armed Services Committee and as the senior member on the minority side of the Military Subcommittee of the Appropriations Committee, I have tried to ask myself, in reaching my decision, this question: "Will what we do make more certain that we have sufficient armed strength so that no nation will dare to attack us because of our ability to retaliate in a totally destructive way?" Only by maintaining our Armed Forces in such a manner can we maintain the security of our country. If we try to match numbers with our most powerful

possible enemy, we may well defeat ourselves in the process.

Dr. Killian, president of Massachusetts Institute of Technology, told our committee the other day in an open hearing that he believes there have been greater advances in destructive armament since the Korean war than there had been in many years previous. This, he said, called for a constant reappraisal of our military situation in types of armament and in missions. I agree with him so heartily that I would like to quote his testimony before the Air Force Subcommittee of the Senate Armed Services Committee on June 20:

I conclude with the mention of one factor which to my mind today is of overriding importance: that is to do those things now within our grasp and means to achieve a maximum degree of readiness. This is as of today more important than any discussion of budgets or number of bomber wings or trying to match or exceed Soviet plane production or R. and D. policies. Are we deploying what we have and can get in the immediate months ahead to give maximum deterrence and to insure maximum protection of our striking power? Simply adding more and more planes does not necessarily give us optimum strength. Of first priority is a balanced, integrated combination of offensive-defensive power designed to meet our military requirements and not to duplicate that of the Russians.

Mr. President, I have quoted that statement in full because I believe it to be the best description I have seen of the problem which confronts Congress and the President.

Our military strength must be determined by our political and economic decisions. The unanimous action of Congress last year, in giving the President discretion as to whether to use our troops in the defense of Formosa, has done much, in my opinion, to prevent an attack on Formosa. We have the experience of the Monroe Doctrine over the 19th century. If we had had more troops in Korea in 1950, would there ever have been an attack? To the deterrent buildup of the strength of our Armed Forces, we have added a visible deterrent through our willingness to support NATO with Armed Forces in Europe, with the armies of various countries throughout the world, whom we hope will be our friends. In these ways, as well as building up our armed strength, we create a visible deterrent to any nation attacking us in a worldwide effort or starting a periphery war.

Mr. President, in considering the size of the military budget, we must give thought to these factors as vitally important in determining what we must do, not only in armament and military personnel, but in all the factors that lead to greater security and world peace.

Mr. President, my principal reason for the statement which I have just made, and the reason for my opposition to the \$1.160 billion increase which has been proposed, is simply this: Is the security of the United States—its fully adequate security against any type of attack from any quarter by any aggressor—to be determined simply by the wholesale addition to this or any other defense budget of an additional billion or 5 billion or 10 billion dollars? For my own part,

Mr. President, I doubt it—I doubt it seriously.

The President has long since made it clear that our great defense and security objective should be the building up of our strength in such a balanced, flexible, and up-to-the-minute way as to deter completely any aggressor that may plan attack upon us.

Whose judgment and experience are better than those of President Eisenhower? He believes that neither the short-war concept of defense nor the one-weapon strategy which some have proposed will serve this Nation's best interests. To rely upon a single weapon, to place our dependence upon a single service, or to play a deadly numbers game in an armament production race with the Soviet Union would be foolish and extraordinarily dangerous, far more than our economy could bear, and certain to leave us weaker rather than stronger in the long run.

The principle of measured might, a policy of balanced forces, a flexible strategic concept to meet, at a moment's notice and over the long pull, either a small war or a total one—these, I believe, to be absolutely vital to this Nation's security.

It is for these reasons that, while I am prepared to support some increases in the budget originally proposed, I am quite unwilling to support the committee amendment as now offered to us. I do not believe it represents the best appropriation of defense funds in 1957.

Mr. JOHNSTON of South Carolina. Mr. President, anticipating that something of the nature of that which has developed at the present time would develop, I requested of the Library of Congress, some weeks ago, a brief in regard to the authority of the President concerning the Armed Forces of the United States. I hold in my hand a brief prepared in the Library of Congress which sets forth in detail the authority of the President and which also deals with the question before the Senate at the present time concerning Secretary of Defense Wilson and what he has had to say. Anyone reading this brief will, I think, clearly see that the Congress of the United States holds the authority and power to make appropriations and to decide the strength of our Armed Forces and what are the necessary appropriations in each instance for each Department, the Army, the Navy, the Air Force, and the Marine Corps. In connection with prior appropriations for the Marine Corps the matter was brought to my attention. The Department did not carry out the wishes of the Congress of the United States with respect to using the money provided for the Marine Corps.

The brief is interesting reading, Mr. President, and I ask unanimous consent that it be printed in the RECORD at this point in my remarks, because it gives answers to many of the questions which will arise in the future so long as we have at the head of the Department of Defense a man such as Mr. Wilson who is willing to criticize the Congress of the United States for doing what it thinks is right and having it done in a certain manner.

Mr. President, I should like to commend highly the distinguished Senator from Missouri [Mr. SYMINGTON] for his excellent remarks of this morning regarding Defense Secretary Wilson and his chronic foot-in-mouth-disease ailment.

I wish to call to the attention of the Senate some profit figures on General Motors Corp. covering the past 4 years of operation, or that period representing approximately the same time since Mr. Wilson left the services of that corporation.

In the past 4 years General Motors, of which Mr. Wilson was president, increased its annual profits from \$588,721,000 in 1952 to \$1,189,477,000 in 1955.

This represents an increase in 1955 of 202 percent profit over its 1952 profits.

Apparently Mr. Wilson has not been missed too sorely by General Motors since becoming Secretary of Defense, because that company certainly has not "gone to the dogs"—a subject on which Mr. Wilson is also somewhat of an expert.

I wish to assure the country at this time that should Secretary Wilson resign, as has been suggested here today, that once again he shall not be missed too sorely.

Mr. President, I renew my request to have the brief prepared by the Library of Congress printed in the RECORD.

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

#### INTRODUCTION

Because of the fact that Congress has usually relied on more specific clauses of the Constitution when it has undertaken to pass laws affecting the Armed Forces, or to limit powers which the President might otherwise exercise as Commander in Chief, we must search for relevant principles in decisions and debates arising under those other clauses. The materials on this point are less voluminous than those relating to the scope of the President's authority as Commander in Chief in cases where there is no statute authorizing or prohibiting a particular course of action.

The principal controversies which have arisen concerning the respective powers of Congress and the President in this area have related to (1) the exercise of the power of command; (2) the use of the Armed Forces at home and abroad; (3) the exercise of belligerent rights; (4) the reconstruction of governments in the seceded states; and (5) civilian controls in time of war or emergency.

#### EXERCISE OF POWER OF COMMAND

A right to determine how the power of command shall be exercised is claimed by virtue of Article I, section 8, clause 14, which empowers Congress to "make rules for the Government and regulation of the land and naval forces." The principle by which this power is to be reconciled with the commander in chief clause can be easily stated.

In *Swain v. United States* (1893) 28 Ct. Cls. 173, 221, affirmed 165 U. S. 553, it was formulated in the following terms:

"The significant fact in our military system that the President is always the Commander in Chief. Congress may increase the Army, or reduce the Army, or abolish it altogether; but so long as we have a military force Congress cannot take away from the President the supreme command. It is true that the Constitution has conferred upon Congress the exclusive power 'to make rules for the Government and regulation of the land and naval forces'; but the two powers are distinct; neither can trench upon the other; the President cannot, under the

disguise of military orders, evade the legislative regulations by which he in common with the Army must be governed; and Congress cannot in the disguise of 'rule for the Government' of the Army impair the authority of the President as Commander in Chief."

Such generalizations are, however, of little help in defining the powers of the Commander in Chief which Congress may not impair. A classic debate on this question was precipitated by the Act of March 2, 1867, making appropriations for the support of the Army, 14 Stat. 485. Section 2 of that act provided that:

"All orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and, in case of his inability, through the next in rank. The General of the Army shall not be removed, suspended, or relieved from command, or assigned to duty elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate; and any orders or instructions relating to military operations issued contrary to the requirements of this section shall be null and void; and any officer who shall issue orders or instructions contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office; and any officer of the Army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of this section, knowing that such order were so issued, shall be liable to imprisonment for not less than 2 or more than 20 years, upon conviction thereof in any court of competent jurisdiction."

The validity of this section was vigorously challenged in the Senate. Reverdy Johnson of Maryland declared (Congressional Globe, 39th Congress, 2d session, 1851 (1867)):

"It seems to me perfectly obvious that that section is in direct conflict with the Constitution of the United States. The Constitution, in express terms, not content with placing the entire executive power of the nation in the executive department of the Government and in the President of the United States as the head of that department, provides that he shall be the Commander in Chief of the Army. And this section says, although in the absence of such a provision General Grant would be under the control of the President as the constitutional Commander in Chief, his station shall be here though that commander may think it should be elsewhere. And it goes on further and says that no orders shall be issued of a military character except in accordance with the provisions of this bill; and proposes to punish any officer of the Government who may dare in the fact of Congress to obey a military order coming from the constitutional Commander in Chief."

Senator Buckalew of Pennsylvania joined in the attack, saying (id. at 1853):

"What powers, then, are conferred upon the President of the United States when the Constitution declares that he shall be Commander in Chief of the Army and the Navy? Why, sir, there is one power under this head which no man can deny or doubt; and that is the power of giving orders to his inferiors in military rank. The most especial characteristic of a commander in chief is that he shall issue his orders to his subordinates and that they shall be bound to obey them. To be sure our President must issue his orders according to law; he cannot command his inferior officers to do acts which are illegal; but so long as he complies with the laws his orders are to be obeyed, being given in his capacity as Commander in Chief, charged with the execution of the law."

On the other hand, Senators Fessenden, of Maine, and Edmunds, of Vermont, defended the right of Congress to impose this

requirement. Fessenden reasoned as follows (id. at 1851-1852):

"While the Constitution fixes the rank of the President of the United States as a military and naval officer, it keeps within the control of the people of the United States, represented in Congress, the power to raise armies and to create a navy and the power to pass rules and regulations for the government of the land and naval forces. That power is reserved in the hands of the people, to be exercised through the Congress of the United States. Now, sir, I hold that, although the President is Commander in Chief as a matter of military rank, yet what armies shall be raised, where they shall go, where they shall be disbanded, what they shall do, and what all their officers shall do, are matters to be regulated by the sovereign power; and that sovereign power is to be exercised precisely as sovereign power is exercised in any case. The commander in chief of the army of Russia, I take it, would be subject to the power of the Emperor. The Commander in Chief of the Army of the United States is subject to the power of the people, to be exercised by Congress; and I deny that because his military rank is fixed as Commander in Chief by the Constitution the people may not through their Congress pass all such rules and regulations with regard to the exercise of military power as they see fit, and devolve that power upon any military officer. They cannot, perhaps, authorize an officer to command the Commander in Chief, but they can direct any officer what to do. That I hold very distinctly is the power of the people; and gentlemen mistake when they suppose that because the President as a matter of military rank is head of the Army it is out of the power of Congress to say what that head of the Army shall do, or shall not do.

"We can just as well control the President as Commander in Chief as we can control any one of his subordinates."

Edmunds asked, "What is 'government of the land and naval forces' \* \* \* if it be not to provide the methods and limitations by which and under which the Army shall be moved and operated and controlled?" (id. at 1854). He went on to say:

"Another clause, to be sure, provides that the President of the United States shall be the Commander in Chief. Is he to be the Commander in Chief against this Government which the Constitution declares Congress shall provide, or is he to be the Commander in Chief under it and according to its authority and its asserted force and regulation?"

"Now, what does this bill propose to do? It proposes to declare that the method of operating the Army shall be a particular one; that is, that the orders which the Commander in Chief shall give shall be given through a particular channel and shall operate in a particular way. There is no provision that he shall not give an order. It does not undertake to hedge in his authority a particle as to what he shall order, or in what way, other than that when he operates upon the Army and says it shall go here or stay there, he shall operate upon it in the regular method through a particular subordinate. Is not that government? Is not that executing merely a government of the Army? If it is not, then this language which as I say, is as comprehensive as it is possible for language to be, has no meaning at all. If we are not governing the Army of the United States in providing the methods by which it shall be operated and moved, what are we doing?"

While protesting that in certain cases this bill virtually deprived him of his constitutional function as Commander in Chief, Johnson nevertheless signed this bill since a failure to do so would have defeated necessary appropriations (Congressional Globe, 40th Cong., 1st sess. 5 (1867)). One of the charges in the bill of impeachment against



him was that this law had been ignored (Congressional Globe, 40th Cong., 2d sess. 1848 (1868)). Johnson denied the charge. Inasmuch as his impeachment trial was ended after he had been acquitted of three other charges, this issue was never resolved. The law itself was repealed in the first year of Grant's administration (16 Stat. 319 (1870)).

A somewhat similar provision was inserted in the act of June 28, 1940, concerning expansion of defense facilities—Fifty-fourth United States Statutes at Large, page 681. Section 14 of that law stipulated that: "Notwithstanding the provision of any other law, no military or naval weapon, ship, boat, aircraft, munitions, supplies, or equipment, to which the United States has title, in whole or in part, or which have been contracted for, shall hereafter be transferred, exchanged, sold, or otherwise disposed of in any manner whatsoever unless the Chief of Naval Operations in the case of naval material, and the Chief of Staff of the Army, in the case of military material, shall first certify that such material is not essential to the defense of the United States."

This section had been added on the floor of the Senate (86 CONGRESSIONAL RECORD, 8828 (1940)), without any discussion of its constitutionality. In his opinion approving the delivery of destroyers to Great Britain in exchange for naval and air bases, the Attorney General suggested a doubt about its validity (39 Op. Atty. Gen., 484, 490 (1940)). He wrote:

"Thus to prohibit action by the constitutionally created Commander in Chief except upon authorization of a statutory officer subordinate in rank is of questionable constitutionality. However, since the statute requires certification only of matter as to which you would wish, irrespective of the statute, to be satisfied, and as the legislative history of the section indicates that no arbitrary restriction is intended, it seems unnecessary to raise the question of constitutionality which such a provision would otherwise invite."

Another unsettled question is whether Congress can restrict the President's authority to dismiss members of the Armed Forces. By the act of July 13, 1866, Fourteenth United States Statutes at Large, page 92, dismissal of an officer in time of peace was forbidden except "in pursuance of the sentence of a court-martial to that effect, or in commutation thereof." A similar provision is now found in title 50, United States Code, page 739. In *Wallace v. United States* ((1922) 257 U. S. 541, 545), the Supreme Court observed that the validity of this act (and others) had been the subject of doubt and discussion and had never been directly passed on by that Court. It was not settled in that case.

Theodore Roosevelt's dismissal of three companies of soldiers in November 1906, for alleged misconduct in Brownsville, Tex., touched off a heated debate in the Senate as to the extent of the President's authority over the Armed Forces. He justified the dismissal as having been ordered "in the exercise of my constitutional power, and in pursuance of what, after full consideration, I found to be my constitutional duty as Commander in Chief of the United States Army" (41 CONGRESSIONAL RECORD, 549 (1906)). Several Senators charged that the dismissal was illegal because made in contravention of the Articles of War enacted by Congress. Senator Foraker, of Ohio, for example, insisted (id. at 568) that:

The Congress has power to prescribe by law what rules and regulations shall govern the Army as to its organization, as to the size of the Army, its maximum, its minimum, as to the number of the infantry regiments, the number of cavalry regiments, the number of artillery regiments, and the number of batteries, and the number of men in each of these units of organization;

and how, Mr. President, particularly, men shall be enlisted and men shall be discharged from the Army, the terms and conditions upon which they shall be enlisted, the rights that shall accrue to them on account of their service—long service, faithful service—whether or not they shall be recognized by the Government and be rewarded by the Government. All that rests with Congress as a part of that power. As a part of that power it is competent for the Congress of the United States to provide that no man shall be summarily discharged from the Army after he has been regularly enlisted except upon certain terms and conditions; that no man in the Army shall be found guilty of any offense with which he may be charged except after he has had an opportunity to appear before a tribunal where he can present his defense, where he can be represented in person and be represented by attorney, if he wants to be, or by someone else to speak for him; where he can confront his accusers and cross-examine their witnesses."

Henry Cabot Lodge defended the President in the following argument (id. at 685):

"When the framers of the Constitution made the President Commander in Chief it vested in him all the powers inherent in that office, which was one well understood, and the powers of which were thoroughly apprehended and appreciated by the men who framed the Constitution, and over whom Washington presided, who had been the Commander in Chief of the forces of the United States.

"When we came to our Revolution we adopted the military laws of England. They were those that our officers had been accustomed to in the old French War, and in all military organizations; and our modern articles of war, which were embodied in the statutes soon after the adoption of the Constitution, the principal revision being, I think, in 1806, preserved still the characteristics of the military law which we took over from England.

"In England \* \* \* the power of summary dismissal—that is, of terminating the enlistment—is absolute today, and as Clode, the authority I have quoted, says, it may be extended to an entire regiment, and no reasons need be given for the action beyond that of the good of the service.

"Now, Mr. President, has that power of summary dismissal, unquestionably inherent in the Commander in Chief as originally established, been taken from him by any regulation or law of Congress? If it has not been specifically taken from him then he still possesses, as he does all other powers inherent in the office of Commander in Chief of which he has not been deprived or in which he has not been limited by law."

Thus he did not deny that the President's power could be limited by law. The burden of his argument was that the President had inherent authority as Commander in Chief to dismiss these companies in the absence of a statute forbidding it, and that the Articles of War, properly interpreted, had not deprived him of this power.

#### USE OF ARMED FORCES AT HOME

A variety of measures enacted in the early days under the Constitution reflect the view that it was for Congress to define the conditions under which the President might use the Armed Forces. By the act of May 2, 1792, 1 Stat. 264, superseded by the act of February 28, 1795, 1 Stat. 424, the President was authorized to call forth the militia to execute the laws of the Union, suppress insurrections and repel invasions under stated conditions. One requirement was that before dispatching the militia, he should issue a proclamation commanding the insurgents to disperse, and retire peaceably to their respective abodes. In 1807 this was extended to empower the President to em-

ploy the land or naval forces of the United States for the purpose of suppressing insurrection or executing the laws "having first observed all the prerequisites of the law in that respect" (2 Stat. 443).

The declaration of war against Great Britain in 1812 contained a clause to the effect that "the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect" (2 Stat. 755). Similar clauses are to be found in subsequent declarations of war. The declarations of war against Japan and Germany in 1941 "Authorized and directed [the President] to employ the entire naval and military forces of the United States and the resources of the Government to carry on war" (55 Stat. 795-796).

Further evidence of the limited scope of the authority then asserted under the Commander in Chief clause is found in Jefferson's first annual message to Congress. Referring to the depredations of Tripoli against our commerce, he stated that he had taken defensive measures to protect that commerce but that he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense." I Richardson, Messages and Papers of the President 326, 327 (1897). By the act of February 6, 1802 (2 Stat. 130), Congress made it lawful for the President "to instruct the commanders of the respective public vessels \* \* \* to subdue, seize, and make prize of all vessels \* \* \* belonging to the Bey of Tripoli \* \* \* and also to cause to be done all such other acts of precaution or hostility as the state of war will justify, and may, in his opinion, require."

An entirely different interpretation of his powers as Commander in Chief was put forward by Millard Fillmore in 1851. As a result of difficulties encountered in enforcing the fugitive slave law, he asked Congress to modify the proclamation requirements of the acts of 1795 and 1807 on the ground that "Such a proclamation \* \* \* would often defeat the whole object by giving such notice to persons intended to be arrested that they would be enabled to fly or secrete themselves."

He questioned the power of Congress to make this provision applicable to use of the Army or Navy in these words (V Richardson, op. cit., supra, 104-105):

"The Constitution declares that 'the President shall take care that the laws be faithfully executed,' and that 'he shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States,' and that 'Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.' From which it appears that the Army and Navy are by the Constitution placed under the control of the Executive; and probably no legislation of Congress could add to or diminish the power thus given but by increasing or diminishing or abolishing altogether the Army and Navy. \* \* \*

"Congress, not probably adverting to the difference between the militia and the Regular Army, by the act of March 3, 1807, authorized the President to use the land and naval forces of the United States for the same purposes for which he might call forth the militia, and subject to the same proclamation. But the power of the President under the Constitution, as Commander of the Army and Navy, is general, and his duty to see the laws faithfully executed is general and positive; and the act of 1807 ought not to be construed as evincing any disposition in Congress to limit or restrain this constitutional authority. For greater certainty, however, it may be well that Congress should modify or explain this act in regard to its provisions for the employment of the Army

and Navy of the United States, as well as that in regard to calling forth the militia."

Congress ignored the suggestion that the act of 1807 be amended for greater certainty. During the Civil War, it reasserted its authority over the use of the Armed Forces by the act of February 25, 1865, 13 Stat. 437. Section 1 of this act, which is carried forward in 18 U. S. C. 592, made it unlawful to use troops "at the place where any general or special election is held in any State \* \* \* unless it shall be necessary to repel the armed enemies of the United States, or to keep the peace at the polls." The proponents made it clear that the measure was aimed at action taken pursuant to orders of the President. (CONGRESSIONAL GLOBE, 38th Congress, 1st sess., Appendix 55-71 (1864)). Senator Howard, of Michigan, who led the opposition to the bill, conceded that Congress had constitutional power to deal with this problem. He said (id. at 86):

"I admit that, if Congress were so unwise, it might, by a statute, direct the Commander in Chief of the armies not to employ the troops of the United States within any given place, whether that place be within a mile of a poll or elsewhere, because I hold that the warring, war conducting power, in all its varying forms and phases, is lodged in Congress, and that they have a right, if they choose to do so, at all times to direct the movements of the Army; to declare what expeditions shall be sent out and for what purpose; to declare where the Army shall march, where the Navy shall operate, and to do anything and everything in reference to the management of the Army and the Navy in the conduct of a war. This is within their power under the Constitution. I yield that point. If Congress were so unwise as to undertake, by special legislation, to strip the Commander in Chief of the Army of the United States of the implied authority which belongs to him as such, they have an undoubted right to do so, leaving him only his rank of Commander in Chief."

As a result of further dissatisfaction with the use of troops in domestic affairs, Congress passed another law in 1878, 20 Stat. 152, now 10 U. S. C. 15, which provided that:

"It shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding \$10,000 or imprisonment not exceeding 2 years or by both such fine and imprisonment."

The debates on this measure found some Members supporting the view that Congress cannot interfere with the President's power as Commander in Chief to use the Army as he sees fit. Representative Gardner, of Virginia, argued that (7 CONGRESSIONAL RECORD, p. 3852 (1878)):

"Congress is empowered by the Constitution to 'raise and support armies,' but is nowhere authorized or empowered to command them. It may 'make rules for the government of the land and naval forces,' but it cannot direct when or where they may be used. 'It may declare war,' but the President, as Commander in Chief of the Army and Navy, directs its management.

"And section 4 of article 4, which provides that 'the United States' shall protect the States from domestic violence or from invasion, etc., clothed the Executive with the power to use the Army to carry out this constitutional requirement. Nor can Congress render this right of protection due the States and this power of the Executive to enforce it nugatory by refusing to legislate that it

may be done or by any legislation prohibiting it."

In the same view, Representative Lapham, of New York, declared that: "If I were the President of the United States, and such a law as this were placed before me, and I were called upon to exercise the military authority in order to preserve the Government, I would disregard such an act as an infraction of the Constitution." Id. at 3849. On the other hand Tucker, of Virginia, maintained "that the President would have no right to use the Army or Navy of the United States unless under authority of some act of Congress. That has been settled by statutory precedents ever since the act of 1795." Id. at 3851.

Since its passage the validity of this act has never been directly challenged. In 1890, Attorney General Miller reserved judgment as to its constitutionality but advised the President that he had authority to use troops in the case under consideration by virtue of another statute (19 Op. Atty. Gen. 570 (1890)). From time to time other Attorneys General have either advised that because of this section troops could not be used for law enforcement in stated circumstances (17 id. 71 (1881); 21 id. (1894)); or have found authority for their use in other laws (16 id. 162 (1878); 17 id. 242 (1881); 17 id. 333 (1882); 19 id.).

#### USE OF ARMED FORCES ABROAD

In 1912 the Senate defeated a proposed rider to the Army appropriation bill to prevent the use of the Army outside the United States, except in case of emergency when Congress was not in session. However, Elihu Root, who opposed the rider, acknowledged that "doubtless Congress could by law forbid the troops being sent out of the country" (48 CONGRESSIONAL RECORD 10929 (1912)).

A similar attempt to insert a provision in a naval appropriation bill to prevent the use of funds to maintain forces in Nicaragua was defeated in 1928. Senator Borah, chairman of the Senate Foreign Relations Committee, opposed the rider on grounds of policy. In response to questions concerning the constitutional powers of the President, he had this to say (69 CONGRESSIONAL RECORD 6754, 6759 (1928)):

"Prior to 1903, so far as I know, no President ever assumed to use our troops in foreign countries in aggressive action without the authority of Congress. I agree perfectly with those Senators who feel that the power of the President ought to be defined and restrained. I will support any proposition which will bring the President to the Congress of the United States for the purpose of getting authority to use the troops in foreign countries whenever we use troops for any kind of aggressive action.

"The President has the power, under the Constitution, to employ troops for the purpose of protecting lives and property of American citizens in a foreign country. We could not, in my judgment, take that power away from him, because it is granted by the Constitution.

"If the Congress does not see fit to create an army, the President has no army to command. If the Congress does not see fit to create a navy, the President has no navy to command, because there is no navy in existence. But once an army and a navy are in existence he is the Commander in Chief of the Army and the Navy. Whatever relates to command, whatever is incorporated in the idea of command, belongs to the President, and you cannot take it away from the President. It is given to him by the Constitution."

Congress did impose restrictions on the use of the Armed Forces abroad by the act of August 27, 1940 (54 Stat. 858), which au-

thorized the President to call National Guard, Reserve, and retired personnel into active service, and the Selective Training and Service Act of 1940 (54 Stat. 885). These measures prohibited the employment of certain personnel "beyond the limits of the Western Hemisphere excepting in the Territories and possessions of the United States, including the Philippine Islands."

One of the most significant aspects of the debates on this provision was the uncertainty expressed by several of its proponents as to whether it would be binding on the President. Senator Ashurst supported it on the ground that the President "would be inclined to respect an expression of this sort by the Congress, incorporating into the bill certainly the legislative wish and hope, the expression of our opinion, that drafted troops should not be sent to Europe to participate in the wars of Europe; but such an expression is not legally binding on the Executive" (86 CONGRESSIONAL RECORD 10896 (1940)). Senator Wiley agreed that (id. at 10896-10897):

"Under our form of government, the Executive is given constitutional powers with which the Legislature cannot interfere. We claim as a Legislature that we have constitutional powers with which the Executive cannot interfere. We have had example after example of the Executive power in the use of the Army.

"What if, in the opinion of the Commander in Chief, it should be thought advisable to shift some troops from Hawaii to China? This amendment would have no effect. Under his constitutional authority he could do so. So I say to the country that if we adopt this amendment it is simply an expression of opinion. It is simply saying that we do not want the Executive to do what he may legally do."

However, Senator Clark, of Missouri, defended the legal authority of Congress to impose the limitations. He had this to say (id. at 10899):

"Why is the provision any more a limitation or restriction upon the power of the President to command the Army as Commander in Chief, than a provision that a man may enlist for 3 years, or that he may be inducted for 1 year? Congress has the right to impose any limitation it may see fit to insert upon the character of service or the tenure of service, or anything else, as to the Army which they are furnishing the President. I cannot see any legal ground whatever, although I have very high respect for the legal opinions or the opinions of any sort of the Senator from Arizona, for the contention that it is a violation of the President's constitutional functions as Commander in Chief of the Army and the Navy to insert a limitation upon the character of service of men when Congress is raising an army, any more so than when raising any army it says that the men shall be enlisted for 3 years, or, as we say in this very bill, that they shall be inducted into the service for 1 year. It is a limitation of precisely the same sort when we say that the men who are inducted into the service shall serve only in the United States, or in this hemisphere, or in any other place which the Congress sees fit to prescribe."

In the Universal Military Training and Service Act (65 Stat. 78, 50 U. S. C. App. 454 (a)), Congress prohibited the sending of inductees outside the United States, to Territories and possessions, until they had had at least 4 months' training. To reinforce this limitation, it barred the use of appropriated funds to transport or maintain personnel in violation of it.

At other times, instead of positively forbidding the use of armed forces for particular purposes, Congress has simply stated that the enactment of specific laws shall not be deemed to authorize such use. Provisions



of this nature were inserted in the Lend-Lease Act (55 Stat. 32, 22 U. S. C. 412 (d)), and the United Nations Participation Act (59 Stat. 621, 22 U. S. C. 287d). They neither add to nor subtract from the powers of the President. They may, however, be a reflection of the division of opinion in Congress concerning the scope of its own power.

After a prolonged debate in 1951 on a resolution to approve the furnishing of United States forces under the North Atlantic Treaty, the Senate adopted an amendment which expressed "the sense of Congress that, in the interest of sound constitutional processes, and of national unity, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty" (CONGRESSIONAL RECORD, vol. 97, pt. 3, p. 3294). In offering this amendment, Senator McCLELLAN insisted that (id. at 2974):

"The power of Congress to make rules for the Government and regulation of the land and naval forces includes, in my opinion, the power of the Congress to determine what disposition and assignment shall be made of the land and naval forces of the United States in the implementation of a treaty that provides for an international army. If there were not these restrictions and provisions in the Constitution of the United States, the Commander in Chief, with unlimited power of control, could any day, at his will and by his command, set himself up as the military dictator of this Nation. The Founding Fathers who wrote the Constitution never intended that the Commander in Chief of our Armed Forces should be, or should be placed in a position to become, a military ruler and dictator of a free people."

Like opinions were voiced by other Members. Senator Taft, for example, urged his colleagues to "declare clearly our conviction that the Congress has the constitutional power to restrain action on the part of the President" (id. at 3273). Opponents of the amendment defended in general terms the right of the President to use troops without consulting Congress. A few denied the authority of Congress to legislate on the subject. Senator McMahon argued that "We cannot by legislation attempt to direct the movements of the Armed Forces" (id. at 3044). Senator HUMPHREY termed the amendment "an intrusion" on the legal responsibility of the President as Commander in Chief (id. at 3098). But in spite of these objections, the McClellan amendment was approved by a vote of 49 to 43 (id. at 3096).

#### BELLIGERENT RIGHTS

When a bill for confiscation of rebel property was pending, in 1862, some lawmakers opposed it as an invasion of the powers of the Commander in Chief. Senator Browning, of Illinois, took the position (Congressional Globe, 37th Cong., 2d sess., 2919 (1862)) that:

"It is not true that Congress may assume and exercise all the active war powers in the actual prosecution of war. The Constitution invests it with no such prerogative. \* \* \* I deny that the right exists, in any case, to pass in judgment upon what is properly called a military necessity. It may become a military necessity when an Army, with its munitions and supplies, has been transported across a stream, to destroy the bridge that bore them safely over, and leave only the deep and rapid river in the rear. It may be a military necessity to preserve the bridge, that the means of safe retreat may be at hand if adverse fortune should require it.

"When the Constitution made the President 'Commander in Chief of the Army and Navy of the United States,' it clothed him with all the incidental powers necessary to a full, faithful, and efficient performance of the duties of that high office; and to decide

what are military necessities, and to devise and execute the requisite measures to meet them, is one of these incidents. It is not a legislative but an Executive function, and Congress has nothing to do with it. Congress can raise and support but cannot command armies. That duty the Constitution has devolved upon the President. It has made him Commander in Chief, and therefore Congress cannot be. Nor can Congress control him in the command of the Army, for, if it can, then he is not Commander in Chief, and the assertion of the Constitution to that effect is a falsehood. And whenever Congress assumes the control of the Army in the field it usurps the powers of a coordinate department of the Government, destroys the checks and balances provided for the safety of the people, and subverts the Constitution."

To which Charles Sumner, of Massachusetts, responded (id. at 2964):

"The President, it is said, as Commander in Chief, may seize, confiscate, and liberate under the rights of war; but Congress cannot direct these things to be done. Pray, sir, where is the limitation upon Congress? Read the text of the Constitution, and you will find its powers vast as all the requirements of war. There is nothing which may be done anywhere under the rights of war, which may not be done by Congress. I do not mean to question the powers of the President in his sphere, or of any military commander within his department. But I claim for Congress all that belongs to any Government in the exercise of the rights of war. And when I speak of Congress, let it be understood that I mean an act of Congress, passed according to the requirements of the Constitution by both Houses and approved by the President. It seems strange to claim for the President alone, in the exercise of his single will, war powers which are denied to the President in association with Congress. Surely, if he can wield these powers alone, he can wield them in association with Congress; nor will their efficacy be impaired when it is known that they proceed from this associate will, rather than from his single will alone. The Government of the United States appears most completely in an act of Congress. Therefore war is declared, armies are raised, rules concerning captures are made, and all articles of war regulating the conduct of war are established by act of Congress. It is by act of Congress that the war powers are all put in motion. When once in motion the President must execute them. But he is only the instrument of Congress, under the Constitution of the United States.

"It is true the President is Commander in Chief; but it is for Congress to make all laws necessary and proper for carrying into execution his powers; so that, according to the very words of the Constitution, his powers depend upon Congress, which may limit or enlarge them at its own pleasure. Thus, whether you regard Congress or regard the President, you will find that Congress is the arbiter and regulator of the war powers."

Apparently the constitutional objections to this measure were not widely entertained. After a compromise version of the bill was enacted (12 Stat. 589 (1862)), a number of cases arising under it were carried to the Supreme Court, but its validity was never tested. See, e. g., Mrs. Alexander's Cotton ((1864) 2 Wall. 404).

#### RECONSTRUCTION IN SECEDED STATES

One of the most important instances in which Congress successfully asserted its authority in opposition to the President was in the reconstruction of governments in the Southern States after the Civil War. Before the war ended, Lincoln, invoking his powers as Commander in Chief, took the first steps toward restoring loyal governments in these States. By a proclamation issued December 8, 1863, he granted amnesty to all citizens, with certain exceptions, who would take an

oath to support the Constitution, as well as all acts of Congress and proclamations of the President relating to slaves, and declared that whenever 10 percent of the voters should take that oath and reestablish a State government, republican in form and consistent with that oath, the government would be recognized as the true government of the State and would receive the protection guaranteed to the States (13 Stat. 737).

Congress did not acquiesce in this plan. It passed a bill providing that the President should appoint a provisional governor to exercise the powers of civil government in each of the rebellious States, until a State government should be recognized with the assent of Congress, and specifying the steps to be taken in order to obtain such recognition. This measure was presented to Lincoln shortly before the end of the session, and he killed it by a pocket veto. Thereupon, he issued another proclamation stating that while he was "unprepared by a formal approval of this bill, to be inflexibly committed to any single plan of restoration; and \* \* \* also unprepared to declare that the free State constitutions and governments already adopted and installed in Arkansas and Louisiana \* \* \* (should) be set aside and held for nought, \* \* \* or to declare a constitutional competency in Congress to abolish slavery in States," he was "fully satisfied with the system for restoration contained in the bill as one very proper plan for the loyal people of any State choosing to adopt it" (13 Stat. 744).

After Lincoln's death, Johnson issued a series of proclamations appointing provisional governors for eight of the seceded States and prescribing the procedure for setting up new governments in those States (13 Stat. 760, 761, 764, 765, 767, 769, 771).

When Congress convened in December 1865, it appointed a Joint Committee on Reconstruction which brought in a report challenging the position of the President. The majority expressed the opinion (id. at VIII, XX) that:

"As Commander in Chief of a victorious army, it was his duty, under the law of nations and the Army regulations, to restore order, to preserve property, and to protect the people against violence from any quarter until provision should be made by law for their Government. He might, as President, assemble Congress and submit the whole matter to the law-making power; or he might continue military supervision and control until Congress should assemble on its regular appointed day. Selecting the latter alternative, he proceeded, by virtue of his power as Commander in Chief, to appoint provisional governors over the revolted States. These were regularly commissioned, and their compensation was paid, as the Secretary of War states, "from the appropriation for Army exigencies, because the duties performed by the parties were regarded as of a temporary character, ancillary to the withdrawal of military force, the disbandment of armies, and the reduction of military expenditure, by provisional organizations for the protection of civil rights, the preservation of peace, and to take the place of armed force in the respective States." It cannot, we think, be contended that these governors possessed, or could exercise, any but military authority. They had no power to organize civil governments, nor to exercise any authority except that which inhered in their own persons under their commissions. Neither had the President, as Commander in Chief, any other than military power. But he was in exclusive possession of the military authority. It was for him to decide how far he would exercise it, how far he would relax it, when and on what terms he would withdraw it. He might properly permit the people to assemble, and to initiate local governments, and to execute such local laws as they might choose to frame not inconsistent with, nor

In opposition to, the laws of the United States. \* \* \* But it was not for him to decide upon the nature or effect of any system of government which the people of these States might see fit to adopt. This power is lodged by the Constitution in the Congress of the United States, that branch of the Government in which is vested the authority to fix the political relations of the States to the Union, whose duty it is to guarantee to each State a republican form of government, and to protect each and all of them against foreign or domestic violence, and against each other. We cannot, therefore, regard the various acts of the President in relation to the formation of local governments in the insurrectionary States, and the conditions imposed by him upon their action, in any other light than as intimations to the people that, as Commander in Chief of the Army, he would consent to withdraw military rule just in proportion as they should, by their acts, manifest a disposition to preserve order among themselves, establish governments denoting loyalty to the Union, and exhibit a settled determination to return to their allegiance, leaving with the law-making power to fix the terms of their final restoration to all their rights and privileges as States of the Union.

"These rebellious enemies were conquered by the people of the United States, acting through all the coordinate branches of the Government, and not by the executive department alone. The authority to restore rebels to political power in the Federal Government can be exercised only with the concurrence of all the departments in which political power is vested; and hence the several proclamations of the President to the people of the Confederate States cannot be considered as extending beyond the purposes declared, and can only be regarded as provisional permission by the Commander in Chief of the Army to do certain acts, the effect and validity whereof is to be determined by the constitutional government, and not solely by the executive power."

The minority report did not deal with the legality of the measures adopted by the President (id. at pt. 2, p. 12).

At the next session, Congress passed over the President's veto "An act to provide for the more efficient government of the rebel States" (14 Stat. 428). It provided that these States should be divided into five military districts, each under the command of an officer of general rank. It also prescribed the steps to be taken by the people of each State to obtain readmission to the Union. One requirement for readmission was the ratification of the 14th amendment. As the several States complied with these conditions, Congress passed laws readmitting them to representation in Congress (15 Stat. 72, 73 (1868); 16 Stat. 62, 80 (1870)).

The right of Congress to assume responsibility for reconstruction was upheld by the Supreme Court in *Texas v. White* ((1868) 7 Wall. 700, 729). That was a bill by Texas to enjoin payment of United States bonds owned by the State which had been negotiated by the rebel government. In sustaining the right of the provisional government to bring the suit, the Supreme Court made the following comment on the respective roles of Congress and the President in setting up lawful governments in these States:

"Whether the action then taken was, in all respects, warranted by the Constitution, it is not now necessary to determine. The power exercised by the President was supposed, doubtless, to be derived from his constitutional functions, as Commander in Chief; and, so long as the war continued, it cannot be denied that he might institute temporary government within insurgent districts, occupied by the national forces, or take measures, in any State, for the restoration of State government faithful to the Union, employing, however, in such efforts, only such means

and agents as were authorized by constitutional laws.

"But, the power to carry into effect the clause of guaranty is primarily a legislative power, and resides in Congress. 'Under the fourth article of the Constitution, it rests with Congress to decide what government is the established one in the State, before it can determine whether it is republican or not.'

"This is the language of the late Chief Justice, speaking for the Court, in a case from Rhode Island (*Luther v. Borden*, 7 Howard, 42), arising from the organization of opposing governments in that State. And, we think that the principle sanctioned by it may be applied, with even more propriety, to the case of a State deprived of all rightful government, by revolutionary violence; though necessarily limited to cases where the rightful government is thus subverted, or in imminent danger of being overthrown by an opposing government, set up by force within the State.

"The action of the President must, therefore, be considered as provisional, and, in that light, it seems to have been regarded by Congress."

#### CIVILIAN CONTROLS IN TIME OF WAR OR EMERGENCY

In his famous message of September 7, 1942, President Roosevelt laid claim to a power as Commander in Chief to disregard an explicit provision of the Emergency Price Control Act. He coupled a demand for the repeal of this section with the warning that (88 CONGRESSIONAL RECORD, 7053-7054 (1942)):

"I ask the Congress to take this action by the 1st of October. Inaction on your part by that date will leave me with an inescapable responsibility to the people of this country to see to it that the war effort is no longer imperiled by threat of economic chaos.

"In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act.

"At the same time that farm prices are stabilized, wages can and will be stabilized, also. This I will do.

"The President has the powers, under the Constitution and under congressional acts, to take measures necessary to avert a disaster which would interfere with the winning of the war.

"I have given the most thoughtful consideration to meeting this issue without further reference to the Congress. I have determined, however, on this vital matter to consult with the Congress.

"I cannot tell what powers may have to be exercised in order to win this war.

"The American people can be sure that I will use my powers with a full sense of my responsibility to the Constitution and to my country. The American people can also be sure that I shall not hesitate to use every power vested in me to accomplish the defeat of our enemies in any part of the world where our own safety demands such defeat.

"When the war is won, the powers under which I act automatically revert to the people—to whom they belong."

Taking sharp exception to this claim of power, Congress refused to pass the legislation sought by the President. Senator LaFollette repudiated "without equivocation the extraordinary doctrine enunciated in the message of the Chief Executive. \* \* \* He does not have legislative power under the Constitution of the United States or under any statute which this Congress has passed" (id. at 7586). In the House of Representatives, Whittington, of Mississippi, declared that "It is for Congress to pass laws; it is for the President to enforce laws; if in war, when vast powers are essential in the President as Commander in Chief of the Army and Navy, any statute should be suspended,

it is for Congress to provide for such suspensions. The exercise or usurpation of the authority to suspend by the President smacks of dictatorship and is contrary to the democratic concept; moreover, it is wholly unnecessary in the prosecution of the war" (id. at 7343). These were typical of the views expressed by many Members. However, some Members supported the position taken by the President. In spite of the explicit prohibition of the Emergency Price Control Act, a few argued that he had the necessary authority under other acts. Senator Barkley came close to endorsing the President's claim on constitutional grounds when he said that "The people of the United States have never yet denied their President, the Commander in Chief of their Army and Navy, support in the exercise of whatever powers he may have in the conduct of a war, and I recall no case in which the Supreme Court has not sustained such powers" (id. at 7558). Representative McCormack suggested on the floor of the House that if the bill were passed with an amendment opposed by the President, "The bill will be vetoed and the President, as Commander in Chief, will act, as he should, by Executive order" (id. at 7383).

At first both Houses approved amendments strongly opposed by the administration. These were modified to some extent before the bill was finally passed, but the measure sent to the President fell far short of what he had asked. Nevertheless he signed the bill (56 Stat. 765).

That the President as Commander in Chief cannot seize the property of private citizens in time of emergency, contrary to an act of Congress, is the teaching of the early case of *Little v. Barreme* ((1804) 2 Cr. 170) and the recent decision in *Youngstown Sheet and Tube Co. v. Sawyer* ((1952) 343 U. S. 579). The former involved the validity of the seizure of the *Flying Fish*, a vessel bound from a French port. Congress had authorized seizure, in stated circumstances, of vessels bound to a French port. The President had gone beyond this and issued instructions for a seizure of vessels bound either to or from a French port. The Supreme Court held that these instructions were unauthorized and did not "legalize an act which, without those instructions would have been a plain trespass." Chief Justice Marshall wrote:

"It is by no means clear that the President of the United States, whose high duty it is to take care that the laws be faithfully executed, and who is Commander in Chief of the armies and navies of the United States, might not, without any special authority for that purpose, in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce. But when it is observed that the general clause of the first section of the act, which declares that such vessels may be seized, and may be prosecuted in any district or circuit court, which shall be holden within or for the district where the seizure shall be made, obviously contemplates a seizure within the United States; and that the fifth section gives a special authority to seize on the high seas, and limits that authority to the seizure of vessels bound, or sailing to, a French port, the legislature seems to have prescribed that the manner in which this law shall be carried into execution was to exclude a seizure of any vessel not bound to a French port."

In the steel seizure case, the Court denied the authority of the President to seize private property in time of emergency to prevent interruption of the production of supplies for the Armed Forces. The opinion of the Court written by Mr. Justice Black seemed to say that the President has no



power of seizure without affirmative authority from Congress. That also appeared to be the view of Mr. Justice Douglas. Justices Frankfurter, Jackson, Clark, and Burton put great emphasis upon the refusal of Congress to insert a seizure provision in the Taft-Hartley Act. Mr. Justice Jackson examined at length the claim of justification under the Commander in Chief clause. He said:

"The clause on which the Government next relies is that 'The President shall be Commander in Chief of the Army and Navy of the United States \* \* \*'. These cryptic words have given rise to some of the most persistent controversies in our constitutional history. Of course, they imply something more than an empty title. But just what authority goes with the name has plagued Presidential advisers who would not waive or narrow it by nonassertion yet cannot say where it begins or ends. It undoubtedly puts the Nation's Armed Forces under Presidential command. Hence, this loose appellation is sometimes advanced as support for any Presidential action, internal or external, involving use of force, the idea being that it vests power to do anything, anywhere, that can be done with an army or navy.

"The Constitution expressly places in Congress power 'to raise and [support] armies' and 'to [provide] and [maintain] a Navy.' (Words in brackets supplied.) This certainly lays upon Congress primary responsibility for supplying the Armed Forces. Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement. I suppose no one would doubt that Congress can take over war supply as a Government enterprise. On the other hand, if Congress sees fit to rely on free private enterprise collectively bargaining with free labor for support and maintenance of our Armed Forces, can the Executive, because of lawful disagreements incidental to that process, seize the facility for operation upon Government-imposed terms?

"There are indications that the Constitution did not contemplate that the title Commander in Chief of the Army and Navy will constitute him also Commander in Chief of the country, its industries, and its inhabitants. He has no monopoly of war powers, whatever they are. While Congress cannot deprive the President of the command of the Army and Navy, only Congress can provide him an Army or Navy to command. It is also empowered to make rules for the 'Government and regulation of land and naval forces,' by which it may to some unknown extent impinge upon even command functions.

"That military powers of the Commander in Chief were not to supersede representative government of internal affairs seems obvious from the Constitution and from elementary American history. Time out of mind, and even now in many parts of the world, a military commander can seize private housing to shelter his troops. Not so, however, in the United States, for the third amendment says, 'No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.' Thus, even in wartime, his seizure of needed military housing must be authorized by Congress. It also was expressly left to Congress to 'provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.' Such a limitation on the command power, written at a time when the militia rather than a standing army was contemplated as the military weapon of the Republic, underscores the Constitution's policy that Congress, not the Executive, should control utilization of the war power as an instrument of domestic policy. Congress, fulfilling that function, has authorized the President to

use the Army to enforce certain civil rights. On the other hand, Congress has forbidden him to use the Army for the purpose of executing general laws except when expressly authorized by the Constitution or by act of Congress.

"While broad claims under this rubric often have been made, advice to the President in specific matters usually has carried overtones that powers, even under this head, are measured by the command functions usual to the topmost officer of the Army and Navy. Even then, heed has been taken of any efforts of Congress to negative his authority.

"His command power is not such an absolute as might be implied from that office in a militaristic system but is subject to limitations consistent with a constitutional Republic whose law and policymaking branch is a representative Congress. The purpose of lodging dual titles in one man was to insure that the civilian would control the military, not to enable the military to subordinate the Presidential Office."

Thus all of the Justices who constituted the majority asserted the supremacy of Congress. The point of difference among them was whether the President had any power of seizure if Congress had not disapproved that course.

These two cases, in combination with *Texas v. White*, supra, lend strong support to the view that any powers the President may have as Commander in Chief over civilians in the United States is subordinate to the legislative powers of Congress under various clauses of article I, section 8. From the very beginning, Congress has asserted the right to determine the circumstances under which the Armed Forces may be used at home and abroad. In a few instances it has also undertaken to prescribe the methods by which the power of command shall be exercised. However, the boundary between its authority and that of the President over the Armed Forces has never been authoritatively charted.

#### EMPLOYEE SECURITY PROGRAM

Mr. JOHNSTON of South Carolina. Mr. President, this Congress has been vitally concerned with the employee security program being conducted by the Government.

Early in 1955 the Senate approved the establishment of a Special Subcommittee to Investigate the Employee Security Program being administered by the Government.

This subcommittee, of which I am chairman, has been probing into the various operations of the security program and pertinent relative matters for over a year. The report of this committee is in the final stages of assembly.

Some Members of the Senate have been concerned with the possibility that our employee security program has been inadequate.

Other Members have felt that the program has been conducted too harshly, with concentration of security efforts on the wrong types of employees. Still other Members believe the program needs strengthening on one end and relaxing on the other.

Certainly a great majority of the Senate has not been satisfied with the conduct of the security program, otherwise the investigation would not have been authorized.

More recently a flurry of editorial comment and statements from Members of Congress have arisen as a result of the

Cole case decision, with which I know all Senators are familiar.

As a result of these comments and other factors, public cognizance of the security program has reached a new tempo. Some members have introduced or talked about introducing legislation to deal with phases of the security problem and perhaps the entire security matter.

Mr. President, why I speak to you here today on this subject is of great importance to the Senate. As I said before, the report of my subcommittee's conclusions and recommendations resulting from its study and investigation of the Government's employee security program is nearly completed and will be ready for delivery to the Members of the Senate in the immediate future.

The findings of my subcommittee are very extensive and deal with most of the security problems which are now receiving the attention of Members of Congress.

I believe this report will be most helpful to all of us to aid in guiding our actions toward the accomplishment which we all want—a nonpartisan effective security program which will keep subversives and disloyal employees out of Government and at the same time will protect our loyal employees.

I therefore suggest and recommend that the Senate withhold action on any security legislation until the Members shall have had the opportunity to receive the benefit of information contained in my subcommittee's report.

No Member of the Senate is more interested than I am in the enactment of a strong and fair security program. But I believe we would err to take any legislative steps until we have first studied the report which will be in the hands of Senators in the immediate future.

Mr. CARLSON. Mr. President, will the Senator from South Carolina yield? Mr. JOHNSTON of South Carolina. I yield.

Mr. CARLSON. Mr. President, I wish to say that the distinguished Senator from South Carolina held some very extensive hearings and, as a member of that subcommittee, I appreciate the fine way in which he conducted them.

I think I gathered from the Senator's statement that the subcommittee report will soon be ready for printing. Is that correct?

Mr. JOHNSTON of South Carolina. That is correct.

Mr. CARLSON. Would it be possible for the minority Member to see and analyze the report before it is ready for distribution to the full committee for approval?

Mr. JOHNSTON of South Carolina. I should think so.

Mr. CARLSON. I should like very much to have time to analyze it. I participated in the hearings and know it is voluminous. I concur in the suggestion of the Senator that no action should be taken until the committee report is approved by the full committee and available for distribution. I think it will contain some valuable suggestions. Since we are dealing with the protection and security of our Nation, careful analysis is demanded by all.

Mr. JOHNSTON of South Carolina. I shall take it up immediately.

Mr. President, I should like to commend the Senator from Kansas for the work he did on the subcommittee. I was glad to hear him make the remarks he has made. The hearings were handled from a nonpartisan standpoint, for the good of the United States and for the good of the employees of the Government. We were endeavoring to do nothing that would injure the security of the Nation.

Mr. SALTONSTALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Legislative Clerk proceeded to call the roll.

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

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

#### DEPARTMENT OF DEFENSE APPROPRIATIONS, 1957

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 10986) making appropriations for the Department of Defense for the fiscal year ending June 30, 1957, and for other purposes.

#### EXTENSION OF DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 2259, H. R. 9852, to extend the Defense Production Act of 1950, as amended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill (H. R. 9852) to extend the Defense Production Act of 1950, as amended, and for other purposes, which had been reported from the Committee on Banking and Currency, with amendments.

Mr. JOHNSON of Texas. Mr. President, on behalf of the distinguished minority leader and myself, I submit a proposed unanimous-consent agreement which I ask to have read for the information of the Senate.

The PRESIDING OFFICER. The proposed agreement will be read.

The legislative clerk read as follows:

##### UNANIMOUS CONSENT AGREEMENT

Ordered, That, during the further consideration of the bill (H. R. 9852) to extend the Defense Production Act of 1950, as amended, debate on any amendment, motion, or appeal, except a motion to lay on the table, and as hereinafter indicated, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided, however,* That it shall be in order for the Senator from Connecticut, Mr. BUSH, to make a motion to lay on the table the

committee amendment inserting section 4 on pages 3 and 4, upon which there shall be a limitation of not exceeding 2 hours' debate, to be equally divided and controlled by Mr. BUSH and the majority leader, respectively: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. JOHNSON of Texas. Mr. President, I may say, in brief explanation of the proposed agreement, that it is immaterial to the minority leader or the majority leader to have a unanimous-consent agreement, but it is my understanding that those who are directly interested in House bill 9852 have met and talked about such an agreement. The proposed agreement is similar to other agreements the Senate has entered into. It is my information that it is acceptable to both opponents and proponents of certain amendments to be offered, and to those in charge of the bill.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement?

The Chair hears none, and it is so ordered.

#### PAYMENT FOR IMPROVEMENTS ON LANDS IN RAPID VALLEY UNIT, SOUTH DAKOTA—MOTION TO RECONSIDER—REQUEST FOR RETURN OF SENATE BILL 1622

Mr. CASE of South Dakota. Mr. President, I desire to enter a motion to reconsider the vote whereby the Senate on yesterday agreed to the amendments of the House of Representatives to the bill (S. 1622) to authorize the Secretary of the Interior to make payment for certain improvements located on public lands in the Rapid Valley unit, South Dakota, of the Missouri River Basin project, and for other purposes.

The PRESIDING OFFICER. The motion will be entered.

Mr. BUSH. Mr. President, is that a unanimous consent request?

Mr. CASE of South Dakota. I think that is a privileged matter.

The PRESIDING OFFICER. It is a privileged matter.

Mr. BUSH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUSH. Has the Senate not just entered into a unanimous consent agreement that requires us to proceed with the consideration of the pending business?

The PRESIDING OFFICER. This is a privileged matter, the Chair is advised.

Mr. CASE of South Dakota. Mr. President, I make the further motion that the Secretary be directed to request the House of Representatives to return the message of the Senate announcing its agreement to the amendments of the House.

The PRESIDING OFFICER. Without objection, the House will be requested to return the bill, and the motion to reconsider will be entered.

#### EXTENSION OF DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

The Senate resumed the consideration of the bill (H. R. 9852) to extend the Defense Production Act of 1950, as amended, and for other purposes.

The PRESIDING OFFICER. The first committee amendment will be stated.

The LEGISLATIVE CLERK. On page 2—Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. I should like to ask the Chair what the parliamentary situation is with respect to the desire on the part of the Senator from Connecticut [Mr. BUSH] to move to table one of the committee amendments. Is it in order for the Senator from Connecticut to proceed in that fashion at any time he desires to make such a motion?

The PRESIDING OFFICER. The Chair is advised that the logical time to make that motion to lay on the table is when the committee amendment, which is section 4, is reached.

Mr. BUSH. I now serve notice that when section 4 becomes the pending question, I shall then move to table; and under the unanimous-consent agreement, I understand an hour is allowed to each side on that motion.

The PRESIDING OFFICER. That is correct.

Mr. PASTORE. Mr. President, I yield 20 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Banking and Currency Committee held hearings on S. 3407, a bill to provide a 2-year extension for the Defense Production Act. This bill met with general approval by the committee, subject to a few amendments. The House passed H. R. 9852, a bill also providing a 2-year extension, also with amendments, and this bill was referred to the committee.

The Banking and Currency Committee has reported out H. R. 9852, and recommends favorable action on this bill.

As reported, H. R. 9852 provides for a 2-year extension of the act, to June 30, 1958, along with a 2-year extension of the title III contracting authority, to June 30, 1965. The bill also contains, first, a declaration of policy supporting the principle of geographical dispersal; second, a requirement that the Secretary of Commerce make a special investigation and study of nickel; third, an amendment emphasizing the President's authority and duty to take action for the benefit of civilian users of any commodity in seriously short supply as a result



of military requirements; and fourth, a technical amendment designed to simplify payment of the expenses of the Joint Committee on Defense Production.

The bill, as reported, does not include the provision adopted by the House requiring members of the executive reserve to file statements of their financial interests at the time of their appointment.

The committee's review of the defense program and the defense supporting industrial program left no doubt that continuance of the powers in the Defense Production Act are necessary. I shall, therefore, not attempt to elaborate on this aspect of the matter.

The committee report lists the powers now contained in the Defense Production Act, principally the priority and allocation authority in title I, and the financial authority conferred in title III for the purpose of expanding productive capacity and supply. Although these powers are not now being used extensively, they are essential at the moment to maintain the present state of mobilization readiness; and, in addition, the existence of these authorities places the Government in a position to take the initial steps in the event of an emergency.

The bill does not contain any authority for controls over prices, wages, rents, or credit. These standby powers were not recommended or proposed by the administration witnesses. It is recognized that such controls would be needed in the event of full mobilization or war, but there was no indication of any present need for such authority.

The two principal amendments proposed by the committee related to dispersal and allocations in the civilian market.

The dispersal amendment would express congressional approval of, and support for, the existing agency policy of encouraging geographical dispersal of new Government-assisted industrial facilities, first, when practical; second, when consistent with existing law, and third, when consistent with the desirability of maintaining a sound economy. The amendment does not prevent or restrict the use of existing plants; it does not apply to plants which do not get assistance of some sort from the Government; and it does not make the policy of geographical dispersal the only, or in some cases even the principal, element to be considered in locating a new Government-assisted plant.

A sound economy must be maintained. All the factors which properly go into the location of any industrial plant must be considered—access to raw materials, transportation, power, water, labor, markets, and so on. The amendment would not eliminate consideration of these other factors.

All the Government agencies concerned endorse and support the principle of geographical dispersal. All, except the Air Force, support an amendment expressing congressional approval and support of the policy. And even the Air Force, in opposing the amendment on the ground that it might be confusing, supports the principle of geographical dispersal, and states that the amendment is entirely consistent in its intent with existing Department of Defense policy.

If we consider the possibilities which lie before us, we can see why the Congress should, and must, accept responsibility for the dispersal program.

Our defense plans must take into account the possibility of an attack by an aggressor, an attack which may include a Pearl Harbor or a number of Pearl Harbors. If this occurs, we must be prepared to retaliate immediately, using weapons in being at the time of such an attack. Equally important, we must be prepared to wage a continuing all-out war, which may not be of short duration. This second stage will require a strong, productive industry, capable of producing the needed weapons of war and capable of supplying everything needed to maintain the military and civilian population.

The Nation's ability to carry on this second stage depends to a large extent on how much of its productive capacity has been wiped out in the first attack. This is where geographical dispersal of industrial facilities is vital.

The principle of geographical dispersal does not depend on the argument that one spot in the United States is safer than another spot. Perhaps an argument can be made for this in some cases, although usually such an argument is not conclusive. The principle of geographical dispersal is much simpler and much clearer than any argument over the merits of one location as compared with the merits of another location.

The principle of geographical dispersal is merely another way of saying, "Don't put all your eggs in one basket."

If all the Nation's supply of a vital material or a vital piece of equipment comes from 1 plant or from plants in 1 small area, we might be deprived of our supply of that material or equipment by 1 bomb. But if we obtain the material or equipment from 5 or 10 widely separated sources, we are much better prepared to carry on the second stage of defense.

We should also bear in mind—and I think this is extremely important—that if we should achieve a sound degree of dispersal of our industry, it would reduce the danger of an attack. If the target is less attractive, if a single bomb or a few bombs could not accomplish so much damage to the defense effort, the temptation to attack the country would be reduced. Incidentally, this would reduce the danger to the areas which now, because of the concentration of industries, are the most attractive targets. This thought should be borne in mind by those who might wish to oppose the amendment.

I particularly invite this point to the attention of the distinguished Senators from the New England States, because, as our defense productivity is now set up, it makes New England an especially attractive target in case there should be trouble.

Mr. AIKEN. Mr. President, will the Senator from Arkansas yield?

The PRESIDING OFFICER (Mr. LAIRD in the chair). Does the Senator from Arkansas yield to the Senator from Vermont?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. Does the Senator from Arkansas consider that this amendment,

requiring dispersal among regions, would preclude dispersal of industry within a region, such as New England?

Mr. FULBRIGHT. The amendment does not require anything of so rigid a nature. It requires consideration of the element of the risk of destruction of our vital production and supplies. I may say that I used the term "New England" rather broadly. I doubt that in the great State of Vermont there is such a concentration as would necessarily be involved. But I do know of areas around the great cities of Boston and Hartford which I think create a very tempting target in case of difficulty.

Mr. AIKEN. In the committee amendment is there anything to preclude the establishment of new industries in, let us say, the States of northern New England—Maine, New Hampshire, and Vermont—without having them considered as being in a strategic target area?

Mr. FULBRIGHT. I do not think so. As I have previously said, the amendment seeks to draw attention, particularly the attention of the Defense Department, to this question, and to give congressional approval to a policy which already is being followed to some extent. That policy would be to give serious consideration, in connection with the construction of new plants, to the vulnerability to attack of certain industries having significance in our national defense. I do not think the amendment necessarily precludes the building of new plants in any area, depending upon a number of factors which I have just mentioned, namely, raw materials, transportation, and all the other elements.

Mr. AIKEN. And perhaps the policy would encourage the location of a plant among the hills, where it might have much more protection than if located at a greater distance from a strategic center, but located in open prairie land?

Mr. FULBRIGHT. Most certainly that could be considered.

Mr. AIKEN. And would the location as it relates to the direction of the prevailing winds have a bearing on the dispersal program?

Mr. FULBRIGHT. Certainly. The question of fallout is a very material one; and the recent developments regarding the seriousness of fallout constitute one of the major reasons for the further and, I think, favorable consideration by the Congress of this amendment. Fallout is now a much more serious problem, we know, than it was 5 years ago.

Mr. AIKEN. Bearing in mind the protection afforded by the hills and the northern winds in New England, would not the Senator from Arkansas say they constitute one of the factors which might well be favorably considered in connection with the establishment of defense plants?

Mr. FULBRIGHT. I would not say the contrary at all. In referring to New England, of course, let me say that all of us know about the great concentration of defense plants, particularly in communities near the coasts of Connecticut, Rhode Island, and Massachusetts. Of course, I can understand the concern of the people of those communi-

ties about any change in the status quo. Nevertheless, this is an extremely important matter affecting our national security.

Mr. KUCHEL. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I shall be glad to yield in a moment.

Mr. President, this might be a proper place for me to insert in the RECORD a letter which came too late to be inserted in the hearings. The letter is from Mr. Val Peterson, Administrator of the Civil Defense Administration, and is dated May 16. I call especial attention to the next to the last paragraph of the letter; and I now read a part of it:

We therefore urge that the committee favorably consider the proposed amendment by Senator BENNETT to S. 3407, and we recommend that the Congress enact the measure into law.

I ask unanimous consent that the entire letter be printed in the RECORD at this point as a part of my remarks.

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

FEDERAL CIVIL  
DEFENSE ADMINISTRATION,  
NATIONAL HEADQUARTERS,  
Battle Creek, Mich., May 16, 1956.

HON. J. W. FULBRIGHT,  
Chairman, Committee on Banking and  
Currency, United States Senate,  
Washington, D. C.

DEAR MR. CHAIRMAN: This is in reply to the request of Mr. Matthew Hale, of the committee staff, for a report from the Federal Civil Defense Administration on the merits of S. 3407, a bill "to extend the Defense Production Act of 1950, as amended, and for other purposes," and the amendment to the bill intended to be proposed by Senator BENNETT, dated April 23, 1956.

S. 3407 would further amend section 717 of the Defense Production Act of 1950, as amended, to extend the provisions of the act until June 30, 1958. Section 2 would amend section 303 to extend the provisions thereof, which relate to the purchase, or commitments to purchase, of critical or strategic metals, minerals, or other materials, until June 30, 1965.

As S. 3407 relates to the extension of the expiration dates of sections 303 and 717 of the Defense Production Act of 1950, as amended, the Federal Civil Defense Administration would interpose no objection to the proposed extensions.

The amendment to S. 3407, proposed by Senator BENNETT, would further amend the declaration of policy contained in section 2 of the Defense Production Act of 1950, as amended, to state that it is the policy of the Congress to promote the geographical dispersal of the industrial facilities of the United States, and to discourage concentration of productive facilities within limited geographical areas vulnerable to attack. Further, the amendment also provides that in the construction of Government-owned industrial facilities, and the extension of governmental financial assistance for the construction, expansion, or improvement of industrial facilities, or in the procurement of goods or services under the Defense Production Act or any other act, each department or agency of the executive branch shall apply, to the greatest practicable extent, consistent with existing law, the principle of geographical dispersion of such facilities in the interest of national defense. The Office of Defense Mobilization would be charged with the coordination of the proposed program. Nothing in the program would preclude the use of existing industrial facilities.

The Federal Civil Defense Administration, under Defense Mobilization Order I-18, is-

sued January 11, 1956, is charged with the responsibility for the development and coordination of plans and programs for the reduction of urban vulnerability, including coordination at the metropolitan target-zone level of dispersion, urban redevelopment, highway, and other programs and measures capable of making a contribution to the reduction of urban vulnerability.

Accordingly, the Federal Civil Defense Administration holds the view that statutory amendments designed to encourage the reduction of vulnerability of metropolitan target zones from enemy attack through industrial dispersal of the nature contained in the proposed amendment to S. 3407 are in the national interest. We, therefore, urge that the committee favorably consider the proposed amendment by Senator BENNETT to S. 3407, and we recommend that the Congress enact the measure into law.

In view of the urgent nature of the committee request for a report by this Administration on the measure, the usual Bureau of the Budget clearance has not been obtained. Should revision of the report be necessary upon receipt of the Bureau's comments, the revised report will be forwarded promptly to the committee.

Sincerely,

VAL PETERSON.

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

Mr. FULBRIGHT. I yield.

Mr. KUCHEL. I believe I heard the Senator from Arkansas say that there were some who objected to any change in the status quo. May I ask the Senator if any change in the current Office of Defense Mobilization order on dispersal is contemplated by the so-called Bennett amendment?

Mr. FULBRIGHT. As I understand, the effect of the amendment would be to carry out the policy and to give it added emphasis. As I stated in the earlier part of my remarks, the Defense Department, even including the Air Force, is to some degree, at least, carrying out this policy. I certainly believe it is entirely proper for the Congress to state its own views as to this policy. This question has been before Congress several times. I think it is proper for us to emphasize the importance of this policy if we are interested in our own national security. As I understand, the present attitude of the Office of Defense Mobilization is favorable to dispersal.

Mr. KUCHEL. I will say to the Senator from Arkansas that, as I understand, the present order of the Office of Defense Mobilization with respect to dispersal has been in effect since the first of the year. No one has quarreled with it. I believe it is being enforced by all branches of the Defense Department, and I further believe that the Department of the Air Force, in objecting to the language in the bill known as the so-called Bennett amendment, speaks not alone for the Air Force, but for all branches of the Defense Department.

Mr. FULBRIGHT. I think the Senator is incorrect. The Nelson report on this subject stated that the policy of dispersal was not being pursued with the proper enthusiasm.

Mr. KUCHEL. Can the Senator indicate where it is not being pursued with the proper enthusiasm?

Mr. FULBRIGHT. If the Senator will wait, in a few moments I shall quote

from the Nelson report. I shall reach it after about two more pages.

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

Mr. FULBRIGHT. I yield.

Mr. KNOWLAND. Apropos of a question raised earlier by the Senator from Vermont, I think one additional factor is that this provision would give a congressional blank check to possible future executive action, with respect to which I think there is some grave doubt, as a matter of public policy. I think it is doubtful if the Congress should grant such authority.

There were examples in my own State of California of which I think the Senate should be advised, and which I think are pertinent to the discussion on the floor today.

Some time ago, and prior to the latest order by the Office of Defense Mobilization, there had been a very definite move to prevent a subcontractor from going into the city of San Diego, Calif., from the city of Fresno, in connection with an aircraft industry located in Los Angeles. It so happens that the distance from Fresno to San Diego is 315 miles. This is greater than the distance from Washington to Cleveland, which is 306 miles; it is greater than the distance from Dallas to Tulsa, which is 236 miles; the distance from New York to Washington, which is 205 miles, passing through a number of States enroute; the distance from Washington to Pittsburgh, which is 192 miles; the distance from Cleveland to Detroit, which is 90 miles; and the distance from New York to Philadelphia, which is 83 miles. I think it becomes pertinent as to what type of decision might be made on a pure mileage basis, considering the distance from an existing industrial complex.

Certainly before Congress gives a blank-check endorsement to the amendment which has been proposed to the Senate, I think this question should be thoroughly explored and debated; and I hope the amendment will be rejected.

Mr. FULBRIGHT. This is not the first time the subject has been explored by the Senate. This is the third time it has been under consideration, and it has been thoroughly discussed.

I cannot take the responsibility, nor can the Congress, for what may or may not be the arbitrary or erroneous decision of the Director of Defense Mobilization with regard to Fresno. We are stating a policy, which I think is perfectly reasonable and clear. We cannot in any case guarantee that someone in the executive department who administers the law will not be arbitrary and make a foolish decision under the policy, if the policy itself is sound and proper. I think the Senator himself might take a little responsibility for decisions in the executive department. The fact that a certain decision was made in the case mentioned, for which the Senator thinks there is no reason, does not mean that the principle is bad. It only means that someone misinterpreted the policy. Not knowing any more facts than the Senator has mentioned, it seems to me that 300 miles is sufficient dispersal in that case, unless there may have been other factors related to Fresno. I do not know



any more about the facts than what the Senator has stated.

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

Mr. FULBRIGHT. I yield.

Mr. PURTELL. Did the Senator from Connecticut correctly understand the Senator from Arkansas to say that this amendment would not change the status quo?

Mr. FULBRIGHT. Not entirely. I said that those who did not wish to change the status quo are for the Bush motion and opposed to the committee amendments. As I understand, it would give congressional approval and emphasis to a policy which is being followed, at least to some degree, in the Pentagon. The Nelson committee says that it needs reinforcement. The endorsement of Congress should stiffen the backs of the administrators in applying the policy of dispersal. While the policy exists, the administrators are very easily dissuaded from applying it in many individual cases. I suppose that may be because of the very conscientious representations which Senators make before the bureaus when they are considering questions of dispersal. I wish to read what the Nelson committee says on the subject.

Mr. PURTELL. Is it the Senator's intention, before he concludes, to indicate in what way the status quo would be changed?

Mr. FULBRIGHT. It would be changed by reason of reinforcement of the determination of the executive department to apply a principle which I think is sound. In that sense the status quo would be changed.

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

Mr. FULBRIGHT. I yield.

Mr. PURTELL. Is that on the assumption that the policy is not being administered today?

Mr. FULBRIGHT. That is correct. There was criticism to the effect that the policy was not being applied as vigorously as it should be.

We had a demonstration last year of what terrible disruption to our economy even a hurricane can cause in the State of Connecticut. We do not need an atomic bomb to give an illustration. We saw pictures of great rubber plants, chemical plants, and other plants falling into rivers. Terrible destruction occurred in one small State where there was an unduly high degree of concentration of defense plants. We were warned then that we were exposing ourselves to unnecessary risks by continuing to pile up one factory after another in the Naugatuck Valley and other valleys of Connecticut.

Mr. PURTELL. Is the Senator acquainted with the testimony given before his committee by the Senator from Utah [Mr. BENNETT] referring to the question of whether or not these policies were being administered? I read from page 2 of the hearings. The Senator from Utah said:

For some time now we have had a national policy of industrial dispersal. Considering the problems inherent in any such program, not the least of which has been public apathy, I think it has gone pretty well.

That would indicate to the Senator from Connecticut that the Senator from Utah felt that those policies were being followed.

Mr. FULBRIGHT. He did not feel it strongly enough to deter him from offering an amendment. The Senator from Utah is the author of the amendment in the bill. The Senator from Utah can speak for himself. He is in the Chamber, and will speak in a moment. I do not think it is proper for me to interpret his thoughts on the subject.

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

Mr. FULBRIGHT. I yield.

Mr. AIKEN. Is it possible that this amendment would activate the status quo?

Mr. FULBRIGHT. It would give force to a policy which I think most reasonable people agree is a good policy, although there may be a difference of opinion as to how it is being applied.

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

Mr. FULBRIGHT. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. I should like to ask a question of the Senator from Arkansas. Is it the understanding of the Senator that if the dispersal amendment to section 4 of the bill should be adopted, that amendment would expire on June 30, 1958, or on June 30, 1965?

Mr. FULBRIGHT. It would expire on June 30, 1958.

Mr. PASTORE. 1958?

Mr. FULBRIGHT. Yes.

Mr. PASTORE. Am I to understand that there is nothing contained in the amendment which precludes the use of existing industrial facilities?

Mr. FULBRIGHT. That is correct. There is no intention to destroy or to change the use of existing facilities. The amendment would apply to new plants, and to extensions or new constructions built with Government assistance.

Mr. PASTORE. If there is no intention to affect existing facilities, and if in truth the act would expire on June 30, 1958, wherein would the national security be promoted by going so far as to say, in section 4, "in the procurement of goods and services"? Why is that phrase used? In the procurement of goods and services, what is expected to happen in the next 2 years which will jeopardize the national security unless there is dispersal, and unless it is recognized that it shall not apply to existing facilities? I believe there is an inconsistency there which is very serious one.

Mr. FULBRIGHT. I suggest that the Senator read the whole sentence:

In the construction of any Government-owned—

Mr. PASTORE. That means the performance of a future act.

Mr. FULBRIGHT. The sentence reads:

In the construction of any Government-owned industrial facilities, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facilities, and in the procurement of goods and services, under this or any other act, each department and agency of the executive branch shall apply—

In other words, in the process of procurement that assistance is given. It is necessary to read the remainder of the sentence.

Mr. PASTORE. I have already read the whole paragraph.

Mr. FULBRIGHT. I continue to read:

Each department and agency of the executive branch shall apply, under the coordination of the Office of Defense Mobilization, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense.

Suppose, for the purpose of illustration, that the Government needs for its Defense Establishment a vital commodity or goods, and that that commodity or those goods are located in only one place. If a new plant is to be built, I would say that under the provision "in the procurement of goods and services," it would mean that the new plant would have to be built in a different place.

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

Mr. FULBRIGHT. I do not know whether the Senator from Rhode Island has concluded his questions.

Mr. PASTORE. I should like to ask another question.

Mr. FULBRIGHT. I cannot follow the Senator in his reasoning that that language adds any peculiar meaning to the act.

Mr. PASTORE. In reading the amendment, I gained the impression that the last sentence in the amendment, which starts on page 4, line 5, was inserted to reassure those who might think that existing facilities were included or intended to be affected. The only concern of those of us who are interested in existing facilities would be in the case of procurement. Yet procurement has been thrown into the catch-all of the dispersal plan. I am convinced that there is an obvious inconsistency here. In other words, the provision regarding procurement on page 3, line 23, vitiates the spirit and meaning and intent of the last sentence of the amendment.

Mr. FULBRIGHT. I do not understand that to be so at all.

Mr. PASTORE. I hope that is not the meaning, but that is what it says.

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

Mr. FULBRIGHT. I yield.

Mr. BENNETT. Does the Senator from Arkansas realize that the opponents of the amendment are using up his time to make their arguments?

Mr. PASTORE. Oh, I have an hour on the bill, and I am perfectly willing to yield any part of it to the distinguished Senator from Utah. We have a great deal of time this afternoon.

Mr. FULBRIGHT. I believe we will have sufficient time. My speech is not very long, although I have gone only half-way through it.

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

Mr. FULBRIGHT. I yield.

Mr. BUSH. Inasmuch as the Senator has quoted from the language of the committee amendment known as the Bennett dispersal amendment, I should

like to point out that that amendment is not confined in its present language to defense procurement. That is not so by any means. That is one of the reasons I object so strenuously to the amendment. As the Senator has just read the amendment, it provides:

In the construction of any Government-owned industrial facilities, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facilities, and in the procurement of goods and services—

That applies to GSA or any other agency, and to any goods or services—

under this or any other act, each department and agency of the executive branch shall apply, under the coordination of the Office of Defense Mobilization, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense.

That is such all-inclusive language as, in my opinion, to include anything the Government might wish to purchase.

Mr. FULBRIGHT. The whole subject of dispersal is significant only when applied to materials or plants which have relation to our defense. If a candy factory were involved, for example, the idea would not apply at all. The question of dispersal would not arise at all. It would arise only in connection with such geographical dispersal as is inherent in the question of defense. It refers to factories or procurement which have to do with defense. It is not a vital commodity if it has no significance to defense.

Mr. BUSH. But that language is in the bill.

Mr. FULBRIGHT. It will not apply in the case mentioned by the Senator from Connecticut.

Mr. BUSH. The provision does not refer exclusively to commodities vital to defense.

Mr. FULBRIGHT. Can the Senator give us an example of the fear in his mind? What is bothering him?

Mr. BUSH. What bothers me is that the language is so broad that it can be used to apply to the procurement of any kind of goods and for any purpose for which the Government buys the goods. It could apply to office furniture or anything else.

Mr. FULBRIGHT. Does the Senator also express distrust in the judgment of the executive branch of the Government in the application of the law?

Mr. BUSH. No; I do not.

Mr. FULBRIGHT. As the Senator from California seemed to do a moment ago? Does he not believe the Government will use a reasonable interpretation of the language?

Mr. BUSH. That is not what I distrust. I distrust the Members of this particular Congress and of the next Congress, and of the one after that, who will use this amendment as a club with which to beat departments and agencies over the head. That is what I fear.

Mr. FULBRIGHT. The Senator does not have much confidence in his colleagues.

Mr. BUSH. Not when it comes to this kind of business. I have a great deal of confidence in them in connection with many things, but not when it comes to a question such as this.

Mr. FULBRIGHT. Why does not the Senator have confidence in them in this particular field?

Mr. BUSH. Because I know what they will do.

Mr. FULBRIGHT. What will they do?

Mr. BUSH. They will use it as a club with which to hit the Defense Department and GSA and other agencies over the head, and say to them, "This is what the law says. You must buy a certain article in Utah or in Arkansas."

Mr. FULBRIGHT. I am delighted to have the Senator say that. I wish he would cite one example of what he has in mind, so that my constituents would appreciate how well they are represented in Congress.

The PRESIDING OFFICER (Mr. Hruska in the chair). The time of the Senator from Arkansas has expired.

Mr. PASTORE. Mr. President, I yield 10 minutes on the bill to the Senator from Arkansas.

Mr. FULBRIGHT. Another factor which must be considered in connection with the dispersal amendment is the recent development in weapons, in their delivery and in their destructive power. The committee report quotes from the statement by Admiral Strauss of the appalling effects of an H-bomb, both the immediate blast and heat effects and the widespread fallout effects. Earlier defense concepts are obsolete. Widespread dispersal is the only answer.

The problem has been the subject of serious concern to the executive branch. ODM early in 1955 requested a committee, the so-called Nelson committee, headed by Gen. Otto L. Nelson, Jr., vice president of the New York Life Insurance Co., to review an earlier report on the subject of civil defense which had been made in 1952. The Nelson committee's report was submitted in October of 1955. In this report the committee stressed the importance of industrial dispersion and reduction of urban vulnerability and urged that renewed emphasis be given to these programs. The Nelson committee's recommendation on the subject of industrial dispersion is particularly important:

Leadership in the field of industrial dispersion is essentially a Federal responsibility. The work of the Office of Defense Mobilization in analyzing key industries to uncover undue concentration in any one locality and to induce a spreading out geographically should be continued with the goal that within the next 10 years a reasonable minimum and properly balanced portion of our total national production with the necessary accessory facilities therefor be established outside of metropolitan target zones. Thirty percent has been suggested but this standard obviously needs testing, and any standard will probably require frequent modification with the passage of time. In these programs, emphasis should be placed on the location of new facilities in order to accomplish the goals.

If it should be said that the present dispersal policies and programs of the agencies are sufficient to insure the Na-

tion's security, I urge the Senate to consider this statement by the Nelson committee:

It had been hoped that the National Security Resources Board and its successor, the Office of Defense Mobilization, would gain better acceptance and would be more adequately recognized as striving to carry out effectively a most important function in the field of nonmilitary defense planning and preparations. The declining attention in terms of personnel, funds, and key-man interest in the problems of industrial dispersion, reduction of urban vulnerability, and postattack rehabilitation is particularly disheartening. In the face of the development of weapons of more and more destructive power, this work would seem to be of increasingly greater importance, complexity, and difficulty.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of members of the Nelson committee.

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

1955 REVIEW COMMITTEE OF THE REPORT OF PROJECT EAST RIVER

Gen. Otto L. Nelson, Jr., chairman, vice president in charge of housing, New York Life Insurance Co., New York, N. Y.

Dr. Lloyd V. Berkner, president, Associated Universities, Inc., New York, N. Y.

Mr. Horatio Bond, chief engineer, National Fire Protection Association, Boston, Mass.

Mr. Percy Bugbee, General Manager, National Fire Protection Association, Boston, Mass.

Dr. Richard M. Emberson, assistant to the president, Associated Universities, Inc., New York, N. Y.

Dr. Leland J. Haworth, director, Brookhaven National Laboratory, Upton, Long Island, N. Y.

Dr. Albert Gordon Hill, professor of physics, Massachusetts Institute of Technology, Cambridge, Mass.

Mrs. Katherine G. Howard, Boston, Mass.

Mr. Burnham Kelly, associate professor of city planning, Massachusetts Institute of Technology, Cambridge, Mass.

Dr. J. B. H. Kuper, chairman instrumentation and health physics, Brookhaven, National Laboratory, Upton, Long Island, N. Y.

Hon. Joseph E. McLean, commissioner of conservation and economic development, State of New Jersey, Trenton, N. J.

Mrs. Marlene D. Morrisey, administrative assistant to the Librarian of Congress, Library of Congress, Washington, D. C.

Mr. Elihu Root, Jr., New York, N. Y.

Mr. Stephen F. Voorhees, Voorhees, Walker, Smith & Smith, New York, N. Y.

Mr. FULBRIGHT. Mr. President, the National Planning Association has also considered the need for nonmilitary defense measures and in May of 1955 issued a statement by a special policy committee on nonmilitary defense planning which also urged major efforts in the field of industrial dispersal. This report concluded that:

Knowledge of the threat and effective nonmilitary defense measures against the threat can save millions of lives, can limit damage to resources, can minimize postattack confusion, can contribute to more rapid restoration of critical community in industrial resources, and can assure and speed victory.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of the members of the special policy committee signing the statements in which this position is taken.



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

MEMBERS OF THE SPECIAL POLICY COMMITTEE ON NONMILITARY DEFENSE PLANNING SIGNING THE STATEMENT

H. Christian Sonne, chairman, president, South Ridge Corp.

Melvin Anshen, professor of industrial administration, Carnegie Institute of Technology.

Cole A. Armstrong, customer equipment engineer, American Telephone & Telegraph Co.

Gerhard D. Bleicken, secretary, John Hancock Mutual Life Insurance Co.

Harry A. Bullis, chairman of the board, General Mills, Inc.

David F. Cavers, office of the associate dean, Harvard University Law School.

Walker L. Cisler, president, the Detroit Edison Co.

Charles Fairman Nagel, professor of constitutional law, Washington University.

Clinton S. Golden, executive director, Trade Union Program, Harvard University.

Luther H. Gulick, city administrator of the City of New York.

A. J. Hays, international president, International Association of Machinists.

Joseph D. Keenan, international secretary, International Brotherhood of Electrical Workers, AFL.

Murray D. Lincoln, president, Farm Bureau Mutual Insurance Co.

Shaw Livermore, Rockefeller Brothers Office, New York City.

J. Murray Mitchell, Washington, D. C.

Otto L. Nelson, president, New York Life Insurance Co.

Robert Oliver, assistant to the president, Congress of Industrial Organizations.

Ethan Allen Peyser, Peyser, Cartano, Botz & Chapman.

James T. Phillips, vice president, New York Life Insurance Co.

Sumner T. Pike, chairman, Maine Public Utilities Commission.

Ramsay D. Potts, Jr., president, Independent Military Air Transport Association.

John H. Redmond, assistant production manager, Koppers Co., Inc.

H. Gifford Till, director, Industrial and Agricultural Research and Development Department, Missouri-Kansas-Texas Lines.

Ralph J. Watkins, director of research, Dun & Bradstreet, Inc.

Frank P. Zeidler, mayor, city of Milwaukee.

Mr. FULBRIGHT. Mr. President, I hope as all Members of the Senate hope, that no A-bombs or H-bombs fall on the United States. I hope that the defense program and the dispersal program will accomplish their most effective result—preventing any attack on the United States.

But we cannot sweep the H-bomb under the rug and forget it. We must shoulder part of the responsibility for this vital program.

The second substantive amendment is made in section 701 (c) of the act. This amendment would require the President to exercise such controls under the act as he may deem necessary to make available for firms in the normal channels of distribution a fair share of the available civilian supply, if the share allocated to the military is so great as to cause a significant dislocation of the normal distribution in the civilian market. Due consideration is to be given to the needs of new concerns, individual hardships and the needs of smaller concerns.

The amendment provides ample leeway and discretion to the President. He is not required to act unless he finds that to do so would alleviate the hardship without having an unfavorable effect on the civilian economy as a whole. The President may allocate all of the available civilian supply, if the requirements of section 101 (b) are met; he may exercise end-use controls or conservation measures; he may require set-asides for segments of industry or small businesses; he may impose inventory restrictions; or he may devise other forms of allocation or priority measures to suit the need. The form of controls to be exercised is entirely within his discretion. He is not required to take any action which is not practicable.

This amendment was adopted because it was felt that the Government owes a duty to civilian users of a material to take all practicable steps to assure fair distribution, when the mandatory fulfillment of defense requirements leaves only a hopelessly inadequate supply for civilian users.

This amendment would apply to any material. The particular situation which led to its adoption was the distressing nickel situation. Defense requirements, including the stockpile, now take a very large share of the supply. The balance is parceled out among civilian users under an informal arrangement between the Commerce Department and nickel producers and suppliers, more or less on the basis of the old NPA allocation orders which were repealed in 1953.

In one breath the Commerce Department says that it is not controlling the distribution of nickel in the civilian market; that private enterprise is preferable to Government controls; and that it has no responsibility for the present difficulties. In the next breath the Commerce Department refers to its agreement with the producers and suppliers; it explains its elaborate inspections of the books of the producers and suppliers; it lists the corrections of inequities it has accomplished by calling them to the attention of the producers and suppliers; and it assures the public that the present system is fair and equitable and orderly.

The committee did not find the present voluntary allocation agreement satisfactory. Nickel is apparently sold regularly at three different prices. A so-called market price of around 65 or 70 cents a pound, a premium price of about \$1.25 and a grey market price in the neighborhood of \$2.50 to \$3 a pound. The platers and other users of nickel get only about 20 or 25 percent of their base-period receipts at the so-called market price. If they can afford it, they supplement this inadequate supply with \$1.25 or \$3 nickel. The difficulties of carrying on a legitimate business under these conditions are obvious. No wonder small firms are being forced to the wall, while the big firms and the integrated firms which can absorb these high prices get all the nickel they want and take over the small firms' business in the process.

The ODM is trying to cure this situation by increasing the supply of nickel. They have been trying to do this under

the financial assistance provision of title III of the act for 5 or 6 years. The supply has increased but most of the increase goes to defense requirements and even at that the supplies intended for the stockpile are constantly being diverted to industry. There is no indication of immediate relief for the small businesses which are suffering so severely.

This situation is the result of the allocations of nickel to defense programs. The Government cannot wash its hands of responsibility.

And I think the Government's responsibility cannot be met by an informal voluntary allocation agreement, run on the basis of informal agreements with nickel producers and suppliers, of which the public is only now becoming aware, under which the nickel consumers are dependent upon the whim of their suppliers, and with no recourse to written regulations, formal procedures, rules or regulations. As Dr. Flemming said: "If we are going to have controls, they should be formal controls so that everyone knows the rules of the game."

The amendment relating to the payment of the expenses of the Joint Committee on Defense Production is entirely technical. It is acceptable to the disbursing officers of the Senate and the House. Its only purpose is to simplify paperwork and to do away with unnecessary obligation of funds.

In view of the expiration of the Defense Production Act on June 30, 1956, I urge that H. R. 9852 be acted upon promptly and favorably by the Senate.

Mr. President, before I take my seat, there is a technical change which I am afraid I might overlook, and which I ask unanimous consent to make in the bill.

On page 3, line 2, the study and report are required to be made by July 15, 1956. It was expected that the bill would have been enacted sooner than this. I therefore ask unanimous consent that the date be changed to August 15, 1956, because there would not be time enough in which to submit a report by July 15, 1956.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Arkansas?

The Chair hears none, and the amendment is agreed to.

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

Mr. FULBRIGHT. I yield.

Mr. CARLSON. I should like to know if the Senator has given any thought to dispersal to areas which can support it or to areas where there is a large amount of unemployment?

Mr. FULBRIGHT. That is not the purpose of the bill. There are other pieces of proposed legislation which are devoted to that purpose.

I do not think that what the Senator from Kansas has referred to is a consideration. Certainly it was not one of the motives in the adoption of this particular amendment. However, common sense tells us that the labor supply is an important factor. I think it is a matter which, with the location of any plant, regardless of its effect upon the vulnerability of our Defense Establishment, should receive proper consideration.

Mr. CARLSON. I notice in the report that one of the considerations to be given is "when consistent with the desirability of maintaining a sound economy." Of course, unemployment areas affect the general economy of the Nation. I assume that that might have something to do with the situation.

Mr. FULBRIGHT. I would say that the Government is free, within a reasonable contemplation of the matter, to take into consideration all factors which may relate to a sound economy.

We do not say, and I certainly do not intend to say, that the economy shall be distorted or crippled in any way in order to secure dispersal. On the other hand, we do not wish to concentrate everything in a particular area merely because that is where the industry has been in the past. There is a certain amount of inertia in these matters which might prevent the dispersal of all or a substantial part of a vital industry.

Mr. CARLSON. Is it not reasonable to assume that in a program of the dispersal of defense industries and other industries in which the Federal Government makes great investments or makes special provisions, such as amortization, the entire economy should be considered, including the unemployment factor and all other factors?

Mr. FULBRIGHT. What I meant to say in my first remark was that we were not seeking to relieve distressed areas by dispersal. Commonsense tells us that when we examine into a situation and have the responsibility of deciding whether a new plant shall be located in an area where there is a great scarcity of labor, and there is great difficulty in securing labor, but there is another area where all the necessary factors are present, of course those situations must be taken into consideration.

I still do not believe the Senator from Utah [Mr. BENNETT] was seeking to relieve unemployment. There are other bills, including one before the Committee on Banking and Currency and one before the Committee on Labor and Public Welfare, which seek to attack that problem directly. I do not consider that this amendment was primarily drawn for that purpose, although I recognize that sensible men in examining the economy would certainly take into consideration whether there was an ample labor supply, whether there was a tight supply in the labor market, and whether that condition had existed for a long time.

Mr. CARLSON. Could the Senator from Arkansas advise me if rapid amortization or additional rapid amortization for defense industries to locate in unemployment areas was a factor which was given consideration?

Mr. FULBRIGHT. I think it is a factor in rapid amortization. That is the situation under existing law. It is my information that that is sometimes considered.

Mr. CARLSON. At one time additional rapid amortization was offered as an incentive in unemployment areas. I simply wondered if the Senator from Arkansas could advise me if that situation still prevailed.

Mr. FULBRIGHT. I do not know; I cannot answer the Senator positively on that point. That is not a matter within the jurisdiction of our committee.

Mr. CARLSON. I thank the Senator. Mr. FULBRIGHT. Mr. President, I believe it is now in order that I move the adoption of the committee amendments.

Mr. BUSH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Connecticut will state it.

Mr. BUSH. Does the Senator's motion apply to the amendment on page 2 of the bill?

Mr. FULBRIGHT. That is at the top of page 2 where the executive reserve requirement is omitted. Is that what the Senator from Connecticut refers to?

Mr. BUSH. Does the language which is stricken constitute the amendment to which the Senator from Arkansas refers?

Mr. FULBRIGHT. No; I am referring to all the committee amendments.

Mr. BUSH. Is the Senator's motion to consider all the amendments en bloc or to vote on them en bloc?

Mr. FULBRIGHT. That would be perfectly agreeable to me.

Mr. BUSH. I would object strongly.

Mr. FULBRIGHT. Would the Senator object to that?

Mr. BUSH. I certainly would.

Mr. FULBRIGHT. Then, if it is in order to do so, we shall have to consider the amendments one at a time.

Mr. KNOWLAND. Let us consider the first committee amendment.

Mr. FULBRIGHT. The first committee amendment is at the top of page 2.

Mr. KNOWLAND. That is a section which is stricken out.

The PRESIDING OFFICER. The Chair may state that it would be in order to ask for the adoption of all committee amendments except section 4.

Mr. BUSH. I would not object to that.

Mr. FULBRIGHT. Very well. I ask unanimous consent that all the committee amendments except section 4, on page 3, line 10, be agreed to en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, at the beginning of line 1, to strike out:

"SEC. 3. Subsection (e) of section 710 of the Defense Production Act of 1950, as amended, is hereby amended by adding at the end thereof the following new sentence: 'No such person shall become a member of the executive reserve unless he has complied, to the extent applicable, with the same requirements as apply with respect to persons appointed under subsection (b) of this section; this sentence shall not be construed as requiring any member of the executive reserve to file a statement of changes in interests in conformity with the last sentence of paragraph (6) of subsection (b).'"

On page 2, line 12, to renumber the section.

On page 4, after line 6, to insert:

"SEC. 5. Subsection (c) of section 701 of the Defense Production Act of 1950, as amended, is hereby amended by striking out 'in the civilian market, he shall do so in such a manner as' and inserting in lieu thereof the following: 'and finds that such action will result in a significant dislocation of the normal distribution of such material in the civilian market, to such a degree as to cause

appreciable hardship, he shall, whenever he finds that such action will alleviate such hardship without having an unfavorable effect on the civilian economy as a whole, exercise such controls under this act as he may deem necessary.'"

And, on page 4, after line 17, to insert: "Sec. Effective July 1, 1956, section 712 (e) of the Defense Production Act of 1950, as amended, is amended to read as follows:

"(e) The expenses of the committee under this section, which shall not exceed \$65,000 in any fiscal year, shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the chairman or vice chairman."

The PRESIDING OFFICER. The remaining committee amendment will now be stated.

The CHIEF CLERK. On page 2, after line 9, it is proposed to insert:

SEC. 4. Section 2 of the Defense Production Act of 1950, as amended, is hereby amended by inserting at the end thereof the following new paragraph:

"In order to insure productive capacity in the event of such an attack on the United States, it is the policy of the Congress to promote the geographical dispersal of the industrial facilities of the United States in the interest of the national defense, and to discourage the concentration of such productive facilities within limited geographical areas which are vulnerable to attack by an enemy of the United States. In the construction of any Government-owned industrial facilities, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facilities, and in the procurement of goods and services, under this or any other act, each department and agency of the executive branch shall apply, under the coordination of the Office of Defense Mobilization, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense. Nothing contained in this paragraph shall preclude the use of existing industrial facilities.

Mr. BUSH. Mr. President, under the special provision of the unanimous-consent agreement, I now move to lay on the table the amendment on page 3, line 10.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KNOWLAND. Under the rules of the Senate, a motion to table is not debatable. But under the peculiar unanimous-consent agreement which has been entered into with respect to the motion of the Senator from Connecticut, the motion to table is open to debate.

The PRESIDING OFFICER. That is correct; and 1 hour of debate has been allotted to each side.

Mr. BUSH. Mr. President, I yield myself, first, 15 minutes.

I am opposed to the Bennett amendment, which is now before the Senate, and which relates to geographical dispersal, because I consider it to be a dagger thrust at the heart of my own State and region, and of every other industrial area from the east coast to the west coast of the Nation. I am opposed to it for many reasons, which are more fully set forth in the committee report on the bill, but especially for these reasons:

First, should the amendment creep into the law, pork-barrel pressures



would be exerted upon Federal officials to use Government procurement, tax favors, loans, and other forms of financial assistance as a means of developing some States to the detriment of other States.

Second, the resulting social and economic dislocations would seriously weaken the national security, instead of strengthening it, as the amendment would pretend to do.

Third, under the guise of promoting the national security by reinforcing existing law and policy, the amendment seems to make new law and to change future policy by requiring the application of "geographical dispersal" to all industries, whether defense or nondefense, and to all Government purchases of all goods and services, whether or not they are essential for security reasons. In a colloquy with the Senator from Arkansas, I have pointed that out specifically in connection with the amendment.

In an age of rapid development of long-range guided missiles having atomic warheads, every wise precaution should be taken against undue concentration of industries which are, in fact, essential to the national security. I wish to make it very clear that I am not in any way opposed to proper dispersal. I strongly favor the dispersal policy of the Department of Defense, as it appears in the hearings on the bill. Much dispersal of essential industries has, in fact, taken place during and since World War II.

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

Mr. BUSH. I yield.

Mr. PASTORE. I am very much interested in the argument which is being developed by the distinguished Senator from Connecticut. The proposed amendment which appears on page 3 of the bill is so broad and general that, in my belief, it includes all industry, not only industry connected with the development of national security.

Mr. BUSH. The Senator from Rhode Island is absolutely correct.

Mr. PASTORE. The reason I say that is that if the Senator will contrast the language of section 4—and I hope the Senator from Utah will address his argument to this point, because, in my opinion, it is very important—with the directive which is now in existence, he will see that it says—and I read now from the directive, not from the language of the amendment:

It is the policy of the United States to encourage and, when appropriate, to require that new facilities and major expansions of existing facilities important to the national defense—

There is no such language in the amendment. In other words, the directive is aimed exclusively at industries which are important to the national security. There is no such language in the amendment. In other words, under the bill, it would be hard to imagine that any industry would not be entitled to fast amortization, because the language is not directed alone to industries important to the national security. I think the point ought to be clarified, because that is the fault I find with the amendment

on page 3. It is too broad, and includes almost everything and anything.

Mr. BUSH. The Senator is absolutely correct. That is the trouble with the amendment. It is all-inclusive. It is not directed to defense plants, but is directed to every kind of Government procurement. I am glad the Senator has lent emphasis to that point.

Mr. President, I was speaking of the fact that communities in the interior were no more safe from air attack than were cities on the seacoast.

It is far from clear, however, that dispersal of industries over widely separated areas is the soundest way of protecting ourselves against intercontinental missiles or other forms of air attack.

Already, communities in the interior of the Nation are no safer from air attack than communities on or near the coasts.

Salt Lake City is no more immune from such attack by our present potential enemy than San Francisco or Syracuse.

In a few years, it may become apparent that the best protection of our industrial mobilization base lies in tunneling into mountainsides for factory sites, or putting them underground.

I am no expert on these matters. Few Senators are. And the Department best qualified to advise us, the Department of Defense, has said that the proposed amendment is not only unnecessary, but may cause harm by creating confusion.

Incidentally, I wish to reiterate my observation about the confusion which it may cause, since I think Members of Congress are apt to use it as a weapon to make many demands on the Department of Defense, and interfere with the proper conduct of its business, as well as that of other departments.

The advice of the Department which bears the heaviest responsibility for an effective national defense and for protecting the national security was disregarded by our committee, which devoted shockingly little time and attention to so serious a matter.

Although the amendment may have the most far-reaching and harmful effects upon the Nation's industrial mobilization base, essential to the effectiveness of all our Armed Forces, no expert military witnesses were heard. Nor was any consultation sought with committees of the Senate possessing more detailed information, much of a highly classified nature, bearing on the problem.

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

Mr. BUSH. I yield.

Mr. KNOWLAND. Were there any hearings before the committee on this particular amendment, where not only the testimony of the defense witnesses was heard, but also the testimony from industrial managers and others who have also contributed their part to the building of the Nation's defense and economy?

Mr. BUSH. I am glad the Senator from California raises that question. I do not think there was a single witness of that kind called before the committee, and I object very strongly to that procedure. I am glad the Senator has brought out that point.

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

Mr. BUSH. I yield.

Mr. FULBRIGHT. Is it not true that the committee called everybody the Senator from Connecticut asked the committee to hear?

Mr. BUSH. I beg the Senator's pardon?

Mr. FULBRIGHT. Did not the committee hear everybody the Senator from Connecticut or anyone else asked to be heard? Did the committee refuse to hear anyone the Senator from Connecticut requested the committee to hear?

Mr. BUSH. I do not recall that the committee refused any request of mine. I simply observe that the hearings were very scanty, and little attention was given to the matter, and when the vote was taken only 6 members of the 15 members of the committee voted on the bill.

Mr. FULBRIGHT. Will the Senator yield further?

Mr. BUSH. I yield.

Mr. FULBRIGHT. If the hearings were scanty, the Senator from Connecticut has some responsibility for it. He is on the committee. The other members of the committee were satisfied with the testimony as it stood. If the Senator from Connecticut thought the testimony was not sufficient, or that there was any merit in his position, why did he not propose testimony? We were perfectly willing to receive anything the Senator from Connecticut cared to offer. I do not believe he should be complaining about the scantiness of the hearings. We would have heard 50 witnesses if he cared to offer them. We never refused to let anybody who wished to testify do so. We had the benefit of the Nelson committee, on which some of the most outstanding men of this country serve. For that reason, and for other reasons, we thought we had adequate justification for the amendment. I do not think the Senator from Connecticut is in a position to complain that the committee rushed through the consideration of the bill and did not adequately consider it. We gave it all the consideration the Senator from Connecticut wanted us to give to it.

Mr. BUSH. I do not recall that the committee did or did not give it all the consideration I wanted the committee to give to it. I simply assert that the hearings were very brief and very few witnesses were called, and there was not any attempt to get representatives of industrial management before the committee. Frankly, I think the fact is that very few persons realized what a very serious effect the proposal would have. It is possible that I myself did not so realize until after the subcommittee suddenly adopted this amendment.

Mr. FULBRIGHT. If the Senator will yield further, I think this is a very serious statement. First, I should like to say that Mr. Flemming, Mr. Weeks, and Mr. Peterson gave their evidence.

Mr. BUSH. I know they did.

Mr. FULBRIGHT. Then the Senator has mentioned the lack of testimony by representatives of industry. I do not wish to read the entire list again. I thought the Senator from Connecticut was familiar with the facts. I never

dreamed he would say that no consideration was given to the bill. The policy committee which I mentioned, and which made such a strong recommendation for it, had on it such persons as Mr. Walker L. Cislser, president of the Detroit Edison Co.; Mr. James T. Phillips, vice president of the New York Life Insurance Co.; Mr. Sumner T. Pike, chairman of the Maine Public Utilities Commission; Mr. H. Gifford Till, director, Industrial and Agricultural Research and Development Department, Missouri-Kansas-Texas Lines; Mr. Ralph J. Watkins, director of research, Dun & Bradstreet, Inc. There were many others.

Mr. BUSH. Did those witnesses appear to testify on the amendment?

Mr. FULBRIGHT. The names I read are those of some of the persons who composed the committee of the National Planning Association that made the report from which I read, very strongly recommending the proposal.

Mr. BUSH. I asked the Senator if those witnesses testified. I remind the Senator that my statement was that no expert military witnesses were heard. Will the Senator state who was called that was an expert military witness?

Mr. FULBRIGHT. Mr. Flemming, Mr. Weeks, and Mr. Peterson.

Mr. BUSH. I beg to disagree with the Senator.

Mr. FULBRIGHT. I happen to be one who does not think that military experts know everything. In fact, I think their knowledge is very limited on anything but military matters. The point I want to make is that the Senator from Connecticut is a prominent and influential member of the Banking and Currency Committee. He was free to ask the chairman to invite anybody he wished to have invited. Now, what happened? He had no witnesses there. I submit, if he felt they were necessary, he had every right to ask for them.

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

Mr. BUSH. I yield.

Mr. KNOWLAND. Is it not a fact that, so far as the hearings were concerned, the hearings were called on Senate bill 3407, 84th Congress, 2d session, which is a bill to extend the Defense Production Act of 1950, as amended, and for other purposes, and that does not contain the Bennett amendment? So far as concerns notice to the public, to the people scattered over the 48 States of the Union, they thought it was a bare extension of the Defense Production Act. The Bennett amendment proposes new language, and the people did not have full notice as to its far-reaching consequences.

I think no one will disagree, in general, as to the importance of dispersion, as recommended in the general policy announced by the distinguished persons whose names were mentioned by the Senator. But there is involved the entire problem of production. If we were to disperse our industries and, as a result, lose our production at a time when we are complaining that we need more missiles, more airplanes, more tanks, and more of the other articles of defense, we might actually jeopardize the defense of the Nation by carrying out the dispersal to such an extent as to pre-

vent us from obtaining—at the time when they are desperately needed—the necessary instruments of defense. I think that point has been ignored.

If the far-reaching consequences of the Bennett amendment had been generally known, I think that witnesses from practically all 48 of the States of the Union would have asked to be heard.

Mr. BUSH. I thank the Senator from California for his observation on that point, and I think he is correct.

Mr. President—

The PRESIDING OFFICER (Mr. Hruska in the chair). The time of the Senator from Connecticut has expired.

Mr. BUSH. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for an additional 10 minutes.

Mr. BUSH. Mr. President, I was saying that no consultation was sought with committees of the Senate possessing more detailed information, much of a highly classified nature, bearing on the problem.

Instead, the Subcommittee on Production and Stabilization held brief hearings on 2 days only, and devoted much of the time to subjects other than this amendment.

Not all members of the subcommittee attended. As a result, when the matter came before the full Committee on Banking and Currency, few of its members had heard the testimony. And when the vote was taken, only six members of our 15-man committee were recorded in favor, some of them by proxy.

Mr. BENNETT. Mr. President, will the Senator from Connecticut yield?

Mr. BUSH. I yield.

Mr. BENNETT. Is it the opinion of the Senator from Connecticut that all legislative proposals reported to the Senate are reported by the vote of a full committee, with all its members present? Is not the pattern by means of which this amendment was reported to the Senate the same as that by which almost all proposed legislation comes to the floor of the Senate?

Mr. BUSH. I would say that is not the case in connection with so important a matter. Only six members of the committee were recorded as being in favor of the amendment, and I think that is an unusual situation in connection with such a very important matter as this is.

Mr. BENNETT. Was a quorum present in the committee?

Mr. BUSH. Does the Senator from Utah mean when the vote was taken?

Mr. BENNETT. Yes.

Mr. BUSH. Presumably so, or else the amendment would not be before the Senate now. Of course some of the votes in the committee may have been recorded by proxy.

Mr. BENNETT. So the amendment has come to the floor of the Senate in an entirely legal way, has it not?

Mr. BUSH. Oh, yes; I do not question that at all. I merely say that the matter was handled by the committee in much too casual a fashion, for a matter of such far-reaching import. From my own observations, I do not think the members of the Banking and Currency

Committee realized the implications of the amendment. After studying the matter further, during the past few days, I realize now, even more than I did when I voted on the amendment, what some of its far-reaching effects may be.

Dispersal without the most careful consideration of all the factors involved, and on a case-by-case basis, may do far more harm than good.

Dr. Arthur S. Flemming, Director of the Office of Defense Mobilization, has expressed support of the amendment, in principle. But he carefully qualified his support by mentioning many other factors which must be considered in addition to geographical dispersal.

He summed up his position by saying:

If we permit the objective of dispersal to undermine our effectively functioning urban economy, then in terms of our total strength we have not accomplished anything. Probably we have weakened ourselves.

Mr. BENNETT. Mr. President, will the Senator from Connecticut yield to me at this point?

Mr. BUSH. I yield.

Mr. BENNETT. In the amendment is there anything which would preclude consideration of the other factors to which reference has been made?

Mr. BUSH. I cannot say "yes" or "no," in reply. But I very much fear there is. For instance, no mention is made of other factors; the entire emphasis of the amendment is on geographical dispersal, regardless of the effect on production.

Mr. BENNETT. Does not the Senator from Connecticut consider that the phrase "consistent with existing law and the desirability for maintaining a sound economy" provides adequate protection?

Mr. BUSH. That is so vague a phrase that I do not think it constitutes adequate protection by any means. If we wish to spell out what some of the necessities are in connection with maintaining a sound economy, we would come back—

Mr. BENNETT. Does not the Senator from Connecticut think that if all those terms were to be spelled out, we would arrive at a list so long and a set of specifications so rigid as to make the interpretation rather difficult?

Mr. BUSH. No. I say to the Senator from Utah that is exactly how the dispersal policy has been executed by the Defense Department. It has a list of all kinds of factors which have to be taken into account.

Mr. PASTORE. Mr. President, on that point will the Senator from Connecticut yield to me?

Mr. BUSH. I yield to the Senator from Rhode Island.

Mr. PASTORE. If it were necessary to nail down legislatively the order of the Defense Department, which has been tried and tested and found to be true, then why would it not have been wiser to have included as section 4 the language of the order itself, if it were the purpose to say from a congressional standpoint and a congressional view what the policy of the United States is. But the fact is—

Mr. BENNETT. Mr. President, will the Senator from Connecticut yield to me, so that I may reply?



Mr. PASTORE. Mr. President, I have not finished.

I suggest that the fact is that under the guise of adopting in principle a dispersal program, the committee have actually proposed language, the legal consequences of which are unforeseeable now.

Mr. BENNETT. Mr. President, will the Senator from Connecticut yield to me now, so that I may make an observation, in reply?

Mr. BUSH. I yield for that purpose.

Mr. BENNETT. Of course, the language of the directive is subject to change by executive decision at any time. If we were to attempt to write similar language in the proposed legislation, we would fix it definitely in the policy of Congress, which is not subject to change at any time.

Mr. BUSH. That is one of the chief objections we have.

Mr. PASTORE. Mr. President, will the Senator from Connecticut yield at this point?

Mr. BENNETT. I wish to finish my comment.

So I would say that the general language of the bill, which is a statement of the attitude and policy of the Congress, backs up the specific language of the directive, and still leaves the executive department free to change its specifications as times change.

Mr. PASTORE. Mr. President, on that point will the Senator from Connecticut yield to me?

Mr. BUSH. I yield.

Mr. PASTORE. Of course, the exact opposite is true, because the substance of language which has legislative meaning cannot be changed by means of administrative rules and procedures. In this case we would be adopting as a matter of law language which could not be enlarged by administrative rules and regulations. In this case we would be saying—and I refer now to the language appearing on page 3, in line 21, where the statement is made in plain English which no one can misinterpret—

In the rendition of any Government financial assistance—

And surely that means any Government financial assistance at all—

for the construction, expansion, or improvement of any industrial facilities—

How could the language which is used be interpreted otherwise than as I have indicated?

Mr. BENNETT. Mr. President, will the Senator from Rhode Island finish the sentence?

Mr. PASTORE. Yes, I will—and in the procurement of goods and services, under this or any other act—

Mr. BENNETT. Very well; I ask the Senator please to finish the sentence.

Mr. PASTORE. Certainly—each department and agency of the executive branch shall apply, under the coordination of the Office of Defense Mobilization, when practicable—

Mr. BENNETT. Now the Senator from Rhode Island is getting to the important part.

Mr. PASTORE. I am right at it now—and consistent with existing law—

Which cannot be changed by administrative rules or regulations—and the desirability for maintaining a sound economy—

Which might mean anything in anybody's country—

the principle of the geographical dispersal of such facilities in the interest of national defense.

Mr. BENNETT. Very well. May I reply?

Mr. BUSH. Mr. President, I trust that the Senator from Utah will be as generous with his time as I am with mine.

Mr. PASTORE. I will yield time to the Senator from Utah from my time, in order to permit him to answer the question.

Mr. BUSH. Mr. President, I am very glad to yield to the Senator from Utah.

Mr. BENNETT. Mr. President, it seems to me that we come to the key of the sentence when we reach the word "practicable." These provisions are not mandatory, without any opportunity to exercise good judgment. The words "practicable and consistent with existing law and the desirability for maintaining a sound economy" I think are sufficiently broad to make it possible for this system to operate without becoming an absolute mandate.

Mr. PASTORE. Mr. President, will the Senator from Connecticut yield for one further observation?

Mr. KUCHEL. Mr. President—

Mr. BUSH. I yield first to the Senator from Rhode Island, and then I shall yield to the Senator from California.

Mr. PASTORE. That is precisely the point the junior Senator from Rhode Island is making. Once we enact legislation, anything which is subsequently done must be consistent with the law. If anyone believes that rules or regulations can be used to water down the law, I submit that such a course is inconsistent with sound legal principles, and that it ought not be followed.

Mr. BENNETT. The Senator would wipe out the word "practicable" and he would wipe out the phrase "and the desirability for maintaining a sound economy," leaving only the phrase "consistent with existing law."

Mr. PASTORE. We could give any Government assistance to any industry, or any industrial facility, unless there was dispersal.

Mr. BENNETT. We could not have any dispersal unless it was practicable, consistent with existing law, and in the interest of national defense.

Mr. PASTORE. Now we have gone from homicide to murder.

The PRESIDING OFFICER. The additional 10 minutes of the Senator from Connecticut has expired.

Mr. BUSH. Mr. President, I will take 5 minutes more. I yield to the Senator from California [Mr. KUCHEL].

Mr. KUCHEL. Mr. President, one of the best arguments against writing this dispersal amendment into the pending legislation has been made by the distinguished author of the amendment, the Senator from Utah [Mr. BENNETT]. The distinguished Senator from Utah has suggested that he wanted something less

in this bill than the careful and painstaking approach which has been made by the executive branch of the Government. He indicated that from time to time the present dispersal order of the Government of the United States is subjected to changes which are necessary and advisable. Yet the Senator from Utah suggests that he wants to rivet into the law a dispersal policy which is neither consonant with the present dispersal order of the Government, nor does it recognize that changes have been necessary in order to perfect it to its present position. I believe the Senator from Utah has made an excellent argument in favor of defeating the dispersal amendment.

Mr. BUSH. I thank the Senator from California.

Will the Chair advise me how much time I have remaining?

The PRESIDING OFFICER. The Senator from Connecticut has 30 minutes remaining.

Mr. BUSH. I will proceed from the point where I was interrupted some time ago.

The whole drive of the amendment is to focus attention primarily, indeed almost exclusively, on geographical dispersal, and the effect might well be to undermine the present structure of our economy upon which must depend our military strength.

The committee report disclaims such intention, but the language of the amendment speaks for itself. It speaks of geographical dispersal as if it were the be-all and end-all. Nowhere is there mention of the many other factors which must be considered, such as cost, availability of materials, power, skilled labor supply, ability to deliver promptly and so forth.

It is true that the committee sought to lessen opposition by modifying the original language through insertion of the phrase, "when practicable and consistent with existing law and the desirability for maintaining a sound economy." Such a phrase, however, is vague and almost meaningless when compared with the detailed specifications of the present Air Force policy on industrial production readiness. And it would lead to intolerable pressures, difficult to resist, for changes in that well-considered policy, and would thwart sound adaptations to new circumstances arising from the development of new weapons.

I urge my fellow Senators to be alert to the evils which could flow from the amendment, however well-intentioned may be its sponsors.

Let us lock fast the Pandora's box of evils which this amendment proposes to open.

Mr. President, I ask unanimous consent that my individual views in the committee's report on the bill be printed in the RECORD following these remarks.

There being no objection, Mr. BUSH's individual views were ordered to be printed in the RECORD, as follows:

#### INDIVIDUAL VIEWS OF MR. BUSH

While I favor a reasonable extension of the present provisions of the Defense Production Act of 1950, as amended, I strongly oppose the "geographical dispersal" amendment added to the bill by a vote of only 6 members of our 15-man committee.

I oppose the proposed amendment because—

1. It greatly overemphasizes the importance of dispersal of industry as a measure of national security.

2. It creates a grave danger that decision-making Federal officials would be exposed to heavy political pressures in procurement and in location of industrial facilities.

3. Instead of strengthening the national defense, it could seriously weaken our mobilization base by forcing dislocations in the industrial and social structures.

#### DISPERSAL ONLY ONE FACTOR

In an age of rapid development of guided missiles with atomic warheads, no one conscious of the national security would deny that geographical dispersal is a factor which should be taken into consideration. But it is only one factor, and in many cases by no means the most important. An industrial establishment at the South Pole would undoubtedly satisfy the aim of locating plants at a desirably safe distance from the striking base of our present potential enemy. By the same token, if we were to locate all new industrial facilities solely in United States territories in the Pacific and Caribbean, we would come close to achieving maximum geographic dispersal on soil under United States control, considering the industrial development already existing on the mainland. But it is apparent that such action would not best contribute to the efficient economic mobilization of United States resources.

#### OTHER FACTORS

Other factors that come readily to mind in the economic evaluation of plant location are as follows:

1. Convenient availability of production materials.
2. Adequacy and productivity of labor.
3. Availability of adequate industrial fuel.
4. Sufficiency of transportation facilities.
5. Proximity to markets.
6. Adequacy of distribution facilities.
7. Dependability of power and water.
8. Acceptability of living conditions, including adequacy and cost of housing and community facilities (stores, schools, places of worship, hospitals, water and sewer systems, power and fuel, cultural and recreational facilities).
9. Availability of adequate sites.
10. Favorability of construction costs.
11. Acceptability of climate.
12. Ready accessibility to servicing, repair, and replacement facilities for machinery, components, and parts.
13. Attractiveness of tax structure.
14. Acceptability of State and local laws and regulations.
15. Overall economy and efficiency of operation.
16. Ability to meet deadlines for timely delivery of end products at specified places.
17. In the case of a defense plant, proximity to supply of capable employees who become available for defense work as production for civilian use dwindles during a national emergency.

In time of national emergency the best production with the least possible amount of money is called for, in view of the tremendous costs necessarily heaped upon the American taxpayer during such an emergency, and the need for obtaining the optimum return from the use of each dollar in order to protect the solvency of the Nation and dampen tendencies toward inflation.

As noted by one of our senatorial colleagues experienced in industrial operation, there are some 40 to 50 different considerations a private firm bears in mind in deciding upon a location for its activities.

In large measure, these have determined the present pattern of industrial location. In the absence of any dispersal requirement, industrial facilities in World War II sprang up

in many sections of the Nation. Their location was not dictated solely by dispersal considerations, even when constructed by the Federal Government itself. Since the end of the war factors apart from national defense considerations have prompted continuation of the trend to decentralize industry into small communities.

Even the Federal official chiefly relied upon by the proponents of the amendment has testified:

"I have taken this position consistently: That dispersal as an objective cannot be the only objective that can be taken into consideration. I have stressed a great many times my own feeling that one of the objectives we have to keep in mind in this country at all times is an effective functioning urban economy." (See testimony of Dr. Arthur S. Fleming, Director, Office of Defense Mobilization, given to Subcommittee on Production and Stabilization of U. S. Senate Committee on Banking and Currency on April 23, 1956, relative to S. 3407, hearings, p. 12.)

Yet the amendment would amend the basic declaration of policy of the Defense Production Act of 1950 by referring only to the policy of geographic dispersal of industrial facilities. While it closes with the condescending note that it is not to "preclude the use of existing industrial facilities," it contains no positive declaration of purpose to encourage the use of existing industrial facilities. By contrast, the current Department of Defense Directive No. 5220.5, dated November 17, 1955, affirmatively requires:

"Every effort will be made to require the use of existing facilities before new facilities are constructed."

The directive expressly recognizes that use of existing facilities is required in order to avoid the excessive cost and resulting social dislocation attendant upon their abandonment.

#### BROAD SCOPE OF AMENDMENT

Nor does the amendment limit its application to defense plants. It expressly mandates all departments and agencies in the executive branch to apply the principle of geographic dispersal in the following cases:

1. Construction of any Government-owned industrial facility;
2. Aid through Government financial assistance to the construction, expansion, or improvement of any industrial facility; and
3. Procurement of goods and services; whether these actions are taken under the Defense Production Act of 1950 or any other act.

These pervasive directives are included with a purported congressional declaration of policy to promote geographical dispersal of industrial facilities of the United States and to discourage their concentration in limited geographical areas vulnerable to enemy attack.

The amendment would become a new section to the present well-rounded declaration of policy in the Defense Production Act of 1950. As now stated, that policy notes that our mobilization effort continues to require diversion of certain materials and facilities from civilian use to military and related purposes. It further states that this requires development of preparedness programs and expansion of productive capacity and supply beyond levels needed to meet civilian demand. It asserts such development and expansion is needed to reduce the time required for full mobilization in event of attack.

It will be noted that this language is all hinged to our mobilization effort. The amendment introduces the seemingly parallel and equal goal of geographical dispersal of industrial facilities in the United States.

It ignores the fact that many other considerations must be weighed in arriving at the important decision as to the best geographical grouping of the United States industrial complex in the interest of national

defense. This grouping should serve the purpose of providing a readily expandable and efficient base for economic mobilization at a minimum cost.

#### SIMILAR AMENDMENT REJECTED IN 1951

One of our former colleagues described a similar, but less virulent proposed amendment offered unsuccessfully in 1951 to this same statute, as a pork-barrel amendment. The undignified attempt to wrap the barrel in the bunting of national security failed to disguise its true nature. Even the sponsor of this present dispersal amendment joined with 55 of his colleagues in defeating the earlier amendment in 1951 by a vote of 56 to 25, with 2 absentees recording the fact that they would also have voted against the amendment had they been present.

The amendment thus defeated by a better than 2-to-1 vote was less obnoxious than the dispersal amendment in the present bill, because it was not mandatory and it considered the factors of availability of labor and natural resources as well as vulnerability to attack. Moreover, it made no pretense of using the Federal Government's vast and important procurement powers as a means of compelling dispersal.

The arguments used in successfully defeating that proposed amendment are fully as applicable to the present dispersal amendment, in some cases to an even greater degree. These arguments may be summarized as follows:

1. Would remove industry from areas in which a speedy stepup in defense production is possible when civilian-use production slackens.
2. Increases costs to Federal Government (causes decline in tax proceeds due to larger depreciation allowances; compels Government as purchaser of end product to pay higher purchase price; requires Federal financial aid to provide new housing, schools, hospitals, water and sewer systems, and general community facilities).
3. Slows production due to difficulty of attracting capable labor and management to new areas lacking acceptable living conditions.
4. The present industrial location pattern is shaped by overall efficiency and economy, not by fortuity.
5. Forced dispersal interferes with pattern of successful production of best product in shortest time at least expense.
6. If suitable or efficient, areas of our Nation favored by a dispersal requirement would develop an industrial economy anyway.
7. Stagnates existing industrial areas, depriving them of increased efficiency and economy possible through expansion there.
8. Wastes and deprecates value of housing and community facilities readily available in such areas.
9. Leads to wasteful use of Federal funds.
10. Foreshadows Federal measures to freeze labor to jobs in order to make feasible continued operation of forcibly dispersed plants.
11. Opens the door to political pressure in the location of new industrial facilities, using Federal tax funds as an incentive or a black-jack, as required.
12. Places dictatorial power in the hands of nonelected Federal officials, enabling them to favor certain regions over others by using a test not necessarily in the best interest of national defense.
13. The amendment is an unwarranted interference with the balanced judgment of both Government and industry officials in deciding the best location for industrial facilities in the interest of national defense.
14. The initiative of small business working in a free-enterprise system itself leads to dispersal of industry.
15. The amendment embodies a wasteful proposal demanding costly construction of schools, streets, and other community facilities in the vicinity of the new plant sites.



## SIMILAR PROVISION ALSO DEFEATED IN 1944

In 1944, a similar effort opposed as forcing an unnatural and uneconomic dispersal of industry also was defeated in the United States Senate. Thus, the present dispersal amendment is not a new idea, but a rehash of earlier proposals twice defeated by this same body.

## CHANGES IN ATTACK TECHNIQUES DECREASE VALUE OF DISPERSAL

In successfully opposing the amendment proposed in 1951, the present minority leader noted the swiftly changing pattern of acceptable security measures. Decisions made in the light of obsolete or obsolescent security patterns would result in an unwise location of new and immobile industrial facilities. He noted that accompanying the development of the nature and destructive power of weapons, areas formerly deemed safe from attack became more vulnerable than those deemed subject to attack. Prior to the development of airpower, seaboard areas of the United States were more exposed to enemy attacks than were its inland areas. The coming of airpower abruptly changed this pattern. Inviting attention to this fact in 1951, the distinguished senior Senator from California, Mr. KNOWLAND, stated:

"Today a State in the middle of the country, may be closer, across the polar ice cap, to the threat of Soviet aggression than is a coastal State. By what standards are we to measure the likelihood that a given area would be subject to air attack?"

A mere glance at a map to ascertain great circle distances rudely shakes the idea of increased safety from attack as one leaves the seacoast of the United States. A reorientation of our perspective regarding distances in the United States is called for. From the eye of an observer seated in Moscow, U. S. S. R., Seattle is only 538 miles further than New York City. Chicago is a mere 309 miles more distant from Moscow than New York. Even Los Angeles is only 1,338 miles farther than New York.

Absolute distances airline on the great circle route from Moscow to various United States cities are as follows in order of increasing distance:

City:	Miles
New York.....	4,665
Washington.....	4,858
Chicago.....	4,974
Seattle.....	5,203
Miami.....	5,731
New Orleans.....	5,820
San Francisco.....	5,871
Los Angeles.....	6,003

Other places in the U. S. S. R. are even closer to some of these cities. Our usual conception of the United States as being over 3,000 miles across from the Atlantic to the Pacific is faulty in great circle distance terms viewed from locations in the U. S. S. R. Taken alone, therefore, dispersal is far less a potential safety factor than it might otherwise seem.

## INCREASE IN DESTRUCTIVE POTENTIAL OF WEAPONS DECREASES VALUE OF DISPERSAL

The recent geometrical increase in destructive capacity of weapons and the increase in ability to direct them to a given target at more and more lengthy distances from the launching site tends to make dispersal per se of even less value as a defensive measure. Considering both the increase in destructive capacity of weapons and the ability to hurl them accurately over extremely long distances, it is safe to assume that the value of dispersal as a protective measure will decrease accordingly.

Emphasizing the obsolescence of recent dispersal policy, Dr. Flemming, Director of the Office of Defense Mobilization, testified that it had become necessary to abandon

the so-called mileage standard whereby a line having a 10-mile radius was drawn around an area of industrialized concentration and installations beyond the 10-mile perimeter were deemed safe from a dispersal standpoint. He stated it was abandoned because it was found to be not practical or feasible. Consequently, industrial facilities located in accordance with such dispersal policy no longer met present dispersal standards. Dr. Flemming concluded that in his opinion the best that could be done under present conditions is to consider each industrial facility on a case-by-case basis, weigh all the factors and arrive at the best possible decision. (Hearings on Defense Production Act Amendments of 1956, p. 14.)

## AMENDMENT EITHER UNWISE OR REDUNDANT

But Dr. Flemming noted that ODM is presently following that policy and that "Senator BENNETT's amendment would not change that one iota." In other words, whatever benefits may be derivable from a dispersal policy, they will not be increased by the present amendment. This leads to the inquiry: Why is the amendment advisable, if it does not add to the power the executive branch already claims to be exercising?

It is claimed it will constitute a confirmation by the Congress of an existing Executive policy. But either the amendment will grant new power by legislation or the existing Executive policy lacks a statutory basis. In the latter event, the present policy is invalid as an unlawful assumption of legislative power, for the Constitution places all legislative power in the Congress. On the other hand, an amendment purporting to give the executive branch authority it already possesses is redundant and unnecessary.

As successor to the National Security Resources Board, ODM already has fallen heir to that phase of its duty described in the currently effective National Security Act of 1947 as—

"The strategic relocation of industries, services, Government, and economic activities, the continuous operation of which is essential to the Nation's security."

But this is limited in effect to defense-related activities. It is not nearly as broad in scope as the present dispersal amendment.

In addition to ODM and the Department of Defense, the Department of the Air Force has a current policy on industrial production readiness that includes dispersal as one among many other factors. (See hearings on Defense Production Act Amendments of 1956, pp. 15-19.)

Both Department of the Air Force and the Department of Defense policies modify application of the dispersal policy by considering such other factors as cost, social dislocation, production delay, use of existing plants before constructing new plants, and timely delivery. The directives caution that the urgency of dispersal should always be weighted against the urgency of the requirement for timely delivery of the vital product involved.

## DEPARTMENT OF DEFENSE OPPOSES AMENDMENT

It is interesting to note that in his April 30, 1956, letter to Chairman FULBRIGHT, of the Committee on Banking and Currency, Secretary of the Air Force Quarles states that the Department of the Air Force, on behalf of the Department of Defense, does not favor enactment of the present amendment. He explains the Department's position as follows:

"Proper application of the dispersal policy is an extremely complex matter and requires sound judgment and careful consideration of many factors. Each case has its own peculiar circumstances, and, therefore, there is no established pattern or formula which gives proper weight to each factor involved. Consequently, it is important that the departments be allowed to exercise their judgment to the fullest extent within

the broad policy as already established in existing Executive directives. Particularly in this regard, it is noted that section 2 of S. 2879 would require that "in the procurement of goods and services under any provision of law, the Department of Defense \* \* \* shall apply to the greatest practicable extent the principle of the geographical dispersal of such facilities in the interest of national defense." This provision would require that consideration be given to a broad general principle not always consistent with other procurement objectives. While S. 2879 is entirely consistent in its intent, with existing Department of Defense policy, the very fact that it exists could give rise to question as to its interpretation in individual cases and, in that sense, be confusing. It is therefore felt that the purpose of S. 2879 is clearly recognized and being accomplished under existing directives, and that the enactment of this bill is undesirable."

## OTHER REASONS FOR OPPOSITION

Among recorded opposition to the amendment may be noted the following:

The New England Council, Walter Raleigh, executive vice president:

"Established areas present advantages which cannot be overlooked in providing adequate qualitative and quantitative defense production such as a skilled labor force, experienced administrative personnel, research and scientific facilities, as well as completed facilities of all kinds" (hearings, p. 127).

The New England Governor's Conference, Hon. Dennis J. Roberts, Governor of Rhode Island:

"Location of industry away from sources of raw materials and labor and efficient production will only increase cost and reduce effectiveness of the defense effort" (hearings, p. 127).

New England Governor's Textile Committee, Dr. Seymour E. Harris, chairman:

"Similar proposals made in Truman administration but quickly abandoned—vulnerability one consideration but proximity to markets, materials, transportation, housing, and especially skilled labor very important. Unwise to double or treble costs and cut output in order to be ready for uncertain attack of uncertain time" (hearings, p. 128).

Connecticut Development Commission, Robert P. Lee, chairman:

"Amendment \* \* \* would seriously interfere with normal growth and the creation of job opportunities in practically every well-established industrial area in the country and would be a serious threat to the economy of the entire Northeast. In our opinion Office of Defense Mobilization is presently equipped with sufficient restrictive authority to protect the best interest and safety of the entire country and this proposed amendment is neither necessary nor desirable" (hearings, p. 127).

## ODM DISPERSAL POLICY MORE LIMITED

Present ODM policy on dispersal limits it to facilities important to national security. It also recognizes the advantages of ground environment or natural barriers as factors contributing to security of a given facility and thus achieving the benefits claimed for dispersal. But the present amendment's sponsor indicates he expects it to require dispersal among several States rather than on any intrastate basis.

Courts will not interpret a statute as being meaningless; hence they will be inclined to find a grant of new dispersal policy power in this amendment—leading to an overemphasis on dispersal.

The amendment is impaled on the horns of this dilemma: It is either unnecessary and redundant or it grants new and unwise dispersal authority to the executive branch.

## CONCLUSION

It must constantly be borne in mind that the purpose of industrial facilities is to pro-

duce end products efficiently and economically as needed—not to remain in absolute safety. This prime reason for the existence of industrial facilities must be considered in weighing the value of safety from attack as a factor in their location. The latter is only one among many factors in measuring the value of a given plant site, and not the most important factor.

In World War II, Germany believed dispersion of its vital industries would amply protect them against any bombing attacks then anticipated. Yet by 1944 bombing raids by the Allied forces destroyed a large segment of Germany's surface industry and also crippled the transportation system, cutting deeply into the effective production of the remaining plants not physically damaged. Too little and too late Germany turned to construction of underground industrial facilities. At the end of hostilities, she had placed underground only 16.6 million square feet of a program calling for 99.5 million square feet of underground construction. This experience should serve as a warning lest we be lulled into a false sense of security concerning the absolute value of dispersion.

Constant care must be exercised in order that dispersed industry may not become displaced industry.

Mr. BUSH. Mr. President, I yield 10 minutes to my distinguished colleague [Mr. PURTELL].

Mr. PURTELL. Mr. President, I rise to speak in support of the motion to table the so-called Bennett amendment.

It is my belief that the adoption of such an amendment as the proposed amendment, section 4, could and, in all probability, would ultimately lead to extreme confusion and disorder in the administration of the act by the executive agencies which are charged with the responsibility for carrying out its purposes.

After carefully reading the record of the testimony presented during the hearings held by the committee, I am unable to find any evidence whatsoever as to the necessity of such a proposed amendment. On the other hand, there is evidence in the record to support my contention that the addition of this amendment to the act would be undesirable since the interpretation of this new language could, in the light of the existing dispersal policy, be highly confusing.

When the author of this amendment appeared before the Banking and Currency Committee in support of his amendment, he stated:

The amendment would not require existing facilities to be dispersed. It would require all executive agencies and departments to apply, to the greatest practicable extent, the principle of dispersion in locating all new industrial facilities in which the Government renders financial assistance.

If the effect of this proposal is not to disturb existing defense facilities as far as dispersal is concerned, then there would not appear to be any logical reason for adopting this amendment, since present dispersal policy is quite clear with regard to the construction of any new facilities necessary for our national defense.

If the purpose of this amendment is merely to reiterate, as we are led to believe, the existing policy of placement of defense facilities, why then does it spell out geographical dispersal only and fail to enumerate the many other factors

that are now considered in the locating of new defense construction? The only logical answer that I can give is that the plain import of this proposal is to place paramount importance upon the term "geographical dispersal" to the detriment of all other factors which should and have been taken into consideration in the past.

There is sufficient legislation now to carry out this vital program. So testified the Secretary of Commerce, whose Department bears the major responsibility for operations under the act affecting the greater portion of American industry. When questioned by the committee regarding his position on the amendment, Secretary Weeks stated:

I think, Senator, that we probably have legislation on the books sufficient to do the job, if it can be done—the job of dispersion. \* \* \* With all due regard for Senator BENNETT's amendment, I do not think it would help us to get along on the road very much faster than we are.

This amendment, I would repeat, I do not think would do much that we are not doing now. \* \* \* But I cannot see that this amendment is necessary or does anything that we are not trying to do today.

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

Mr. PURTELL. I yield.

Mr. BENNETT. Has the Senator seen the letter which Secretary Weeks wrote to the chairman of the committee, in which he said:

In view of present practices of the executive branch, a congressional statement of the importance of dispersal would be helpful in securing public cooperation.

Mr. PURTELL. From what page is the Senator quoting? I have quoted from the testimony given before the committee by Secretary Weeks.

Mr. BENNETT. I am quoting from page 115 of the official record of hearings before the committee.

Mr. PURTELL. Mr. President, will the Senator indicate the portion of the letter from which he is quoting?

Mr. BENNETT. Perhaps the Senator would like to read the whole paragraph, which begins with the words "Although this Department is of the opinion." It is a short paragraph.

Mr. PURTELL. It has been called to my attention—and I assume the Senator would like to have it called to his attention also—that the testimony of the Secretary of Commerce from which I am reading followed the receipt of the letter. Therefore, I would say that the information I am giving, contained in his testimony, was his latest pronouncement on the subject.

Mr. BENNETT. In other words, when he was sitting in his office calmly writing a letter to the committee, he took a certain position, but when he came before the committee, under questioning from the very able Senator from the same area in New England, he changed his mind? Is that what the Senator means?

Mr. PURTELL. I do not agree with the Senator from Utah at all.

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

Mr. PURTELL. I yield.

Mr. PASTORE. Secretary Weeks in his letter did not endorse the language

of section 4 of the bill. I hope the Senator from Utah is not trying to create the impression that he did endorse it. He said he endorsed the principle of Congress reiterating, in legislative form, what the order said. He did not endorse the language of the amendment. We are finding fault with that language. That is not what the order says.

Mr. PURTELL. I quote from the letter which the Senator has called to my attention:

Although this Department is of the opinion that it would be unnecessary to provide guidance on the subject of dispersal and carrying out the Defense Production Act in view of present practices of the executive branch, a congressional statement of the importance of dispersal would be helpful in securing public cooperation.

That is entirely different—and I am sure the Senator will agree with me— from an endorsement of the proposed amendment. That is the letter the Senator asked me to read.

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

Mr. PURTELL. I am happy to yield. Mr. BENNETT. It seems to me that the objective of the proposed amendment is exactly the objective suggested by the Secretary of Commerce.

Mr. PURTELL. I beg to differ with the Senator from Utah. As a matter of fact, the Senator well knows that his proposal is not the language used in the directive of the ODM.

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

Mr. PURTELL. I yield.

Mr. FULBRIGHT. Is it not a fact that that letter was the Secretary's comment he was requested to make on the amendment of the Senator from Utah? Was not that letter in response to a request for his comments?

Mr. BENNETT. That is correct. I appreciate the observations of the chairman of the committee.

Mr. FULBRIGHT. There is no confusion about that.

Mr. PURTELL. What he was doing was talking about the Director of the ODM, not the language of the proposed amendment.

Mr. FULBRIGHT. The first paragraph of the letter says what it was. There is no doubt about it. It was an endorsement of the amendment of the Senator from Utah.

Mr. PURTELL. The Senator knows that is not exactly so. When the Secretary of Commerce appeared before the committee, he made the statement I read, and I believe that at that meeting the Senator from Utah was present.

Mr. FULBRIGHT. In order to clarify the matter, let me say, if the Senator will permit me to do so, that the first paragraph specifically refers to the amendment intended to be proposed by the Senator from Utah, and that is the amendment now in question. I refer to the first paragraph of the letter on page 115 of the hearings. That letter is dated April 20. The Secretary of Commerce was directly commenting on the Senator's amendment.

Mr. PURTELL. I do not believe he was commenting on the amendment



when he said what I said he said after the letter had been written.

The views of the Department of the Air Force lend further support to the rejection of the Bennett amendment. In his report to the committee, Secretary Quarles wrote:

Proper application of the dispersal policy is an extremely complex matter and requires sound judgment and careful consideration of many factors. Each case has its own peculiar circumstances and, therefore, there is no established pattern or formula which gives proper weight to each factor involved. Consequently, it is important that the departments be allowed to exercise their judgment to the fullest extent within the broad policy as already established in existing executive directives. Particularly in this regard, it is noted that section 2 of S. 2879 would require that "in the procurement of goods and services under any provision of law, the Department of Defense \* \* \* shall apply to the greatest practicable extent the principle of the geographical dispersal of such facilities in the interest of national defense." This provision would require that consideration be given to a broad general principle not always consistent with other procurement objectives. While S. 2879 is entirely consistent in its intent, with existing Department of Defense policy, the very fact that it exists could give rise to question as to its interpretation in individual cases and, in that sense, be confusing. It is therefore, felt that the purpose of S. 2879 is clearly recognized and being accomplished under existing directives, and that the enactment of this bill is undesirable.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PURTELL. May I have 2 more minutes?

Mr. BUSH. I yield 2 minutes to my colleague from Connecticut.

Mr. PURTELL. On page 4 of the committee report it is stated:

It is the considered view of the committee that the amendment will bring public support to the agencies dispersal program, and thereby contribute to the national security.

The principle of geographical dispersal is vital to our national security. Congress should not shirk responsibility for this policy. The committee urges that Congress give its full support to the agencies working on this program, through the enactment of this amendment.

If this is what the amendment is to accomplish, namely a reaffirmation of an existing dispersal program, why is it necessary at all to insert entirely new language in the act when a statement in the report itself would be more than sufficient. If there is concern over the existing dispersal program, then I believe that the Secretary of Commerce offered a very good suggestion when he said:

I would think that if the committee wanted, in its report on the bill or otherwise, to instruct ODM and the Commerce Department to give an exhaustive look at what we are accomplishing and how we are proceeding and make recommendations, if there are any, that would come from such a study, that would be highly desirable.

There does not appear to be any clear-cut reason for the approval of this amendment and I urge the Senate to reject it.

Mr. BUSH. Mr. President, I yield 5 minutes to the Senator from California.

Mr. KNOWLAND. Mr. President, will my colleague the Senator yield?

Mr. KUCHEL. I yield.

Mr. KNOWLAND. I ask for the yeas and nays on the motion to table.

The yeas and nays were ordered.

Mr. KUCHEL. Mr. President, I shall be very brief.

Ever since the enactment of the National Security Act of 1947 and the Defense Production Act of 1950, the Government of the United States has been interested in a sound policy of dispersal of defense industries. All the people of the United States agree that a sound policy of dispersal should prevail with respect to the awarding by our Government of defense industrial contracts.

Again and again, as new information has come to the executive agencies of the Federal Government, the dispersal policy has been modernized and kept up to date.

Last January a very carefully considered dispersal order was adopted by the Office of Defense Mobilization, to take the place of one which had been in effect prior thereto. One paragraph of the order which is now in effect reads as follows:

1. Policy: It is the policy of the United States to encourage and, when appropriate, to require that new facilities and major expansions of existing facilities important to national security be located, insofar as practicable, so as to reduce the risk of damage in the event of attack; and to encourage and, when appropriate, require the incorporation of protective construction features in new and existing facilities to provide resistance to weapons effects suitable to the locations of said facilities.

Then the order carefully enumerates the criteria according to which the Department of Defense and, indeed, all the departments of the Government of the United States, shall conduct themselves with respect to the awarding of contracts in the defense field.

Where does the Department of Defense stand on the suggestion that the Bennett amendment be written into law? I call the attention of the Senator from Arkansas to the fact that the Department of Defense is opposed to the amendment. I ask unanimous consent that a letter written by the Department of the Air Force on the 30th of April 1956, be printed in the RECORD as a part of my remarks at this point.

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

DEPARTMENT OF THE AIR FORCE,  
Washington, April 30, 1956.

Hon. J. W. FULBRIGHT,  
Chairman, Committee on Banking and  
Currency, United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your recent request to the Secretary of Defense for a report on S. 2879, 84th Congress, a bill "to promote the dispersal of industrial facilities in the interest of national defense." The Department of the Air Force has been assigned the responsibility for expressing the views of the Department of Defense.

Section 1 of S. 2879 declares that it is the policy of the Congress to promote geographical dispersal of industrial facilities in the interest of national defense, and to discourage the concentration of such production facilities in areas which are vulnerable

to attack. Sections 2 and 3 of the bill prescribe a course of conduct intended to carry out that policy.

The Department of the Air Force on behalf of the Department of Defense, while in agreement with the general objective of the bill, does not favor its enactment for the following reasons:

The Department of Defense policy with respect to industrial dispersal is outlined in Department of Defense Directive No. 5220.5 dated November 17, 1955. The criteria outlined in this directive that are to be considered in seeking a solution to the problem of dispersal are (1) that dispersal will be the key factor in selection of additional sources for an item for which there are multiple sources; (2) dispersal will be one of the prime considerations in the location of new facility construction particularly when furnished at Government expense or with Federal aid to construction although this may not necessarily apply to those new facilities which constitute a desirable, but relatively minor, adjunct to existing defense facilities; (3) that all facilities will be maintained in use as required, and every effort will be made to require the use of existing facilities before new facilities are constructed; (4) that the urgency of dispersal should always be weighed against the urgency of the request for timely delivery of the vital products involved; and (5) that consistent with the preceding, the objective shall be to avoid the tendency toward over-concentration of critical defense facilities in target areas.

The Director of the Office of Defense Mobilization by virtue of the authority vested in him, issued on January 11, 1956, Defense Mobilization Order I-19, subject: "Dispersion and Protective Construction—Policy, Criteria, Responsibilities." This order indicates that:

"It is the policy of the United States to encourage and, when appropriate, to require that new facilities and major expansions of existing facilities important to national security be located, insofar as practicable, so as to reduce the risk of damage in the event of attack; and to encourage and, when appropriate, require the incorporation of protective construction features in new and existing facilities to provide resistance to weapons effects suitable to the locations of said facilities."

Proper application of the dispersal policy is an extremely complex matter and requires sound judgment and careful consideration of many factors. Each case has its own peculiar circumstances, and therefore, there is no established pattern or formula which gives proper weight to each factor involved. Consequently, it is important that the departments be allowed to exercise their judgment to the fullest extent within the broad policy as already established in existing Executive directives. Particularly in this regard, it is noted that section 2 or S. 2879 would require that "in the procurement of goods and services under any provision of law, the Department of Defense \* \* \* shall apply to the greatest practicable extent the principle of the geographical dispersal of such facilities in the interest of national defense." This provision would require that consideration be given to a broad general principle not always consistent with other procurement objectives. While S. 2879 is entirely consistent in its intent, with existing Department of Defense policy, the very fact that it exists could give rise to question as to its interpretation in individual cases and, in that sense, be confusing. It is therefore felt that the purpose of S. 2879 is clearly recognized and being accomplished under existing directives, and that the enactment of this bill is undesirable.

Insofar as the budgetary effect on the Department of Defense is concerned, section 3 of S. 2879 would appear to negate any adverse effect thereon.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

DONALD A. QUARLES.

Mr. KUCHEL. I quote a portion of the letter:

The Department of the Air Force, on behalf of the Department of Defense, while in agreement with the general objective of the bill, does not favor its enactment for the following reasons:

I wish to say to my good friend from Arkansas that as I listened to his comments with respect to the Nelson report, I heard nothing which would indicate that the present Government policy of dispersal is being ineptly applied or is not being properly applied in the field in which it operates.

Mr. President, much has been said during the course of this debate by my able colleague from California, my able colleagues from Connecticut, and my able colleague from Rhode Island with respect to the ill-considered language of the so-called Bennett amendment. I have the greatest respect for the Senator from Utah. I know of no finer man in this body than is the author of the amendment, but the fact remains that the amendment is ill-considered. For the first time we hear such phrases as "limited geographic areas" and "geographic dispersion." Who is going to sit in judgment as to what those phrases mean if Congress adopts the Bennett amendment and writes it into the law?

Mr. KNOWLAND. Mr. President, will my colleague yield?

Mr. KUCHEL. I yield.

Mr. KNOWLAND. I fully concur in the Senator's statement, but if he will go a bit further, he will find the following language in the amendment:

In the construction of any Government-owned industrial facilities, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facilities, and in the procurement of goods and services.

Does not the Senator believe that language is broad enough to affect a small-business man or a small supplier who may, in turn, be called upon to supply larger industries, whether it be for defense or otherwise?

Mr. KUCHEL. My colleague is 100 percent correct. There is no limitation upon the words which have been used in this particular amendment. So far as the specific point to which my colleague has alluded, unquestionably any interpretation of the language used would make this amendment apply to just such a situation as my able colleague from California has indicated. That is so, Mr. President, it seems to me, as to every sentence in the amendment. It is wide open. It does not apply merely to the defense of our country. It utilizes new words and phrases rather than those which have been carefully drafted and perfected and which for the past several years have formed the basis of a sound policy of dispersal for our country.

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

Mr. KUCHEL. I yield.

Mr. POTTER. First, I wish to associate myself with the remarks of the distinguished junior Senator from California, of the Senators from Connecticut, and of the Senator from Rhode Island.

Is it not true that this proposal is not new? I believe that in 1951 it was brought up, and as early as 1944 similar amendments were considered by the Senate, but each time the Senate, in its wisdom, saw fit to reject such an amendment.

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

Mr. BUSH. Mr. President, I yield 2 additional minutes to the Senator from California.

Mr. KUCHEL. The Senator from Michigan is completely correct in his recollection of the history. Similar proposals have been dealt with in prior sessions of the Congress.

Mr. POTTER. Is it not true that if it were the intention of the authors of the amendment to keep in effect present dispersal policies they would have included other factors which are now a part of our Government policy? If we intend to put all the emphasis on geographic location, chaos might develop in the national economy and our whole industrial structure. Irrespective of whoever might be in the executive branch of the Government, there would be pressure, for political considerations, to move industrial plants.

Mr. KUCHEL. The Senator is exactly correct, and he has underlined one of the important points to be made in this context.

Mr. President, I wish to say a further word. It has been suggested by those who sponsor the amendment that interpretation would be difficult if it spelled out all the criteria.

The PRESIDING OFFICER. The time of the Senator from California has again expired.

Mr. BUSH. Mr. President, I yield 2 more minutes to the Senator from California.

Mr. KUCHEL. Mr. President, of course, interpretation is difficult in a difficult problem such as this, but the Government of the United States has proceeded in a sound fashion with respect to dispersal, and it has a lengthy list of criteria which all Federal agencies are required to follow. Why, Mr. President, throw it all out the window and adopt the very loose language which appears in the amendment which is now before the Senate?

I hope the motion of my able colleague from Connecticut will prevail and that once again the Senate will reject an attempt to write something into the law which is not in the best interest of the people and of the Government of the United States.

Mr. BENNETT. Mr. President, will the Senator from Arkansas yield me 5 minutes?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from Utah.

Mr. BENNETT. Mr. President, may I inquire how much time remains on each side with reference to this amendment?

The PRESIDING OFFICER (Mr. PAYNE in the chair). There are 9 minutes remaining of the time of the Senator from Connecticut, and the opposition has used no time whatever.

Mr. BENNETT. Mr. President, during the debate, in the time provided by the supporters of the motion to lay on the table, I think most of the case has been made. I have prepared a speech which would require about 20 minutes to deliver. Included in it are several exhibits which I should like to have printed in the RECORD. In order to bring this matter to a head I wish to make a short statement with reference to the speech, put the speech into the RECORD without reading it, and call for a quorum, after which we may have a vote on the subject, the yeas and nays having been ordered.

Mr. KNOWLAND. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. KNOWLAND. Mr. President, I suggest that the Senator complete his oral statement in whatever time he wishes to use, put his prepared statement into the RECORD, and then if both sides yield back all their remaining time, we can have a quorum call without the time being charged to either side.

Mr. BENNETT. Mr. President, I ask unanimous consent that the remarks I have prepared be printed in the body of the RECORD at this point, together with certain exhibits which fit properly into the remarks. That having been done, I am prepared to agree that all time in opposition to the motion be yielded back.

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

SPEECH BY SENATOR BENNETT ON INDUSTRIAL DISPERSAL

Since I am the author of the disputed amendment on industrial dispersal which is in the Defense Production Act, I feel it would be appropriate to speak briefly concerning that amendment, especially in view of its importance to national security and the misapprehensions which have arisen with regard to it. First of all, I wish to acknowledge the fine support this amendment has received from the committee chairman and other members of the majority and minority. This matter of industrial dispersal deserves that sort of bipartisan support.

If it were not for the "awful arithmetic" of nuclear weapons and the fact of a shrunken world—a world which will grow even smaller—there would be little reason to advocate the geographical dispersal of this Nation's industrial facilities. However, two objectives seem paramount with regard to our national security. First, this Nation must possess retaliatory power of tremendous proportions to use in the event of an attack. Second, this Nation must have the capacity to survive and rise from the ashes of an atomic attack—if one comes. Fortunately, in our preparations for both retaliation and recuperation we may also deter the enemy from attacking. As one of our military leaders has said, "We believe, however, that our primary objective is to convince the enemy that he should not attack, and if we can deter the enemy from attacking, we have achieved a 100-percent air defense."

One of the best ways we have to insure the survival of this Nation in the event of



an attack is the dispersal of our critical facilities. Dispersal is still sound nonmilitary defense. To argue that dispersal is obsolete is to adopt an attitude of "eat, drink, and be merry for tomorrow we die." Dispersal is not absolute security; nothing is today. But dispersal does offer another means by which we can take added precautions which may save lives and facilities if an attack comes. I have little sympathy for the argument that because 30 million people might be killed in atomic attack that to worry about saving 10 million is foolish. This is saying that because absolute security is unattainable, relative security is of little value. We must do all we can. We must not adopt an attitude of hopelessness.

I should like now to direct the attention of this body to some of the facts concerning the present concentration of industry in the United States.

One study indicates two H-bombs could destroy one-third of our steelmaking capacity and 10 H-bombs could destroy three-fourths of our steel industry. Bomb placements on 5 cities: Pittsburgh, Chicago, Youngstown, Cleveland, and Detroit, would destroy 50 percent of our steel industry. Five additional bombs would bring the total to nearly 75 percent. Two-thirds of the ingotmaking capacity of the United States is concentrated in eight districts.

Not only are plants vulnerable but so are the workers who live in proximity to the plants. I have a chart showing the concentration of industrial workers in nine different types of industries which my colleagues may wish to view. I insert in my remarks a table prepared by the Defense Department showing this same concentration of skilled workers. It is noteworthy with regard to many of those industries that workers comprising over 50 percent of the United States total live in only 17 areas. Many of these areas would be overlapped by H-bomb fallouts. Forty-five percent of the Nation's people and industry are within range of submarine-launched missiles, according to Project East River.

I insert in my remarks excerpts from the testimony by Gen. Omar Bradley and Gen. Carl Spaatz before the Senate Subcommittee on the Air Force. In this testimony General Spaatz points up the fact that the initial attack by the Russians need not come by airpower alone. The Soviets have over 400 submarines with which they can approach our coastlines. The submarines could lob guided missiles with atomic warheads. The general reminded us of the pitiable position we were once in with regard to a mere 50 German subs. Under questioning by the junior Senator from Washington, General Spaatz regarded the 500-mile missile—not the future ICBM—when launched from subs as capable of crippling our Nation's industry and as posing a serious threat to our existence. If not used in the initial attack, Soviet submarines, in the view of General Partridge, would pose a "great threat to us, because some 30 percent of the profitable targets in the United States lie within 150 miles of the shores." The general says if the Soviets put just 50 bombs on target, 40 percent of our population and 50 percent of our key facilities, and 60 percent of our industry could be destroyed. He says further that such an attack would be "catastrophic."

I insert in my remarks excerpts from the testimony of General Partridge before the Senate Armed Services Committee on May 25, 1956. Again General Partridge stresses that certainly some Soviet bombers would get through, and that those areas containing 58 percent of our population and 75 percent of our industry, along with the SAC bases and AEC installations would be considered prime targets. He stresses, too, that the Soviets would strive for surprise.

Another example of our vulnerability is the chemical processing industry. Eight

H-bombs could destroy plants employing 20 percent of all employees in chemical processing industries, more than 40 percent of our petroleum refining capacity, and 46 percent of our chemistry plants, and 52 percent of the Nation's skilled workers who produce instruments. In the Great Lakes region, for example, are to be found 47 percent of our electrical machinery manufacturing and 40 percent of our nonelectrical machinery production. Only four H-bombs would be required to take out nearly half of our petroleum processing industry.

Examples could be multiplied ad infinitum. I have brought these few to the attention of the Senate to indicate the problem we face. Of course, we can react to this challenge in various ways. We can do nothing. We can convulse our Nation by the uprooting of existing industry. Or we can concentrate on dispersing new facilities over a period of time. No one seriously entertains the idea of moving existing industry. No one can seriously advocate doing nothing. We have wisely chosen a middle course aimed at new facilities. I emphasize at this point that the provision in this bill does not relate to existing industry. It does state, however, that in the construction of new facilities in which the Government renders financial assistance, geographical dispersal shall be one of the factors to be taken into consideration. This seems to me to be a minimum effort to achieve dispersal. It is realistic yet effective. Of course, Government cannot tell industry where it can build, but the Government can refuse financial assistance unless a dispersed site is selected from among several suggested alternatives. The taxpayer at least ought to have the assurance that his money is not being spent to increase our already dangerous vulnerability.

One estimate has been made indicating that if we channeled 78 percent of the normal private investment for the next 10 years into dispersed areas we'd have as much dispersed capacity as we had total capacity in 1950.

Some have said we already have an industrial dispersal program. That is true. But the man who manages that program, Dr. Flemming, feels very strongly that the program would be strengthened if Congress were to declare itself on the matter. Mr. President, I ask unanimous consent to have inserted in the Record at this point remarks by Dr. Flemming before the House Committee on Government Operations.

The Administrator of our Federal civil-defense program, Val Peterson, feels the same way about Congress asserting itself with regard to dispersal. In a statement before that same committee Mr. Peterson said, "In the era of intercontinental ballistic missiles, when our potential tactical warning time will be drastically shortened, dispersal appears the most effective preattack defense measure." I ask unanimous consent to insert the context of that remark at this point in the Record.

By way of underlining the need for congressional support of dispersal, I should like to draw the Senate's attention to excerpts from a press conference held by the former Secretary of the Air Force, Mr. Talbott, to defend his proposal to disperse our future aircraft plants. I ask unanimous consent to have that excerpt inserted in my remarks.

The press asked Secretary Talbott if Congress backed him up in his policy of dispersal. All Mr. Talbott could say was that the President, Dr. Flemming, and Secretary Wilson were for it. He was asked if Congress had ever endorsed dispersal. He said Congress had discussed it. Finally, an aide said Congress had given tacit concurrence to dispersal.

On a question of this type there should be no doubt in anyone's mind as to where Congress stands. No Secretary of the Air Force should again feel that we aren't with him, or that there is an absence of approval

by Congress of something so vital to our national security.

I do not think it redundant for Congress to speak out when so much is at stake. This provision may not change the mechanics of this program but it will certainly give it emphasis and support and strengthen the hands of those who administer it.

I insert editorials from the Atlanta Constitution, Des Moines Register, and the Tampa Times in favor of dispersal. I also insert an article from the Harvard Business Review entitled "Industry Must Prepare for Atomic Attack." Also a statement by the Federation of American Scientists, representing 2,000 scientists favoring this dispersal provision in the pending bill.

I want to emphasize again that this amendment, agreed to by the committee, does not make dispersal the sole factor in locating plants. A company seeking to locate a new plant site will obviously take into consideration many other factors. For instance, the firm would probably look for a favorable local tax structure, but surely Congress does not need to write that into the bill. As the mechanics of this program operate, the same firm would be advised (assuming there was no need for an exception) that if Government aid was to be given it should locate in a dispersed site. Site suggestions are usually made by our Federal officials. The company is free then to test several prospective sites against all the other criteria which are important to a new facility.

It seems to me there is a real distinction between Congress asserting itself with regard to dispersal as a criterion and having Congress say, "No plants will be located where there is no water or electricity." Our businessmen and Federal officials are wise enough to see that distinction.

Some have said that if this provision stays in the bill it means dispersal will run rampant. I am sure that will not be the case; but our progress has been slight and, if anything, we have erred on the side of timidity with regard to the location of critical facilities. The 1955 review of Project East River concluded that our progress had been "disappointing." In what I consider an understatement, that review also said: "It is fair to state that the political and economic obstacles to any such program were underestimated by project East River."

The review committee, composed of distinguished citizens, called for more Federal leadership and for the Federal Government to set an example in new Federal construction. We need to set that example both by a declaration of policy and in connection with Federal construction.

I insert a copy of a letter sent to the heads of all Federal agencies and departments with regard to new construction, urging dispersal, wherever possible, of new Federal facilities. The provision in this bill covers this facet of dispersal, too. I see no reason why Congress, which appropriates the money for new Federal buildings and construction, should not concern itself with where those facilities are to be located, especially if they are critical in nature.

Our program of utilizing tax amortizations to effect dispersal has helped; but since there is a decline in our possibilities for dispersal through that means, we must utilize such things as our procurement program to aid in dispersing facilities.

I insert a table showing the disposition of certificates of necessity for the calendar year 1953. This table indicates that of 3,770 applications, 3,111 were for less than \$1 million and, therefore, dispersal did not apply. Of the remainder, laying aside ODM norms, only 210 met dispersal criteria involving \$1.6 million out of over \$5 million in original applications. Only about 4.9 percent of the total cases were told to disperse or else.

Mention has been made that dispersal did not help Germany in World War II. It is

true, they encountered difficulty after dispersing certain facilities. But if Germany had followed a system of multiple sources of supply for critical items, she would have been much stronger. Over 50 percent of her antifriction bearings were produced in Schweinfurt. After successful Allied bombings of Schweinfurt, according to our strategic bombing survey, Germany's interdependent industry was nearly paralyzed.

Multiple source of supply is the key to real dispersal. It is a realistic, yet effective, way of achieving dispersion. It can be attained by guiding our new facilities into areas which are dispersed. Surely Congress will want to join with the Executive in implementing a program of this type. This program of dispersal may spell survival for millions of Americans in the event of attack. As I have said before, I can see no reason for Congress to remain silent with so much at stake. I urge the Senate to support this provision and to oppose any efforts to delete it from the bill.

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (SUPPLY AND LOGISTICS), MOBILIZATION PLANNING AND STATISTICS DIVISION, INDUSTRIAL FACILITIES PROTECTION BRANCH  
*Concentration of essential defense industries in United States metropolitan areas based on employment in 1953*

Type of manufacture	Percent of United States total in—		
	Top 17 areas	Top 35 areas	57 areas
Chemicals.....	41.9	48.9	53.8
Petroleum and coal products.....	49.1	57.9	61.9
Rubber products.....	29.0	55.8	67.2
Primary metals.....	54.8	63.2	72.3
Fabricated metals.....	54.6	64.1	72.7
Machinery (except electrical).....	42.6	56.2	66.9
Electrical machinery.....	58.1	69.6	73.2
Transportation equipment.....	54.2	68.9	80.0
Instruments.....	47.8	72.4	76.8
Total essential defense industry.....	50.0	62.6	71.3
United States urban population..	47.8	57.5	64.9

Source: Employment reported in County Business Patterns, 1953, published by U. S. Department of Commerce and the Department of Health, Education, and Welfare.

AREAS INCLUDED IN EMPLOYMENT DATA

In terms of industrial (manufacturing) employment in March 1953, the 16 top-ranking metropolitan areas were: New York-Northeast New Jersey; Chicago, Ill.; Detroit, Mich.; Los Angeles, Calif.; Philadelphia, Pa.; Pittsburgh, Pa.; Cleveland, Ohio; St. Louis, Mo.; Boston, Mass.; Buffalo, N. Y.; Milwaukee, Wis.; Baltimore, Md.; Hartford-New Britain, Conn.; Cincinnati, Ohio; Youngstown, Ohio; San Francisco-Oakland, Calif.

NOTE.—Because it is the seat of government, Washington, D. C., is considered as important as any of the above cities, and the attached statistics include it in the top 17 areas.)

The next 18 areas are: Indianapolis, Ind.; Akron, Ohio; Rochester, N. Y.; Minneapolis-St. Paul, Minn.; Dayton, Ohio; Kansas City, Mo.-Kans.; Flint, Mich.; Bridgeport, Conn.; Toledo, Ohio; Canton, Ohio; Providence, R. I.; Columbus, Ohio; Houston, Tex.; Albany-Schenectady-Troy, N. Y.; Allentown-Bethlehem-Easton, Pa.; Syracuse, N. Y.; Wichita, Kans.; Seattle, Wash.

The following 22 areas are included: Louisville, Ky.; Springfield-Holyoke, Mass.; South Bend, Ind.; San Diego, Calif.; Birmingham, Ala.; Davenport, Iowa, and Rock Island-Moline, Ill.; Waterbury, Conn.; Dallas, Tex.; Evansville, Ind.; Wheeling, W. Va.; and Steubenville, Ohio; Erie, Pa.; Rockford, Ill.; Grand Rapids, Mich.; Fort Worth, Tex.; Loraine-Elyria, Ohio; Fort Wayne, Ind.; Peoria, Ill.;

Worcester, Mass.; Trenton, N. J.; New Haven, Conn.; New Orleans, La.; Atlanta, Ga.

HEARINGS BEFORE THE SUBCOMMITTEE ON THE AIR FORCE OF THE COMMITTEE ON ARMED SERVICES

(Pp. 27, 41, 57)

General BRADLEY. Not unless we can protect our industry while we are so doing. I don't think that we are going to fight the whole war with what we have in being. I hope that we can protect our industry and our country to the point where we can continue to produce. So I would hesitate to say we had to win the war with the forces in being on D-day, but we might lose it if we did not protect ourselves to the point where we could continue to produce.

General SPAATZ. I would assume he could. I think he can; yes. Now we come to another problem. You are talking now about Russian airpower vis-a-vis our airpower. But the attack, the initial attack by the Russians, if they make it, is not confined to airpower. They have over 400 submarines, and quite obviously they are not going to attack us until they are ready to attack, and then make a surprise attack. Those submarines at such time will be equipped with guided missiles. If they turn those 400 submarines loose in the 2 oceans and approach our coastlines, and start lobbing those guided missiles with atomic warheads around, that is another serious threat which we must be prepared to meet. Everyone remembers back in the early days of World War II the pitiable position of our military strength in meeting the 30 or 45 German submarines hovering off our coast at that time. If you multiply that by a factor of 10 or more and add atomic guided missiles, you will see that becomes quite a problem.

Senator JACKSON. Assume the 500-mile ballistic missile, as you pointed out, isn't it a fact that you could reach a substantial part of the industrial heartland of the United States from our coasts, the three coasts?

General SPAATZ. Yes; the most important part.

Senator JACKSON. The most important part?

General SPAATZ. The most important part, I would say.

Senator JACKSON. Of the United States industrial complex?

General SPAATZ. Yes, sir.

Senator JACKSON. Insofar as our warmaking or defense-making potential is concerned?

General SPAATZ. Yes; insofar as our existence as a nation is concerned.

STATEMENT OF GENERAL PARTRIDGE BEFORE THE SENATE ARMED SERVICES SUBCOMMITTEE, MAY 25, 1956

In evaluating the Soviet threat we feel that the Soviets, if they attack at all, would launch a very large-scale air attack against this country and that they would do their best to achieve surprise.

If unopposed, we believe that a large percentage of the bombers launched by the Soviets could reach their targets in the United States.

We believe that the Soviets would attack not only the large metropolitan areas that contain the bulk of our population and industry, but that they would also attack the bases from which we mount our retaliatory strikes.

Fifty-five percent of the population of the country and about 75 percent of its industry are concentrated in 170 metropolitan areas.

I believe these areas, plus the Strategic Air Command's bases and the Atomic Energy Commission's facilities, would be considered prime targets by the Russians.

If the Russians successfully attacked the 50 most important metropolitan area targets in the complex you have described, how much of our population and industry would this bring under fire? About 40 percent of the population and about 60 percent of the industry of the country.

OUTLINE OF TESTIMONY OF ARTHUR S. FLEMING, DIRECTOR, BEFORE THE MILITARY OPERATIONS SUBCOMMITTEE OF THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

(Pp. 10, 11, 22, 23)

We also believe, however, that attention must be given to steps that would help to insure the fact that a portion of our mobilization base would be available following an attack on this country for use in connection with survival and rehabilitation activities, as well as for the production of those few essential military end items that would be required during the first phase following an attack and to resume production on other items as soon as possible in order to prepare for the second phase. This is why we issued Defense Mobilization Order I-19 to take the place of a dispersal policy that had been in effect since 1951.

Except under very unusual circumstances, we will not grant fast tax writeoffs unless the facility is located in conformity with the advice of the Department of Commerce. The Defense Department is applying the policy to military projects and to industrial facilities to which it has a special interest.

Personally, I feel, however, that programs that are now being carried forward in this area and programs that may be inaugurated in this area do not rest on as sound a foundation as should be the case: (1) There is a tendency on the part of some citizens to ignore the problems in this area in the hope that it will never be necessary to face them. (2) On the other hand, there is a tendency on the part of others to regard the problems as being of such magnitude as to defy solution. (3) It is clear that a widespread acceptance of either point of view could lead to a situation where we would be giving up one of our most effective deterrents to war. I have had the feeling, and still have the feeling, that in order to make the maximum possible progress in this area, the legislative branch and the executive branch should unite in expressing their convictions relative to the absolute necessity of facing these problems in a realistic manner, and also in expressing their joint judgment relative to the broad framework of policies within which the solution to these problems should be worked out.

1. I have the feeling that this objective could be realized if, for example, there should be established a joint Legislative-Executive Commission to which such an assignment would be made.

2. It would be my hope that such a Commission could develop an agreed-upon statement of policies to be followed in this area which would be approved by the Members of both Houses of Congress and by the President.

3. Such a statement would provide the foundation on which the executive branch and the legislative branch could develop programs which would be received with the consideration that should be accorded them by the citizens of this country because these citizens would know that they had the endorsement not only of the executive branch but also of the elected representatives of the people.



HEARINGS BEFORE THE SUBCOMMITTEE ON THE  
AIR FORCE OF THE COMMITTEE ON ARMED  
SERVICES

(Pp. 239, 264)

A Soviet submarine attack would, however, pose a great threat to us after the initial attack, because some 30 percent of the profitable targets in the United States lie within 150 miles of the shores.

You may think that 170 targets is a very small number, but let's look at the concentration of resources in those target areas. If we assume that the Russians could push home an attack of only—that would put just 50 bombs on the target, and that the bombs were placed properly, and were of the proper size, we would destroy or at least bring under fire about 40 percent of the population, 50 percent of the key facilities, and 60 percent of the industry of the United States, total.

If all 170 targets were successfully attacked some 55-58 percent of the population and 75 percent of the industry would be brought under fire, with disastrous results. I am sure you all agree that such an attack (deletion by Department of Defense censor) in this country would be catastrophic.

General PARTRIDGE. (Deletion by Department of Defense censor.) In a few years. Our capability is growing all the time. As a matter of doctrine, we believe that the best defense is a good offense, and we believe that our primary mission in the Air Defense Command is to defend the bases from which the Strategic Air Command is going to operate (deletion by Department of Defense censor). We believe also that we have to provide a reasonable, an equitable protection for the key facilities, the population centers, and our industry.

We believe, however, that our primary objective is to convince the enemy that he should not attack, and if we can deter the enemy from attacking we have achieved a 100-percent air defense.

STATEMENT FOR THE MILITARY OPERATIONS  
SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT  
OPERATIONS OF THE HOUSE OF  
REPRESENTATIVES, VAL PETERSON, ADMIN-  
ISTRATOR

In this connection I repeat there are only two essential principles with any validity against nuclear weapons: Distance and shielding.

As far as distance is concerned we have two ways of using distance: Evacuation, both strategic and tactical, which I have mentioned briefly in connection with the survival plan studies, and dispersal. In talking of dispersal I do not mean transplanting existing industry to areas that may now be less vulnerable, but simply that in the future expansions of industry be placed so as to reduce our vulnerability. I am convinced that recent enormous advances in communications and transportation make possible such dispersal without sacrifice of productive strength.

In the era of intercontinental ballistic missiles, when our potential tactical warning time will be drastically shortened, dispersal appears the most effective pre-attack defense measure.

MINUTES OF PRESS BRIEFING HELD BY THE HONORABLE HAROLD E. TALBOTT, SECRETARY OF THE AIR FORCE, THURSDAY, APRIL 28, 1955, THE PENTAGON, WASHINGTON, D. C.

Participant: The Honorable Roger Lewis, Assistant Secretary of the Air Force (Material).

The Press. Mr. Secretary, Congress has never given any endorsement to this dispersal policy, have they?

Secretary TALBOTT. They have discussed it, that is all.

The Press. How do you feel? Do you feel you've got pretty good backing in Congress if there is going to be any argument about this?

Secretary TALBOTT. I have talked to—the President knows all about this dispersal and is for it and so is Dr. Flemming, and so is Secretary Wilson. They all have endorsed the policy of dispersal.

Mr. McCONE. If I could inject a thought there, Mr. Secretary. Congress through the years has appropriated funds for the activation of any number of plants which would follow a pattern of dispersal such as Wichita and Tulsa and Marietta.

[From the Atlanta Constitution of April 30, 1956]

INDUSTRIAL DISPERSAL IS A "MUST" FOR  
DEFENSE

A recent extensive study of United States civil defense by a group of leading citizens came up with the conclusion that the present program is worse than no program at all.

While this is a probable exaggeration, there is no reason to rejoice over the progress that has been made in preparing this country for a possible atomic attack. Needless to say, this lack of preparation is inviting needless casualties should such an attack occur.

One of the failures, according to the study, is the slowness in industrial dispersal. Otto L. Nelson, Jr., head of the group, told a House Government Operations Subcommittee that the Soviets might never attack if they knew as much as 30 percent of United States industry would survive the first bombs.

A major goal, he emphasized, should be to "obtain a balanced 30 percent of our gross national production outside the metropolitan target zones." This would just about equal all Soviet production, he said, and would deter war.

Standby plants and a decentralization of industry into lesser concentrations is a must in any civil defense program. Such plans have been made, but the slowness in putting them into effect is proving a major hazard to national security.

[From the Des Moines Register of  
May 2, 1956]

DISPERSAL OF VITAL INDUSTRIES

A new battle over the location of defense plants is underway in Congress. It grows out of the expiration of the present Defense Production Act and the request for its extension for another 2 years.

Since development of the atomic bomb and long-range bombers, there has never been any sound argument raised against the case for greater dispersal of vital defense plants. Industry agrees that it is needed. Labor agrees that it is needed. The military agrees that it is a must. And Congress put its stamp of approval on the dispersal policy when it passed the Defense Production Act now in operation.

Heretofore the Government has relied mainly upon persuasion trying to influence the location of plants built with Government assistance. But persuasion has not always been enough.

Local community interests, business interests, and political pressures have operated at times to balk some dispersal plans.

Thus, when Defense Mobilizer Arthur S. Flemming endorsed a proposed amendment that would strengthen the Government's hand in compelling wider dispersal of vital industries, he ran into vigorous opposition from several New England Senators.

The heavily industrialized centers stand to gain little from dispersal. They fear they may lose some of what they have.

Strongest support for the strengthening amendment came from representatives of the Rocky Mountain States which have little industry.

In both instances the Senators were judging a measure, intended to be in the best interests of the Nation as a whole, strictly from the selfish interests of their local communities.

That conflict of interest is very likely to prevent the granting of stronger powers to the Government to compel dispersal, but it is at the same time the best argument that can be made in behalf of its adoption.

[From the Tampa Times, April 30, 1956]

INDUSTRIAL DISPERSAL POLICY URGED BY  
SENATOR

Important and immediate planning is necessary if the United States is to be able to withstand the initial blows of an atomic attack and maintain its industrial output at a high level.

With this point in mind, Senator BENNETT of Utah has offered a valuable amendment to the Defense Production Act. It would require all executive agencies and departments to apply the principle of dispersal in locating all new industrial facilities in which the Government renders financial assistance. The key word in the last sentence is "new." Senator BENNETT's proposal would not force removal of existing industries from their present sites, but it would discourage further concentration of the Nation's industrial production power in single target sectors.

Naturally, representatives of the established industrial centers—such as the New England States—are opposed to the amendment. They want nothing to inhibit the growth of the already giant plants in their areas. Yet, in taking this attitude, they are placing the Nation in an extremely precarious position.

Here is the danger as Senator BENNETT sees it:

"Sixty percent of America's industrial production lies in a 'heartland' running from Illinois to lower New England. With the fall-out problem what it is, this entire area could be blanketed by destruction.

"Forty-five percent of the Nation's industry is within range of submarine-launched missiles."

It should be noted here that the Russian Navy has the largest underwater armada in the world. Its submarine fleet is reported at 400, with a production rate of new submarines set at 85 per year. Since the Russians have little coastal area to protect and no shipping lanes to guard, the submarine fleet is clearly an attack force.

Senator BENNETT further observes that 77 percent of the Nation's total coke capacity, 82 percent of its iron capacity, and 73 percent of its ingot capacity is contained within 10 districts. One H-bomb exploded near the center of each district would severely damage these vital fuel capacities.

The Senator estimates that only two H-bombs would be needed to cut the United States steelmaking capacity by one-third; 4 of these weapons could destroy more than 40 of the petroleum refining centers and saturation nuclear bombing of the Great Lakes region could drastically cripple electrical and nonelectrical machinery production.

These figures demonstrate rather frighteningly the vulnerability of United States industry to an enemy attack. Less than a dozen well-placed H-bombs could have a decisive effect in crippling United States industry. Since the industrial might of a nation is its basic source of strength in war today, a loss of this magnitude could spell the difference between victory and defeat.

Senator BENNETT recognizes that it would be impractical to attempt any mass dispersal, but his argument that current targets should not be made larger makes good sense. He simply suggests, for instance, that if an electrical machinery plant in the Great Lakes region is considering enlarging its output by constructing new facilities, the new facili-

ties should be erected completely out of the present area.

The advantages of dispersal should be apparent to United States industry and many already are looking to other areas to establish branch operations. The Air Corps has adopted a policy similar to that proposed by Senator BENNETT, but the importance of even this policy would be greatly highlighted if Congress added its weight to such a program.

In this regard, Senator BENNETT has said, "While it is true that the Executive has a program of industrial dispersal, I believe Congress should share in this program by affirmatively stating its policy with regard to industrial dispersal. Our failure to do so in the past has, in my opinion, reduced the effectiveness of the Executive's efforts in this regard."

Certainly, congressional endorsement of the dispersal policy would increase its significance and impress upon both industry and the Executive the necessity of adopting this program. It is hoped that other Congressmen see the wisdom of Senator BENNETT's proposal and give it their wholehearted support.

#### INDUSTRY MUST PREPARE FOR ATOMIC ATTACK (By Marshall K. Wood)

(EDITOR'S NOTE.—This article has been written by Mr. Wood while studying at the Harvard Graduate School of Public Administration under a Rockefeller public service award, on leave of absence from his position as Chief of the Mobilization Planning Branch, Office of the Assistant Secretary of Defense (Supply and Logistics). The views expressed are his own, and do not necessarily reflect the policy of the Department of Defense.)

This Nation faces a military threat unique in its history: An avowedly hostile nation, the Soviet Union, with the present capability to attack and destroy our major centers of population and industry. We do not have the power to prevent such an attack, but only to blunt it somewhat and perhaps to deter it with the threat of retaliation in kind. The effectiveness of even the retaliatory threat is in question, since the bases from which retaliatory strikes would be launched are themselves vulnerable to a sneak attack; they might be crippled before they could get into operation. A measure of short-run protection may be achieved by improved air defense and by the construction of more and better dispersed bases for our retaliatory forces.

An even greater threat is on the horizon: The development of intercontinental ballistic missiles with hydrogen warheads which would travel so fast that neither adequate warning nor effective interception appears possible. The possession of such weapons would give a ruthless aggressor a tremendous advantage. The only defenses against these weapons appear to be the creation of a mobile retaliatory force, which could maintain the threat of retaliation in kind despite a sneak attack; and industrial dispersal, to increase the probability that a sufficient, balanced industrial capability would remain after attack to support continued effective combat operations while meeting minimum needs of the surviving population.

Fortunately, it is probably feasible to create such defenses within the 5 to 10 years that may remain before substantial quantities of intercontinental ballistic missiles are produced. Business and industrial leaders have a special stake in these problems—not only for the sake of their own survival and their interest as citizens and taxpayers, but because a major part of the possible remedial action is in their hands.

#### CHALLENGE TO INDUSTRY

If these defenses are to be created, businessmen must, in collaboration with the Federal Government, take major responsibility

for better dispersal and relocation of industries essential to national survival and retaliation after atomic attack; for planning the use of existing dispersed small plants to meet military and vital civilian needs in the event of destruction of major metropolitan areas; and for the assembly of industrial data and development of procedures for rapid pre-attack and postattack assessment of damage, postattack reprogramming, and production control.

The element of initiative is vital. Management's role cannot be considered a passive one; "going along" with Government leadership is not enough. For reasons which will appear later, much of the job can be done only by industry.

Here are the main propositions I shall discuss:

We must face up to the very real possibility that the best military measures we can take may not be an effective deterrent to Soviet attack.

A successful attack against our 50 largest metropolitan areas would devastate over 60 percent of total manufacturing production, and over 70 percent of production of the critical hard goods industry. Actually the effect on production would be even more severe because of imbalances and bottlenecks, at least as our industrial pattern now exists.

There are many things we can do, both in the short and the long run, to increase our capability to survive and fight after atomic attack. Fundamentally there are two jobs to be done:

1. We must set up administrative machinery which would permit us to make the best possible use of the human and material resources remaining after attack.

2. We must seek a geographical redistribution of our resources, with particular emphasis on achieving such a balance of industry in dispersed areas as will most nearly correspond to our postattack requirements.

These tasks are equally urgent and should be done in parallel; to this end there are a number of new techniques and concepts that will be helpful.

#### MILITARY THREAT

A great deal is being written about the era of "atomic plenty," and the "nuclear stalemate" which is thought to have arrived with it. President Eisenhower says that there is no longer any alternative to peace; and this can hardly be questioned from the United States standpoint. It takes two to make peace, however, and Mr. Molotov now holds, or purports to hold, a different view: he says that nuclear war would destroy the United States, but not the Soviet Union. This may be only propaganda, but we can hardly afford to dismiss it as such without a hard look at the question of whether approximate equality in nuclear weapons will, in fact, necessarily produce a stalemate.

#### Atomic plenty

We have been told officially that nuclear weapons have achieved virtually conventional status in all our armed services. Senator SYMINGTON, former Secretary of the Air Force and now a member of the Armed Services Committee, said in a Senate speech last summer that there was no longer any shortage of nuclear material, and that it was then possible to manufacture both H-bombs and A-bombs inexpensively and in great volume.

But as President Eisenhower recently pointed out, even if the United States maintains its lead in numbers of atomic weapons, it will be of little significance after the Soviet Union has enough to serve its purposes. "If you get enough of a particular type of weapon," he remarked at a news conference, "I doubt that it is particularly important to have a lot more."

What about the capability to deliver atomic bombs to targets a quarter of the way around the world? The United States

is said to have more than 1,000 6-engine B-47 medium jet bombers, which presumably can reach almost any point in the Soviet Union from advanced bases in Alaska, Greenland, England, Spain, North Africa, the Middle East, Okinawa, or Japan; or, with aerial refueling, from bases in the continental United States. In addition, we are now building a smaller fleet of 8-engine B-52 heavy jet bombers which presumably can reach most parts of the Soviet Union from bases in the United States without refueling (to replace our B-36's, which are soon going to be obsolescent).

We also have a number of strategic fighter wings, which will be equipped to carry atomic bombs. In all, the Strategic Air Command (SAC) portion of the 137-wing Air Force will comprise 54 wings, of 30 to 75 aircraft each. We can likewise count on a growing number of Navy carrier air groups designed to carry atomic bombs.

The Soviets are building T-39's, comparable in size, shape, and presumably in performance to our B-47's. And at the 1954 May Day celebration they flew a new heavy bomber, the T-37, comparable in size to our B-52 but having only 4 jet engines instead of 8. Some observers concluded that the T-37 must have engines of twice the power of any yet designed in the United States; if this is a correct deduction, it would certainly have substantially better range and performance. Most observers agree, however, that the backbone of the Soviet strategic air force is still the TU-4, a copy of our B-29, of which they are thought to have more than 1,000. These planes are probably capable of attacking most parts of the United States on one-way missions only, but the Soviets probably would not hesitate to send them on one-way missions if it served their purpose.

#### Air defense penetrable

To get the bombs to the target, the bombers have to break through the air defense forces. About 3 years ago, General Vandenberg, then Chief of Staff of the Air Force, said that in his judgment at least 70 percent of any enemy bomber force attacking the United States would get through to its targets. Despite improvements in the air defense system, General Twining, the present Air Force Chief of Staff, reaffirmed about a year ago that at least 70 percent would probably still get through. A leading air defense scientist has recently stated that it would be possible to build an air defense system which would knock down 50 percent of an attacking force if a great deal more money were spent on it than is presently contemplated.

Concerning the Soviet Union air defense capability, General Twining in his testimony before the House Appropriations Subcommittee in February 1954 said:

"The Soviets have continued their great effort to build up an air defense system. They have completed replacement of piston fighters with jet fighters and are continuing to make improvements in their jet fighters. There has been a rapid expansion of the early-warning, ground-controlled intercept radar coverage with improved modern equipment. Of major importance has been the integration of the satellite air forces into an efficient organizational structure for the over-all Soviet bloc air defense system."

But in their case, as in ours, the defense is penetrable. As General Twining went on to say:

"By employing the principle of mass saturation of the enemy's defenses, utilization of cloud cover, altitude and hours of darkness, the present striking force can penetrate the enemy's defenses with acceptable losses."

Admiral Straus, Chairman of the Atomic Energy Commission, said that one H-bomb could destroy any metropolitan area. Nearly half the population of the United States



lives in 100 metropolitan areas; over 60 percent of the industrial capacity of the United States is located in 50 metropolitan areas. Probably the distribution of population and industry in the Soviet Union is not far different, although the proportion of both population and industry in large cities may be somewhat smaller. But even if air defense capability were improved to the point where 50 percent of the attacking bombers were shot down, only a few hundred aircraft—small fraction of those available—would be needed to destroy half of either the United States or the Soviet Union.

It is clear that each of the two nations now has the capability of largely destroying the other.

#### *No atomic stalemate*

Does this make an atomic stalemate? The United States clearly will not initiate a preventive war against the Soviet Union; no matter how desirable that might be from the standpoint of cold military logic, it would be constitutionally, politically, and morally impossible for us to do so. It seems equally clear that the rulers of the Soviet Union would not attack the United States if they expected that the Soviet Union would be annihilated as a result—at least, not unless their situation were so desperate that general chaos seemed attractive to them. (It is conceivable that such a situation might sometime arise, but it seems hardly likely in the near future.) But would a Soviet attack on the United States necessarily lead to Soviet annihilation if the initial Soviet attack were directed primarily against SAC bases instead of cities?

The key to this question is whether or not we could expect to get enough warning of attack to get our SAC aircraft loaded with atomic bombs and into the air before the Soviet aircraft reached their bases. This is the major risk that the Soviets would have to weigh in contemplating an attack on the United States. Our advance bases overseas could not expect, considering their locations, to get more than a few minutes' to an hour's warning, which is hardly likely to be enough to get the planes loaded and into the air, if there should happen to be planes on the bases at the time. By contrast, the SAC bases in the United States might have up to several hours' warning; this should be sufficient to get all serviceable planes into the air, but might not be sufficient to get them loaded with bombs. And the planes operating from bases in this country would have a limited capability if their advance overseas bases had been destroyed.

The number of SAC bases has not, of course, been publicly disclosed; but it is apparent, from the fact that most of the wings are doubled up, two on a single base, that there are fewer home bases than wings. Including the advanced bases overseas, there can hardly be more than 100 bases in all, and perhaps considerably less. If the Soviet air force could destroy these bases in an initial attack, the Soviet Union might largely escape damage from a retaliatory strike by the United States. On the basis of the available information, it is hard to escape the conclusion that the Soviets may now have the capability to make a decisive sneak attack, and might retain it even in the face of considerably increased American air defense capability.

Certainly, on the strength of official public statements from Washington about our air defense, the Soviet rulers have adequate grounds for thinking they have such a capability; and the thing that matters most is not whether they have it, but whether they think they have it.

If the Soviets should attack us, they would of course try first to destroy our SAC bases. To that extent, the major portion of the initial military effort would be directed against purely military targets—which would be something of a paradox in an age char-

acterized by weapons of almost inconceivable destructiveness.

At the same time, any striking power beyond that needed to destroy the SAC bases would probably be directed at those areas vital for our continuing retaliatory power: the large cities with civilian airports (from which the SAC bombers that got into the air before the attack could operate), and the major port cities (from which we could supply or reinforce NATO forces in Europe). Or these might be the targets of an immediate second wave of aircraft. Also, the destruction of coastal cities could be accomplished by detonation of bombs concealed in tramp steamers or by missiles launched from submarines, as well as by bombs dropped from aircraft. Although such missiles would probably not be very accurate, they would not have to be more accurate than the World War II V-2's, considering the radius of destruction of the hydrogen warhead, in order to have a good probability of destroying a metropolitan area.

Thus, this situation seems very far from a stalemate, but is rather one in which a very great, and possibly decisive, advantage would be gained by the nation that made the first atomic strike.

#### *Retaliatory power*

What actions can we take to mitigate this intolerable threat? The distant early warning line, soon to be constructed along the Arctic shore of Canada and Alaska, together with the airborne and shipborne extensions, may when completed provide a good chance that we would get enough warning of an attack to permit SAC to get its planes loaded and on their way for at least one retaliatory strike before its bases could be destroyed. This might or might not act as an adequate deterrent. And there are admittedly many gaps in the radar screen where an enemy force might slip through undetected. To provide reasonable assurance of a continuing combat capability, it would certainly be necessary to build additional dispersed SAC bases, and to improve the kill percentage of the fighter and anti-aircraft missile defense forces.

Against intercontinental ballistic missiles, however, neither effective warnings nor defense appears possible. Even an equal or greater ability on our part to retaliate in kind would not necessarily be an adequate deterrent, since our missile launching sites might be destroyed in a sneak attack, leaving us little chance of retaliation because of the shortness or absence of a warning period.

Moreover, the Soviets would have a further advantage because of the relative ease with which they could locate our missile launching sites, in comparison with the difficulty which we would have in locating theirs. To maintain an effective counterthreat we would need retaliatory forces which were continuously moving in an unpredictable course. Such forces, if they could be created, would be invulnerable to attack by ballistic missiles, whose aiming point is fixed prior to the moment of launching. The Navy is now developing sea-based and ship-serviced jet bombers which might provide such a force. Even better, if feasible, would be the development of long-range missiles launched from ships or submarines.

The fact remains that there is a substantial chance that the best military measures we can take may not be an effective deterrent to Soviet attack. If they are not, and an atomic attack is made, would we then surrender and accept Communist domination? Or is it possible that we could and would, even assuming mutual destruction of a major part of both United States and Soviet human and material resources, still put up a fight for the maintenance of a free society in the world?

There are many things we can do, both in the short and the long run, to increase our capability to survive and fight even after

atomic attack. If we resolutely face the problem, we may be able to accomplish these actions in time. And if we do, the knowledge that we are prepared to continue to fight even after a crippling initial strike may serve as a substantial additional deterrent to attack.

#### *CONSEQUENCES OF ATTACK*

What effects would the probable Soviet weapons have in an attack on the United States?

The last United States H-bomb has been variously reported to have a yield of from 8 to 17 megatons. (A megaton is an energy release equivalent to that produced by 1 million tons of TNT.) Val Peterson, Federal Civil Defense Administrator, has mentioned the probability of H-bombs of 40, 50, or 60 megatons.

#### *Weapon effects*

The blast and thermal radiation effects of the H-bomb are presumably similar to those of the A-bomb, though, of course, greater because of the difference in yield. The fallout effect poses a distinct, additional hazard.

The handbook, *The Effects of Atomic Weapons*, prepared by the Atomic Energy Commission and published in 1950, provides basic figures on the blast and thermal radiation effects of A-bombs and gives formulas for extrapolating for weapons of different yield, which presumably can be applied to H-bombs. As for the hazard to personnel from radioactive fallout, that was carefully described in the recent public announcement of the AEC:

"Blast: The effects of blast are summarized in exhibit I for weapons of 20 and 50 megatons. It will be seen that a 150-percent increase in yield produces only about a 36-percent increase in radius of destruction. The radius of destruction increases approximately as the cube root of the increase of yield.

"Thermal radiation: The tremendous heat radiated from A-bombs is a comparatively negligible cause of damage to structures, in view of the fact that blast damage extends to a greater distance. (The radiated heat may be a major cause of casualties to people caught without shelter, however.) But the intensity of radiation does not decrease with distance as rapidly as does blast pressure. Thus it seems probable that the heat radiated by an H-bomb, with its greater yield, would start fires at greater distances than those at which structures would be destroyed or severely damaged by blast. This would be especially true when the air is clear, dry, and free from dust and smoke. The effects of thermal radiation on structures can be greatly reduced by painting them a light color, or otherwise increasing their reflectivity. Also, the Army Chemical Corps has reported that artificial smokescreens could be used to absorb some of the radiation.

"Fallout hazard: Following the March 1954 test at Bikini, fallout of lethal intensity was deposited in a cigar-shaped area extending downwind from the explosion about 140 miles, and as much as 20 miles wide. Fallout of lower intensity, possibly lethal in some cases, extended about 220 miles downwind, and about 20 miles crosswind and upwind, for a total of about 7,000 square miles of contaminated area.

"Reasonably adequate protection from fallout may be obtained, however, by taking cover in an ordinary basement, or digging a trench, and remaining undercover for several days (or perhaps a week in the most heavily contaminated areas). Even an ordinary house would provide some shelter, especially one of brick or masonry. Since the fallout does not normally start to come down for an hour or so after the explosion, it should be possible for most persons who escaped injury from the blast and thermal effects to take cover effectively sheltering them from fallout injury.

"A much more effective program of public education and much more widespread con-

struction of shelters, both in homes and in industrial facilities and public buildings, seems essential to minimize casualties from fallout. If such actions are taken, fallout need not be a major source of casualties, though it would almost certainly result in paralyzing normal economic activity for a period of weeks, at least, over very wide areas."

#### *Cumulative damage*

Now, what about the cumulative damage to our human and material resources?

Exhibit II (chart not printed) shows the percentages of our total population and total industry which were located in metropolitan areas, in order of size, at the time of the last census.

Counting one bomb to a metropolitan area, and assuming no warning, we see that an enemy could destroy 30 percent of our population with 15 H-bombs and 43 percent with 50.

If everyone in our 50 largest metropolitan areas were killed, our population would be reduced to about the level of 1916. However, there is a good chance that a considerable portion of the urban population could be evacuated, so that the loss need not be this high.

Manufacturing production is much more highly concentrated than population, and hard goods production is more highly concentrated than manufacturing as a whole. Over 30 percent of our total industrial production comes from 5 metropolitan areas; 15 metropolitan areas produce 45 percent of all manufactured goods and 52 percent of hard goods; 50 metropolitan areas produce 62 percent of our total manufacturing output and 72 percent of our hard goods output.

However, our industrial production has been growing much more rapidly than our population, so that despite the greater concentration, loss of 50 metropolitan areas would still leave us with undamaged plants which are now producing goods equal to our total production in 1934, as contrasted with a population equal to that of 1916. Of course, as our industry is now distributed, it is likely that much of the undamaged capacity would be immobilized because of dependence upon particular critical materials or components produced largely or exclusively in the large metropolitan areas. But this is a situation we can rectify.

#### *Industrial bottlenecks*

What could we do in an emergency with the portion of our resources which might be left after an attack? The overall situation need not be hopeless if we prepare for it.

The big problem, of course, is that the portion of our resources which remain undamaged would be very badly balanced in terms of the relative capacity of different industries required to produce the kinds of things we would need in order to survive and continue fighting.

This problem is illustrated in exhibit III (chart, not printed), which shows the distribution of total production in the 50 largest metropolitan areas for the instruments, electrical machinery, fabricated metal products, chemicals, and (for contrast) the textile industry groups. The instrument industry is the most highly concentrated of any major industry group (defined as the two-digit level of the standard industrial classification), with 52 percent of United States production in 3 cities, 69 percent in 10 cities, and 80 percent in 25 cities. The textile industry group is the least concentrated. Unfortunately, the industries we would need most for survival and retaliation in a post-attack period are rather highly concentrated.

A further breakdown by products is shown in exhibit IV. Note that if an aggressor selected targets primarily on the basis of damage he could do to production of specific items, it would be possible, for example, to

wipe out 54 percent of rubber production by destroying the 10 largest metropolitan areas for that particular type of production; while if the 10 largest areas for all types of production were selected as targets, 29 percent of rubber production would be included in the attack. Although an attack aimed at the largest cities in terms of all types of production would also serve to cripple a roughly corresponding amount of the production of many specific items, it might be feasible for an aggressor to pinpoint his attack on some of the more critical items with even greater effectiveness. (All these production figures are from the last Census of Manufacturers in 1947; the new 1954 figures are not yet available, but soon will be.)

By comparing such data for individual industries and products with the requirements, industry by industry, to support the most vital military and civilian needs after attack, it should be possible to determine the particular industries and products which are most likely to become bottlenecks. (These are not likely to be the same as under conditions of all-out production for a general war without domestic bomb damage. Thus, there would be much heavier requirements for repair and reconstruction of damaged facilities, both military and civilian, and probably much lighter demand for some military products, such as infantry weapons and ammunition.) Such analyses would provide a realistic basis for advance preparations.

#### *MAKING PLANS*

We can take a number of steps to improve our short-run capability to survive an atomic attack and continue effective combat operations. We need to do the following:

1. Develop procedures for estimating the overall effect which various different kinds of possible attacks would have on our industrial production capability.
2. Formulate new strategic plans, approximately consistent with potential post-attack industrial production capabilities, and translate these plans into production requirements for specific products.
3. Undertake detailed mobilization production planning with individual plants in order to insure that the specific items we would need can be produced up to the limit of the overall post-attack production capability.
4. Devise methods for rapid post-attack assessment of actual damage, and for determining quickly the size and character of the military program which available resources would permit us to undertake.
5. Think through and blueprint in advance the kind of industrial production control techniques which we would need to get the undamaged portions of the economy working again quickly after an attack.

#### *Estimating damage*

The only feasible method of preattack damage estimation, and the easiest and quickest method of post-attack damage assessment, is to have data on the characteristics and location of resources collected in advance and plotted in accordance with some kind of common geographic reference system for the surface of the United States—such as the Universal Transverse Mercator grid, a rectangular coordinate system which is already used by the military services for other purposes. Then a specified attack pattern (anticipated or actual) can be plotted on the same system, and the specific damage can be computed.

The application of such a system of damage assessment is perhaps best illustrated for manufacturing industries, although it is equally applicable to other resources:

There are about 280,000 manufacturing establishments in the United States, but about 80 percent of their total output is produced by the 10 percent of the companies which have over 100 employees. It would be a fairly straightforward matter to

determine the coordinates of each of these 28,000 plants in accordance with the standard grid system, working from the manufacturing location address given on the Census of Manufactures schedules. Census data on production and employment could then be associated with these coordinates.

If an attack pattern were specified in terms of the coordinates of the points at which the bombs were dropped, the distance of each plant from each bomb could then be calculated by simple arithmetic. The approximate extent of damage to each plant could then be derived from the computed distance to the nearest bomb and from the energy yield of the bomb. The data on production and employment could then be summarized by specific industry and product, by class of damage. If all the necessary data were prepared in advance and maintained on magnetic tape accessible to a large-scale electronic computer such as the Univac, the entire computation for one attack pattern could be performed in a few hours.

More detailed information is needed as to the type of construction of plants (including the reflectivity of building exteriors), since this may make a considerable difference in the extent of damage to plants at the outer edge of the blast area. Ideally, such data on all industrial plants with over 100 employees should be collected and introduced into the damage assessment procedure. In the absence of such data, however, it should still be possible to get useful results by assuming that each plant conforms to the average type of construction in the industry group in which it is classified.

The fact that census data apply only to current production of particular products rather than to capability (for more of the same products or for different products) means that more precise information is also needed from industry as to how much of what it could produce when operating to meet an all-out emergency.

It should be feasible for plant managers to estimate the total capacity of a plant expressed as its maximum potential employment. Capacity for particular products could be expressed in physical units, such as number or weight, where the product classes were relatively homogeneous, or in terms of value where the product classes are more heterogeneous. The relation of capacity for individual product classes to total capacity could be roughly measured by the ratio of employment needed for each product to the maximum potential employment at the plant when operating at capacity. (The technique of estimating capacity in terms of maximum potential employment was used with fair success by the Bureau of Labor Statistics during the Korean war.)

#### *New mobilization plan*

Assuming that a workable procedure for damage assessment is available, then the next step is to develop a realistic military mobilization plan, consistent with the probable postattack availability of resources.

Previous mobilization plans have generally been based on the assumption of a rapid expansion of the military forces and the supporting industrial production over a period of years after the start of a war. In fact, the requirements derived from these plans often exceeded the estimated total national industrial production capacity, even without taking any bomb damage into account.

Thus it was found necessary 3 years ago to reverse the usual planning process, and start with ODM estimates of total national production capacity and minimum civilian needs and try to fit the military planning within the ODM estimates of the capacity available for military production remaining after meeting minimum civilian needs. This process was a move in the right direction, but still it did not allow for any loss of production capacity from bomb damage, since at that time there did not yet exist



any substantial capability to inflict bomb damage on the United States.

It now seems essential to develop a new mobilization plan consistent with estimates of the industrial capacity likely to be available for military production in the light of (a) probable loss of capacity through bomb damage and (b) minimum civilian requirements for food, shelter, and essential reconstruction of transportation, communications, and other vital facilities. Such estimates should be based on consideration of a variety of alternative possible patterns of attack, and the estimates of capacity remaining after each attack should be weighted according to subjective estimates of the relative probability of each attack pattern.

The resulting estimates of capacity available for military production could be expressed at this stage as total production capacity in the hard goods industries, as was done 3 years ago in developing the last set of mobilization production schedules. Then military mobilization plans should be developed which would not require more hard goods production than could be produced by the estimated capacity likely to remain after attack. Production requirements for specific items could be developed from those plans, which would serve as the basis for revised mobilization production planning with industry.

It is clear that the total postattack hard-goods capacity could not all be used effectively to produce the particular products needed. As a result, the military mobilization plans developed by this procedure would call for more production of many products than would be actually feasible. Therefore, to get maximum production of the needed items, a principal objective of mobilization production planning with industry should be to insure that the capacity for the desired individual products is as nearly as possible equal to the total hard-goods capacity.

#### Detailed plant schedules

For a number of years the military services have been making war-production plans with industry, under what is called the production-allocation program. Under this program, representatives of the military services approach a potential contractor with their desired wartime production schedule for a particular item. Through mutual discussion, this schedule is modified to fit the capabilities of the plant, and an agreed tentative mobilization schedule is developed. Planning under this program is now concentrated on about 1,000 hard-to-produce, long-lead-time military equipment items and their major components. About 25,000 plants are participating in the program in some degree. At present, this program does not reflect probable bomb damage, either in the development of requirements or in the selection of plants; but the basic procedures can be adapted to the new situation.

In developing individual plant schedules for the production of potentially critical items, either military or civilian, primary consideration should, of course, be given to plants which are not located near any major metropolitan area or near any other likely target such as a SAC base. After allowing for what was shown in the preceding exhibits, there remains a considerable part of total United States manufacturing capacity which is relatively invulnerable to attack because of its widely dispersed locations. To make sure we find all there is, it seems desirable to make a systematic canvass of the plants reporting in the new 1954 Census of Manufactures, and to plan with these dispersed plants to the maximum feasible extent.

For many critical items, however, there will be no way of getting along without using some of the more vulnerable plants. A substantial part of the total postattack production capability will derive from plants which

are in more or less vulnerable locations, and which might be destroyed but are lucky enough to escape. There are many possible attack patterns, and we cannot tell in advance which one would be used. Neither, in fact, can the attacker himself, for many of the possible variations will result from chance factors in the effectiveness of the defense forces. The particular planes which happen to get shot down will have a considerable influence on the final pattern of bomb damage, as will random errors of bombing by the planes which get through.

Thus, although all the plants in the large metropolitan areas, and some in other areas, are potentially subject to attack, there is still an appreciable chance that any particular plant will escape damage. Planning for this event is, therefore, the next step.

#### Figuring chance of loss

At the same time that we count on making some use of vulnerable plants, we must be reasonably sure that we do not plan on getting more production from them than would be realistic in view of the proportion likely to escape damage. We may do this by assigning a chance-of-loss index to each vulnerable plant, adding its full capacity into our planned production schedules for each item, and then discounting the totals for each item by the average chance-of-loss index for all the plants at which it is scheduled to be produced.

The index for a given plant in a vulnerable location would depend on (a) the chance that the metropolitan area in which it is located will be successfully attacked and (b) the probable extent of damage to the plant if the metropolitan area is successfully attacked.

The chance of attack for any metropolitan area is in turn the product of the chance that an attack will be attempted and the chance that an attack, if attempted, will be able to penetrate our air defense forces. (The same principles would apply to a nonmetropolitan target area, such as a SAC base.)

It seems likely that an aggressor would decide to attack those areas where the damage he could inflict would be highest in relation to the cost in terms of probable losses to our defense forces. Among the measures which he might use in estimating the value to him of destroying different metropolitan areas are population, employment, and manufacturing production, either in total, for broad groups such as hard goods, or in particular critical industries such as chemicals, petroleum, primary metals, aircraft instruments, and so on; or he might also elect to concentrate on utilities like electric power, transportation, and port facilities. In any event, most of the measures of importance which an attacker would be likely to pick are highly correlated in the large metropolitan areas. This is illustrated by exhibit V, which shows the 10 largest metropolitan areas of the United States in order of rank according to a number of different criteria.

One could assign weights to these and perhaps other criteria, representing subjective judgments as to the enemy's evaluation of their relative importance, and compute the overall target value of each city compared with other cities. The ratio of a city's target value to the corresponding estimated costs of making a successful attack on that city would yield a measure of the likelihood of attack. Such ratios could then be converted into rough probabilities in accordance with estimates of the size of the total force which the enemy could devote to an attack.

In physical terms, the extent of damage to a plant in a metropolitan area which is successfully attacked depends primarily on its physical vulnerability and on its location, in reference to the probable aiming point, bombing error, and bomb yield. Once this is estimated (assuming we have some of the more precise information that is needed), the loss in production can probably best

be measured as the quantity of products that would have been turned out during the time required to construct an equivalent new plant. This factor can then be combined with the chance-of-attack figure to make a composite chance-of-loss index for that plant.

My proposal is that such an index of the chance of loss of wartime production be prepared for each important plant which is a potential producer of critical items, either military or civilian, or an important component thereof. This index should be the point of departure for all subsequent mobilization planning actions affecting individual plants as such.

These chance-of-loss indexes will provide a measure of the extent to which we need to hedge schedules with plans for additional sources in different metropolitan areas. Each tentative mobilization production schedule for a vulnerable plant should be discounted by the plant's chance-of-loss index; and enough additional schedules negotiated with other plants in different metropolitan areas (other plants in the same area might be destroyed by the same bomb), so that the total of all tentative mobilization production schedules, after discounting by the chance-of-loss indexes of the respective plants, will equal the total desired production schedule. To illustrate:

Suppose that only 20 percent of the desired wartime production of a particular item can be produced in facilities in adequately dispersed locations. Suppose that the remaining 80 percent can be produced in 2 plants, 50 percent in 1 plant which has a 50 percent chance of loss, and 30 percent in another plant which has a 60 percent chance of loss. Then the expected value of the wartime production in these 3 plants is 57 percent of the desired wartime production.  $[20\% + (50\% \times 50\%) + (30\% \times 40\%) = 57\%]$

We should then make provision for additional sources for the remaining 43 percent of the desired wartime production. We might get this 43 percent by adding a source for 50 percent of the requirement in a plant which has a 50 percent chance of loss, plus another source for 60 percent of the requirement in a plant which has a 70 percent chance of loss.  $[(50\% \times 50\%) + (60\% \times 30\%) = 43\%]$

Of course, considering the rather rough estimates on which the chance-of-loss indexes would have to be based, approximate rather than precise balancing of requirements and discounted production schedules is all that is needed.

The schedules just described should all be considered primary production schedules, since the expected value of the wartime production from these schedules just equals requirements. This will give us a 50-50 chance that we would be able to meet our requirements if the attack pattern is in accordance with our expectations. But we may not be satisfied with a 50-50 chance. Also the actual attack pattern might vary considerably from our expectations. If this happened, we might very well end up with proportionately too much capacity for some items, and no capacity at all for others.

To maintain maximum flexibility we should also develop for each facility additional alternate production schedules for different items. These schedules would substitute for any primary schedules for products not needed because damage was less than expected in other plants.

It is clear that the kind of mobilization planning here proposed will put a greater burden on both industry and Government than has previously been required. This burden will fall most heavily on industrial management, since the program is and probably must continue a voluntary one. This is as it should be, for there can be no substitute for local centers of knowledge and know-how

if industry is to get off to a fast start following an attack.

#### PLACING CONTRACTS

For a considerable period after the start of any war the principal sources for most major military items would inevitably be the plants which were producing the items on D-day.

Clearly it is of prime importance to get production sources of military equipment into nonvulnerable areas to the maximum extent feasible. This should always be kept in mind in placing procurement contracts. If placing current procurement contracts in dispersed locations results in substantial increases in cost, the combat capability which this added cost would buy in terms of probable postattack production in the critical period of a war must be weighed against the combat capability it would buy if devoted to increasing D-day stocks of equipment. (The strategic situation increases the premium on combat forces already in being and thus of reserve stocks of equipment and supplies on hand to support those forces.)

There undoubtedly will be some cases where unique capacity for particular items is concentrated in certain areas and current production could be expected in other areas only at prohibitive cost. But such exceptional conditions should not be used as a rationalization for general inaction. Much can certainly be done at little or no added cost to produce military items for current needs in less vulnerable locations.

#### Harnessing small plants

Although many plants in nonvulnerable locations do not have adequate equipment to produce any major military equipment item, they do have facilities to produce significant subassemblies or components of many kinds of equipment. There may also be many cases in which a group of small plants, in the same or nearby communities, could collectively produce all or nearly all of some major item of equipment.

In most cases it probably would be necessary to add some specialized production equipment to that already available in these small plants. And it would almost certainly be necessary for the large plants to provide additional management skills in the fields of engineering, production scheduling control, and perhaps others. One of the principal aims of mobilization planning must be to develop means of utilizing the potential of these small plants with minimum delay.

I propose that each company awarded a current contract for a major item of military equipment produced in a vulnerable location be made responsible, as a condition of the contract, for preparing a plan for rapidly resuming production of the item at an alternate location or locations in case the primary producing facility is destroyed by enemy attack. While there should be no limitations on the ingenuity of the responsible companies in devising methods for rapid resumption of production after attack, use of the facilities of such small plants in nearby communities seems likely to be a promising method.

If any needed additional specialized production equipment cannot be provided by the prime contractor, it might be purchased by the Government and held in the machine tool reserve earmarked for the particular purpose. The prime contractor would of course be responsible for providing safe storage of duplicate blueprints, and perhaps duplicate jigs, dies, and fixtures, if necessary, as well as for providing needed general engineering and management supervision and production control.

#### Transferring military production

There are several other possible methods of securing a greater probability of continued production of military equipment after an attack. One is to reverse the tendency to produce vital military items in vulnerable

locations and civilian items in dispersed locations. For example:

A large corporation producing military radar equipment in a large metropolitan area has recently built new plants to produce television sets in well-dispersed locations. It would be highly desirable to transfer production of the radar equipment to the dispersed plants, and produce the television sets in the metropolitan plants.

There would undoubtedly be problems in making such a move; for instance, the labor supply at the dispersed plants is probably not as highly skilled or as diversified as in the metropolitan areas. On the other hand, the move would bring the television production nearer the market. Over a period of time, it should be possible to make many such shifts with minimum cost or economic dislocation.

There may be other cases, such as that of the aircraft industry perhaps, where nearly all the existing facilities which could produce the military item are now producing military equipment. But even in such cases it should be possible to attain a significantly greater degree of flexibility and insurance against complete loss of capacity to produce a vital item by negotiating mutual-assistance and cross-licensing agreements between existing companies with plants in different metropolitan areas, so that if either should be destroyed, the other could undertake production of the item normally produced by the destroyed plant.

The fact remains—and we may as well face it—that in many cases what are desirable moves from the mobilization standpoint would be wasteful in an economic sense, at least in the short run, if no attack comes. But if an attack does come, they might save the day.

#### EFFECTING DISPERSAL

Measures to maximize our ability to use effectively the industrial resources which remain after an attack, such as those which have just been described, might prove the margin between survival and subjugation, if we should be attacked within the next few years; and they will be of continuing importance in the long run. But over a longer period of 5 to 10 years, it will be of primary importance to increase the proportion of our total resources which is so located as to be relatively invulnerable to attack. Within this period much can be accomplished if proper inducements are provided to channel normal economic growth into dispersed areas.

#### Guiding future growth

In this process we should seek to promote the development of dispersed industrial capacity appropriately balanced to meet probable postattack needs. On the other hand, we should seek to induce concentration in the existing metropolitan areas of the consumer goods industries which we could do without, if need be, in wartime. If we do this successfully, we will greatly reduce the risk of atomic war, as well as increase our capacity to survive it; for an attack is less likely if it is clear that an initial sneak attack would probably not be decisive.

President Eisenhower said in his 1955 economic report to the Congress that he expects the gross national product of the United States to grow to over \$500 billion in the next 10 years. This implies an average annual growth rate of about 3.5 percent (as contrasted with historical growth rates of 2.6 percent for the quarter century since 1929, including the depression, and 5.1 percent for the 15-year period 1938-53). The average rate of gross private investment for the 9 years since the end of World War II has been 15 percent of the gross national product. This has been accompanied by an average annual growth rate for the same period of 2.8 percent. It seems reasonable to assume that the projected annual growth rate of 3.5 percent will require an annual rate of invest-

ment of at least 15 percent of the gross national product. This would mean that total investment for the period would come to about \$640 billion (at 1954 price levels).

A recent study by the Stanford Research Institute, made for the Federal Civil Defense Administration (FCDA), estimates that the total replacement value of housing, industrial, and commercial facilities in the 70 metropolitan areas which FCDA has classed as critical targets was about \$500 billion in 1950. Thus if 78 percent of the normal private investment over the next 10 years were channeled into dispersed areas, we could have, in 10 years, as much dispersed industrial capacity as we had total capacity in 1950. (Actually, we probably could do much better, since we would need to replace, in dispersed areas, only a part of that which is now located in the 70 critical target areas; much of the latter is capacity in consumer goods industries and services which we could disperse with in an emergency.)

#### Present policy inadequate

It has been the policy of the Federal Government to encourage industrial dispersion since 1951, when President Truman announced the National Industrial Dispersion Policy. The principal means for accomplishing it was to offer accelerated tax amortization for privately financed new industrial facilities if they were located in dispersed areas and if they were in industries for which a deficit in wartime production capacity was anticipated. "Expansion goals" for creation of additional industrial capacity are announced from time to time by the Office of Defense Mobilization (ODM), based largely on the full war mobilization requirements whose development was described earlier.

This policy has been only moderately successful. Although a tremendous expansion of industrial facilities was undertaken during the Korean war, because of the pressure for quick production, which was usually attained most readily by expansion of existing facilities, it was found necessary to waive dispersal criteria in a large proportion of the cases.

Since the end of the Korean war, there has been a more strenuous and fairly effective effort to enforce conformance with dispersal criteria as a condition of granting accelerated tax amortization. However, the dispersal criteria used—10 miles from a concentrated area—is geared to A-bombs, not H-bombs. (Under present conditions, probably no location should be considered dispersed which is within 30 miles of an FCDA critical target area or other prime target, such as a SAC base.) Further, the industries covered by the expansion goals are those in which deficits in capacity were anticipated in the event of a nonatomic global war rather than an atomic war.

A careful study should be undertaken, using the procedures previously described in this article, to determine what mix of industries would be needed to support military and essential civilian production for general atomic war within the capacity of facilities likely to remain after atomic attack. Then the difference between the mix that is needed and what we have got should be established as expansion goals. These expansion goals should be continuously revised upward, of course, as the total amount of industry in dispersed areas increases.

Recently the policy of granting preference to plants in dispersed locations has been reaffirmed in Defense Mobilization Order VII-7 and Department of Defense Directive 3005.6. In the recent hearings before the Senate Armed Services Committee, Dr. Arthur S. Flemming, Director of ODM, indicated that establishment of new dispersal criteria, appropriate to H-bomb attack, was under consideration.

#### New incentives proposed

Accelerated tax amortization can undoubtedly be an important incentive to fulfilling



these expansion goals. It is doubtful, however, if it alone will ever be adequate to insure that the major part of the gross private investment is channeled into dispersed areas.

Further, as earlier pointed out, there is a need for some relocation of existing industries, part of which should take the form of shifts between existing facilities, with critical defense industries moving into existing buildings in dispersed areas, and consumer goods industries now in dispersed areas moving into vacant buildings in metropolitan areas. (It might be feasible, for instance, for some of the highly concentrated instrument industry to move from metropolitan areas into idle New England textile plants.) But on such moves accelerated tax amortization would not help at all.

A possible approach would be to provide continuing tax incentives for plants in dispersed areas which produced particular vital products, as defined by expansion goals. This would not only provide added inducement to the construction of new facilities, but would promote the conversion of existing facilities and the relocation of existing operations.

For this purpose, a graded series of degrees of dispersal would be needed, since the incentive should not be continued to the point at which new target areas would be created, yet should not be discontinued abruptly when an area reaches some critical size. Perhaps the degree of dispersal could be measured by the total population within a radius of 30 miles of the plant in question, and a percentage reduction of corporate income tax allowed, depending on the degree of dispersion. Here is a possible scale:

*Reduction of corporate income tax*

Population within 30-mile radius of plant:	Percent
Under 10,000	10
10,000-20,000	9
20,000-30,000	8
30,000-40,000	7
40,000-50,000	6
50,000-60,000	5
60,000-70,000	4
70,000-80,000	3
80,000-90,000	2
90,000-100,000	1
Over 100,000	0

(There were 151 standard metropolitan areas with a population over 100,000 in 1950, and probably a slightly larger number of areas with a population of over 100,000 within a 30-mile radius.)

There are many obvious objections to such a scheme, among which are the fact that it would require multiplant corporations to set up accounts which would permit attribution of income to individual plants. But some such scheme seems necessary to reduce the chance of national annihilation in the era of intercontinental ballistic missiles. The time is barely enough, at best.

**CONCLUSION**

National survival in the second atomic decade is likely to depend on greatly increased awareness by business leaders of the terrible threat which faces us, and on their willingness to act to reduce the threat. The principal means of action needed is in their hands—the construction of new industrial capacity for strategic products in dispersed areas. If the bulk of all private investment is channeled into dispersed areas, we can probably deter a nuclear holocaust, or survive it if it comes.

Much added insurance can be provided by new techniques of industrial mobilization planning which explicitly recognize the probable losses of capacity that would result from enemy atomic attack. Government must determine the needed action, and must provide appropriate inducements to facilitate action by industry. Industry must support the necessary Government action, and

must be prepared to collaborate in mobilization planning and in providing necessary data to permit effective planning.

The action which is needed, on the part of Government or industry, will cost time, effort, and money. This is part of the premium on our survival insurance for the second atomic decade.

**EXHIBIT I.—Approximate maximum distance in miles from H-bomb for specified types of damage from blast**

Type of damage	Size of bomb	
	20 megatons	50 megatons
Virtually complete destruction of all buildings	5	7
Severe damage, all buildings collapsed or liable to collapse	11	15
Severe damage to homes	15	21
Moderate damage, all buildings unusable until repaired	16	22
Severe secondary fire damage probable from short circuits, overturned stoves, etc.	19	26
Light damage, mostly plaster and window breakage	80	109

Source: Estimated from data on Hiroshima-Nagasaki experience and extrapolation formulas contained in The Effects of Atomic Weapons, prepared by the Atomic Energy Commission and the Department of National Defense (Washington, Combat Forces Press, August 1950).

**EXHIBIT IV.—Percentage of production in metropolitan areas by major industry groups**

Industry group	10 metropolitan areas		50 metropolitan areas
	Largest 10 for all industries	Largest 10 for each industry	
Food and kindred products	34	35	55
Tobacco manufactures	13	22	24
Textile mill products	18	27	33
Apparel	66	69	79
Lumber and wood products	7	12	17
Furniture and fixtures	33	37	54
Paper and allied products	26	28	42
Printing and publishing	57	58	75
Chemicals and allied products	41	45	63
Petroleum and coal products	47	50	61
Rubber products	29	54	66
Leather and leather products	38	43	48
Stone, clay, and glass products	26	28	45
Primary metal industries	44	51	73
Fabricated metal products	46	46	73
Machinery (except electrical)	35	39	67
Electrical machinery	52	55	79
Transportation equipment	51	56	75
Instruments and related products	48	69	82
Miscellaneous manufactures	47	56	76
Total manufacturing	40	44	62

Source: Census of Manufactures: 1947; value added by manufacture.

**EXHIBIT V.—Rank of 10 largest United States metropolitan areas according to selected criteria**

Selected criteria	New York	Chicago	Los Angeles	Philadelphia	Detroit	Boston	San Francisco	Pittsburgh	St. Louis	Cleveland
Population	1	2	3	4	5	6	7	8	9	10
Total employment	1	2	3	4	5	6	7	8	9	11
Manufacturing employment	1	2	5	4	3	7	10	6	9	8
Production value:										
Total for all industries	1	2	5	4	3	8	10	6	9	7
Hard goods	3	1	7	6	2	12	14	4	9	5
Chemicals and allied products	1	2	8	3	6	11	9	18	5	7
Petroleum and coal	1	2	4	3	9	13	8	7	6	11
Primary metals	5	2	15	9	4	30	17	1	11	6
Fabricated metal products	2	1	6	4	3	8	10	7	9	5
Machinery (except electrical)	2	1	8	6	3	11	23	10	16	4
Electrical machinery	2	1	12	3	18	5	24	4	9	6
Transportation equipment	3	5	2	7	1	16	12	13	8	6
Instruments	1	3	7	4	21	6	24	8	19	12

Source: Population figures from United States Census of Population: 1950; employment figures, County and City Data Book: 1950; production figures, Census of Manufactures: 1947 ("Value Added by Manufacture").

**STATEMENT ON AMENDMENT TO H. R. 9852 TO PROMOTE DISPERSAL BY THE EXECUTIVE COMMITTEE OF THE FEDERATION OF AMERICAN SCIENTISTS**

The Federation of American Scientists (FAS) is wholeheartedly in favor of a proposal now under Senate consideration, that "it is the policy of the Congress to promote the geographical dispersal of the industrial facilities of the United States." The proposal was made by Senator WALLACE F. BENNETT, Republican, of Utah, in the form of an amendment to the bill (H. R. 9852) to extend the Defense Production Act of 1950. This amendment was approved by the Senate Banking and Currency Committee, under the chairmanship of Senator J. WILLIAM FULBRIGHT, Democrat, of Arkansas, on June 14.

A year ago the FAS warned in a published letter to President Eisenhower that the Nation's defense program was out of balance because dispersal of target cities is not proceeding fast enough. In its letter of May 13, 1955, the FAS pointed out that the United States is spending many billions each year on military weapons but hardly a cent on dispersal, which is one defense measure that has a chance of lasting effectiveness. Conventional military arms, on the other hand, become out-of-date in a short time and must be replaced by new ones at great expense.

"Dispersal is a means of saving lives and protecting our capacity for defense if war should come," the letter argued. "It also makes enemy attack less effective and therefore less likely, giving us time to work out peaceful solutions to our international problems."

Economic forces in the United States are already causing some dispersal, but not enough in proportion to the need. The longer we delay in launching an adequate program, the more drastic it will have to be to meet the danger of intercontinental missiles. In fact, dispersal may well be the only defense against such missiles.

While the executive department already has a praiseworthy policy in favor of dispersal, the Federation believes that this vitally important matter has not received the public support it deserves and which action by the Congress should help to achieve.

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF DEFENSE MOBILIZATION,  
Washington, D. C., January 18, 1956.  
HON. HARVEY V. HIGLEY,  
Administrator of Veterans' Affairs,  
Washington, D. C.

DEAR MR. HIGLEY: By letter dated April 21, 1954, I transmitted to you the President's

Statistics on certificates of necessity for the year 1953

expressed desire that new Federal buildings not be constructed in critical target areas unless there was need for an exception. That letter was accompanied with a statement of guidance making the industrial dispersion standards applicable in the acquisition of facilities for the executive branch, and providing the basis for exceptions when needed.

On January 9, 1956, I issued Defense Mobilization Order I-19 setting forth a revised dispersion policy and criteria for applying it. This revision was necessitated by technological advances in weapons developments and practical considerations encountered in the administration of the previous policy and standards established in 1951. The policy and criteria contained in DMO-I-19 are applicable to all new facilities important to national security without distinction between Government and private facilities. Accordingly, the policy and criteria contained in DMO-I-19 supersedes the dispersion standards contained in my letter of April 21, 1954.

In applying this policy to the locations of new Federal facilities, attention is invited to paragraph 3 (b) of DMO-I-19, which provides that departments and agencies will receive guidance on appropriate locations from the Department of Commerce. Such guidance will be consistent with plans of the Federal Civil Defense Administration for reduction of urban vulnerability. Attention is also invited to paragraph 2 (a) (8) of DMO-I-19 which provides that one of the factors to be considered in the selection of a location is—

"(8) The economic, operational, and administrative requirements in carrying out the functions for which the facility is to be provided."

This factor is, in effect, the basis for exceptions when needed. Experience has indicated that there is need for some further guidance in determining when an exception is justified.

The head of the agency concerned is responsible for determining whether the nature of the activity for which a new Federal facility is to be used will permit the use of a dispersed location. No one is in a better position to make such determination than the head of the agency responsible for both the day-to-day operations and the continuity of the agency's essential functions in the event of attack. In making the determination, it should be kept in mind that the intent of the policy is to make us, as a nation, less vulnerable to weapons of mass destruction. Exceptions are to be avoided insofar as practicable. On the other hand, it is not the intent of this policy that new facilities be located on the basis of security considerations only; it is not intended that we make ourselves so secure as to be ineffective in our day-to-day operations. The head of the agency concerned must balance the requirements for efficient peacetime operations against the need for postattack operational capability. This calls for a conscientious appraisal of all factors involved.

I am sure that in making a determination as to whether an exception is justified you will satisfy yourself that the practical considerations on which you base your decision are both factual and compelling. If you find it necessary to locate closer to the heart of a target than is desirable for security purposes, locations which offer the most protection by reason of ground environment should be explored, suitable protective construction features should be included, and a statement of the factual basis for the exception filed with the Office of Defense Mobilization, in order that the President may be kept informed of progress in the application of this policy.

Sincerely yours,  
ARTHUR S. FLEMMING,  
Director.

	Number	Estimated value (in thousands)	Number	Percent of dollars
1. Cases eligible for certification.....	3,770	\$5,022,996		
2. Cases to which dispersion criteria did not apply:				
(a) Less than \$1,000,000.....	3,111	648,466	82.5 percent of item 1.....	12.9 percent.
(b) Location not fixed, or less than \$5,000,000 and less than \$50 expansion.	384	2,212,674	10.2 percent of item 1.....	44.0 percent.
3. Cases to which dispersion criteria were applicable.	275	2,161,856	7.3 percent of item 1.....	43.1 percent.
4. Cases in which proposed sites not dispersal.	210	1,643,599	76.4 percent of item 3.....	76.0 percent of item 3.
5. Cases influenced to change location.....	5	70,886	1.8 percent of item 3.....	3.3 percent of item 3.
6. Cases denied for refusal to meet standards and inability to justify a waiver.	6	33,414	2.2 percent of item 3.....	1.6 percent of item 3.
7. Exception granted in cases applicable to dispersal criteria.	54	413,957	19.6 percent of item 3.....	19.1 percent.
8. Of exception, grantees indicating they may undertake protective construction:				
1. Applicants for protective construction, 5.				
2. Certificates for protective construction granted, 3 for \$602,363.				
3. Applications for protective construction denied, 2.				

Mr. FULBRIGHT. Mr. President, we are prepared to yield back all the remaining time in opposition to the motion.

Mr. BUSH. I shall be glad to yield back all the remaining time of the proponents of the motion, with the understanding that the Senator from Utah yield back all the time remaining to his side.

Mr. WATKINS. Mr. President, I ask the Senator from Arkansas to yield a minute or two to me.

Mr. BUSH. Mr. President, I withhold my suggestion.

Mr. FULBRIGHT. Mr. President, I yield a minute or two to the senior Senator from Utah.

Mr. WATKINS. Mr. President, it looks like the difference between the haves and the have nots. The amendment does not contemplate removing anything which the haves now have. They did not have much to begin with.

Mr. President, I join with my colleague in his prepared statement. Although I have not seen it, I know his views are sound and that he has plenty of good reasons why this amendment should be made a part of the bill.

Mr. KNOWLAND. Mr. President, will the Senator from Utah yield?

Mr. WATKINS. Mr. President, I expected to hear from California. I cannot quite understand the combination of California and New England in trying to stop some of the defense industries from being located in some of the other States. It seems to me the situation should be such that the Communists could not find our defense industries concentrated in more or less restricted areas. They should be spread over the United States for the good of the United States.

The Government has now spent many billions of dollars for the construction of defense plants. Those plants should not be scattered around as a matter of politics, but they should be located where they will be the least vulnerable and will help the United States in its vital defense program.

I urge all Senators to vote against the motion to table.

I came in late; I think that is the correct procedure.

Mr. BENNETT. That is correct.

Mr. WATKINS. I think this is the only time within my memory when a motion to lay on the table could be debated.

Mr. BENNETT. Mr. President, I realize that this discussion could go on and on, and that my offer to bring the question to a head could be lost. Senators have already spoken at some length. I shall restrain my desire to comment on what they have said in their turn.

I renew my suggestion that all time be yielded back and that the Senate proceed to vote.

The PRESIDING OFFICER. Are the Senators in control of the time ready to yield back the remainder of their time?

Mr. BUSH. If my friend, the Senator from Arkansas, will be indulgent with me, I shall be glad to do so.

Mr. FULBRIGHT. Yes. We will yield back the remainder of the time on this side if the Senator from Connecticut will yield back the remainder of his time.

The PRESIDING OFFICER. Both sides having yielded back the remainder of their time, the question is on agreeing to the motion of the Senator from Connecticut [Mr. Bush] to lay on the table the amendment on page 3, line 10.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HOLLAND. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

Alken	Carlson	Ervin
Allott	Case, S. Dak.	Flanders
Anderson	Chavez	Frear
Barrett	Cotton	Fulbright
Bender	Curtis	George
Bennett	Dirksen	Goldwater
Bush	Dworshak	Gore
Butler	Ellender	Hayden



Hickenlooper	Magnuson	Saltonstall
Hill	Malone	Schoeppel
Holland	Mansfield	Scott
Hruska	Martin, Pa.	Smathers
Jackson	McCarthy	Smith, Maine
Jenner	McClellan	Smith, N. J.
Johnson, Tex.	Millikin	Sparkman
Johnston, S. C.	Morse	Stennis
Kennedy	Mundt	Symington
Kerr	Murray	Thye
Knowland	Neuberger	Watkins
Kuchel	O'Mahoney	Wiley
Laird	Pastore	Williams
Langer	Payne	Wofford
Lehman	Potter	
Long	Purtell	

Mr. JOHNSON of Texas. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. CLEMENTS], the Senator from Texas [Mr. DANIEL], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Rhode Island [Mr. GREEN], the Senator from Missouri [Mr. HENNING], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Michigan [Mr. McNAMARA], the Senator from Oklahoma, [Mr. MONRONEY], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

The Senator from West Virginia [Mr. NEELY] is necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Ohio [Mr. BRICKER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from New Jersey [Mr. CASE], the Senator from Idaho [Mr. WELKER], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART], the Senator from Pennsylvania [Mr. DUFF], and the Senator from Iowa [Mr. MARTIN] are absent on official business.

The Senator from New York [Mr. IVES] is absent because of illness.

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

The question is on agreeing to the motion of the Senator from Connecticut to lay on the table section 4, the committee amendment. A vote in the affirmative is in support of the motion of the Senator from Connecticut. A vote in the negative is a vote to retain section 4.

Mr. FULBRIGHT. The committee amendment.

The PRESIDING OFFICER. The committee amendment.

All time having been yielded back, the yeas and nays having been ordered, the clerk will call the roll.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. If I understood the statement of the Chair, if a Senator favors dispersal, his vote should be "nay." If he is against dispersal—

Mr. KNOWLAND. Mr. President, a point of order. That is not a parliamentary inquiry; that is joining debate again.

The PRESIDING OFFICER. If a Senator votes in the affirmative, he votes for the motion of the Senator from Connecticut to lay on the table section 4. If

a Senator votes in the negative, he, in effect, votes against the motion of the Senator from Connecticut, leaving section 4, the committee amendment, for consideration.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. CLEMENTS], the Senator from Texas [Mr. DANIEL], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Rhode Island [Mr. GREEN], the Senator from Missouri [Mr. HENNING], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Michigan [Mr. McNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

The Senator from West Virginia [Mr. NEELY] is necessarily absent.

On this vote, the Senator from Nevada [Mr. BIBLE] is paired with the Senator from Rhode Island [Mr. GREEN]. If present and voting, the Senator from Nevada would vote "nay," and the Senator from Rhode Island would vote "yea."

I further announce that, if present and voting, the Senator from Kentucky [Mr. CLEMENTS], the Senator from Texas [Mr. DANIEL], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Missouri [Mr. HENNING], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. MONRONEY], the Senator from West Virginia [Mr. NEELY], and the Senator from Virginia [Mr. ROBERTSON] would each vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Ohio [Mr. BRICKER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from New Jersey [Mr. CASE], the Senator from Idaho [Mr. WELKER], and the Senator from North Dakota [Mr. YOUNG], are necessarily absent.

The Senator from Indiana [Mr. CAPEHART], the Senator from Pennsylvania [Mr. DUFF], and the Senator from Iowa [Mr. MARTIN], are absent on official business.

The Senator from New York [Mr. IVES] is absent because of illness.

If present and voting, the Senator from Pennsylvania [Mr. DUFF] would vote "yea."

On this vote, the Senator from New Hampshire [Mr. BRIDGES] is paired with the Senator from Idaho [Mr. WELKER]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Idaho would vote "nay."

Also, on this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Iowa [Mr. MARTIN]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Iowa would vote "nay."

The result was announced—yeas 20, nays 50, as follows:

## YEAS—20

Bender	Knowland	Pastore
Bush	Kuchel	Potter
Butler	Lehman	Purtell
Flanders	Magnuson	Saltonstall
Jackson	Martin, Pa.	Smith, N. J.
Jenner	Morse	Williams
Kennedy	Neuberger	

## NAYS—50

Aiken	Goldwater	Millikin
Allott	Gore	Mundt
Anderson	Hayden	Murray
Barrett	Hickenlooper	O'Mahoney
Bennett	Hill	Payne
Carlson	Holland	Schoeppel
Case, S. Dak.	Hruska	Scott
Chavez	Johnson, Tex.	Smathers
Cotton	Johnston, S. C.	Smith, Maine
Curtis	Kerr	Sparkman
Dirksen	Laird	Stennis
Dworschak	Langer	Symington
Ellender	Long	Thye
Ervin	Malone	Watkins
Frear	Mansfield	Wiley
Fulbright	McCarthy	Wofford
George	McClellan	

## NOT VOTING—25

Beall	Douglas	McNamara
Bible	Duff	Monroney
Bricker	Eastland	Neely
Bridges	Green	Robertson
Byrd	Henning	Russell
Capehart	Humphrey	Welker
Case, N. J.	Ives	Young
Clements	Kefauver	
Daniel	Martin, Iowa	

So the motion to lay on the table was rejected.

The PRESIDING OFFICER (Mr. SCOTT in the chair). The question is on agreeing to the committee amendment.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KUCHEL. I have an amendment which I should like to offer to the committee amendment. My amendment is in the nature of a substitute for the committee amendment. Is my amendment in order now?

The PRESIDING OFFICER. It is in order.

Mr. KUCHEL. Then, Mr. President, I send my amendment to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from California to the committee amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment on page 3, beginning in line 13, it is proposed to strike out all through line 6, on page 4, and to insert in lieu thereof the following:

The Congress hereby declares that the policy, criteria, and responsibilities set forth in Defense Mobilization Order I-19, dated January 11, 1956, furnish an adequate and desirable program with respect to dispersion and protective construction of new facilities and major expansions of existing facilities important to national security.

Mr. KUCHEL. Mr. President, the subject before the Senate is one of prime importance. Because of the last yeas-and-nays vote, I most respectfully urge Members of the Senate to adopt the amendment I have offered as the best means of expressing its approval of a sound policy of dispersion with respect to defense contracts. My amendment would incorporate by reference the present dispersal policy, carefully written and adhered to by the Government of

the United States, as initiated by the Office of Defense Mobilization last January.

A series of dispersal orders has been issued by the Federal Government. We need a sound policy of dispersal in the United States. What constitutes a sound policy of dispersal? Obviously, geographical effect is important, but there are other factors. One important factor would be, What is the situation with respect to each area of the country with regard to available employment? Another would be, If a defense industry is now located in a particular State, should it be taken away and located in another part of the country, to the economic detriment of the original State?

The Office of Defense Mobilization says that the effect on the economy of an area engaged in defense industry is important. Of course, it is important. The question of a sound policy of dispersal must include the effect which it has upon the economy of the country at large, and upon the economy of the various segments of our country which now, happily or unhappily, are engaged in defense production. I sincerely suggest to Senators that the language which is written into the pending bill, and which attempts to lay down a policy of dispersal, is not well considered so far as the verbiage that is used is concerned.

Yesterday I introduced into the RECORD the text of the present order of the Office of Defense Mobilization on dispersal. It appears at page 10778 of the RECORD.

I also introduced into the RECORD the verbiage of section 4 of the pending bill, which attempts to write a policy of dispersal. I commend to Members of the Senate a reading of those two documents. Senators will find on page 10778 a very carefully written policy which now guides the Government of the United States with respect to dispersal. Let me read from it:

1. Policy: It is the policy of the United States to encourage and, when appropriate, to require that new facilities and major expansions of existing facilities important to national security be located, insofar as practicable, so as to reduce the risk of damage in the event of attack; and to encourage and, when appropriate, require the incorporation of protective construction features in new and existing facilities to provide resistance to weapons effects suitable to the locations of said facilities.

2. Criteria:

(a) The distance of a facility from the probable area of destruction is the controlling factor in reducing the risk of attack damage to such facility. In determining the appropriate distance consideration will be given to all relevant factors, including:

(1) The most likely objects or targets of enemy attack, such as certain military, industrial, population, and governmental concentrations.

(2) The size of such targets.

(3) The destructive power of a large yield weapon or weapons suitable to the particular target.

(4) The gradation of pressures and thermal radiation at various distances from an assumed point of detonation.

(5) The characteristics of the proposed facility, including underground and built-in protective construction features, with respect to its resistance to nuclear, chemical, and unconventional weapons.

(6) The degree of damage which a facility could sustain and still remain operable.

(7) The ground environment or natural barriers which might provide added protection to the facility.

(8) The economic, operational, and administrative requirements in carrying out the function for which the facility is to be provided.

(b) While no single distance standard and no single set of protective construction specifications against nuclear, chemical, and unconventional weapons are feasible for all situations, the above factors will be applied so as to achieve the most protection practicable for a specific situation.

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

Mr. KUCHEL. I yield myself 5 more minutes.

Those are the careful, discriminating standards and criteria which have been established in the Executive order. I submit that if the Senate is ready to approve a policy of dispersal in the interest of all the people of the United States, we should accept those standards, rather than the alternative which is before us in the pending bill.

The Department of Defense, speaking through the Department of the Air Force, opposes the language of the bill as it now stands. I ask the Senators to read it. It consists of a series of criteria for the guidance of the executive branch of the Government. It says, in general terms:

In order to insure productive capacity in the event of such an attack on the United States, it is the policy of the Congress to promote the geographical dispersal of the industrial facilities of the United States in the interest of the national defense, and to discourage the concentration of such productive facilities within limited geographical areas which are vulnerable to attack by an enemy of the United States.

I call this language particularly to the attention of Senators:

In the construction of any Government-owned industrial facilities, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facilities, and in the procurement of goods and services, under this or any other act, each department and agency of the executive branch shall apply—

That is mandatory—

under the coordination of the Office of Defense Mobilization, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense. Nothing contained in this paragraph shall preclude the use of existing industrial facilities.

The Department of the Air Force, speaking for the Department of Defense, says it cannot work under this amendment. It says there will be such a multiplicity of questions as to what is to apply, and how it is to apply, that the administration of the act will be bogged down in endless redtape.

If the time has come for Congress to say, "We embrace a sound policy of dispersal," then the adoption of the amendment which I have offered is the way in which to do it.

My amendment refers to the carefully worded order issued by the Office of De-

fense Mobilization on the subject of dispersal, and, by referring to it, approves it.

I very strongly urge that in a matter of this extreme importance, language which has been tested by all the agencies should be adopted, instead of throwing it all overboard and substituting language which is susceptible of the widest kind of interpretation, such as the language in the bill as it is now written.

I ask Senators to vote in favor of the amendment I have offered.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes. I have 2 or 3 comments to make. The Senator from California is seeking to write into law regulations which now exist in the Office of Defense Mobilization. There is nothing wrong with the regulations, except that they are regulations of an administering body and are, very properly, subject to change as conditions change.

The Senator from California fails to make a distinction between administrative regulations and policy. Congress is charged with creating policy as guidance for administrative agencies.

Therefore, Mr. President, I believe it would be a great mistake for us to write in the greatest detail the criteria of an order. Not only in this instance, but in other instances, under our system of Government, we make a distinction. We create the broad policy—and it is properly broad in this particular matter.

The Bennett amendment is intentionally broad. It is broad in order to allow some leeway for the development of policy in accordance with conditions as they arise.

I have one other thought on the subject. The statement has been made that the Bennett amendment contains no restrictions whatever. In two different places the amendment specifically says "in the interest of national defense."

It is not a wide open application of policies of dispersal, unless it relates to national defense. At the moment I cannot think of any plants which would not be concerned with national defense. But perhaps there are some. If there are, this amendment would not apply where such plants have no relation to national defense.

I submit, in the first instance, that the language is not wide open without any proper limitations. I also say again that the amendment offered by the Senator from California was not submitted to the committee. It has not been considered by the committee or by the Defense Establishment or by anyone else. It would be very unwise and very bad practice to accept the amendment without the study that should be made of it.

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

Mr. FULBRIGHT. I yield.

Mr. KUCHEL. The objective which I seek is the incorporation in the bill of the present Executive order under which the agencies of the Department of Defense conduct their business.

Mr. FULBRIGHT. The Senator is quite right. I believe the order was drawn in January. There is nothing wrong with the order, so far as I know. However, it is very bad practice to write into law an order that is drawn up for application at a particular moment.



The criteria have been changed as the conditions in nuclear warfare and in other methods of warfare have changed. That was proper. If the Senator will compare the criteria to which he refers with those that existed 2 or 3 years ago, he will find a very substantial difference, and properly so. I have no objection to the regulations as regulations, but I do object to incorporating them into law. That would be an exceptionally bad practice for the Senate to adopt.

Mr. KUCHEL. However, it seems to me it would be tragic to use the language which the Senator has written into the bill, in which the word "shall" is used in connection with geographical dispersal. It is mandatory. Geographical dispersal is made the basic reason for awarding any type of defense contract.

Mr. FULBRIGHT. I remind the Senator that most of the laws which have been passed by Congress are mandatory. That is characteristic of law.

The committee amendment provides "when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense," and so forth.

I do not know what further restrictions can be applied. Of course, it is mandatory, and it is very properly mandatory. I submit the amendment is properly drawn and is a very proper amendment.

SEVERAL SENATORS. Vote! Vote!

Mr. KUCHEL. I yield 5 minutes to the Senator from Connecticut.

Mr. BUSH. Mr. President, I rise to support the amendment offered by the distinguished junior Senator from California. I urge Senators to support his amendment as being an amendment far preferable to the one which was under discussion earlier today, which had been offered in committee by the Senator from Utah, and which is now contained in the bill as a committee amendment.

I had intended to offer a perfecting amendment, but have concluded to defer to the amendment offered by the Senator from California.

However, in the hope that my suggested amendment might be of help in conference in connection with this particular question, I now ask unanimous consent that my explanation of my suggested perfecting amendment and a copy of the amendment as it would read be incorporated in the RECORD at this point in my remarks.

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

#### STATEMENT BY SENATOR BUSH

##### EXPLANATION OF PERFECTING AMENDMENT

This amendment will recognize geographical dispersal of essential defense industry as one among several criteria to be applied in determining the location of new industrial facilities of that nature, in cases where construction of such facilities is to be aided by Federal guaranty or direct loan.

By listing the major factors to be considered, including dispersal, the amendment places the importance of dispersal in proper perspective, instead of overemphasizing its importance, as I fear the committee amend-

ment would do. My amendment brings the situation more in line with existing policies of the executive branch by considering dispersal as one among many other important items in deciding upon location of new industrial facilities essential to national security. My amendment also follows the pattern of the National Security Act of 1947 by limiting its application to industrial facilities essential to national security. As rewritten by the Congress as recently as 1954 by the act of September 3, 1954, the pertinent portions of section 103 of the National Security Act of 1947 provide as follows:

"It shall be the function of the Director of the Office of Defense Mobilization to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

"(6) The strategic relocation of industries, services, Government, and economic activities, the continuous operation of which is essential to the Nation's security" (50 U. S. C., Supp. III, sec. 404).

This is existing law.

The committee amendment, on the other hand, would apply the test of geographical dispersal to (1) all procurement of goods and services by the Federal Government, (2) all Government financial assistance for construction, expansion, or improvement of any industrial facilities, and (3) construction of all Government-owned facilities. In my opinion this is far too broad in scope. My perfecting amendment would limit the application of the dispersal principle to reasonable bounds.

For convenience of reference, a copy of the committee amendment as modified by my perfecting amendment follows, showing additions by italic and deletions by brackets:

"In order to insure productive capacity in the event of such an attack on the United States, it is the policy of the Congress to [promote] *have due consideration given, among other factors, to the geographical dispersal of the industrial facilities of the United States in the interest of the national defense, in instances where the continuous operation of such facilities is essential to the Nation's security.* [and to discourage the concentration of such productive facilities within limited geographical areas which are vulnerable to attack by an enemy of the United States.] In the construction of any Government-owned industrial facilities, *the continuous operation of which is essential to the Nation's security, and in the rendition of Government financial assistance by way of direct loan or guaranty for the construction, expansion, or improvement of any such industrial facilities [ and in the procurement of goods and services, under this or any other act], each department and agency of the executive branch [shall apply], under the coordination of the Office of Defense Mobilization, when practicable and consistent with existing law and the desirability for maintaining a sound economy, shall give due consideration to the following factors, among others:*

- "(a) achievement of geographical dispersal;
- "(b) convenient availability of production materials;
- "(c) adequacy and productivity of labor;
- "(d) proximity to supply of capable labor available for defense work as production for civilian use dwindles during a national emergency;
- "(e) availability of adequate industrial fuel;
- "(f) sufficiency of transportation facilities;
- "(g) proximity to markets for end products;
- "(h) adequacy of distribution facilities;
- "(i) dependable availability of power and water;

"(j) acceptability of living conditions, including adequacy and reasonableness of cost to users of housing and community facilities;

"(k) availability of adequate sites;

"(l) favorability of construction cost of facilities and appurtenant housing and community facilities;

"(m) acceptability of climate;

"(n) accessibility to servicing, repair and replacement facilities for machinery, components and parts;

"(o) ability to meet deadlines for timely delivery of end products at specified places;

"(p) overall economy and efficiency of operation;

"(q) acceptability of tax structure; and

"(r) effect of pertinent State and local laws and regulations.

[The principle of the geographical dispersal of such facilities in the interest of national defense.] *Every effort will be made to require the use of existing facilities in lieu of constructing new industrial facilities of the type described above in this section. [Nothing contained in this paragraph shall preclude the use of existing industrial facilities.]*"

SEVERAL SENATORS. Vote! Vote!

Mr. BUSH. Mr. President, I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I shall be glad to yield back the time on this side.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. KUCHEL]. [Putting the question.] The "noes" appear to have it.

Mr. KUCHEL. Mr. President, I ask for a division.

On a division the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. KNOWLAND. Mr. President, is there any time allotted on the committee amendment?

The PRESIDING OFFICER. There is 30 minutes time to each side.

Mr. KNOWLAND. Mr. President, I wish to speak very briefly. The Senate has voted on the motion to table, and I hope that some Senators who were not here during the debate on the motion to table are present at this time.

In the first place, Mr. President, the committee amendment is very far reaching and is new to legislation in the way it is being presented. For the first time it draws a criterion in law for a geographical dispersal, and then it goes to such an extent as to provide:

In the construction of any Government-owned industrial facilities, in the rendition of any governmental financial assistance.

I believe those words are sufficiently broad to prohibit small business loans to an existing manufacturing plant in an area which might be deemed by some executive to be an area subject to atomic attack or any other enemy attack. It might prohibit such a plant receiving a loan to produce parts which might be supplied to a larger manufacturer.

Reading further, Mr. President—

In the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facilities, and in the procurement of goods and services, under this or any other act.

And so forth. It not only relates to defense production, such as planes or tanks or guns, but I believe it is so broad that it would apply to general manufacture in the United States.

Mr. President, I say, most respectfully, that in the event the amendment is made a part of the bill, I hope the question will go to conference, and that the conferees will give it attention, because although I know it is not the intent of the authors of the proposal, I think we have here the makings of a corporate state whereby the central government will move in and to a degree control industry. Up to this time, under the system we have followed we have built this Nation from a small colony of 3 million population on the Atlantic seaboard to a great Nation of 165 million, extending from the Atlantic to the Pacific, and have made it the most productive Nation the world has ever known, with the largest force of workers ever employed in our Nation's history; but now, Mr. President, it is proposed that management be transferred to Government. We are legislating not for this administration or for the one which may follow it. We may be setting a precedent for a long time to come.

This bill, without this amendment, passed the House of Representatives on May 31. This amendment, so far as the general public knew, was not the matter under consideration when the committee met. The meetings were called for consideration of the extension of the Defense Production Act. From one end of this country to the other, Mr. President, I believe the people have not had adequate notice. I believe that had they known an amendment of this far-reaching character would be under consideration, they would have asked to be heard in each of the 48 States of the Union.

I respectfully say, again, Mr. President, that I think we are driving an opening wedge to transfer private management, which, under our free enterprise system, has built this Nation and built each of our 48 States, into the hands of the Federal Government, and we may find some subordinate official laying down criteria and saying that the Congress of the United States has given him a blank check.

I hope the legislative history of this measure will be such that it will not be possible to put the stamp of approval upon that kind of thing, because, otherwise, what we do will rise to plague us in years to come, and it may very well be, as in the case of Italy under Mussolini, that vast powers will be exercised by the Federal Government. Then it will be said, "If you move the plants, you must be able to move the labor, because the plants without labor will not be effective."

There would be a chain reaction going far beyond anything which the authors of the bill or any Senator who voted on the motion to table ever recognized as even a possibility.

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

Mr. KNOWLAND. I yield.

Mr. BUSH. Mr. President, I wish to congratulate the Senator from California upon his remarkable speech. I think he has put his finger on an element which

has not been brought out previously in the debate. I certainly wish to concur in the sentiments which he has expressed. I think the amendment represents a danger which we did not consider in the committee at all and which has not been heretofore considered on the floor in connection with this issue. I hope Senators will give consideration to the dangers referred to by the Senator from California which, as he so ably points out, are inherent in the pending measure.

Mr. BENNETT. Mr. President, I wish to make the observation that we are extending the Defense Production Act for 2 years, and there will be ample opportunity 2 years from now to review the situation, if experience proves that it is so frightening as the speech of the Senator from California would indicate.

Mr. FULBRIGHT. Mr. President, I wish to say 1 or 2 things by way of commenting on the speech of the Senator from California.

The present administration is trying to follow, in many respects, the same policy as that which is set forth in the bill. The Air Force is the only segment of the administration that has shown any disagreement with this amendment. It says it agrees with the policy, but it objects to the inclusion of this particular provision in the bill. But the Secretary of Commerce, Dr. Flemming of ODM, and Mr. Val Peterson of the Civil Defense Administration have recorded themselves in favor of the pending amendment.

It seems rather strange that no one in the present administration has been conscious of this great danger to our private enterprise system which has been indicated by the Senator from California. Or are we to believe that the Senator from California has lost all confidence in this administration and is not willing to trust it with the administration of this program?

Mr. KNOWLAND. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. KNOWLAND. I happen to believe in a government of laws, and not of men, regardless of the administration that may be in power. We in the Congress are a coordinate branch of the Government and a coequal branch of the Government. We have an obligation not even inadvertently to surrender any power to the Federal Government which may be used 5 or 10 or 20 years from now to destroy or to modify greatly what I think has been our great productive capacity growing out of our economic system.

Mr. FULBRIGHT. Mr. President, I think the Senator from California misunderstands the amendment completely. This amendment does not apply at all except in those instances where a company is seeking assistance from the Government.

In view of the enormous contributions of the Federal Government to the State of California, I think the Senator should not be too fearful of a program in which the Federal Government participates. Airplane plants, aluminum plants, and other plants in the State of California, built by the Federal Government, have been a great addition to the economy,

not only of California, but of the whole Nation. I do not think there is anything inherently bad about that.

Mr. KNOWLAND. I am not speaking today as a Senator from California, but as a Senator of the United States.

I did not understand that the amendment was for the purpose of distributing industrial plants around the Nation; I thought the purpose was to promote the national defense.

Mr. FULBRIGHT. The Senator has had his say. I was about to say that it amazes me, inasmuch as the Senator from California has shown an interest in the defense of the country, and in building up the defense, that because this particular aspect might affect specific localities, he is unwilling to recognize the main objective; namely, that this provision relates to the national defense. The objective and the incentive for the proposed legislation and the Bennett amendment are quite clear.

This amendment follows the recommendations of the administration. The three persons whom I have mentioned—Mr. Peterson, the Administrator of Civil Defense; Secretary of Commerce Weeks; and Mr. Flemming, Director of the Office of Defense Mobilization, and also the Nelson committee, which was appointed by ODM for the specific purpose of examining into this policy—all recommend that for the defense of the country, in case of an atomic attack, the dispersal policy is fundamental and essential.

It is true that such a policy will have local effects. All our policies have local effects when they are applied. But the objective of the bill and of the amendment offered by the Senator from Utah is to increase the national defense. They are designed to be in the interest of the national defense.

To put it very simply, as I stated in my opening remarks, the purpose of the bill is to carry out the principle of not putting all our eggs in one basket. If all our airplane production, or a very large part of it, is to be in a small area outside Los Angeles, that area will be a very inviting target in case of war. If an enemy should succeed in dropping one bomb accurately on that area, the Nation's aircraft production would be paralyzed.

The bill does not provide for the moving of any established plants. It is really very modest in its objectives. It merely provides that in the building of new plants, if the builders seek to obtain assistance from the Government, the Government shall consider the principle of dispersion and shall seek in the interest of national defense, to disperse the plants, so that all of them, or a very substantial number of them, will not be located in a place which is subject to destruction by a single raid.

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

Mr. FULBRIGHT. I yield myself 2 additional minutes.

The proposal is a very modest one. It writes into the law policies which the administration is already seeking to carry out, but which the Nelson committee and officials of the administration have said is moving too slowly, because



not sufficient attention is being paid to it. The administration, therefore, has agreed that Congress should accept and adopt this policy by writing it into the law, in order to strengthen the administration's application of the program.

I think it is very strange, indeed, that the Senator from California should build up mythical bugaboos to the effect that the intention is to turn the Nation into a corporate state, because this is a very modest provision in the bill.

Mr. MUNDT. Mr. President, will the Senator yield me 5 minutes?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from South Dakota.

Mr. MUNDT. Mr. President, since it appears that we are now all talking for the record and are making the legislative history to be read by those who are charged with the responsibility of administering the act, I shall comment briefly in connection with this legislative history.

First, I congratulate the distinguished chairman of the Committee on Banking and Currency [Mr. FULBRIGHT] for having included this amendment in the bill. It is very clear that the amendment applies only to those operations and functions of the Government which are owned and operated or are supported or financed by the Federal Government. It will have no impact upon the private industry of this country.

I am glad the Senate voted on the amendment relating to the present dispersal criteria, and that the legislative history shows that the Senate emphatically rejected those criteria when they were presented in amendment form. I think the Senate rejected them in part because of the very valid and persuasive argument advanced by the Senator from Arkansas. I think they were rejected in part also because they are not sufficiently effective to do the job. Had the dispersal criteria which the junior Senator from California [Mr. KUCHEL] sought to have included in the law by amendment been sufficiently effective, the committee would never have had to submit this committee amendment now before us for approval.

The committee submitted its amendment because there was something lacking in the law, and the administrative criteria, namely, a sufficient recognition of the importance of geography in those criteria. I feel certain the committee found it necessary to make this new amendment because of these inadequate criteria. It is now a mandate of the Senate, however, to place more emphasis on geography in dispersal of defense industries. It is now a legislative recital of the determination of Congress and the appropriation bodies of Congress that geography be recognized as one of the great methods by which defense industries which are defensible can be established. We do not want them concentrated in a few choice target areas.

I am glad the Senate has had its yeas-and-nay votes on these matters. I am glad we have had this discussion. I do not think we need to fear, despite the arguments envisioned by my good friend from California [Mr. KNOWLAND], that the adoption of the amendment will certainly bring about a great govern-

mental movement of people from coastal areas to the interior of the Nation. Nevertheless, we have a right to hope that it will stop the continuing drain of young people from the middle part of America to the coastal areas.

California, the East, and other areas of the Nation are heavily populated with the sons and daughters of rural America, who were forced to leave their home States to secure employment in defense industries—a fact which up to now the Department of Defense has pretty well ignored. I repeat, the word is "ignored." The Middle West has been pretty well ignored in the locating of defense fabricating plants. The defense plants are supported by all the taxpayers, not merely the taxpayers of the coastal States which now have a plethora of defense industries.

The committee and the Senate have acted wisely in solidifying in the law the determination of Congress, at long last, to have the dispersals made throughout the country, so that the plants can be defended without undue added expense under the national defense program, and so that there will be some element of equity from the standpoint of placing tax-supported industries in various tax-paying areas of the Nation.

I hope those who will evaluate and administer this law will, from a reading of the Record, note well the fact that the present criteria were rejected when they were brought before us in amendment form. They were inadequate to do the job. We have a right to expect better performance in the future under this new law.

Mr. JENNER. Mr. President, on the committee amendment I ask for the yeas and nays.

The PRESIDING OFFICER. Is all time on both sides yielded back?

Mr. FULBRIGHT. I will yield back the remainder of my time if the Senator from California will yield back his remaining time.

Mr. KNOWLAND. On the committee amendment?

Mr. FULBRIGHT. Yes.

Mr. KNOWLAND. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is on agreeing to the committee amendment. [Putting the question.]

The Chair is in doubt.

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

Mr. BUSH. Mr. President, will the Chair repeat his decision?

The PRESIDING OFFICER. The Chair did not announce the result.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Hickenlooper	Mundt
Allott	Hill	Murray
Anderson	Hruska	Neuberger
Barrett	Jackson	O'Mahoney
Bender	Jenner	Payne
Bennett	Johnson, Tex.	Potter
Bush	Johnston, S. C.	Purtell
Carlson	Kerr	Schoeppel
Case, S. Dak.	Knowland	Scott
Chavez	Kuchel	Smith, Maine
Cotton	Laird	Smith, N. J.
Dworshak	Langer	Sparkman
Ellender	Lehman	Stennis
Ervin	Long	Symington
Flanders	Malone	Thye
Frear	Mansfield	Watkins
Fulbright	Martin, Pa.	Wiley
George	McCarthy	Williams
Goldwater	McClellan	Wofford
Gore	Millikin	
Hayden	Morse	

The PRESIDING OFFICER. A quorum is present.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS. I object.

The PRESIDING OFFICER (Mr. LAIRD in the chair). The question is on agreeing to the committee amendment beginning on page 3, in line 10, and ending on page 4 in line 6.

On this question, all time has been used.

The yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from Kentucky [Mr. CLEMENTS], the Senator from Texas [Mr. DANIEL], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Rhode Island [Mr. GREEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Michigan [Mr. McNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Rhode Island [Mr. PASTORE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL] and the Senator from Florida [Mr. SMATHERS] are absent on official business.

The Senator from West Virginia [Mr. NEELY] is necessarily absent.

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Massachusetts would vote "nay" and the Senator from Florida would vote "yea."

The Senator from Florida [Mr. HOLLAND] is paired with the Senator from Rhode Island [Mr. PASTORE]. If present and voting, the Senator from Florida would vote "yea," and the Senator from Rhode Island would vote "nay."

I further announce that if present and voting, the Senator from Nevada [Mr. BIBLE], the Senator from Kentucky [Mr. CLEMENTS], the Senator from Texas [Mr. DANIEL], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. MONRONEY], the Senator from West Virginia [Mr. NEELY], and the Senator from Virginia [Mr. ROBERTSON] would each vote "yea."

Also on this vote the Senator from Washington [Mr. MAGNUSON] would vote "nay."

Mr. KNOWLAND. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Ohio [Mr. BRICKER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from New Jersey [Mr. CASE], the Senator from Idaho [Mr. WELKER], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART], the Senator from Pennsylvania [Mr. DUFF], and the Senator from Iowa [Mr. MARTIN] are absent on official business.

The Senator from New York [Mr. IVES] is absent because of illness.

The Senator from Maryland [Mr. BUTLER], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Massachusetts [Mr. SALTONSTALL], are detained on official business.

On this vote, the Senator from New Hampshire [Mr. BRIDGES] is paired with the Senator from Idaho [Mr. WELKER]. If present and voting, the Senator from New Hampshire would vote "nay" and the Senator from Idaho would vote "yea."

Also, on this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Iowa [Mr. MARTIN]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Iowa would vote "yea."

I further announce that the Senator from Pennsylvania [Mr. DUFF] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from Nebraska would vote "yea."

The result was announced—yeas 48, nays 13, as follows:

## YEAS—48

A'ken	Gore	Morse
Allott	Hayden	Mundt
Anderson	Hickenlooper	Murray
Barrett	Hill	Neuberger
Bennett	Hruska	O'Mahoney
Carlson	Johnson, Tex.	Payne
Case, S. Dak.	Johnson, S. C.	Schoeppel
Chavez	Kerr	Scott
Cotton	Laird	Smith, Maine
Dworchak	Langer	Sparkman
Ellender	Long	Stennis
Ervin	Malone	Symington
Frear	Mansfield	Thye
Fulbright	McCarthy	Watkins
George	McClellan	Wiley
Goldwater	Millikin	Wofford

## NAYS—13

Bender	Knowland	Purtell
Bush	Kuchel	Smith, N. J.
Planders	Lehman	Williams
Jackson	Martin, Pa.	
Jenner	Potter	

## NOT VOTING—34

Beall	Douglas	McNamara
Bible	Duff	Monroney
Bricker	Eastland	Neely
Bridges	Green	Pastore
Butler	Hennings	Robertson
Byrd	Holland	Russell
Capchart	Humphrey	Saltonstall
Case, N. J.	Ives	Smathers
Clements	Kefauver	Weiker
Curtis	Kennedy	Young
Daniel	Magnuson	
Dirksen	Martin, Iowa	

So the committee amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. JOHNSON of Texas. Mr. President, I am willing to yield back the remainder of my time, with the understanding that the other side will do likewise.

Mr. MORSE. Mr. President, I should like to have 10 minutes on the bill.

Mr. JOHNSON of Texas. I yield 10 minutes to the Senator from Oregon.

Mr. MORSE. Mr. President, I wish to thank the Senate for accepting the committee amendment to section 701 (c). This was an amendment which I proposed in committee.

In my judgment, this amendment is the minimum action the Congress should take to provide some assistance to the small concerns in the country which are suffering from the heavy demands imposed by meeting our defense requirements.

I thank the Senator from Utah [Mr. BENNETT] for the cooperation and assistance he gave me in connection with this amendment. After committee discussion of the principle of the amendment, which was approved by the committee, the Senator from Utah and I worked out, with the assistance of legal counsel of the staff, the wording of the amendment.

I have received many requests for assistance from small firms which are unable to get materials in order to stay in business. Small contractors cannot bid on jobs because they cannot get certain types of steel—it is all going to the producers' subsidiaries. Small barge builders cannot get the kind of steel they need to provide cheap barge transportation—it is all going to the big companies, which find it easy to get both rapid tax amortization and the needed steel.

In the field of nickel, the same story is told again and again. Only 3 weeks ago the Small Business Committee held hearings on the subject of nickel. We heard platers and plating suppliers tell of their hardships. Their supplies have been reduced to a quarter of their supply in 1949 or 1950, and even at that they never can count on more than a month's supply. They do not know how their allocation is computed, or how it compares with their competitor's. All they know

is that each month they are told how much they can have for the next month. They can go out and buy more nickel—at two or three times the so-called market price, but their business does not allow for this kind of a margin. The big companies can afford it, and they are putting in their own plating equipment and integrating still further.

And what does the Government, which has caused this situation, do about it? The only hope the Government can offer is to wait 3 or 4 years until the latest expansion program announced May 17, 1956, gets going. In the meantime the ODM is diverting nickel from the defense stockpile. This is helpful to industry; I hope it is not toying with the national security.

Beyond this, the ODM and the Commerce Department can only agree on confusing the situation hopelessly.

On one hand, they state they are exercising no controls, on the theory, expressed by Dr. Flemming when the NPA orders controlling nickel were revoked, that "competition in a free market is a major factor in the maintenance of a strong and dynamic economy." Again and again Dr. Flemming and Secretary Weeks reiterate that there are no Government controls. And equally frequently they repeat that the present distribution is fair and equitable.

But when I heard the testimony of Mr. Mueller, Assistant Secretary of Commerce, and Mr. McCoy of the Commerce Department, and Mr. Wingate of the International Nickel Co., I had a very different impression.

Instead of there being no Government controls, I concluded there is now an informal voluntary agreement between Commerce, the International Nickel Co. and the few other minor producers, and the distributors of nickel to platers and other small users of nickel. Mr. McCoy's testimony on page 232 of the small business hearings made it clear that International Nickel agreed to carry on under the same arrangements as NPA had used. Mr. Wingate on pages 291 and 292 left no doubt that the other producers cooperated fully in this system. Mr. Hershman's testimony on page 235 and Mr. Wingate's testimony on page 296 made it clear that the suppliers to the plating industry shared in this arrangement. They have to, of course; if they did not cooperate, Inco would cut off their supplies.

What happens is that Inco assigns a quota to each of its customers. They start with the customers' orders in 1948-1950. Then Inco makes all kinds of adjustments—on the basis of Inco's estimate of the customers' needs, and the future prospects of the customer and so on, as described at length at pages 292-299 of the small business hearings.

Each customer is then required to say just how much he got from any supplier other than Inco. This is deducted from his allocation. This applies to the Government nickel from NICARO, as much as to any other.

Part of the original agreement was that the Commerce Department would be permitted to look at the books of the producers and suppliers to see whether the agreement was being carried out.



Listen to this quotation from the Commerce Department's report on nickel, issued in December 1955:

Question. What steps are taken by the Government to assure equitable distribution of nickel?

Answer. BDSA personnel conduct a monthly audit of nickel distributed by nickel producers in order to make sure that some nickel consumers do not get more than their fair share. This is done by BDSA personnel matching up the order boards of nickel producers in order to insure that consumers do not place duplicate orders with different suppliers. In addition, the order boards of the nickel plating suppliers are audited periodically. The most recent audit was conducted during September of this year. In this way any inequities can be corrected quickly.

Dr. Flemming thinks nickel is being distributed in the civilian market without Government controls—page 376. He calls what the Government does maintaining liaison. Perhaps he considers this Inco-run Government-assisted system "competition in a free market."

I cannot agree. I think even the best-run cartels in Europe must envy the situation into which the Government has placed the International Nickel Co., backing its control over the market, and lending its sanction and approval to this system.

I do not blame International Nickel for this situation. On the contrary, it seems to me that it is Secretary Weeks and Dr. Flemming who are primarily responsible, and they may well have not appreciated what they were doing.

Dr. Flemming may not appreciate how thorough is this Government control or Government support of Inco control. I suspect he does not. If he had appreciated it, he would not have said:

Formal control over the distribution of nickel in the civilian economy would bring a great many liabilities in its wake. Informal controls would create even more serious liabilities. If we are going to have controls, they should be formal controls, so that everyone knows the rules of the game" (p. 375).

Mr. Mueller of the Commerce Department, on the other hand, presumably knew what was going on, though even he does not seem to appreciate the result of the Government's actions. His view of this private voluntary agreement, sponsored and supervised by the Government, was shown by the following colloquy:

Mr. ODOM. So that you could say as between International Nickel Co. controlling that industry and the Government controlling the industry, you would rest it in the hands of International Nickel Co.; is that your testimony?

Mr. MUELLER. Well, as a matter of fact, that is the way it has been done, to a large extent.

Mr. ODOM. And you think that is the best procedure?

Mr. MUELLER. I think it is far preferable to the Government doing it.

This is not free competitive private enterprise. This is not a free market. This is not freedom from Government controls.

This is not freedom from governmental control. Every plater in the country knows that he is not engaging in a free enterprise industry. He knows he is being subjected to the monopolistic control

of the International Nickel Co., which, in turn, has the cooperation and assistance of, and in a very real sense, the approval of its practice by the United States Government.

If the nickel situation is so bad that such a system is necessary, I am convinced it should be run in an open, public way by Government orders, printed in the Federal Register, so that all who are affected can know what is being done, with formal procedures established for protests and appeals, and with definite lawful penalties for violations.

Mr. President, the little fellow does not have a chance against the exercise of discretion by the International Nickel Co. He takes the nickel it allows him, and he likes it, or he can go broke as a result of raising protests which may get him into difficulty when it comes to getting future supplies.

I think Dr. Flemming and Secretary Weeks can now take measures to assist the consumers of nickel, even under the present statute. In the first place, there are many forms of allocation short of control over the general distribution in the civilian market which they could now exercise regardless of the limitations imposed by section 101 (b) of the act. Furthermore, even Dr. Flemming agrees that the facts support a finding under section 101 (b) warranting the exercise of control over the general distribution of nickel in the civilian market—Defense Production Act hearings, pages 37-38.

The amendment is desirable, in my view, to make it clear that the President has a duty, when the needs of defense bring about a situation like the nickel situation today, to review the situation carefully, and to look into all the many forms of control which he might exercise, and then to take whatever action will best remedy the situation.

This amendment is no iron maiden. It does not handcuff the President and compel him to take needless or harmful action. The provision is loaded with escape clauses. I realize that the Congress cannot specify just what form of relief would be best in a complicated and changing situation. Even if we could devise the best system in the world for today's situation, tomorrow's problem would be different and would call for a different solution.

What the amendment does is to make it clear that the President should not wash his hands of responsibility for a situation created by the needs of defense.

What the Senate has done this afternoon, in my judgment, is to give long-overdue assistance to small-business men, particularly those in the plating industry, so far as the nickel business is concerned. Under the amendment, the President has the clear authority and, in my judgment, the charge of duty to come to the assistance of these small-business men when the facts make it perfectly clear that they are entitled to relief.

The PRESIDING OFFICER. Do both sides yield back the remainder of their time?

Mr. HRUSKA. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of

my remarks, a statement which I prepared on H. R. 9852.

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

#### STATEMENT BY SENATOR HRUSKA

The time is most opportune to give new impetus to a well-considered policy of industrial dispersion which will not disrupt or dislocate our existing industrial installations.

It is appropriate first that we assess a policy of industrial dispersion as another addition to our arsenal of military weapons. Senators have heard many speeches and much testimony before their committees in recent weeks on the relative merits of certain items of military hardware over others. Such discussion is aimed at bringing our Military Establishment to the highest peak of striking power possible.

A policy of industrial dispersion should, in my opinion, be discussed in the same light. Industrial dispersion is a sound investment for our defense dollar.

The potential of aggressor nations' destructive power increases daily. I need not detail the destruction with which we would be threatened in case of attack by an enemy.

The importance of dispersion has increased as man has devised weapons of war with ever greater destructive power. Unnecessary concentration of our industrial facilities is a neglect of a vital part of our defense program.

Industrial dispersion is, of course, not the complete solution to our problems of vulnerability but it is an integral part of any modern mobilization program. As such, it should be so recognized by a declaration of policy by Congress such as is proposed.

It is also appropriate that the Senate make such a declaration of policy at a time when our economy is at a high peak of prosperity. The vigor of our industrial community is at an alltime high. Plant modernization and expansion is proceeding at an unprecedented peacetime pace and there is little sign of a slackening.

Thus, a vigorous program of industrial dispersion can be initiated without disruption or dislocation of existing industrial installations.

The McGraw-Hill Publishing Co., in its eighth annual survey of industry, estimated recently that American industry will spend \$39 billion for plant modernization and expansion this year. That is a 30-percent increase over 1955.

Most of the large increases in capacity this year are in the field of manufacturing—with just under \$14 billion worth of capital spending scheduled for this year. Further, the manufacturing industry plans \$13.2 billion worth of capital spending in 1957. McGraw-Hill reports that around \$11 billion for plant and expansion already has been earmarked by manufacturers for 1958 and a like amount in 1959.

These figures show that the yield of an industrial dispersion program would be high. Despite the urgency of need for industrial dispersion, there is a practical limit to how much our industrial capacity can be dispersed within a given period. At this time, when our manufacturing community is extremely active in increasing capacity, that limit is comparatively high.

This is well attuned to the current problems and potentialities of our dispersion program. It would require those executive agencies concerned to apply the principles of dispersion in considering location of all new industrial facilities in which the Government renders financial assistance. It recognizes the undesirability of disrupting the great industrial complexes which are the backbone of our economy. But, at the same time, it declares that Federal funds will not be used in establishment of new industrial

installations to increase the vulnerability of established facilities.

This program, therefore, would do much to increase the protection of our established industrial capacity as well as to provide whatever measure of protection possible for new installations. In short, it would guard against making any target area any more critical than at present.

Techniques of industrial dispersion are well developed. The Departments of Defense and Commerce, the Office of Civil Defense, and the Office of Defense Mobilization have established dispersal criteria and methods of applying them to specific areas.

Industrial dispersion is no longer a yardstick matter. Taking into consideration the awesome destruction which can be wrought by nuclear weapons and the complications of fallout patterns, there can be established no scale of dispersion readily applicable to every situation.

Nevertheless, mobilization planners, on a case-by-case basis, have devised a technology of dispersion geared to the requirements for the maximum of practical protection.

A national policy of industrial dispersion was declared in August 1951. The first standards of proper spacing of industrial facilities soon became obsolete. But modernized dispersion criteria have become a major consideration for any company expanding its capacity through new plant construction.

Any additional encouragement Congress can provide this program would, Mr. President, increase the effectiveness of our industrial community in its potential role as a bulwark of our defense against attack. I urge that H. R. 9852, as reported by the committee, be passed.

Mr. JOHNSON of Texas. I am prepared to yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I wish to commend the Senator from Oregon [Mr. MORSE], because he did a great deal of work on the amendment, and I think he deserves much credit.

Mr. MORSE. Mr. President, I thank the Senator from Arkansas. Not in the spirit of reciprocity, but out of the depths of my heart, I say that the entire Senate is indebted to the Senator from Arkansas for the leadership he gave. This is a good bill, and the fact that it is a good bill is due in no small measure to the leadership of the Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator from Oregon.

The PRESIDING OFFICER. Is all time yielded back?

Mr. JOHNSON of Texas. I have yielded back my time, Mr. President.

Mr. PURTELL. We yield back our time, Mr. President.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H. R. 9852) was read the third time, and passed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS, 1957

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 10986) making appropriations for the

Department of Defense for the fiscal year ending June 30, 1957, and for other purposes.

#### CONVEYANCE OF CERTAIN LANDS TO THE CITY OF CHEYENNE, WYO.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 2220, Senate bill 2654.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2654) to authorize the Administrator of General Services to convey certain lands in the State of Wyoming to the city of Cheyenne, Wyo.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on Government Operations, with amendments.

Mr. O'MAHONEY. Mr. President, this bill is one of several which were objected to upon the last call of the calendar. This bill and the one to which I shall refer later were objected to by the Senator from Oregon [Mr. MORSE], who has since withdrawn his objection. The bill is noncontroversial.

Some 20 years ago the city of Cheyenne conveyed more than 600 acres to the Government for a Veterans' Administration center in that city. The bill transfers back to the city 90.2 acres for which the Veterans' Administration has no longer any need.

Mr. BARRETT. Mr. President, will my colleague yield?

Mr. O'MAHONEY. I yield.

Mr. BARRETT. Mr. President, I have received a letter from the mayor of Cheyenne, in which he says that 1,100 boys play ball in a field which is a part of the 90 acres the city is asking to have restored.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from the superintendent of schools of Cheyenne, Wyo., in connection with the location on the tract of a possible second senior high school.

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

CHEYENNE PUBLIC SCHOOLS,  
Cheyenne, Wyo., June 6, 1956.

HON. FRANK A. BARRETT,  
United States Senate,  
Washington, D. C.

DEAR FRANK: I am sure that you are aware of our interest in the land by the Veterans Hospital, east of Cheyenne. We have watched with interest the legislation to return this land to the city and have been in close touch with the present city officials. We have their verbal assurance that we will be given some land from the 400-plus acres that has been included in the first bill. This land would be used for an athletic stadium.

You are aware also that we were especially anxious to secure part of the additional 90 acres for the location of a possible second senior high school. This land is ideally located for such purposes. I am sure that you know the number of possible sites for a

building of the type necessary is quite limited.

The city officials have been quite cooperative, and we feel certain that should this additional land be returned to the city of Cheyenne, we would have no difficulty securing the site from them.

We are aware of your interest in our schools and will certainly appreciate anything you can do to aid us and the city in securing this property.

Respectfully yours,

SAM CLARK.

The PRESIDING OFFICER. The committee amendments will be stated.

The amendments of the Committee on Government Operations were, on page 1, line 3, after the word "That", to insert a comma and "subject to the provisions of section 2 (a) of this Act", and on page 2, after line 5, to insert:

SEC. 2. The deed of conveyance (1) shall provide that the tract of land authorized to be conveyed shall be used by the city of Cheyenne, Wyo., for such purposes as will not in the judgment of the Administrator of Veterans' Affairs or his designate interfere with the operation of the Veterans' Administration Center, Cheyenne, Wyo.; (2) may contain such additional terms, conditions, reservations, and restrictions as may be determined by the Administrator of General Services to be necessary to protect the interests of the United States; and (3) shall provide that title to such tract shall revert to the United States upon the violation by the grantee of any such term, condition, reservation, or restriction.

So as to make the bill read:

*Be it enacted, etc.,* That, subject to the provisions of section 2 (a) of this act, the Administrator of General Services is authorized and directed to convey by quitclaim deed, without consideration, to the city of Cheyenne, Wyo., all right, title, and interest of the United States in and to approximately ninety and two-tenths acres of land, together with any improvements thereon, which were formerly a part of the tract of land comprising the Veterans' Administration Center, Cheyenne, Wyo., and declared surplus to the needs of the Veterans' Administration, the exact description of which shall be determined by the Administrator of General Services.

SEC. 2. The deed of conveyance (1) shall provide that the tract of land authorized to be conveyed shall be used by the city of Cheyenne, Wyo., for such purposes as will not in the judgment of the Administrator of Veterans' Affairs or his designate interfere with the operation of the Veterans' Administration Center, Cheyenne, Wyo.; (2) may contain such additional terms, conditions, reservations, and restrictions as may be determined by the Administrator of General Services to be necessary to protect the interests of the United States; and (3) shall provide that title to such tract shall revert to the United States upon the violation by the grantee of any such term, condition, reservation, or restriction.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ORDER FOR RECESS TO MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in recess until next Monday at 12 o'clock noon.

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



## HOWARD SHARP BENNION

Mr. WATKINS. Mr. President, it is one of the tributes of the American way of life that a man may rise from humble circumstances—through events and challenges—to a position of greatness, worth, and spiritual well-being in our land. Such a man is inspirational to all of us, and in recounting something of the story of his life we are again reminded of the value of America and of the American spirit, while recognizing the worth of a citizen of whom we are proud.

Such a man is Howard Sharp Bennion, better known in the electrical utilities industry as "the Colonel."

In the fall of 1889, Howard Bennion was born—the third of nine children—to a couple then living in the little community of Vernon, Utah, a settlement that today numbers still no more than a hundred persons. Through the urging of the late great Utah Senator—Reed Smoot—the worth of this young man was recognized and the Republican Senator assisted him in procuring appointment to West Point's well-known United States Military Academy. Four years later Howard Bennion graduated—top man in his class.

In his military career, in the business career that followed, and in his lifelong devotion to his religion, Howard Bennion has lived a life of service. He is now a patriarch in the Church of Jesus Christ of Latter-day Saints—the Mormon Church. He has achieved fame and reputation in the electrical utilities field, to which—after 30 years of service as its spokesman—he recently announced his retirement. He has served long as vice president and managing director of the Edison Electric Institute, and the people of his native State are justifiably proud of Colonel Bennion and his great record of outstanding service.

Colonel Bennion's career and achievement is reviewed in a recent account in the New York Times, and I ask unanimous consent that that statement be made a part of my remarks. I am sure that many of my colleagues here will read with pleasure and profit this story of a great American.

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

A PATRIARCH LEAVES UTILITY FIELD AFTER 30 YEARS AS ITS SPOKESMAN—COL. HOWARD SHARP BENNION RETIRING TO SALT LAKE CITY AND MORMON WORK

ATLANTIC CITY, June 5.—The Nation's electric utilities honored here today their spokesman for the past 30 years.

Col. Howard Sharp Bennion, a patriarch of the Church of Jesus Christ of Latter-day Saints (Mormon) stepped down officially as vice president and managing director of the Edison Electric Institute. This brought to a close a career that has been one-third military and two-thirds industrial leadership and has remained throughout 100 percent devoted to his church.

The industry, recognizing this leadership, presented itself a 30-by-40-inch portrait of The Colonel painted for EEI by the artist, Thomas A. Stephens.

In his 30 years service Colonel Bennion has seen the industry's production multiply eight times to last year's record output of 545 billion kilowatt hours.

The outstanding characteristic of the man is his gentleness. Quiet, soft-spoken, almost shy, The Colonel, as he is known to utility leaders, was born in Vernon, Utah, on September 7, 1889, the third of nine children. Of Welsh, English and Scotch ancestry, Colonel Bennion's forebears were among the Mormon pioneers.

## RELIGION AND DANCING

His early education was interspersed with farm chores. He admits today that he was not much interested in such work, preferring reading, games and the religious activities that even today occupy much of his time.

"Families would take turns giving a dance in their homes," he recalled. "There would be one, possibly two, fiddlers. Neighbors would drive over by team and the dance would last all night. Small children would be put to bed. A supply of good food would more than meet the needs and after a hearty breakfast at sunrise the teams would be hitched up and the party would disperse."

For 40 years he has worn high-laced shoes, souvenirs of a pulled tendon at a dance in Washington.

## ALWAYS A STAR

The late Senator Reed Smoot, Republican of Utah, urged young Bennion to take an appointment to the United States Military Academy at West Point, which he entered in March, 1908. He was top man in his class (1912) and achieved a scholastic rating that ranks him with Gens. Robert E. Lee and Douglas MacArthur.

The Howitzer for 1912, West Point's year-book, said:

"Some men are born bright, others achieve brightness, and still others have brightness thrust upon them. Bennion suffers all three and, in consequence, has always been a star [West Point designation for those in the upper 2 or 3 percent of their class]. And, yet, how quiet and unassuming is the man from the sagebrush of Utah."

When he left the Point, he enrolled in the School of Army Engineers, from which he was graduated, again at the top of his class, in 1915. Lieutenant Bennion served 6 months in Texas during the Mexican border troubles, then was transferred to the Philippine Islands, where he headed a military survey of Luzon.

With America's entry into World War I, he became commanding officer of the 1st Battalion, 2d Engineers, and took that unit to France in 1917. At the age of 28 he was selected to organize the new Army Camouflage Service. In that capacity he wrote three manuals, many of whose principles are still basic Army doctrine.

For this service he received the Distinguished Service Medal. Later he was honored by France with membership in the Legion of Honor for rehabilitation work.

## ASSIGNED TO FPC

Postwar service with the Engineers at Washington slowly headed him to the world of electric utilities. Shortly after his marriage to Marian Norros Cannon in 1920, Colonel Bennion was assigned by the War Department to duty with the then new Federal Power Commission, a group with which he has had continuous dealings ever since.

On leave of absence in 1926 he became director of engineering for National Electric Light Association, predecessor of the Edison Electric Institute.

In that post he set the standards for his later job with EEI: "The efficiency of our association," he wrote, "depends on a widespread interchange of ideas and information. \* \* \* We are like sentries on outpost and frequently must decide whether there is time to call up the main body to attack the question at issue or whether we ourselves must engage it with the limited force at hand."

This has been pretty much the way Colonel Bennion has governed policies of EEI over the years.

He resigned from the Army later in 1926. When the NEIA was dissolved in 1933, he continued with the new EEI, and in 1939 he was elected vice president and managing director.

The 17 years that followed have seen the electric utilities pace the Nation's economy, pacing it and fulfilling its needs even during the unprecedented demands of wartime. During World War II, Colonel Bennion was approached many times with offers to return to high military posts, but he cast his lot with guidance of the war efforts of the utilities.

After the war, he helped lead the industry in battle against so-called socialized power. He also helped to make EEI a clearinghouse for nuclear-power information.

Today this quiet man embarks on a new career in which one of his top worries will be how to keep off excess weight.

"Over the years," he explains, "I've had no trouble keeping at 178 pounds because I've worked it off. Now I'm not sure what will happen."

Mrs. Bennion and the colonel leave for a trip through Western Europe and Greece and Israel ("Just to see them," he said) and then back to Salt Lake City where they will both keep active in their church work.

The official tribute read yesterday by Louis V. Sutton, president of the Carolina Power & Light Co., summed up the industry's attitude:

"No industry has ever been better served by an individual than the electric utility industry has been by Col. Howard Sharp Bennion. He has been our leader, our monitor, our good and useful servant. His vast abilities have won our admiration and our gratitude."

## CONVEYANCE OF TRIBAL LANDS OF THE WIND RIVER RESERVATION, WYO., TO THE UNITED STATES

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2253, Senate bill 3467.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3467) to authorize the conveyance of tribal lands from the Shoshone Indian Tribe and the Arapahoe Indian Tribe of the Wind River Reservation in Wyoming to the United States.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment.

Mr. O'MAHONEY. Mr. President, like the bill which was passed a few moments ago, this bill was objected to on the last call of the calendar by the Senator from Oregon [Mr. MORSE] in order that he might have an opportunity to examine it. He has examined it and has withdrawn his objection.

The purpose of the bill is to enable the Arapahoe and Shoshone Indians of Wyoming to transfer 388.23 acres to the Government of the United States, the Bureau of Reclamation, for the purpose of constructing a reservoir. The bill is approved by the Department of the Interior and is unanimously reported by the committee.

Mr. BARRETT. Mr. President, will my colleague yield?

Mr. O'MAHONEY. I yield.

Mr. BARRETT. Mr. President, it is necessary to pass this bill if this project is to be constructed at an early date. Is that not correct?

Mr. O'MAHONEY. That is correct.

The PRESIDING OFFICER. The committee amendment will be stated.

The amendment of the Committee on Interior and Insular Affairs was to strike out all after the enacting clause and insert:

That the Shoshone Indian Tribe and the Arapahoe Indian Tribe of the Wind River Reservation are authorized to convey to the United States the tribes' interests in the 388.23 acres of land that are described in section 2 of the act, subject to a reservation to the tribes of all minerals, including oil and gas, and mineral rights, which may be exercised only in a manner that does not interfere with the construction and operation of the dam site and reservoir of Anchor Dam, a part of the Owl Creek unit, Missouri River Basin project in Hot Springs County, near Thermopolis, Wyo. If the tribes fail to agree to such conveyance within 30 days after the date of this act, the Secretary is directed to acquire such land by eminent domain. The consideration payable to the tribes pursuant to eminent domain proceedings, if such should be necessary, shall be paid out of funds appropriated for the Missouri River Basin project and shall be deposited in the Treasury of the United States to the credit and for the use of the respective tribes in accordance with the provisions of the act of May 19, 1947 (61 Stat. 102), as amended.

SEC. 2. The lands that are referred to in section 1 of this act are: Lots 1 and 2, section 13, northwest quarter, north half southwest quarter, west half northeast quarter, and northwest quarter southeast quarter, section 24, township 8 north, range 1 west, Wind River meridian, Wyoming, containing 388.23 acres.

SEC. 3. In the event of the failure or abandonment of the Anchor Dam feature of the Owl Creek unit the interest in the land acquired pursuant to this act shall be reconveyed by the Secretary of the Interior to the tribes and the title shall be held in the same manner it was held before such acquisition: *Provided*, That the sum of the award in the eminent domain proceedings, if any, paid by the United States shall be returned by the tribes.

SEC. 4. If the Shoshone and Arapahoe Tribes make the conveyance authorized by the first sentence of section 1 of this act, no part of the construction costs of the Owl Creek unit shall be allocated to the irrigable lands of the Shoshone and Arapahoe Tribes of the Wind River Reservation or against the tribes, and the portion of such construction costs that would be so allocated except for this act shall be nonreimbursable. The irrigable lands of the tribes shall be entitled to their pro rata share of the water storage and regulation benefits accruing from the construction and operation of the Owl Creek unit upon payment by the tribes, under appropriate contract, of their pro rata share of the annual operation and maintenance costs of the Owl Creek unit.

SEC. 5. The members of the Shoshone and Arapahoe Tribes shall have the right to fish on the lake created by Anchor Dam, without a State license, but the Indians shall be subject to all other provisions of applicable conservation laws and regulations.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### DESERT LAND ENTRIES

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2293, Senate bill 3512.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3512) to permit desert land entries on disconnected tracts of lands which, in the case of any one entryman, form a compact unit and do not exceed in the aggregate 320 acres.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BARRETT. Mr. President, this bill was reported unanimously by the Committee on Interior and Insular Affairs. It was favorably reported upon by the Secretary of the Interior and by the Bureau of the Budget. It simply provides that disconnected tracts of land in a compact body may be settled under the act of 1877. There is no objection to the bill recorded by the committee.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the first section of the act of March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," as amended (43 U. S. C. 321), is further amended by the deletion at the end of that section of the following words: "*Provided*, That no person shall be permitted to enter more than one tract of land and not to exceed 320 acres which shall be in compact form" and the addition of the following: "Except as provided in section 3 of the act of June 16, 1955 (69 Stat. 138), as amended, no person may make more than one entry under this act. However, in that entry one or more tracts may be included, and the tracts so entered need not be contiguous. The aggregate acreage of desert land which may be entered by any one person under this section shall not exceed 320 acres, and all the tracts entered by one person must form together a compact unit, as determined by rules and regulations to be issued by the Secretary of the Interior."

SEC. 2. Section 3 of the act of June 16, 1955 (69 Stat. 138), is amended to read as follows:

"SEC. 3. Any person who, prior to June 16, 1955, made a valid desert-land entry on lands subject to such act of June 22, 1910, or of July 17, 1914, may, if otherwise qualified, make one additional entry, as a personal privilege, not assignable, upon one or more tracts of desert land subject to the provisions of such acts, as hereby amended, and section 7 of the act entitled 'An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development to stabilize the livestock industry dependent upon the public range, and for other purposes', approved June 28, 1934, as amended (48 Stat. 1269, 1272; 43 U. S. C. 315f). The additional land entered by any person pursuant to this section shall not, together with his original entry, exceed 320 acres, and all the tracts included within the additional entry authorized by this section shall form together a compact unit, as de-

termined by rules and regulations to be issued by the Secretary of the Interior. Additional entries authorized by this section shall be subject to all the requirements of the desert-land law."

#### DEVELOPMENT OF PHOSPHATE ON THE PUBLIC DOMAIN

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 2294, S. 3042.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3042) to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C., sec. 184), in order to promote the development of phosphate on the public domain.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. MURRAY. Mr. President, the purpose of the bill is to amend section 27 of the Mineral Leasing Act, which contains a limitation that not more than 5,120 acres of land on the public domain and containing phosphate deposits may be leased in any one State to any one individual or corporation.

There is a total limitation of 10,240 acres, but the limitation of 5,120 acres of land in any one State renders it uneconomical to establish and operate plants to process the phosphate deposits.

So the bill was drafted and was submitted to Congress by the Department of the Interior. It was referred to the Committee on Interior and Insular Affairs, of which I am chairman, and I introduced the bill at the request of the Department of the Interior. Full hearings were held in the House, and the Senate committee had access to those hearings.

I understand there is no objection to the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the second sentence of section 27 of the act of February 25, 1920, as amended (30 U. S. C., sec. 184), is amended by the deletion of the words "exceeding in the aggregate 5,120 acres in any one State, and."

#### DEPARTMENT OF DEFENSE APPROPRIATIONS, 1957

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 10986) making appropriations for the Department of Defense for the fiscal year ending June 30, 1957, and for other purposes.



## RECESS TO MONDAY

Mr. O'MAHONEY. Mr. President, pursuant to the order previously entered, I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, June 25, 1956, at 12 o'clock meridian.

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 22, 1956:

## FEDERAL COMMUNICATIONS COMMISSION

T. A. M. Craven, of Virginia, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1956.

## DEPARTMENT OF THE NAVY

Garrison Norton, of the District of Columbia, to be Assistant Secretary of the Navy for Air.

## UNITED STATES COAST GUARD

Kenneth S. Harrison, for promotion to permanent rank of rear admiral in the United States Coast Guard Reserve.

The following-named persons to rank indicated:

*To be commanders*

Edward J. Worrell, Jr.\*  
Charles W. Miller

*To be lieutenant commanders*

Stanley L. Smith  
John A. Weber  
William H. Campbell

*To be chief warrant officers, W-2*

Carl D. Strange	Frederick D. Mann
Donat Cotnoir	James W. Berry
Bampton L. Jones	James I. Pledger, Jr.
Eugene Newsome	William F. Brock
Wayne W. Fish	Dolly Fulcher
Peter P. Zilkhan	Merle S. Wilson
Alvin E. Rutz	Finis L. McClanahan
Elbert S. Hendrix	Robert F. Konrad
Raymond C. Buday	Cornelius A. Johnson
Edward C. Zachowski	Palmer F. Guarente
Boyd M. Smith	Phillip J. Crawley
Kenneth M. Lumsden	Frederick M. Rummel
Elmer L. Alban	Joseph A. DelTorto
George D. Miller, Jr.	Raymond R. Thiele

Earl H. McDonald	Charter D. Edwards
Robert L. Roberts	Harry H. Stimpson, Jr.
James B. Hunning	Edison Jones
Wilbur T. Hutchinson	Beverly E. Locke
Charles J. Albanese	Claude W. Jenkins
William R. Bentler	

## COAST AND GEODETIC SURVEY

The following persons for permanent appointment to the grades indicated in the Coast and Geodetic Survey:

*To be captains*

Joseph P. Lushene  
Walter J. Chovan

*To be ensigns*

John A. Alexander	Verle B. Miller
Lawrence H. Anderson	Kerry F. Pitts
William D. Barnum	Joel P. Porcher
Dale V. Bedenkop	James K. Richards
Ogden Beeman	Joseph M. Rodgers
Robert B. Bowman	Paul L. Schock
Bernard L. Gabrielsen	James R. Schwartz
Richard H. Garnett, Jr.	Thomas E. Simkin
Richard G. Hajec	C. Eugene Skinner
K. William Jeffers	Matthew J. Stahl
Alveric B. Kegerrels	Victory V. Tilley, Jr.,
James E. Long	effective June 18,
Bernard W. McCray, Jr.	1956.

## IN THE ARMY

The following-named officer under the provisions of section 504 of the Officer Personnel Act of 1947 to be assigned to a position of importance and responsibility, designated by the President under subsection (b) of section 504, in rank as follows:

MaJ. Gen. Lewis Blaine Hershey, O6530, United States Army, to be lieutenant general.

The nominations of Peter A. Abbruzzese and 1,435 other officers for promotion in the Regular Army, which were confirmed today, were received by the Senate on June 5, 1956, and appear in full in the Senate proceedings of the CONGRESSIONAL RECORD for that date, under the caption "Nominations," beginning with the name of Peter A. Abbruzzese, which occurs on page 9546 and ending with the name of William R. Wynd, which is shown on page 9551.

## IN THE AIR FORCE

The nominations of Charlotte Gage Butterfield and 438 other officers for promotion in the Regular Air Force, which were confirmed today, were received by the Senate on June 6, 1956, and may be found in full in the Senate proceedings of the CONGRESSIONAL RECORD for that date, under the cap-

tion "Nominations," beginning with the name of Charlotte Gage Butterfield, which appears on page 9653 and ending with the name of Jack Allison Morris, which occurs on page 9655.

The nominations of Daniel B. Dockstader and 349 other officers for reappointment or appointment in the Regular Air Force, which were confirmed today, were received by the Senate on June 18, 1956, and appear in full in the Senate proceedings of the CONGRESSIONAL RECORD for that date, under the caption "Nominations," beginning with the name of Daniel B. Dockstader, which is shown on page 10497 and ending with the name of George E. Woods, which occurs on page 10498.

## IN THE NAVY

The nominations of Paul A. Weber, Jr., and 1,788 other officers for appointment in the Navy, which were confirmed today, were received by the Senate on June 6, 1956, and may be found in full in the Senate proceedings of the CONGRESSIONAL RECORD for that date, under the caption "Nominations," beginning with the name of Paul A. Weber, Jr., which is shown on page 9655, and ending with the name of Lester D. Widick, Jr., which occurs on page 9659.

## IN THE MARINE CORPS

The following-named officers to have the grade, rank, pay, and allowances of lieutenant general while serving under the provisions of section 415 of the Officer Personnel Act of 1947:

MaJ. Gen. Ray A. Robinson, USMC.  
MaJ. Gen. Merrill B. Twining, USMC.

The following-named officers, when retired, to be placed on the retired list in the grade of lieutenant general:

Lt. Gen. Alfred H. Noble, USMC.  
Lt. Gen. William O. Brice, USMC.

The nominations of Daniel C. Pollock and 1,197 other officers for appointment in the Marine Corps, which were confirmed today, were received by the Senate on June 13, 1956, and appear in full in the Senate proceedings for that date, under the caption "Nominations," beginning with the name of Daniel C. Pollock, appearing on page 9189, and ending with the name of Charles P. Williams, on page 9192.

## POSTMASTERS

## OKLAHOMA

James F. Houser, Jr., Newkirk.  
Gene L. Taylor, Wann.  
Glen L. Strange, Tonkawa.

## EXTENSIONS OF REMARKS

Address By Hon. Alexander Wiley, of Wisconsin, to the National Association of Plumbing Contractors

## EXTENSION OF REMARKS

OF

## HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Friday, June 22, 1956

Mr. WILEY. Mr. President, during my recent tour throughout Wisconsin, I was pleased to address a splendid organization which is a pillar of the United States construction industry. I refer to the National Association of Plumbing Contractors.

I was glad to refer, in the course of my remarks, to the importance of labor management teamwork in realizing the

highest possible goal for United States construction.

It was a pleasure to praise one of the outstanding leaders of this industry, another man with deep roots in my own State, the able president of the Plumbing Contractors, Mr. Peter T. Schoeman. I ask unanimous consent that excerpts from my address be printed in the RECORD.

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

SENATOR WILEY SAYS UNITED STATES GOLDEN AGE IS HERE—URGES UPGRADING OF AMERICA'S HOMES TO CREATE INFINITELY BROADER MARKET

(Excerpts from address by Senator WILEY to the National Association of Plumbing Contractors convention at Milwaukee on Tuesday, June 12, 1956)

I am delighted to attend your outstanding convention—the greatest in history.

It is a particular pleasure for me to add my personal word of gratification that you have honored America's vacation land, Wisconsin, by meeting here in this great convention city.

I hope that you have been enjoying the opportunity to see all you can of this great port city, and that you will be seeing more of the Badger State, as well.

## ENJOYING LIFE'S GOOD THINGS

Why? Because to do so is to enjoy more of the good things of life—wholesome leisure in pleasant, attractive surroundings. And that is precisely my theme to you this morning: America's enjoying more of life's good things.

This great country of ours has entered upon its true golden age—an age where Mr. and Mrs. Average Man are going to enjoy a better home, broader comforts, more stable security than they have ever known before.

Of course, no one can foresee through the veil of the future. A grim cloud can appear on our national horizon—such as that cast by the illness of our great President. But with God's help, all will be well.