# SENATE

## TUESDAY, AUGUST 19, 1958

The Senate met at 10 o'clock a. m.

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

O God, from whom all holy desires and all good counsels do proceed: Rise mercifully with the morning upon our darkened hearts. In this tragic and tangled world we are conscious of our woeful inadequacy to sit in the seats of judgment, to balance the scales of justice, and to respond with equity to the myriad calls of human need.

Enrich our attitudes and actions with that love for our fellows without whose golden gleam all we say, though we speak with the tongues of men and angels, is but as tinkling cymbals.

Mastered by the love that seeketh not its own, may the words of our mouths and the meditations of our hearts be acceptable in Thy sight this day and always, O Lord, our strength and our Redeemer. Amen.

## THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, August 18, 1958, was dispensed with.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On August 18, 1958:

S. 1728. An act to provide certain assistance to State and Territorial maritime academies or colleges; and

S. 3205. An act for the relief of Paul S. Watanabe.

On August 19, 1958:

S. 2752. An act to amend section 207 of the Federal Property and Administrative Services Act of 1949 so as to modify and improve the procedure for submission to the Attorney General of certain proposed surplus property disposals for his advice as to whether such disposals would be inconsistent with the antitrust laws.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S. J. Res. 201) to authorize the chairman of the Joint Committee on Atomic Energy to confer a medal on Rear Adm. Hyman George Rickover, United States Navy.

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

H. R. 9407. An act to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service; and

H. R. 10496. An act to revise the law relating to the dispatch of mail from post offices, and for other purposes.

## HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Post Office and Civil Service:

H. R. 9407. An act to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service; and

H. R. 10496. An act to revise the law relating to the dispatch of mail from post offices, and for other purposes.

## REAR ADM. HYMAN GEORGE RICKOVER

Mr. MANSFIELD. Mr. President, I wish to take this opportunity to reiterate my high regard for Admiral Rickover, for the great work he has done, for the independence he has shown, for the integrity he has exhibited, and for the many contributions he has made to the welfare, not only of the Navy, but also of the country as a whole, in this nuclear age. He is a man of great talent and ability; and again I express the hope that his merits will be recognized by those who have the supervisory authority, and that he will receive the recognition which is his just due.

It was a pleasure for me to join with the other Members of the Senate in voting unanimously for the award of the medal to Admiral Rickover. I am delighted to see that the House has followed suit. I anticipate that shortly the President will sign the joint resolution, and that the chairman and the other members of the Joint Committee on Atomic Energy will be in the happy position of bestowing the medal he has so richly deserved upon this distinguished American.

## ORDER FOR CALL OF THE CALENDAR TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that tomorrow it be in order to have a call of the calendar.

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

Mr. JOHNSON of Texas. Mr. President, I ask that the attachés of the minority and the majority who are responsible for the briefing on the calendar call take notice of this request, so we may be ready on as many bills as possible.

The PRESIDENT pro tempore. At what point will the calendar call begin?

Mr. JOHNSON of Texas. Where the call was concluded yesterday—Calendar No. 2484.

Mr. President——

The PRESIDENT pro tempore. The Senator from Texas is recognized.

## LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

## EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED SUPPLEMENTAL APPROPRIATIONS, DEPARTMENTS OF HEALTH, EDUCATION, AND WELFARE, LABOR, AND POST OFFICE (S. DOC. No. 117)

A communication from the President of the United States, transmitting proposed supplemental appropriations in the amount of $119,300,000 for the Department of Health, Education, and Welfare, and $70,410,000 for the Department of Labor, for the fiscal year 1959, and $54 million for the Post Office Department for the fiscal years 1957 and 1958 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that certain appropriations to the Treasury Department for the fiscal year 1959 had been reapportioned on a basis which indicates the necessity for supplemental or deficiency appropriations; to the Committee on Appropriations.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control, for the second quarter of 1958 (with an accompanying report); to the Committee on Banking and Currency.

AMENDMENT OF HELIUM ACT

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the Helium Act of September 1, 1937, as amended (with an accompanying paper); to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

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

PROPOSED PUBLIC HEALTH SERVICE COMMISSIONED CORPS PERSONNEL ACT OF 1958

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

## RESOLUTION OF UNIONDALE (N. Y.) FEDERATION OF CIVIC AND TAXPAYERS ASSOCIATION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Uniondale Federation of Civic and Taxpayers Association, of Uniondale, N. Y., relating to the preservation of the Mitchel Air Force Base for the mutual benefit of military and civilian personnel alike.

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

THE UNIONDALE FEDERATION OF CIVIC AND TAXPAYERS ASSOCIATION, UNIONDALE, N. Y.

In view of the controversial issue involving the removal of Mitchel Air Force Base, the Uniondale Federation of Civic and Taxpayers Association has adopted a resolution for the retention of this base and issues these documents to the Honorable Neil McElroy, Secretary of Defense, Hon. Irving Ives, Senator, Hon. Jacob Javits, Senator, Hon. Frank Becker, Congressman, and Steve Derounian, Congressman.

"Whereas the site of Mitchel Field Air Force Base has been a military reservation for over 150 years, and as such should be preserved as an historical landmark, and

"Whereas Mitchel Field is the most strategically located Air Force base on the east coast for our national defense; and

"Whereas Mitchel Field is the only Air Force base large enough to maintain an air lift in the metropolitan area in a time of disaster; and

"Whereas Mitchel Field is a vital communications center of the Air Command: and

"Whereas Mitchel Field has maintained the best safety record of any air field, military, commercial, or otherwise; and

"Whereas Mitchel Field was constructed at a cost of only $72 million the cost of relocating it would be approximately $150 million; and

"Whereas Mitchel Field has in the past, and can do so again, provided a safe haven for planes finding themselves in distress; and

"Whereas Mitchel Field greatly contributes to the economy of its surrounding areas through the employment of civilians and its contributions to the school systems; and

"Whereas Mitchel Field Air Force personnel contribute considerably to the social and material welfare of the surrounding communities: Be it hereby

*Resolved,* That the Uniondale Federation of Civic and Taxpayers Association make known its desire that Mitchel Air Force Base remain a part of the communities of Uniondale, Hempstead and East Meadow for the mutual benefit of military and civilian personnel alike."

JULIUS H. STAAL,
*Chairman of the Committee for the Retention of Mitchel Field Air Force Base.*

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, without amendment:

H. R. 9407. A bill to provide additional opportunity for certain Government employees to obtain career-conditional and career appointments in the competitive civil service (Rept. No. 2474).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, without amendment:

H. R. 11009. An act to provide for the establishment of Grand Portage National Monument in the State of Minnesota, and for other purposes (Rept. No. 2475).

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

H. R. 1493. An act for the relief of Lt. Col. Charles A. Holshouser (Rept. No. 2476).

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

H. R. 10559. An act for the relief of Thomas Forman Screven, Julia Screven Daniels, and May Bond Screven Rhodes (Rept. No. 2477).

By Mr. BYRD, from the Committee on Finance, with amendments:

H. R. 11749. An act to extend the Renegotiation Act of 1951 for 6 months, and for other purposes (Rept. No. 2478).

By Mr. CHAVEZ, from the Committee on Public Works, without amendment:

H. J. Res. 654. Joint resolution requiring the Secretary of Commerce to submit certain recommendations for legislation for the purpose of assisting Congress to determine whether or not to reimburse States for certain highways on the National System of Interstate and Defense Highways (Rept. No. 2480).

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

S. 4198. A bill to provide for the disposal of federally owned property of the Hanson, Company, and Houma Canals, La., and for other purposes (Rept. No. 2479).

## BILLS INTRODUCED

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

By Mr. LAUSCHE:

S. 4308. A bill for the relief of Mary (Marija) Grom; to the Committee on the Judiciary.

By Mr. MARTIN of Pennsylvania:

S. 4309. A bill to facilitate the movement of passenger traffic into and out of or within metropolitan areas by the establishment of a Federal policy encouraging the States and railroad corporations to use certain rights-of-way to provide the roadbeds for both Federal-aid highways and railroads; to the Committee on Public Works.

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

## CONSTITUTIONAL BILL OF RIGHTS WEEK

Mr. LANGER (for himself, Mr. HUMPHREY, and Mr. MORSE) submitted the following resolution (S. Res. 383); which was referred to the Committee on the Judiciary:

Whereas constitutional government that regards the inalienable rights of man superior to the powers of the state is being challenged in a larger part of the world today; and

Whereas the American Religious Town Hall Meeting, a national interreligious educational nonprofit corporation, with the national headquarters in St. Paul and Minneapolis, Minn., an organization for the preservation for constitutional government that guarantees the civil and religious rights to all its people regardless of race or creed, will have a national constitutional convention over television in the old Congressional Chamber of Independence Hall in Philadelphia during the week of the 171st anniversary of the signing of the Constitution from September 14 to 18, 1958, with representation of 48 States and possibly 49: Now, therefore, be it

*Resolved,* That we as a Senate now in session request by voice vote that the President of the United States proclaim in connection with this national interfaith convention at Independence Hall during the 171st anniversary of the Constitution, a Constitution and Bill of Rights Week from September 14 to September 21.

## INVESTIGATION OF CAUSES OF INCREASED PRICES OF FARM MACHINERY AND EQUIPMENT

Mr. LANGER submitted the following resolution (S. Res. 384); which was referred to the Committee on the Judiciary:

*Resolved,* That (a) the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized and directed under the Legislative Reorganization Act of 1946, as amended, and in accordance with jurisdiction under the standing rules of the Senate, to make a full and complete study and investigation of the causes of the increased prices of farm machinery, farm equipment, farm trucks, and the necessary replacement parts of the aforementioned.

(b) The committee shall report to the Senate at the earliest practicable date the result of its study and investigation, together with such recommendations as it may deem advisable.

SEC. 2. For the purpose of this resolution, the committee, from the date on which this resolution is agreed to, to January 31, 1959, inclusive, is authorized (1) to make such expenditures as it deems advisable, and (2) to employ on a temporary basis technical, clerical, and other assistants and consultants.

SEC. 3. The expenses of the committee under this resolution, which shall not exceed $------, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## INVESTIGATION OF COMPTROLLER GENERAL'S HOLDING RELATING TO USE OF LOAN FUNDS UNDER RURAL ELECTRIFICATION PROGRAM

Mr. LANGER submitted the following resolution (S. Res. 385); which was referred to the Committee on the Judiciary:

*Resolved,* That (a) the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized and directed under the Legislative Reorganization Act of 1946, as amended, and in accordance with jurisdiction under the standing rules of the Senate, to make a full and complete study and investigation of the Comptroller General's holding in a letter to the Secretary of Agriculture dated July 21, 1958 (B-134138), relating to the use of loan funds under the rural electrification program.

(b) The committee shall report to the Senate at the earliest practicable date the result of its study and investigation, together with such recommendations as it may deem advisable.

SEC. 2. For the purpose of this resolution, the committee, from the date on which this resolution is agreed to, to January 31, 1959, inclusive, is authorized (1) to make such expenditures as it deems advisable, and (2) to employ on a temporary basis technical, clerical, and other assistants and consultants.

SEC. 3. The expenses of the committee under this resolution, which will not exceed $------, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## USE OF FEDERAL-AID HIGHWAY RIGHTS-OF-WAY TO FACILITATE PASSENGER TRAFFIC BY RAILROADS

Mr. MARTIN of Pennsylvania. Mr. President, I introduce, for appropriate reference, a bill to permit the use of Fed-

eral-aid highway rights-of-way to facilitate passenger traffic by railroads.

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

The bill (S. 4309) to facilitate the movement of passenger traffic into and out of or within metropolitan areas by the establishment of a Federal policy encouraging the States and railroad corporations to use certain rights-of-way to provide the roadbeds for both Federal-aid highways and railroads, introduced by Mr. MARTIN of Pennsylvania, was received, read twice by its title, and referred to the Committee on Public Works.

Mr. MARTIN of Pennsylvania. Mr. President, the Congress has passed in this session the Transportation Act of 1958, which is now public law. This law seeks to remedy some of the pressing problems affecting our railroads today.

The investigations of the Surface Transportation Subcommittee of the Senate Interstate and Foreign Commerce Committee, so ably conducted by the junior Senator from Florida [Mr. SMATHERS], have brought to our attention the numerous and continuing problems of the railroads which still need to be brought into focus with today's transportation picture.

I refer particularly to the heavy weight of passenger and commuter service with which most of our railroads are burdened, in and out of large metropolitan areas.

Caught between the regulatory requirements of having to furnish a service which cannot be operated at a profit, and a rate system which is restrictive, the railroads are faced with huge deficits, mounting taxes and maintenance costs, uncompensated by increases in freight rates.

In fact, if railroad freight rates were high enough to support the staggering passenger deficits, the railroads would lose even more freight business to the truck, the barge and the airplane. This is the trap from which the railroads are trying to extricate themselves.

Not only do the railroads suffer from regulatory pressures, but also from flagrant discrimination when it comes to tax treatment.

Under today's programs of Federal support, airports are built by floating tax-exempt bonds. Large urban areas have networks of subsidized transportation—subways, buslines, ferries, bus and truck terminals—all of which the taxpayer, including the railroads, helps to support.

The railroads are not seeking subsidization or Federal support, but they are seeking an even break on tax and regulatory factors which would make the difference between functioning and failure.

I cite one example in line with the thought I am trying to develop. The New York Central operates Grand Central Station largely for the benefit of commuters. On the first 5½ miles of its track out of Grand Central, the taxes are $6,200,000—more than 17 percent of the total franchise and property taxes assessed against the entire 10,700-mile New York Central System.

It is on this question of heavy tax burden for use of rights-of-way that I would seek relief for the railroads, realizing that it is only one of many relief actions which need to be taken.

Under the Federal-Aid Highway Act of 1956, it has been estimated that the clearance of rights-of-way for the Interstate Highway System will cost more than $9 billion. Many of these highways, some already built and some in planning, lead into and around large metropolitan areas. They connect with other Federal-aid primary and secondary routes.

One of the greatest problems and costs in our road planning today is to get into and out of our large cities. Fortunately, in most metropolitan areas, railroads already have rights-of-way leading into and under cities. From the standpoint of civil defense, we should utilize existing points of entry wherever possible, and construct access and egress routes, with the objective of rapid evacuation always in mind.

So far as I have been able to determine, there is nothing in the Federal-Aid Highway Act of 1956 to prevent a State or municipality from granting a permit or easement to use the right-of-way of any Federal-aid highway for the movement of passenger traffic by railroad into and out of metropolitan areas.

In fact, there is one instance where a railroad is running passenger service on a Federal-aid highway right-of-way. It is on the Congress Street Expressway in Chicago.

Another means of tax relief might also be the use of the airspace above railroad rights-of-way for overhead highways. This has already been done on the West Side of New York City, with the highway running over railroad tracks for miles around the city. Another overhead highway is being built in connection with reconstruction of the South Boston Railroad Station, where lack of space has made the use of an elevated highway approach more practical.

The high taxes which railroads pay upon rights-of-way in and around urban areas would be offset to some extent by the use of overhead highways, utilizing wherever feasible and economic the already existing railroad rights-of-way.

These proposals project into the future the thought of passenger transportation expansion and improvement for our railroads—rather than depression and a beggarly existence of trying to balance a deficit service against a regulatory ceiling on rates.

Tax relief, which these proposals would afford, is only one of many approaches to the railroad problem, but I hope it will stimulate thought and remedial action in this direction.

## RULES OF INTERPRETATION GOVERNING QUESTIONS OF EFFECT OF ACTS OF CONGRESS ON STATE LAWS—AMENDMENT

Mr. LANGER submitted an amendment, intended to be proposed by him, to the bill (S. 337) to establish rules of interpretation governing questions of the effect of acts of Congress on State laws, which was ordered to lie on the table and to be printed.

## PRODUCTION AND CONSERVATION OF COAL—WITHDRAWAL OF MOTION FOR RECONSIDERATION

Mr. KERR. Mr. President, I ask unanimous consent that the motion I entered on August 16, 1958, to reconsider the vote by which the bill (S. 4248) to encourage and stimulate the production and conservation of coal in the United States, was passed, be withdrawn.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma? Without objection, it is so ordered.

## ADDITIONAL JUDGE FOR JUVENILE COURT OF DISTRICT OF COLUMBIA—CHANGE OF CONFEREE

Mr. BIBLE. Mr. President, I ask unanimous consent that the junior Senator from New York [Mr. JAVITS] be named as a conferee on the bill (H. R. 7785) to provide for the appointment of an additional judge for the Juvenile Court of the District of Columbia, in place of the junior Senator from Kentucky [Mr. MORTON].

I may say that the Senator from New York [Mr. JAVITS] was originally named one of the conferees; but when he was called from the city, the Senator from Kentucky was named in his place. Now that the Senator from New York has returned, I am asking that he be renamed one of the conferees.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada? Without objection, 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. MARTIN of Iowa:

Article by Alvin P. Adams, relating to jet passenger traffic between the United States and Europe, published in the Interavia Review of World Aviation.

## NOTICE OF HEARING ON NOMINATION OF HARRY A. BULLIS TO BE CHAIRMAN OF THE INTERNATIONAL DEVELOPMENT ADVISORY BOARD

Mr. GREEN. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that the Senate today received from the President of the United States the nomination of Harry A. Bullis, of Minnesota, to be Chairman of the International Development Advisory Board.

Notice is given that the Committee on Foreign Relations, at the expiration of 6 days, in accordance with the committee rule, will give consideration to this nomination.

## "THE AMERICAN'S CREED AND WILLIAM TYLER PAGE"

Mr. GOLDWATER. Mr. President, very recently there has been published in Washington a book entitled "The American's Creed and William Tyler Page." The book was written by a very prominent Arizonan, Mrs. Myrtle Cheney Murdock, the wife of John R. Murdock, who served in the other body for 16 years, and had a very distinguished career.

Mrs. Murdock has written many books on Washington and on the legends and history of the Capitol. She is a learned woman, and she writes beautifully of the things that make up America.

I believe her new book is the finest one she has written; and I wish to mention it this morning, in order that more of my colleagues and more of the other American citizens will have an opportunity to obtain a copy of the book and to read it.

As all of us know, the American's Creed was written by William Tyler Page, who for many, many years was a fixture of the Capitol, and was one of the most highly respected men who worked within these walls.

I ask unanimous consent that some eulogies on the American's Creed and some on William Tyler Page, as published in Mrs. Murdock's new book, be printed at this point in the RECORD, in connection with my remarks.

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

THE AMERICAN'S CREED

*Evaluations from the Congressional Record*

"Crystallized within this patriotic creed is the very spirit of a free people. It breathes freedom in every word. This great document has entered the sacred archives of our Republic as a worthy companion to the Declaration of Independence and the Federal Constitution." (Hon. DANIEL A. REED, of New York.)

"The American's Creed is our platform; it embodies everything for which America stands. * * * It breathes the spirit of an ever-living and unconquerable America." (Hon. John Rankin, of Mississippi.)

"The American's Creed—the one great document which faithfully epitomizes the living spirit of America since its founding." (Hon. JOSEPH W. MARTIN, of Massachusetts.)

"William Tyler Page was a thorough student of our political literature and of our fundamental constitutional philosophy, as his unique assembling of The American's Creed bears evidence. * * * Future generations will be blessed and America safeguarded to the extent his understanding and appreciation is passed on to all who follow." (Hon. John R. Murdock, of Arizona.)

WILLIAM TYLER PAGE

*Eulogies from the Congressional Record*

"Author of The American's Creed. It is simply the pattern he set for his own citizenship—he loves his country, supports its Constitution, obeys its laws, respects its flag, and defends it against all enemies." (Hon. A. Sidney Camp, of Georgia.)

"To us of the House William Tyler Page is an institution. To the country he is a great American and an example to all. * * * There are few men in the life of our Nation who have made a more profound and constructive impression upon the Americans of any generation than has William Tyler Page in his great lifetime." (Hon. JOHN MCCORMACK, of Massachusetts.)

"It took a great American to write The American's Creed. * * * I have wondered sometimes if William Tyler Page secretly wished that he might have been a Member of the House. He could have been an outstanding Member, of course, but, somehow today I am glad that I can remember him as something better than a Member—a teacher, a counselor, a mentor of Members." (Hon. FRANCIS CASE, of South Dakota.)

"William Tyler Page can never die in this building, hallowed with the memory of the Nation's illustrious men. He can never die in the annals of this House, whose history and traditions he has so greatly enriched by his long and distinguished service. He can never die in the regard and affection of Americans whose creed he wrote." (Hon. CLARENCE CANNON, of Missouri.)

Mr. GOLDWATER. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks, some quotations from the writings of Mrs. Murdock. These quotations illustrate this distinguished woman's deep American roots, her deep feeling, and the reason why we in Arizona are extremely proud of her and of her distinguished husband.

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

From memory:

"It is of first importance that the study of the Constitution should be an essential part not only of the education of the American youth but of all Americans. The Constitution is not self-perpetuated by any means; if it is to survive it will be because it has the support of the people—not passive, but an active public support."

"The Declaration of Independence is a charter of our liberties in this land of the free, this home of the brave—where to be brave we must be free, where the free must be ever brave."

"As long as men believe in freedom they will achieve it. When freedom dies man lives on his knees. When freedom lives man walks erect."

"In the long run we shall maintain our rights just about in proportion as we exercise our responsibilities."

M. C. M.

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## REPORT ON POLITICAL CAMPAIGN CONTRIBUTIONS IN 1956 ELECTIONS

Mr. NEUBERGER. Mr. President, one of the truly crucial public issues facing the American people is the urgent need to free candidates for high elective office from the necessity of raising large sums of money from private sources in order to serve in government. This is a subject on which I have spoken many times.

Today, for example, we confront once again the irony of widespread furor over such gifts as deep-freezes and rugs and vicuna-cloth coats, but comparative complacency over campaign funds which may add up to hundreds of thousands of dollars in size. Some even attain million-dollar proportions.

On the floor of the Senate on June 16, 1958, the distinguished junior Senator from Arizona [Mr. GOLDWATER] included in the CONGRESSIONAL RECORD many pages of compilations showing and analyzing the political contributions made by the AFL-CIO Committee on Political Education to campaigns in the United States during the 1956 elections.

I think the Senator from Arizona performed a service in placing this material in the RECORD. However, I believe his service would have been even greater if he had discussed that information in the perspective of all the facts and information we have about the entire system of campaign financing in American elections today. He gave only part of the story.

The Senator from Arizona singled out the political contributions collected by trade unions, which happens to be the phase of this subject in which he has been particularly interested. But not only the political funds and activities of the AFL-CIO Committee on Political Education were significant in the financing of the 1956 elections. Contributions to political campaigns in 1956 were also made by many members of the wealthiest families and groups in the land, representing a cross section of the ownership and management of much of American industry, business, and finance.

If labor's contributions are to be listed in the pages of the CONGRESSIONAL RECORD, then it certainly follows that the principal contributions made by the owners and operators of big business should likewise be included, so that the full story—not merely a segment of it—is told.

The lengthy compilation of AFL-CIO donations listed by the Senator from Arizona totaled $948,397. This is an impressive sum to be spent on elections.

Yet, Mr. President, when the Senate Subcommittee on Privileges and Elections, headed by the distinguished junior Senator from Tennessee [Mr. GORE], studied the 1956 elections, it also prepared a number of other lists and compilations, showing the far larger sums which were collected for candidates from the captains of industry and finance. These sums were almost exclusively contributed to political campaigns on the side opposite that supported by the funds of the Committee on Poliical Education, and they far exceeded them. To refer to only one figure, for comparison, we find that 12 families in our country gave to Republican candidates for Federal elective offices a total of $1,040,526—more than the political education committee of the entire 15,000,000-member AFL-CIO spent toward the election of the candidates it favored.

Mr. President, the lengthy compilations prepared by the Gore subcommittee, and analyzed in the committee report, are based on one of the most thorough inquiries and reviews of campaign contributions ever undertaken. Although that report has been of great interest to students of the subject, and my office often receives requests for copies, it is not widely available. Therefore, at the end of my remarks, I shall request permission to include in the RECORD the text of the report, along with some of the less voluminous tables from this monumental study—simply, in order that the compilation earlier submitted by the Senator from Arizona may be seen in the perspective of the remainder of the story, as told by the data of the Gore committee report.

These data disclose that, substantial as were the AFL-CIO collections for Democratic political candidates, they are, nevertheless, far eclipsed in mag-

nitude by the donations made by the big business leaders of the Nation to Republican political candidates.

Mr. President, I believe that my distaste for this whole system of private financing of political campaigns is well known to my colleagues, for I have mentioned it many times on the Senate floor. I think the entire system is basically wrong, and it cries out for change.

A man or woman should not enter high office in America obligated either to labor or to big business for financial benefactions in the campaign.

When I ran for the Senate in Oregon, my total campaign effort cost some $103,000, and about $23,000 of this came from funds collected by labor organizations. The campaign of my Republican opponent, the Honorable Guy Cordon, cost some $177,000; and the bulk of his funds came from the owners, managers, and representatives of large corporations and industries. Both situations are inherently contrary to the basic spirit of American democracy, as I view it.

But it is not enough, Mr. President, to be against the contributions of the COPE, as are the junior Senator from Arizona [Mr. GOLDWATER] and some of his associates. They say that labor donations are bad, but they cheerfully accept donations from business and industry.

Nor is it enough to be against the contributions of big business leaders, but to say nothing critical of contributions from labor funds.

We are never going to clean up this political swamp so long as one side insists that its donations are good, but that the others are bad.

We shall solve this entire problem only when we find a substitute source of funds to take the place of all large, private contributions in meeting the increasingly heavy expenses of presenting a candidate or a program to the electorate in a modern political campaign. I am convinced that this alternative source of funds, which will eliminate the present dependence of candidates on campaign exchequers collected from interested private sources, must be the whole American public itself, through its Government.

We shall solve this problem only when we act upon the fair, impartial, and inspired proposal made to Congress half a century ago by a great American. On December 3, 1907, Theodore Roosevelt, 26th President of the United States, recommended to the Congress that political candidates be relieved of all unwise and undesirable dependence upon campaign funds from private sources, by having the Federal Government underwrite election campaign expenditures. President Roosevelt told the Congress:

> There is a very radical measure which would, I believe, work a substantial improvement in our system of conducting a campaign, although I am well aware that it will take some time for people so to familiarize themselves with such a proposal as to be willing to consider its adoption. The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties, an appropriation ample enough to meet the necessity for thorough organization and machinery, which requires a large expenditure of money. Then the stipulation should be made that no party receiving campaign funds from the Treasury should accept more than a fixed amount from any individual subscriber or donor; and the necessary publicity for receipts and expenditures could without difficulty be provided.

Mr. President, from time to time I, myself, have sought to submit to the Congress proposals for carrying into effect the principle of President Theodore Roosevelt's suggestion in one or another form. I did so at some length in testimony before the Select Committee on Lobbying and Campaign Expenditures, headed by the senior Senator from Arkansas [Mr. MCCLELLAN], of which the Senator from Arizona was a member. I remember that Senator MCCLELLAN was present at the hearing and that we had a friendly discussion of this whole problem.

Mr. President, I think it is greatly to the credit, both of Mr. George Meany, president of the AFL–CIO, and to the organization which he heads, that he has publicly spoken out in favor of this great proposal for reform first made by Teddy Roosevelt.

In an editorial in the AFL–CIO American Federationist for April 1956, Mr. Meany wrote:

> Might it not, therefore, be a good idea for Congress to provide by law for Government financing of campaigns for Federal office, as proposed in S. 3242, a bill introduced by Senator RICHARD NEUBERGER and cosponsored by Senators MORSE, MURRAY, DOUGLAS, SPARKMAN, MANSFIELD, LANGER, and HUMPHREY?

I might say, Mr. President, that this was a bill in the 84th Congress. I intend to introduce a revised bill for the same principle when Congress returns next January, and I hope that it will again have the support of the leaders of America's labor movement.

I ask unanimous consent to have printed in the RECORD at this point the entire text of Mr. George Meany's editorial in the American Federationist, followed by my letter to Mr. Meany, dated March 29, 1956.

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

THE LOBBY PROBE

(By George Meany)

A special Senate committee has been authorized to undertake a full-scale investigation of political contributions by big business. This investigation was touched off by sensational disclosures regarding the lobbying activities of gas and oil interests. President Eisenhower found these activities so reprehensible that he vetoed the bill freeing natural gas producers from Federal price regulation on that very account.

The AFL–CIO heartily supports this Senate investigation. Despite the law forbidding political contributions by corporations, it is common knowledge in Washington that big business interests have financed political campaigns of individual candidates and political organizations through various legal loopholes.

Frequently these contributions have been made in the name of corporation executives and members of their family. It was not until Senator FRANCIS CASE of South Dakota told the Senate he had been offered a $2,500 campaign contribution by a lawyer representing a gas producer, in the expectation that the Senator would vote for the bill desired by the gas lobby, that the scandalous nature of big business influence upon the legislative process was brought forcibly to public attention.

Since the Senate investigation was authorized, it has been stated in the press that the committee would inquire into political contributions by labor organizations as well as big business. One of the committee members, Senator BARRY GOLDWATER, of Arizona, has publicly announced that he will insist that the investigation be broadened to include unions.

Labor welcomes such an investigation. The AFL–CIO, in accordance with the law, files with Congress a complete record of all funds it receives in $1 voluntary political contributions from its members and all expenditures from those funds. There is nothing secret in these activities, which are completely open and aboveboard.

Before the merger both the AFL and CIO maintained separate political committees which collected campaign contributions from members and made expenditures in behalf of candidates from both parties who received labor endorsements. Since the merger the AFL–CIO has established the committee on political education to carry on the same work.

We are proud of the records of these committees. With the help of State organizations, they have endorsed candidates for public office with outstanding records of public service.

Perhaps an attempt will be made to indicate that labor's campaign contributions to candidates, in the aggregate, matched those of business contributors. Such efforts will be doomed to failure, because the fact is that labor has never succeeded in raising by voluntary contributions more than a small fraction of the total amounts expended in any campaign.

It is to the best interests of democracy that the cost of campaigns be financed by as many voters as possible, because this helps to arouse the political consciousness and responsibility of the great masses of the American electorate. It is also obviously in the national interest to prevent a few large compaign contributors from dominating the selection and election of candidates for public office.

Might it not, therefore, be a good idea for Congress to provide by law for Government financing of campaigns for Federal office, as proposed in S. 3242, a bill introduced by Senator RICHARD NEUBERGER and cosponsored by Senators MORSE, MURRAY, DOUGLAS, SPARKMAN, MANSFIELD, LANGER, and HUMPHREY? If Congress refuses to adopt such a law, might it not then consider limiting all campaign contributions to a maximum of $1?

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MARCH 29, 1956.

Mr. GEORGE MEANY,
*President, AFL–CIO,*
*Washington, D. C.*

DEAR MR. MEANY: I was very pleased to see your kind reference to my bill for Federal assistance in campaign financing in your editorial in the American Federationist for April. As you recognize in your editorial, such a step will, in the long run, prove to be the only effective means of freeing our political parties and their candidates for public office from their present unhealthy reliance on vast private campaign funds.

In spite of efforts which are continually made to shift attention to the relatively modest campaign contributions collected by organized working people, your editorial position shows that labor itself recognizes that average men and women can never compete in this respect, with the wealth of owners and managers of business enterprises, whose candidates for public office are invariably far better financed.

While I believe that President Theodore Roosevelt's proposal, as embodied in my bill, is the ultimate solution to the financing of modern election campaigns, I have introduced two more modest proposals which

could be enacted in connection with clean-elections legislation this year. One of these would make federally paid radio and television broadcast time, worth up to $1 million, available equally to both major parties. The other would permit individual campaign contributions up to $10 a person to be taken as a tax credit (not a deduction from income) against Federal income taxes.

I hope that these two proposals, which are designed to bring more democratic means of financing and more equality to our electoral processes, will also win the support of your great organization.

Again, I appreciate the public-spirited and forward-looking interest which you have taken in the grave problem of election financing.

Sincerely yours,

RICHARD L. NEUBERGER,
*United States Senator.*

Mr. NEUBERGER. Mr. President I hope that when I again submit my bill to put into effect President Theodore Roosevelt's proposal, for Federal underwriting of some of the major essential costs of Federal election campaigns, I shall have the support not only of the leaders of America's working people, but also of some of the people who have been most critical of labor's contributions to political campaigns. I shall make my bill available for cosponsorship by Senators on both sides of the aisle.

It seems to me that it is incumbent upon those who weep and wail and gnash their teeth over labor's political contributions to follow George Meany's enlightened example. The head of the AFL-CIO has announced that he is willing to accept the solution first originated by Theodore Roosevelt. He is willing to abandon labor's political contributions if the Government will take over campaign financing and, if big business, of course, will follow suit.

I want to point out also, Mr. President, that many people in all walks of life are becoming increasingly concerned about this whole problem of the role of money in our election campaigns. Both my mail and other evidence of public opinion show that this concern exists not only among representatives of organized labor, or among those who decry the political activities of organized labor, but also among teachers, ministers, newspaper editors, and many other people who follow developments in our national affairs. It is illustrated, for example, by the formation of such high-level citizens' organizations as the Committee on Campaign Contributions and Expenditures which is headed by the former Governor of Rhode Island, Mr. William H. Vanderbilt.

I might say that I hope the owners and leaders of big business will follow George Meany's suggestion and that they will join Mr. Meany and support Theodore Roosevelt's proposal, made in 1907, to relieve candidates from being dependent on campaign contributions from organized labor and big business.

It is for the sake of making more widely available to the public some of the data and conclusions collected in the Report of the Senate Subcommittee on Elections and Privileges, that I am asking to have the text of that report and some of its less voluminous charts included in the RECORD today. I ask unanimous consent, therefore, that there may be printed in the CONGRESSIONAL RECORD excerpts from the Report of the Senate Subcommittee on the 1956 General Election Campaigns, followed by a series of the exhibits which are an important part of this report.

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

I. CONCLUSIONS AND OBSERVATIONS

1. The study conducted by the subcommittee of the 3-month period of the 1956 general elections—September 1 to November 30, 1956—discloses significant aspects of campaign spending in the United States. Total direct expenditures of approximately $33 million are shown to have been spent in the Federal general election campaigns by the Republican and Democratic Parties, by labor groups, and other organizations. The total campaign bill, of course, far surpasses that figure.

2. While it may be conceded that high campaign costs are one of the essential facts of the American way of life, the existence on the statute books of Federal laws, the object of which is to curb spending in political campaigns but which fail miserably to do so, can serve only to demoralize the political climate and breed contempt for existing law. Thus, the provisions of section 609 of the Corrupt Practices Act which impose a limitation of $3 million upon the expenditures of a political committee are unrealistically low and lead to the creation of numerous other political committees for purposes of a campaign subject only to the same limitation. Again, the limitation upon candidates for the House of Representatives and the United States Senate are meaningless when most of the money in these campaigns is spent by campaign committees upon which there is no limitation and which are not required to report any Federal authority. The need for strict but enforcible and realistic limitations on political campaign expenditures is imperative.

3. Even those provisions of existing law which require the filing of reports and accounts are hopelessly inadequate. One of the worst features of campaign practices is the lack of adequate public disclosure. As stated above, this is attributable in part to the fact that the law is studded with loopholes. But even where there are applicable provisions with respect to reporting, the reports that are required to be filed are utterly lacking in standardization, and are virtually unmanageable for this reason and for the additional reason that filing offices are scattered and the facilities for publication completely inadequate. Once filed, these reports languish in relative obscurity. Furthermore, many of these reports, inadequate as they are, are only required after the election has occurred.

4. Examination of the facts developed by the subcommittee discloses, as is revealed by the exhibits included herewith, heavy campaign expenditures by persons affiliated with big business, and large vested interests, and by wealthy individuals, on the one hand, and organized labor, on the other, the contributions of the former being largely to Republican committees and candidates, and of the latter almost entirely to Democratic committees and candidates.

The subcommittee views this with deep concern, feeling that it is an unhealthy state of political affairs that may grow worse instead of better unless remedial action is taken by the Congress. As an example, the contributions in excess of $500 made by the officers and directors of 225 of our largest corporations totaled $1,816,597 to the candidates and committees of the Republican Party and $103,725 to candidates and committees of the Democratic Party. The contributions of $500 or more made by officials of labor organizations totaled $16,500 to the candidates and committees of the Democratic Party and $2,500 to the candidates and committees of the Republican Party. The expenditures of labor's political action committees, totaling $941,271, as has been shown, was spent almost entirely on behalf of candidates of the Democratic Party. On the other hand, 12 selected wealthy families contributed $1,040,526 to Republican candidates and committees and only $107,109 to Democratic candidates and committees.

5. A geographical concentration of political contributions is also disclosed (exhibit 27). It is shown that the total contributions in the amount of $500 and over made by individuals in the State of New York to the Republican Party ($2,382,047) almost equals the total aggregate amount of such contributions ($2,820,655) which the Democrats received in all the States (including New York), Territories and possessions combined. New York, however, is also the principal source of contributions in the sum of $500 and over for both parties. Total Democratic receipts from contributions in these amounts from the State of New York aggregated $1,017,335 or 37 percent of Democratic contributions in this category. Republican contributions in these amounts from all States and possessions aggregated $8,064,907 of which $2,382,047 or 30 percent came from New York.

Of the substantial sums referred to above as having been contributed by residents of New York State, $2,077,000 of that contributed to the Republican Party and $870,000 of that contributed to the Democratic Party, was contributed by persons listing an address on Manhattan Island. Thus, it appears that Republican contributions in amounts of $500 and over from Manhattan Island alone exceeded Democratic contributions in such amounts from all the 48 States excluding Manhattan Island.

The second largest source of contributions was the State of Pennsylvania where individuals contributed in amounts of $500 or more a total aggregate sum of $999,434 to Republicans and $231,981 to Democrats.

In the States of Nebraska, South Dakota, Wisconsin, and Wyoming, no contributions to Democrats in the sum of $500 or over were reported to the subcommittee. In only seven States (Alabama, Idaho, Kentucky, Nevada, Utah, Vermont, and Virginia) Democratic contributions exceeded Republican contributions in amount.

In the State of Delaware, the residence of many of the members of the Du Pont family where according to the 1950 census the total population is only 318,000, Republican contributions in the amount of $500 and over aggregated $232,589. This exceeds the amount of such contributions received by the Democrats from 30 States whose combined population is in excess of 54 million.

6. Comparison of individual contributions as shown in questionnaires filed with the subcommittee with information filed by the individual contributors themselves, emphasizes many of the deficiencies of existing law. Certain individual reports reflected contributions which had either not been reported to the subcommittee by the recipients or had been received by campaign committees, the existence of which were unknown to the subcommittee and which, in any case, did not receive subcommittee questionnaires.

Under existing law, candidates and campaign committees are required to report only the names of individual contributors of sums in excess of $100 and the total amount of the individual's contribution. The subcommittee questionnaire requested those committees to which it was directed to list the names and addresses of all contributors of $500 and over. In this manner, it was ascertained that certain individuals had contributed substantial amounts. However, when these individuals themselves listed

their contributions, the sum total thereof invariably exceeded by a substantial margin the sums disclosed in subcommittee records. For example, information available to the subcommittee revealed that Mr. Lansdell K. Christie, of New York, had made total contributions in the sum of $23,000 to eight Democratic committees. His individual report, however, disclosed for the entire calendar year total contributions in the amount of $73,164 including $26,000 to 14 political committees, of which the subcommittee had had no prior knowledge.

On the other hand, Mr. H. L. Hunt, of Dallas, Tex., reported to the subcommittee total contributions in the sum of $7,500, including 1 contribution in the amount of $3,500 to the Republican National Committee but the latter does not appear in the reports of that committee filed with the Clerk of the House of Representatives. In addition, Mr. Hunt listed a contribution in the amount of $3,000 to "Eisenhower Texas Campaign Committee," Dallas, Tex., an organization theretofore unknown to the subcommittee. It is recognized that the possibility of error exists in the listing by individuals of the exact names of committees to which they have contributed, but in any event, the subcommittee had no record of contributions by Mr. Hunt in the sum of $3,500 and $3,000, respectively, except from the contributor himself.

Again the report of the Salute to Eisenhower Committee filed with the Clerk of the House of Representatives disclosed a contribution in the sum of $5,000 from R. A. Cuthbertson, an officer and director of the Cities Service Oil Co. (Pennsylvania), 60 Wall Street, New York City. When requested by the chairman of the subcommittee to list his contributions for the entire calendar year, Mr. Cuthbertson responded by letter dated January 14, 1957: "There must be some error as I made no contribution whatsoever to any campaign in the year 1956." The chairman of the Salute to Eisenhower Committee, when contacted by the subcommittee staff, could not explain the appearance of this contribution in his committee's report except to say that the report had been prepared by his accountants and was believed to be accurate.

Without imputation of wrongdoing on the part of individuals concerned nor with the recipient committees, the fact remains that—

(a) A greater amount of care in the keeping of records by individual contributors and by recipient committees should be required.

(b) The limitation in the amount of $5,000 upon individual contributions is for all practical purposes meaningless because it is applicable only to political committees as defined in the law and there is no prohibition upon the making of multiple contributions in the maximum amount to any number of such committees. Furthermore, the law is not applicable at all to a contribution made to an organization that does not operate in two or more States and is not a branch of a political party. It would thus be possible for one member of a wealthy family to make a single contribution in the amount of $100,000 to the Republican Finance Committee of New York without any apparent violation of the Corrupt Practices Act being committed.

6. Notwithstanding the apparent prohibition contained in section 610 of the Corrupt Practices Act against the making of expenditures by corporations and labor unions, there appears to be a wide area of permissible activity in the light of judicial interpretations of the term "expenditure" contained in that section and the constitutional questions that would arise under a statute that would prohibit all forms of participation by such organizations in the elective process. A decision in a pending case involving a labor union which is now before the United States Supreme Court may illuminate this area. In any case, however, the subcommittee is impressed with the necessity for specialized and intensive study of the activities of both labor unions and corporations in Federal elections. Existing statutory provisions are inadequate. The preparation of amendatory legislation will require careful assimilation of additional factual information and thorough analysis of the constitutional issues involved.

7. For years thoughtful statesmen on the American scene have pleaded for greater participation on the part of the electorate in the making of campaign contributions so that the base may be broadened and opportunities of candidates and parties to present themselves to the electorate equalized. The findings of the subcommittee as set out in this report poignantly demonstrate the need for effective limitations upon the amount of individual contributions and the desirability of providing incentives for mass contributions, or perhaps governmental assumption of the cost and responsibility for the conduct of Federal election campaigns and the curtailment of private subsidization of election campaigns.

8. Interstate campaign contributions in senatorial elections should, in all events, be sharply curbed. The subcommittee is concerned with the extent to which contributions have been made to candidates and committees of one State by citizens and groups from other States. We feel that it is the prerogative of the citizens of a given State to elect Senators and Representatives of their own choosing without undue interference from without. Preservation of this prerogative is in accord with sound precepts of representative government. It is endangered by the ever-increasing cost of elections and the degree to which people and interests of other States seek to interfere with cash. Some indication of the volume of interstate movement of campaign funds can be ascertained from an examination of exhibit 6 and the exhibits listing campaign contributions of $500 and more. This will become even more apparent by an examination of the contributions listed by States in exhibit 27.

9. The subcommittee has been essentially a fact-finding agency during the course of this study and has undertaken to develop and disclose the facts objectively and without partisanship. Field investigations and public hearings were perforce limited. It is noted, however, that there are discrepancies and defects in certain of the reports filed with the subcommittee and that practices have occurred in the recent campaigns which are of questionable legality and desirability. Complete reports of these matters will be available in the files for the attention of the subcommittee in the 85th Congress and of the Department of Justice.

10. The need for remedial legislation in the field of Federal elections is imperative and immediate. It is the hope of the subcommittee that this study will serve to expedite the preparation of such legislation and to arouse an enlightened public opinion behind it. Few, if any, reforms, are more direly needed in our democratic society. The subcommittee is confident that the pendency of this study had a salutary effect upon campaign practices in the 1956 elections, and believes that procedures should be established for equally diligent and even more effective subcommittee action in each biennial election.

## II. AUTHORITY, POLICY, AND PROCEDURE

The Senate Subcommittee on Privileges and Elections is a standing subcommittee of the Committee on Rules and Administration, and derives its authority from section 134 (a) of the Legislative Reorganization Act of 1946 (60 Stat. 812, 831), and rule XXV (o) (1) (D) of the Standing Rules of the Senate, which defines the jurisdiction of the Senate Rules Committee so as to include:

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

The subcommittee's study of political contributions, expenditures, and practices in the presidential, vice presidential, and senatorial campaigns of 1956 was undertaken pursuant to the above authority and Senate Resolution 176 providing as follows:

"*Resolved*, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

"(1) the election of the President, Vice President, or Members of Congress;

"(2) corrupt practices and contested elections;

"(3) credentials and qualifications;

"(4) Federal elections generally;

"(5) presidential succession.

"SEC. 2. For the purposes of this resolution the committee, from February 1, 1956, to January 31, 1957, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

"SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1957.

"SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee." [1]

The subcommittee adopted rules of procedure with respect to the conduct of its work, including public hearings and field inquiries and investigations. The rules of procedure concretized its policy with respect to the ordering of inquiries and investigations. They required that charges of violations of law or irregularities should be stated with such particularity and detail as would establish prima facie that the subcommittee had jurisdiction and that the complaints had a substantial basis in fact. In applying this rule, no complaints were rejected if they were deficient in the above respects, but in all cases, complaining parties were promptly advised of the subcommittee's procedural requirements and were given an opportunity to amend or supplement their complaints in conformity therewith.

The number of complaints received by the subcommittee was relatively small. It was not found necessary to conduct public hearings with respect to such complaints and field investigations were few. Section IV of this report contains a statement of those complaints with particular reference to those which resulted in action by the subcommittee.

The public hearings held by the subcommittee consumed a total of 5 days. Testimony of 33 witnesses was received in these

[1] S. Res. 176 was amended on July 7, 1956, by S. Res. 306 which provided: "In section 4, strike out "$50,000" and insert in lieu thereof "$150,000."

public hearings and the record thereof has been printed in 2 parts (pt. I, Sept. 10 and 11, 1956; pt. II, Oct. 8, 9, and 10, 1956).

On November 2, 1956, an interim staff report, based upon the above hearings and statistical information obtained for the period September 1–October 21, 1956, was released by the subcommittee.

III. TABULATION AND ANALYSIS OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

As above stated, the subcommittee employed a series of questionnaires for the acquisition of financial data in the course of its study which covered the period September 1 to November 30, 1956. In addition, the subcommittee staff obtained information from the reports of national committees, including committees of labor organizations, filed with the Clerk of the House of Representatives pursuant to section 305 of the Corrupt Practices Act for the period prior to September 1, 1956. (Specimen copies of the above questionnaires and the letters of transmittal are contained in this report as exhibit 30.)

The tabulations and analyses made from the information thus obtained are set forth herein as exhibits 1 to 29. The subjects covered by these exhibits include the following:

*1. Receipts and expenditures by political committees*

The most significant summary of information is necessarily that of total direct expenditures presented in exhibit 1.

Money that is transferred from one campaign group to another shows up as a receipt and as a disbursement each time it is passed on. (A summary of information on receipts is contained in exhibit 1A.) The significant index, therefore, to campaign spending is the total of direct expenditures rather than the total of receipts. Total direct expenditures for the period prior to September 1 were obtained by analyses of the disbursements shown in the reports filed with the Clerk of the House of Representatives.

The subcommittee questionnaire was so constructed as to require the statement of direct expenditures made by the political committees to whom the questionnaires were addressed, so that it was enabled to obtain net expense figures not confused or duplicated by transfers of funds from one committee to another or to a candidate. Thus, it is disclosed from both sources that the total direct expenditures on behalf of Republican candidates were in the sum of approximately $20,685,387 and those on behalf of Democratic candidates (including labor committees) were approximately $11,919,061.

The exhibits accompanying this report include (exhibit 2) a breakdown of total direct expenditures (or disbursements) by campaign committees for the period September 1 to November 30, 1956. For this period, the following breakdown of direct expenditures is shown:

1. Radio: Democratic, $559,979; Republican, $877,230.

2. Television: Democratic, $2,292,228; Republican, $3,006,412.

3. Newspaper and political advertising: Democratic, $694,923; Republican, $1,373,944.

4. Printing, purchase, and distribution of literature: Democratic, $1,900,076; Republican, $2,187,199.

5. Outdoor billboards: Democratic, $195,507; Republican, $393,905.

6. Other: Democratic, $4,429,179; Republican, $7,334,971.

As noted in the above tabulation, the largest single amount expended was in the category described as "Other." This presumably included such items as travel, maintenance of headquarters, salary, and other overhead items and election-day expenses.

With respect to contributions received, it is essential to note that the receipts summarized in exhibit 1A include funds received by transfers from other organizations as well as individual contributions and other sources. As stated above, these transfers of funds between committees result in the same money being reported more than once. With these limitations, the following total amounts of receipts are shown:

| | |
|---|---|
| Republican | $32,430,587 |
| Democratic | 12,891,141 |
| Labor | 2,578,181 |
| Miscellaneous | 677,140 |
| Total | 48,577,049 |

Special note has been taken by the subcommittee of certain items of expenditures. Exhibit 24, for example, is in effect a radio-television survey for the period September 1–November 6. In addition, exhibits have been prepared with respect to outdoor political advertising (exhibit 7), newspaper political advertising (exhibit 8), and expenditures for the purchase of campaign novelties and specialties (exhibit 9).

An analysis of total receipts by campaign committees together with their closing balances and unpaid bills, covering the period September 1 to November 30, 1956 (the period covered by the subcommittee's questionnaires) is contained in exhibit 3. This exhibit includes tables showing in detail the information summarized in exhibit 1A.

Thus it is shown in exhibit 3, table (A) that total receipts for this 3-month period were as follows:

| | |
|---|---|
| Republican: | |
| Regular | $11,772,485 |
| Finance | 9,891,424 |
| Volunteer | 3,846,065 |
| Total | 25,509,974 |
| Democratic: | |
| Regular | 9,370,157 |
| Volunteer | 2,161,077 |
| Total | 11,531,234 |

Total labor receipts for the same period were in the amount of $1,620,956.

Shown in addition (exhibit 3) are the balances of funds on hand on November 30, 1956 (or on the date the committee closed its books) and the amount of bills unpaid on the closing date. Information concerning unpaid bills was not available from some committees, including the Republican and Democratic Congressional campaign committees which are not required to file this information with the Clerk of the House of Representatives. For this reason and because of differences in accounting procedures used by campaign committees, the volume of unpaid bills gives only a general indication of the extent of financial obligations at the end of a campaign.

With the qualifications above stated, exhibit 3 reflects the following with respect to unpaid bills and cash balances:

*Unpaid bills—Nov. 30, 1956*

| | Republican | Democratic | Labor | Miscellaneous | Total |
|---|---|---|---|---|---|
| National (all committees) | $128,583 | $696,818 | $400 | $14,019 | $839,820 |
| State: | | | | | |
| Political committees | 322,832 | 251,248 | | | 574,080 |
| Labor committees | | | 5,293 | | 5,293 |
| Local: | | | | | |
| Political committees | 136,004 | 102,570 | | 434 | 239,008 |
| Labor committees | | | 22,805 | | 22,805 |
| Senatorial (supporting committees) | 68,079 | 75,239 | | | 143,318 |
| Grand total | 655,498 | 1,125,875 | 28,498 | 14,453 | 1,824,324 |

*Cash balances—Nov. 30, 1956*

| | Republican | Democratic | Labor | Miscellaneous | Total |
|---|---|---|---|---|---|
| National (all committees) | $746,903 | $136,353 | $314,000 | $66,468 | $1,263,724 |
| State: | | | | | |
| Political committees | 1,141,668 | 471,040 | | 277 | 1,612,985 |
| Labor committees | | | 114,670 | | 114,670 |
| Local: | | | | | |
| Political committees | 1,107,461 | 377,375 | | 665 | 1,485,501 |
| Labor committees | | | 49,490 | | 49,490 |
| Senatorial (supporting committees) | 24,333 | 67,745 | | | 92,078 |
| Grand total | 3,020,365 | 1,052,513 | 478,160 | 67,410 | 4,618,448 |

(a) Senatorial candidates and campaign committees: The results of the subcommittee's tabulations of the questionnaires received from senatorial committees, and the reports filed by individual candidates with the Secretary of the Senate as required by the Corrupt Practices Act, are set forth in exhibit 6. In that exhibit it is emphasized that the tabulations made cannot be considered as representing correct total costs, for the two principal reasons:

(1) All supporting committees could not be reached, especially at local levels, and

(2) Senatorial candidates are usually supported by statewide committees which receive and expend funds on behalf of an entire ticket, and allocations of funds to particular candidates or their committees are difficult to make and only infrequently appear in the reports.

Furthermore, the present method of reporting by the candidates to the Secretary of the Senate is unsatisfactory because of the absence of any standardized method of accounting.

Notwithstanding these limitations, however, the data assembled by the subcommittee dramatically underscores the inadequacies of existing law. The reports filed by candidates under the Corrupt Practices Act with the Secretary of the Senate contain contributions and expenditures received and made by them personally; whereas most of the committees supporting senatorial candidates were not required to, and did not, in fact, file such reports. Therefore, the bulk of the money spent in senatorial campaigns escapes disclosure at the Federal level.

For detailed analysis of senatorial contributions and expenditures, including out-of-State contributions, reference should be made to exhibit 6. Set out below is a recapitulation by States of total direct expenditures as disclosed in candidate reports to the

Secretary of the Senate and committee reports to the subcommittee:

| State: | Total |
|---|---|
| Alabama | None |
| Arizona | $22,310 |
| Arkansas | 2,095 |
| California | 556,163 |
| Colorado | 141,895 |
| Connecticut | 106,339 |
| Florida | None |
| Georgia | None |
| Idaho | 91,948 |
| Illinois | 243,142 |
| Indiana | 175,019 |
| Iowa | 38,488 |
| Kansas | 30,642 |
| Kentucky | 135,406 |
| Louisiana | None |
| Maryland | 168,361 |
| Missouri | 38,728 |
| Nevada | 59,645 |
| New Hampshire | 8,630 |
| New York | 408,760 |
| North Carolina | 1,601 |
| North Dakota | 13,914 |
| Ohio | 169,754 |
| Oklahoma | 20,421 |
| Oregon | 363,879 |
| Pennsylvania | 200,101 |
| South Carolina | 155 |
| South Dakota | 38,175 |
| Utah | 8,800 |
| Vermont | 6,315 |
| Washington | 299,561 |
| West Virginia | 40,783 |
| Wisconsin | 54,693 |
| Total | 3,445,723 |

(b) National and local labor funds:

(1) National labor funds: In this study, tabulation and analysis has been made of the receipts and expenditures of political action or educational committees of labor organizations on both the national and local levels. Coverage on the national level was available for the entire year inasmuch as these organizations are political committees which are required to file reports with the Clerk of the House of Representatives under the Corrupt Practices Act. In addition to these filed reports, information was supplied by these organizations to the subcommittee for the period September 1 to November 30 in response to questionnaires.

Access to the political committees of labor organizations on the State and local levels was much more difficult, for the reason that the identities of such groups are not ascertainable from filed reports, and there is no directory of them. The questionnaires were therefore sent to the unions themselves (on State and county levels) for forwarding to the appropriate political committees.

Contributions and expenditures of national labor committees have been collected and analyzed in exhibit 5. Their total expenditures were approximately $2,157,000 of which almost 75 percent was disbursed by transfer to other campaign groups. The balance was expended directly for campaign activity. Virtually all national labor campaign funds benefited Democrats.

The amount and distribution of transfers of funds from the national labor groups to State and local areas is indicated by the following breakdown from exhibit 5:

| | |
|---|---|
| To labor campaign committees | $235,586 |
| To Democratic Party committees | 41,818 |
| To Democratic candidates, House of Representatives | 333,855 |
| To Democratic candidates or committees, Senate | 326,045 |
| To other labor or Democratic committees | 272,256 |

(2) Local labor funds: In the postelection phase of the subcommittee's work, the extent of labor coverage was broadened to encompass political action committees and leagues on the State and local level.

Analyses of the information obtained from these local groups are set forth in exhibit 5A which accounts for total expenditures in the amount of approximately $830,000, more than 50 percent of which was transferred to other campaign groups. The balance went directly for campaign activity. The distribution of transfers of funds to State and local areas is shown to be as follows:

| | |
|---|---|
| To labor campaign committees | $94,584 |
| To Democratic Party committees | 23,765 |
| To Democratic candidates, House of Representatives | 136,268 |
| To Democratic candidates or committees, Senate | 42,863 |
| To State and local candidates or committees | 68,432 |
| To other labor or Democratic committees unless indicated | 26,697 |

A listing by States, of political committees and committees of labor organizations reporting to the subcommittee will be found in exhibit 29. A listing of political and labor committees which have not responded and recapitulation of the responses from all committees are included in the appendix.

*2. Radio and television costs*

The study of the subcommittee of campaign expenditures in 1956 for radio and television has resulted in the accumulation of the most complete election data for these mediums of communication ever achieved. With the cooperation of the 4 major networks, the approximately 500 TV stations throughout the United States and the 3,500 AM and FM stations, all of whom received subcommittee questionnaires, the subcommittee is able to show that the total 1956 campaign spending from September 1 to November 6, 1956, by all parties and candidates for all political offices for radio and TV aggregated $9,818,000. Of this amount, $5,381,000 was expended on behalf of Republican candidates, and $4,120,000 in support of Democratic candidates, a spending advantage of over $1,200,000, or approximately 20 percent, in favor of the Republicans. These totals are based upon returns from approximately 97 percent of the TV stations and approximately 90 percent of the radio stations operating in the United States during the 1956 campaign and 100 percent cooperation from the radio and television networks.

The radio and television expenditures for the period of the subcommittee study, September 1 through November 6, 1956, are set forth in considerable detail in exhibit 24. In addition to overall totals of radio and television costs, exhibit 24 shows the amounts spent for network radio and television, and the amounts spent in each State and the District of Columbia by the respective parties. In each case there is a further breakdown to show the amounts expended for both spots and regular programs in support of presidential and vice presidential candidates, candidates for United States Senator, candidates for United States Congressman, and candidates for all other offices. In addition, the amount of free time afforded by the radio and television networks and stations is also detailed. Some of the highlights of the radio and television survey are as follows:

Our study shows the following breakdown of the money spent by the two major parties:

*Democratic*

| | Radio | TV | Total |
|---|---|---|---|
| Presidential | $477,000 | $1,473,000 | $1,950,000 |
| Senatorial | 236,000 | 455,000 | 691,000 |
| Congressional | 143,000 | 187,000 | 330,000 |
| All other offices | 517,000 | 632,000 | 1,149,000 |
| Total | 1,373,000 | 2,747,000 | 4,120,000 |

*Republican*

| | Radio | TV | Total |
|---|---|---|---|
| Presidential | $558,000 | $2,181,000 | $2,739,000 |
| Senatorial | 303,000 | 485,000 | 788,000 |
| Congressional | 216,000 | 293,000 | 509,000 |
| All other offices | 568,000 | 777,000 | 1,345,000 |
| Total | 1,645,000 | 3,736,000 | 5,381,000 |

The respective total allocations of the above expenditures for so-called spots (an innovation in the 1956 campaign), and the full-length programs are as follows:

| | Radio | | TV | |
|---|---|---|---|---|
| | Spots | Programs | Spots | Programs |
| Democrats | $945,000 | $400,000 | $926,000 | $1,615,000 |
| Republicans | 1,240,000 | 377,000 | 1,279,000 | 2,026,000 |
| Total | 2,185,000 | 777,000 | 2,205,000 | 3,641,000 |

The importance of network television in the presidential campaign is indicated by the fact that the Democrats expended $1,166,000 for this purpose, and the Republicans $1,698,000 out of their respective total television expenditures in the presidential campaign of $1,472,000 and $2,180,000. In the case of network television in the presidential campaign, the vast majority of the money spent by both parties was for regular programs with only $250,000 being spent by the Democrats for network spots and $136,000 by the Republicans. In contrast, the Democrats spent $305,000 and the Republicans $481,000 for nonnetwork television in the presidential campaign, of which $118,000 and $240,000, respectively went for spots. * * *

* * * * *

The subcommittee's State by State study reveals that California and Pennsylvania were the leading States for radio and television political broadcast expenditures, with a total major party expenditure of $457,000 having been made in each State. In California, the Democrats spent $199,000, the Republicans $258,000; in Pennsylvania, $202,000 was spent by the Democrats and $255,000 by the Republicans.

Interesting comparisons may be drawn between the total figures for TV reported for the entire campaign period, and the data submitted to the subcommittee prior to the election by the TV networks, and the TV stations covering the period September 1 to October 21, 1956. In the subcommittee's interim report of these expenditures, it was shown that as of that date, both major parties had expended a total of $2,428,000 for TV, and that the 2 parties contemplated additional TV expenditures of $2,094,000. The final result of the reports submitted by networks and stations show that the total estimates of $2,094,000 for television between October 2, 1956, and election were exceeded by $1,961,000; that the estimated further television costs of the Democratic Party were exceeded by $868,000, and those of the Republican Party by $1,093,000. This indicates that both major parties increased considerably their anticipated TV expenditures in the late stages of the campaign.

Interesting comparisons may also be drawn between the amounts expended for radio and TV in the presidential, senatorial, and Congressional campaigns in 1952 and 1956. The respective figures are shown below, the 1952 figures having been taken from the report of the Subcommittee on Privileges and Elections on Proposed Amendments to Federal Corrupt Practices Act (Subcommittee Print, 83d Cong., 1st sess.).

| | 1952 | | | 1956 | | |
|---|---|---|---|---|---|---|
| | Radio | TV | Total | Radio | TV | Total |
| Democrats | $1,269,660 | $1,303,916 | $2,573,576 | $856,674 | $2,114,469 | $2,971,143 |
| Republicans | 1,803,825 | 1,643,909 | 3,447,734 | 1,076,690 | 2,960,245 | 4,036,935 |
| Third party and nonpartisan | 37,564 | 3,503 | 41,067 | 22,841 | 25,134 | 47,975 |
| Total | 3,111,049 | 2,951,328 | 6,062,377 | 1,956,205 | 5,099,848 | 7,056,053 |

As the above figures reveal, total radio and television expenditures for the 1956 presidential, senatorial, and Congressional campaigns were not significantly in excess of the 1952 expenditures for the corresponding campaigns. However, as might be expected, there was a marked increase in the 1956 television expenditures over 1952, and a significant decrease in 1956 in radio expenditures compared to 1952.

However, with respect to television, it must be noted that in 1952 there were approximately 125 TV stations in the United States, whereas in 1956 there were approximately 500. Total TV sets in use in 1952 were approximately 20 million, while approximately 40 million sets were in use in 1956. In 1952 there were approximately 15 States which had no stations, and the same conditions prevailed in sizable cities in other States. In 1956 there was at least one station in every State throughout the country. These changes in the makeup of the television industry clearly account for part of the substantial increase in television costs in 1956.

The increase in 1956 television costs would certainly have been higher, however, were it not for the following factors:

(a) The use of spot programs and announcements which involves substantially less expense than regular programs.

(b) The preelection coordination by the networks with the political parties for the purposes of program planning to avoid preemption charges.

(c) A price concession granted to the political parties making it possible for them to purchase half hour programs at half the hourly rate, and a spot 5-minute program at one-twelfth the hourly rate.

Our study also indicates that a total of 760 hours of free time were given for political broadcasts by the individual radio and television stations in the country, while the radio and television networks afforded 66 hours of free time. A breakdown of these figures discloses that individual radio stations gave a total of 575 hours of free time and the radio networks 34 hours of free time; a total of 185 hours of free television time were afforded by individual TV stations and 32 hours by the TV networks.

*3. Contributions by individuals in the amount of $500 and over*

The subcommittee questionnaire requested the receiving organizations to attach a list containing the names and addresses of contributors in the amount of $500 and over. The subcommittee's analyses of the replies to these questionnaires, exhibits 26–28, disclose that the total amounts of these contributions were $8,064,907 to the Republican Party and $2,820,655 to the Democratic Party.

Exhibit 27 shows the contributions of $500 and over listed according to States as shown by the addresses of the contributors. Shown below are the total contributions of $500 and over from each State to the Republican and Democratic Parties. There is also shown the number of contributions of $500 and over from each State. It should be pointed out that the number of contributions exceeds the number of contributors, since each contribution of $500 and over from an individual is listed separately.

| | Republican | Number of contributions | Democrat | Number of contributions |
|---|---|---|---|---|
| Alabama | $9,750 | 14 | $15,500 | 14 |
| Arizona | 14,500 | 16 | 11,876 | 15 |
| Arkansas | 24,020 | 12 | 5,000 | 6 |
| California | 698,897 | 617 | 143,832 | 119 |
| Colorado | 49,514 | 60 | 7,850 | 14 |
| Connecticut | 271,439 | 209 | 81,580 | 85 |
| Delaware | 232,589 | 188 | 39,650 | 36 |
| District of Columbia | 229,750 | 208 | 173,544 | 168 |
| Florida | 93,937 | 103 | 38,544 | 28 |
| Georgia | 11,500 | 13 | 3,000 | 4 |
| Idaho | 2,000 | 4 | 2,500 | 3 |
| Illinois | 425,322 | 428 | 146,083 | 127 |
| Indiana | 124,550 | 150 | 19,169 | 26 |
| Iowa | 16,755 | 16 | 1,600 | 3 |
| Kansas | 18,450 | 25 | 15,000 | 11 |
| Kentucky | 11,100 | 14 | 30,000 | 19 |
| Louisiana | 84,300 | 73 | 9,455 | 16 |
| Maine | 13,000 | 8 | 500 | 1 |
| Maryland | 134,125 | 131 | 63,997 | 57 |
| Massachusetts | 105,545 | 92 | 97,326 | 106 |
| Michigan | 223,907 | 264 | 49,448 | 37 |
| Minnesota | 19,750 | 26 | 8,000 | 8 |
| Mississippi | 4,500 | 5 | 1,000 | 2 |
| Missouri | 125,475 | 136 | 60,613 | 70 |
| Montana | 4,250 | 4 | 3,046 | 2 |
| Nebraska | 18,749 | 24 | | |
| Nevada | 11,300 | 12 | 13,000 | 7 |
| New Hampshire | 10,000 | 13 | 2,500 | 3 |
| New Jersey | 147,560 | 174 | 72,509 | 75 |
| New Mexico | 51,675 | 28 | 2,300 | 3 |
| New York | 2,382,047 | 2,172 | 1,017,335 | 865 |
| North Carolina | 30,100 | 35 | 28,512 | 15 |
| North Dakota | 500 | 1 | 500 | 1 |
| Ohio | 374,005 | 475 | 59,500 | 63 |
| Oklahoma | 117,000 | 128 | 50,404 | 60 |
| Oregon | 116,722 | 124 | 10,200 | 13 |
| Pennsylvania | 999,434 | 957 | 231,981 | 274 |
| Rhode Island | 47,000 | 51 | 35,950 | 38 |
| South Carolina | 4,000 | 5 | 4,000 | 4 |
| South Dakota | 10,850 | 15 | | |
| Tennessee | 19,844 | 20 | 5,000 | 9 |
| Texas | 256,870 | 172 | 55,434 | 53 |
| Utah | 500 | 1 | 1,500 | 2 |
| Vermont | 2,500 | 4 | 10,500 | 5 |
| Virginia | 39,100 | 38 | 47,930 | 37 |
| Washington | 30,150 | 17 | 13,000 | 9 |
| West Virginia | 137,950 | 132 | 43,116 | 42 |
| Wisconsin | 135,575 | 177 | | |
| Wyoming | 13,690 | 16 | | |
| Alaska | 1,000 | 1 | | |
| Hawaii | 2,500 | 1 | 3,000 | 5 |
| Puerto Rico | 15,000 | 16 | 5,000 | 4 |
| Virgin Islands | 2,736 | 1 | | |
| Foreign | 57,000 | 30 | 7,500 | 7 |
| No address | 79,625 | 94 | 71,361 | 93 |
| Total | 8,064,907 | 7,751 | 2,820,655 | 2,663 |

In addition to the information obtained from the political committees, the subcommittee addressed forms to approximately 400 individuals whose contributions in 1956 were shown to be in the amount of $5,000 and over. These persons were requested to list on the forms thus provided the total contributions made by them during the entire year of 1956 to assist the subcommittee in verifying its own records.

As in the case of political committees, the individual contributors were requested to submit to the subcommittee their suggestions for remedial legislation in the field of Federal elections. A specimen of the form provided for the listing of individual contributions and copies of the letter of transmittal are contained in exhibit 30.

An alphabetical list of contributors of $5,000 or more, together with the amounts of their contributions, is set forth in exhibit 12. The total aggregate amount of such contributions, by parties, is as follows:

| | |
|---|---|
| Republican | $2,894,309 |
| Democratic | 860,380 |
| Other | 55,000 |

On the basis of information supplied to the subcommittee, the largest total amount contributed by one person was the sum of $73,164, contributed by Mr. Lansdell K. Christie of New York City. Of this sum, $70,564 was contributed to Democrats and the balance to a miscellaneous committee. The second largest contributor was Mrs. Charles S. (Joan Whitney) Payson who contributed $65,050 to Republicans.

Family contributions: Many of these individual contributors are members of prominent American families of wealth. An exhibit listing 12 selected family groups (exhibit 11) shows that a total of $1,153,735 was contributed by these families during 1956, of which over 90 percent went to Republicans. The totals, by families, are as follows:

| Family | Total | Republican | Democratic | Miscellaneous |
|---|---|---|---|---|
| Du Pont | $248,423 | $248,423 | | |
| Field | 33,500 | 7,500 | $23,000 | $3,000 |
| Ford | 36,899 | 36,899 | | |
| Harriman | 38,850 | 34,350 | 4,500 | |
| Lehman | 39,500 | 14,000 | 23,500 | 2,000 |
| Mellon | 100,150 | 100,150 | | |
| Olin | 53,550 | 53,550 | | |
| Pew | 216,800 | 216,800 | | |
| Reynolds | 49,609 | | 49,609 | |
| Rockefeller | 152,604 | 152,604 | | |
| Vanderbilt | 62,400 | 54,800 | 6,500 | 1,100 |
| Whitney | 121,450 | 121,450 | | |
| Total | 1,153,735 | 1,040,526 | 107,109 | 6,100 |

Other exhibits accompanying this report arrange in alphabetical order the names of the individual contributors to both major parties in the sum of $500 and more, according to the committees and candidates of both parties to which and to whom the contributions were made (exhibit 26) and according to States (exhibit 28).

Further analysis and arrangement of the individual contributors according to business and other affiliations, have been made as follows:

(A) 225 of the Largest United States Corporations With Offices and Directors Contributing $500 or More, January 1–November 30, 1956 (Exhibit 25)

The alphabetical list of the 1956 contributors of $500 or more, exhibit 26, was compared by the staff against the names of officials of 225 of the largest United States corporations as listed by Fortune magazine in its July 1956 issue. From the Fortune list, the following selection was then made:

(a) 100 largest industrial firms (measured by 1955 sales).

(b) 25 largest commercial banks (measured by 1955 assets).

(c) 25 largest merchandising firms (measured by 1955 sales).

(d) 25 largest transportation companies (measured by 1955 operating revenues).

(e) 25 largest life-insurance companies (measured by 1955 assets).

(f) 25 largest utilities (measured by 1955 assets).

The results of this comparison show that officials of the largest corporations thus selected contributed $1,816,000 to the Republican Party, and contributed $103,000 to the Democratic Party.

(B) Officials of National and International Unions (Exhibit 13)

It was found that 18 labor officials contributed $500 or more, and that 10 such persons were presidents of national or international unions. The total of these contributions was $19,000, of which $16,500 was contributed to Democratic committees or candidates, and $2,500 to Republican committees or candidates.

(C) Officials of 88 Corporations Participating in the Atomic Energy Program (Exhibit 20)

Persons contributing $500 or more who are officers and directors of firms engaged in the

atomic energy program, are listed in exhibit 20. Included are those corporations which have been individually licensed by the Atomic Energy Commission, as well as those corporations which have combined to form joint ventures whereby the group as a separate entity has been licensed. The grand totals are:

| | |
|---|---|
| Republican | $387,342 |
| Democratic | 34,700 |

(D) Officials of 100 Largest Military Prime Contractors (Exhibit 19)

The names contained in the subcommittee's list of officials and directors of the 100 largest prime defense contractors show the following contributions:

| | |
|---|---|
| Republican | $1,133,882 |
| Democratic | 40,975 |

(E) Officials of 29 of the Largest Oil Companies in the United States (Exhibit 18)

Comparison by the subcommittee staff of the alphabetical listing of the names of individual contributors in the amount of $500 and more (exhibit 26), against the names of officials of the 35 largest oil companies in the United States, as contained in the Fortune magazine list, show total aggregate contributions in the amount of $344,997 to Republican committees, and/or candidates, and $14,650 to Democratic committees and/or candidates.

(F) Officials of Other Corporate Organizations

Comparisons of the individual lists of contributors of $500 and more against the lists of corporate officials of other important segments of American business and industry, reflect the following:

(1) Officials of the 10 leading radio and television station licensees (exhibit 14)

Total contributions by officers and directors of the principal radio and television broadcasting companies show total contributions as follows:

| | |
|---|---|
| Republicans | $37,800 |
| Democrats | 1,000 |

Analysis of contributions according to the companies with which these officials are connected reflects the following:

| Company | Republican | Democratic | Total |
|---|---|---|---|
| Columbia Broadcasting System, Inc | $13,600 | | $13,600 |
| National Broadcasting Co., Inc | 3,500 | | 3,500 |
| American Broadcasting Co., Inc | 500 | | 500 |
| Storer Broadcasting Co., Inc | 9,300 | | 9,300 |
| Westinghouse Broadcasting Co | 3,400 | $500 | 3,900 |
| RKO Teleradio Pictures, Inc | | | |
| Crosley Broadcasting Corp | 4,500 | 500 | 5,000 |
| Meredith Publishing Co | 2,500 | | 2,500 |
| Scripps, Howard Radio, Inc | | | |
| Consolidated TV and Radio Broadcasters, Inc | 500 | | 500 |
| Total | 37,800 | 1,000 | 38,800 |

(2) Officials of 17 certificated airlines (exhibit 15)

Analysis of the contributions of $500 and over by officers and directors of 17 certificated airlines discloses the following total contributions:

| | |
|---|---|
| Republicans | $132,150 |
| Democrats | 31,609 |

The totals, according to the companies with which these persons are affiliated, together with the amount of contributions, by companies, is as follows:

| Company | Republican | Democratic |
|---|---|---|
| American Airlines | $6,000 | $500 |
| Braniff Airways, Inc | 1,750 | 500 |
| Capital Airlines, Inc | 5,500 | |
| Continental Air Lines, Inc | 13,800 | |
| Delta Airlines, Inc | 3,000 | 24,609 |
| Eastern Airlines | 25,550 | |
| Flying Tiger Line, Inc | 4,500 | |
| National Airlines, Inc | 3,000 | 2,000 |
| Northwest Airlines, Inc | 1,000 | |
| Northeast Airlines, Inc | | 500 |
| Pan American Grace Airways, Inc | 500 | |
| Pan-American World Airways | 24,500 | |
| Seaboard & Western Airlines, Inc | 3,750 | |
| Slick Airways, Inc | 22,000 | 3,500 |
| Trans World Airlines | 2,000 | |
| United Air Lines | 15,300 | |
| Western Air Lines, Inc | | |
| Grand total | 132,150 | 31,609 |

(3) Officials of the 37 leading advertising agencies (exhibit 17)

In this group, no officers and directors were found to have contributed to Democrats. Total contributions to the Republicans were in the sum of $51,600. The firm list is as follows:

| Company: | *Republicans* |
|---|---|
| Batten, Barton, Durstine & Osborn | $5,000 |
| Benton & Bowles | 1,500 |
| Biow-Beirn-Toigo (now Biow Co.) | 2,000 |
| Brooke, Smith, French & Dorrance | None |
| Campbell, Ewald Co | 11,350 |
| Campbell-Mithun | None |
| Cockfield, Brown & Co | None |
| Compton Advertising | None |
| Cunningham & Walsh | None |
| Dancer-Fitzgerald-Sample | 1,000 |
| D'Arcy Advertising Co | 1,500 |
| Donahue & Coe | None |
| D. P. Brother & Co | None |
| Erwin, Wasey & Co | None |
| Foote, Cone & Belding | 500 |
| Fuller & Smith & Ross | None |
| Geyer Advertising | 500 |
| Grant Advertising | 500 |
| Grey Advertising Agency | None |
| J. Walter Thompson Co | 12,600 |
| Kenyon & Eckhardt | 3,000 |
| Kudner Agency | 500 |
| Lennon & Newell | 2,000 |
| Leo Burnett Co | 500 |
| MacLaren Advertising Co | None |
| MacManus, John & Adams | 500 |
| Maxon, Inc | 500 |
| McCann-Erickson | 1,650 |
| Needham, Louis & Brorby | None |
| Norman, Craig & Kummel | None |
| N. W. Ayer & Son | None |
| Ruthrauff & Ryan | 500 |
| Sullivan, Stauffer, Colwell & Bayles | 1,000 |
| Tatham-Laird | None |
| Ted Bates & Co | None |
| William Esty Co | 3,000 |
| Young & Rubicam | 2,500 |
| Grand total | 51,600 |

(4) Officials of the 47 leading underwriters of investment bonds (exhibit 16)

Officials of the 47 leading underwriters of investment bonds who contributed in amounts of $500 and over, according to committee records, made total contributions of $237,800 to the Republicans, and $2,000 to the Democrats. The firms and the total amounts of the officials contributing are:

| Company | Republicans | Democrats |
|---|---|---|
| Allyn (A. C.) & Co., Inc | $7,500 | |
| Allen & Co | 8,000 | |
| Bache & Co | 1,000 | |
| Bear, Stearns & Co | 9,500 | |
| Blyth & Co | 6,750 | |
| Byllesby (H. M.) & Co., Inc | 500 | |
| Central National Corp | 1,000 | |
| Clark, Dodge & Co | 2,000 | |
| Craigmyle, Pinney & Co | 1,000 | |
| Dominick & Dominick | 3,350 | |
| Drexel & Co | 5,300 | |
| Du Pont (Francis I.) & Co | 5,000 | |
| Eastman, Dillon & Co., Inc | 5,500 | |
| Equitable Securities Corp | None | |
| First Boston Corp | 2,000 | |
| Glore, Forgan & Co | 1,500 | |
| Goldman, Sachs & Co | 5,000 | |
| Goodbody & Co | None | |
| Gregory & Sons | None | |
| Halsey, Stuart & Co | 1,500 | |
| Harriman, Ripley & Co | None | |
| Haupt (Ira) & Co | 500 | |
| Hempbill, Noyes & Co | 4,100 | |
| Hentz (H.) & Co | 1,000 | |
| Hornblower & Weeks | 3,500 | |
| Hutton (E. F.) & Co | 2,500 | |
| Kidder (A. M.) & Co | None | |
| Kidder, Peabody & Co | 3,250 | |
| Kuhn, Loeb & Co | 21,300 | |
| Langley (W. C.) & Co | 500 | |
| Lazard Freres & Co | 6,500 | $500 |
| Lehman Bros | 48,350 | |
| Loeb (Carl M.) Rhodes & Co | 4,000 | |
| Marks (Carl) & Co., Inc | None | |
| Merrill Lynch, Pierce, Fenner & Beane | 20,600 | |
| Morgan, Stanley & Co | 19,300 | |
| Paine, Webber, Jackson & Curtis | 1,000 | |
| Reynolds & Co | 10,500 | |
| Rothchild (L. F.) & Co | 500 | |
| Salomon Bros. & Hutzler | 500 | |
| Shearson, Hammill & Co | None | |
| Smith, Barney & Co | 4,500 | |
| Union Securities Corp | 1,000 | |
| Walston & Co | None | |
| Wertheim & Co | 4,500 | |
| White, Weld & Co | 9,000 | |
| Witter (Dean) & Co | 4,500 | 1,500 |
| Grand total | 237,800 | 2,000 |

(5) Officials of professional, business, and other selected special groups (exhibit 22)

The special groups selected and the total number of political contributions by officials of these groups to the political parties are as follows:

| | Republican | Democrat | Miscellaneous |
|---|---|---|---|
| American Bar Association, house of delegates | $5,000 | $2,500 | |
| American Iron and Steel Institute | 45,100 | | |
| American Medical Association | | | |
| American Petroleum Institute | 171,750 | | |
| Association of American Railroads | 3,500 | | |
| Business Advisory Council for the Department of Commerce | 268,499 | 4,000 | $2,725 |
| Chiefs of diplomatic missions | 121,415 | | |
| Manufacturing Chemists Association | 2,250 | | |
| National Association of Electric Companies | 2,000 | | |
| National Association of Manufacturers | 81,475 | | |
| National Association of Real Estate Boards | 1,000 | 1,500 | |
| National Coal Association | 28,500 | | |
| United States Chamber of Commerce | 10,700 | | |
| Total | 741,189 | 8,000 | 2,725 |

C. Activity by Corporate and Business Organizations

Since section 610 of title 18, United States Code, prohibits contributions or expenditures on the part of corporations in connection with Federal elections, the activities of corporations and organizations normally considered allied with corporations came under the scrutiny of the subcommittee. Some of the activities investigated are as follows:

1. Testing of Democratic registrations, Oregon: A complaint from Kenneth E. Rinke, Multnomah County Democratic Committee chairman, dated November 1, 1956, initiated an investigation of Oregon election activities of certain business concerns in Portland, Oreg. It was determined that certain Portland business concerns were solicited by Gordon Orput, a local insurance man, and the Multnomah County Republican Central

Committee, to send out mailings to registered Democratic voters. The concerns used their own envelopes and generally enclosed some of their ordinary advertising material. However, in at least one instance nothing was enclosed in the envelopes mailed. The entire cost of the mailings was paid for by the concerns participating, or officers or members thereof, although the addressing of the envelopes was done by the Multnomah County Republican Central Committee.

The purpose of the mailing was to determine whether or not the Democratic voters were properly registered. All of the envelopes were marked "Return to Sender if Not Delivered." The envelopes which were returned to the concerns were, in most instances, handed over to the Republican central committee for use by their poll watchers as evidence that the voters whose names were addressed on the envelopes were not living at the addresses which had been given. Since the addresses to which the envelopes were sent had been obtained from the list of registered voters kept in the office of the secretary of state, this could mean that the voter was improperly registered or, perhaps, nonexistent. In at least two instances, however, all of the returned envelopes were not given to the Republican central committee because the concerns involved had doubts about permitting their use for political purposes. Representatives of some of the concerns involved also indicated that they did not know at the outset that the mailing was to be solely to Democratic voters.

Some of the concerns which participated in this mailing scheme were individual proprietorships and partnerships to which section 610 of title 18, United States Code, which prohibits contributions to Federal election campaigns by corporations, is not applicable. There were, however, several corporations, including the First National Bank of Portland. The participation of such concerns in this activity may be a violation of section 610 since the results of the mailing were used by the Republican committee to check registrations of Democratic voters and, to that extent, such activity may be considered to constitute an "expenditure" on behalf of the Republican committee.

2. Activities of Pennsylvania Manufacturers Association: As a result of a newspaper story appearing in the Pittsburgh Post-Gazette of October 3, 1956, which indicated that the Pennsylvania Manufacturers Association was making contributions to the Republican Party and the testimony of James McDevitt, codirector of the AFL–CIO Committee on Political Education, at the subcommittee's hearings on October 9, 1956, to the effect that the association is "one of the most active political organizations in the United States" (hearings, p. 321), an inquiry was made into the activities of the association. The only political activity disclosed by the preliminary staff investigation was a campaign designed to encourage persons to register to vote. Therefore, no further investigation of the association was conducted by the subcommittee.

D. Activity by Labor Organizations

Section 610 of title 18, United States Code, was amended by the Taft-Hartley Act so as to include labor unions within its terms and place them upon the same footing as corporations so far as political contributions and expenditures are concerned. In spite of this section, however, there is extensive activity by labor unions in the political field, mostly through political education and political action committees, usually financed by voluntary contributions. A more detailed accounting of the findings of the subcommittee as to the extent of labor participation in the campaign will be found elsewhere in this report, but in one instance an on-the-spot investigation was made.

As a result of a request by Senator CURTIS on November 1, 1956, the subcommittee sent an investigator to Flint, Mich., to determine the facts in reports that the Greater Flint Industrial Union Council and, specifically, local 599 of the United Auto Workers, were engaging in political activities and using union funds therefor, in violation of the Federal election laws. This investigation was somewhat hampered by the facts that the campaign was then at its height, and that an investigation was in progress was known to the press. The union leaders, objecting to the publicity, and feeling that the investigation was being used for campaign purposes, were reluctant to lend their full cooperation. However, information was obtained from which certain conclusions can be reached.

Thus, it appears, the Greater Flint Industrial Union Council requested its locals to furnish to the council the sum of 47½ cents per member for use in the election campaign and to call out from their plants their political action committees and political candidates from October 8 to November 8, 1956. The executive board of local 599, at a meeting held September 7, 1956, voted to concur in the request of the council, and to recommend to the local that anyone called out of the shop be paid $20 per day, but not more than $100 per week. At the regular membership meeting of local 599, held pursuant to the usual notice, on September 9, 1956, it was voted to concur in the request of the council and to adopt the recommendation of the executive board. It was not possible to establish in the course of the investigation whether this request was for a voluntary contribution from the members or whether an assessment was actually made.

The information and material obtained by the investigator was transmitted to the Department of Justice for such action as it should deem indicated. (For further discussion of labor and corporate activity, see pp. 23 to 25, infra.)

E. Purchase and Sale of Campaign Materials

Section 608 (b) of title 18, United States Code, provides as follows: (b) Whoever purchases or buys any goods, commodities, advertising, or articles of any kind or description, the proceeds of which, or any portion thereof, directly or indirectly inures to the benefit of or for any candidate for an elective Federal office including the offices of President of the United States, and presidential and vice presidential electors or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any national political party, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

This subsection shall not interfere with the usual and known business, trade, or profession of any candidate.

In the light of this provision of the code, the subcommittee was interested in determining the method of distribution and the cost of various campaign paraphernalia. Included in this report is an illustrative list of companies engaged in the sale of political novelties and specialties, together with the gross dollar volume of sales in 1956 (exhibit 9). Most of these items are of little actual monetary value. However, they are usually sold at a unit price far in excess of their cost and have become an important factor in political solicitations. The amount of money expended by political committees and candidates to only 6 companies which sold these items in the 1956 campaigns was approximately $678,000. The amount realized by the sale of such items must have at least equaled that amount.

The above-quoted section of the Federal code would appear by its terms technically to prohibit the purchase and sale of these items by individuals, committees, or candidates. If this be the case, the number of violations is legion and obviously there is need for remedial legislation in this area of political activity. Campaign buttons, stickers, pencils, and other campaign materials, are universally used as methods of publicizing parties, candidates, and issues.

F. Campaign Literature

Some past campaigns have been marred by scurrilous and defamatory literature. In the 1956 campaign, the subcommittee received information of only two instances where such practices were being followed.

One of these instances arose in North Dakota, in the campaign of A. C. Townley, a self-styled Independent Republican candidate for the United States Senate. Most of his financing was handled through the Citizens Committee for Better Understanding of the Communist Threat, of which E. C. Joyce, of Bismarck, N. Dak., was secretary. Most of the speeches and advertisements of the candidate were devoted to attacks upon Quentin Burdick, the Democratic candidate for Senate, and especially to attempts to label Burdick as a Communist.

The other instance arose in Oklahoma. Rev. Billy James Hargis, of the Christian Echoes National Ministry, Inc., of Tulsa, Okla., distributed a mimeographed appeal for funds entitled "Our 1956 Political Crisis," and a printed leaflet entitled "Stevenson and Kefauver." Both of these items were marked by extreme language and attempts to link Stevenson and KEFAUVER to communism.

Investigation of these two matters was not completed at the time of submission of this report.

G. Democratic Senatorial Primary—Idaho

On August 23, 1956, the subcommittee received by telegram a complaint from Hon. Glen Taylor, who was defeated in the Democratic primary in the State of Idaho, in which a request was made for a recount of the primary vote. The complainant was advised of the rules of the subcommittee as above described and was accorded an opportunity to present a written verified statement of complaint with supporting affidavits. Under date of September 5, 1956, Mr. Taylor filed with the subcommittee his written but unverified communication with seven supporting affidavits from other individuals. After preliminary review by the staff of the subcommittee the entire matter was considered by the subcommittee in executive session on September 12, 1956, and a finding was made that the evidence was insufficient to make a prima facie case. Mr. Taylor was so advised by letter dated September 12, 1956.

H. Alleged Solicitation of Campaign Contributions in General Motors Plants, Cleveland, Ohio

An anonymous complaint dated September 4, 1956, received by the subcommittee alleged that general foremen and employees of higher rank in a General Motors Corp. plant located in Cleveland, Ohio, were being compelled to contribute to the Republican Party. Pledge cards were allegedly distributed by the plant manager, who informed the supervisory employees that a minimum contribution of $50 was expected. The complainant stated that his pledge card and contribution had been returned to him because he had contributed only $20.

Interviews with various supervisory personnel at four General Motors plants in Cleveland revealed that some, but not all, of these employees had received pledge cards for the Ohio Republican Finance Committee and the Ohio Republican Senatorial Committee from their superiors at the General Motors plants. In some instances, the employee's name was on the pledge card; in others, the cards were blank. Some of the employees made contributions in varying amounts, while others did not. None of the employees indicated that any pressure was exercised, but one employee stated that he had never contributed before and would not have contributed in 1956 except for the fact that the pledge card was given him by his immediate superior at the plant.

Interviews were also held with officials in charge of the various General Motors plants in Cleveland. These interviews revealed that in at least three of the plants the manager or superintendent received Republican pledge cards from the Cuyahoga County Republican Committee and distributed them to supervisory personnel in their plants through organizational channels. In at least one plant, the pledge cards and contributions were returned to the superintendent for forwarding to the committee.

I. Constitution and Free Enterprise Foundation

As a result of information received by the subcommittee, a preliminary field inquiry investigation was made of the activities of the Constitution and Free Enterprise Foundation, Inc., in connection with the election. The Constitution and Free Enterprise Foundation, Inc., is classified by the United States Treasury as a tax-exempt organization organized and operated exclusively for educational purposes. It maintains offices in New York City and its secretary is Dr. Edward A. Rumley. Contributions made to this organization are deductible by the donors for income-tax purposes.

While the campaign was in progress, this foundation undertook nationwide mass distribution of the book Farmers at the Crossroads by Ezra Taft Benson, Secretary of Agriculture. This book contains a brief biography of Mr. Benson, a discussion of farm problems, including the question of parity and acreage control and strongly supports the administration's farm policy. In the descriptive literature concerning the book, it is referred to as containing a "nonpolitical solution" of our farm problem. The book, itself, contains such nonpolitical chapters as Controls Versus Initiative, Why Price and Acreage Controls Don't Work, Should Efficiency Be Outlawed? and The Paternalistic Road to Disaster.

Contributions were solicited by the Constitution and Free Enterprise Foundation, Inc., by telegram and otherwise from individuals in at least eight States: California, North Dakota, South Dakota, Minnesota, Indiana, Pennsylvania, and Montana. In these solicitations, the persons addressed were advised that their contribution would be tax-deductible.

The activities of this foundation during the election campaign point up the problem that such foundations may be used as a device to avoid controls upon political expenditures and to provide tax benefits for political contributors. The information gathered by the staff is being forwarded to the Internal Revenue Service.

(J) Miscellaneous Complaints

Various complaints were received by the subcommittee during the course of the election campaign which did not result in investigation. In each instance the complainants were advised of the rules of the subcommittee described above, but no supporting evidence was submitted. Some of these complaints were as follows:

1. A complaint by Mr. JOHN D. HOBLITZELL, Jr., chairman of the West Virginia Republican Executive Committee, alleging that people had been discharged as employees of State institutions because they refused to contribute political funds to Democrats.

2. A complaint by the Republican State senate candidates from the city of New York alleging excessive expenditures by Governor Harriman in connection with his attempt to win the Democratic presidential nomination.

3. A complaint by Guy L. Smith, Republican State Executive Committee of Tennessee, alleging that certain State employees had been required to contribute 10 percent of their September pay as a political contribution. (This matter was referred to a special subcommittee consisting of Senators MANSFIELD and CURTIS.)

4. A telegram from Thomas H. Lane, campaign chairman of the Dauphin County, Pa., Democratic campaign, requesting that an investigator be assigned to Harrisburg, Pa., on election day because of certain notorious election fraud districts.

5. A telegram from Walter E. Curry, Republican State chairman of Oklahoma, requesting assignment of investigators as observers on election day because this State is notorious for election-day frauds.

6. A telegram from Mr. Griffith Rees, Democratic county chairman for Lake County, Ind., alleging a shakedown of supervisory personnel for contributions to the Republican Party at the United States Steel plant in Gary, Ind.

V. SUBJECTS DEVELOPED AT PUBLIC HEARINGS

In the course of its study the subcommittee has held 2 sets of public hearings which consumed a total of 5 days. Thirty-three witnesses were questioned, some of them appearing before the subcommittee more than once, regarding various phases of campaign practices and political activities, with a view toward enlightening the subcommittee and the public as to the conduct of the campaigns, and the necessity for remedial legislation. Testimony was received on a variety of subjects including the subject of institutional advertising referred to in section IV of this report. A summary outline and discussion of others of these points, together with some of the tentative conclusions arrived at, follow:

A. Campaign Contributions

In general, the testimony regarding campaign contributions centered around the questions of whether there should be any limitation upon the amount allowed to be contributed by individuals, and if such a limitation were made, how it should be enforced, and whether labor unions and corporations should be allowed to contribute. In this connection, the question of giving adequate publicity to contributions, together with the possible deterrent effect of such publicity, was examined.

The first witness at each of the sessions of public hearings held by the subcommittee was Dr. Alexander Heard, professor of political science at the University of North Carolina, who became a staff consultant on September 17, 1956. At his first appearance before the subcommittee, Dr. Heard estimated the costs of all election campaigning in 1952 to have been in the neighborhood of $140 million.

It was the general consensus of the witnesses that the present definition of "political committee" included in the Federal Corrupt Practices Act of 1925 is inadequate, both as to providing an effective limitation on the amount which can be contributed by an individual, and also as to providing adequate publicity to amounts contributed. The present definition includes: any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates for presidential and vice presidential electors (1) in 2 or more States, or (2), whether or not in more than 1 State, if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization.

As was forcefully brought out by the testimony of John Hay Whitney, chairman of the United Republican Finance Committee of New York, a political committee operating in only a part of a State would not be included in the above definition and yet could exert a powerful influence upon an election in terms of funds raised and disbursed. Mr. Whitney's testimony shows that his committee operates in only 8 counties of New York, and yet it had raised by September 10, 1956, the sum of $683,559.50. The total contributions reported by this committee as of December 31, 1956, were $1,645,369.

It was pointed out that, since this committee did not come within the definition of a "political committee" as used in the Corrupt Practices Act or in the Hatch Act, there was no limitation as to the amount an individual could contribute to such committee. Nor is such a committee required to file with the Clerk of the House of Representatives the statement required of "political committees" by section 305 of the Corrupt Practices Act, so that no publicity would be given to such a contribution unless a report were required by State or local law, or, as in the case of Mr. Whitney's committee, a report was filed voluntarily.

Most of the witnesses favored some limitation upon the amount allowed to be contributed by any one individual. In this connection, Walter P. Reuther, president of the International Union of United Automobile, Aircraft, and Agricultural Implement Workers of America, renewed a recommendation previously made by his organization that there be a $5 limitation per voter; and that contributions should be made only by qualified electors. This limitation would be separate for President, Senator, Congressman, and political party. Thus, under Mr. Reuther's suggestion, in a presidental election year, no individual would be allowed to contribute more than $20, $15 in a Congressional year, and $5 in a nonelection year. This was the most drastic recommendation proposed. The other witnesses favored somewhat higher limits.

Mr. Carleton G. Ketchum, president of Ketchum, Inc., Pittsburgh, Pa., a fund-raising organization, stated that he thought that a reasonable limitation should be made, and added that there was a practical limitation now, due to the gift tax provisions of the Internal Revenue Code. (Mr. Ketchum testified that his organization had raised $600,000 in Pittsburgh for the Republican Party as of October 10, 1956, and hoped to raise an additional $200,000. Commissions received by him were approximately $58,000 as of the same date. (Hearings, pt. 2, pp. 449-452.))

The tax aspects of campaign contributions were testified to by Justin F. Winkle, Assistant Commissioner of Internal Revenue. He stated that, insofar as campaign contributions were concerned, under the Federal gift-tax law, an annual exclusion of $3,000 is given to any unmarried donor in connection with any gift to a separate donee. In addition, each donor is allowed a $30,000 lifetime exemption. In the case of married individuals, a husband and wife, or a husband using his wife's exemption and exclusion, could make annual gifts of $6,000 without gift-tax liability to any number of donees and could make additional gifts during their lifetime in the sum of $60,000 without gift-tax lability. A gift-tax return, however, must be filed in any case where a contribution is made to any one committee exceeding $3,000 in any 1 year. He also pointed out that under the Federal income-tax law, no deduction is allowed by an individual or other organization for political contributions or expenditures, though in certain exceptional cases, a contribution or expenditure which might be classed by some as "political" has been allowed.

Some testimony related to the question as to whether or not a deduction or credit ought to be allowed for a political contribution or expenditure. Paul Butler, chairman of the Democratic National Committee, stated that the Democratic National Committee had supported bills to encourage contributions by taxpayers by allowing them to deduct contributions of up to $100 to political parties or candidates, or, in the alternative, to allow an outright credit for political donations of up to $10.

Mr. Carleton G. Ketchum also testified that in his opinion it would be very well worthwhile to permit the deduction for income-tax purposes of up to $100 of a contribution to a recognized political party, stating that it must be assumed that a contributor makes such a contribution in the interest of good government. He further stated that he believed that such a deduction would greatly increase the number of givers in amounts below $100 and cause a number of those now giving lesser amounts to increase their contributions up to $100. Similar testimony was received from other witnesses.

B. Campaign Spending Limitations

Primarily, the discussion and suggestions in regard to campaign spending limitations centered around two questions: (1) Should there be any limit upon the amount allowed to be expended; and (2) if so, what would be a realistic limit. Section 20 of the Hatch Act (now sec. 609 of title 18, U. S. Code), originally enacted in 1940, provides that "no political committee shall receive contributions aggregating more than $3 million, or make expenditures aggregating more than $3 million, during any calendar year." In this connection, the testimony of Carroll P. Newton, vice president of Batten, Barton, Durstine & Osborne, Inc., advertising firm representing the Republican National Committee, was particularly arresting. He pointed out that since 1940 the cost of advertising in various media has risen drastically and submitted the following supporting statistics:

| Item | Average cost in— | | Increase (percent) |
|---|---|---|---|
| | 1940 | 1955 | |
| Black and white page advertisement in national magazine | $3,338.65 | $6,685.04 | Over 100. |
| Page advertisement in morning newspapers | 241.07 | 726.15 | Over 200. |
| Page advertisement in evening newspapers | 444.20 | 315.13 | Over 118. |
| Broadcast medium (in 1940 the broadcast medium consisted of radio alone; in 1955 the broadcast medium consisted of both radio and television): ½ hour full network facilities of NBC. | 13,701.00 | 81,819.00 | Over 500. |

It was the consensus of the witnesses interrogated on this point that the present law was unworkable and encouraged the formation of numerous political committees. The fact that any single committee is, under present law, limited to a $3 million expenditure, coupled with the fact that this limit for a nation the size of the United States would allow only a fraction of the advertising and other publicity necessary to reach the voters, gives rise to the creation of an enormous number of committees and organizations engaged in what might seem to be a duplication of effort. Thus we find that there is a Republican National Committee, a United Republican Finance Committee, a Citizens for Eisenhower, a Young Republican National Federation, a Young Republican National Campaign Committee, a National Federation of Republican Women, a Republican Committee on Healing Arts, and various other committees and organizations all established for the same purpose. There is a similar growth, of course, of committees and organizations concerned with electing Democratic candidates to national office.

Each of these committees, under the present law, is entitled to raise and expend up to $3 million. In addition, as pointed out heretofore, there is no effective limitation on the amount of money which can be raised and spent by a State or local committee.

C. Radio and Television—The Free-Time Question

The subcommittee received testimony from officials of the four leading broadcasting systems of the United States and also from Mr. Harold E. Fellows, president of the National Association of Radio & Television Broadcasters. There was substantial agreement on the part of these witnesses that section 315 of the Communications Act places serious handicaps upon political candidates and parties as well as upon the broadcaster or telecaster desiring to perform the public service of bringing to the listening and viewing audience adequate coverage of the election campaign.

The witnesses were practically unanimous that section 315 of the Communications Act ought to be repealed or drastically amended. This section, at present, provides, in part, as follows:

(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

Although on its face this section would appear to be a fair and equitable statute, its application has created many problems. Under the interpretation which the section has received by the Federal Communications Commission, any qualified candidate is entitled to the benefits of this section. As was pointed out by the testimony of Richard S. Salant, vice president of the Columbia Broadcasting System, Inc., in 1952 there were 18 political parties which presented presidential nominees. In addition to the Republican and Democratic Parties, there were also presidential candidates of the American Party, the American Rally, the Christian Nationalist Party, and numerous other groups.

A broadcaster or telecaster is not allowed under section 315 (a) to make any distinction among the candidates of these parties, regardless of the public interest in these candidates. In consequence, the broadcasters hesitate to allow the use of their facilities by any candidate, other than upon a paying basis, for fear that they will be besieged with requests for equal free time from these minor parties. It was suggested by the witnesses that some realistic criterion should be established whereby free time could not be demanded by parties who did not represent a substantial percentage of the voting public. Among other suggestions, there were advanced the ideas of requiring a party to have polled a certain minimum percentage of the vote in the last election or requiring that a petition bearing a certain minimum number of signatures be filed before equal free time would be allowed.

The question of requiring the radio and television broadcasters to present a certain minimum amount of free time to candidates was also raised during these hearings. Robert R. Nathan, chairman of the executive committee of the Americans for Democratic Action, suggested that the law be revised to require the networks to make a reasonable amount of free time available to candidates of the major parties. He also suggested that provision should be made for free time for minor parties based upon their abilities to show some support among the electorate.

It was pointed out by various witnesses that the air waves belong to the American people and that the radio and television stations have been granted a virtual monopoly of this great natural resource. It was felt by some that the favored position of the networks in regard to this natural resource should give rise to an obligation upon their part to furnish time without charge to candidates and political parties in connection with the elections. The witnesses on behalf of the radio and television industry, however, were opposed to such suggestions. They argued that radio and television were not the only expenses of a political campaign and that a similar argument could be made to require free transportation to be furnished by the railroads, free hotel rooms and offices, free printing and space in newspapers.

The subcommittee's study of radio and television in the 1956 election campaign revealed the amount of free time that individual radio and television stations and the radio and television networks made available to the various political parties. The figures with respect to radio and television free time are summarized infra, pages 8–11, and are set forth in detail in exhibit 24. However, it should be noted that the figures compiled by the subcommittee for the 1956 campaign includes free time given to persons supporting candidates as well as free time made available to the candidates themselves. The requirements of section 315 of the Communications Act apply only to use of broadcasting facilities by the candidates themselves.

The question of censorship by political broadcasters and telecasters was also raised in the hearings. It was pointed out by representatives of the radio and television industry that under the present law a broadcaster is not allowed to censor a speech of a candidate and yet the broadcaster is held responsible by many State laws for any slanderous or libelous statements which might be uttered by the candidate. It was felt by these witnesses that this law was inequitable and, while most of them did not suggest that the stations be allowed to censor the candidates' statements, they did suggest that the law should remove them from liability for statements made in an uncensored broadcast.

D. Labor and Corporate Political Activities

From the testimony received by the subcommittee in public hearings and evidence which has been obtained by the staff during the present study, it appears that the question of corporate and labor activities in the political area and the impact upon such corporate and union activities of section 610 of the Corrupt Practices Act, have been placed more sharply in focus during the present campaign than in previous years.

The above-cited section of the act is applicable by its terms to corporations and labor unions and makes it unlawful for either of them to make * * * a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress or to be voted for, or in connection with any primary election, or political convention or caucus held to select candidates for any of the foregoing offices.

The testimony received from Prof. Alexander Heard, political science expert, Arch N. Booth, executive vice president, United States Chamber of Commerce, Duncan Norton-Taylor, assistant managing editor of Fortune magazine, and other witnesses has sketched out the lines of corporate activity believed to be legal within the meaning of section 610 of the Corrupt Practices Act, and also of activities clearly beyond the pale of legitimate corporate activities.

On the other hand, there are claims that union organizations are not merely expending funds voluntarily contributed by union members in support of candidates and committees, but are also making use of union treasury funds for purposes alleged to be unlawful under the above section of the Corrupt Practices Act.

The representatives of labor cited the following examples of activity in which they, under their constitutional right, are per-

mitted to engage, with the use of general union funds:

(1) Systematically organize drives for registration of voters;

(2) Carry out a systematic program of political education, including organization of schools where political questions are discussed, and the compilation and distribution of voting records; and

(3) Exercise the right of free speech by expressing their views on political questions in print and by means of television and radio and otherwise.

With respect to corporations, the testimony presented to the subcommittee discloses that corporations have been advised in broadly disseminated publications of the United States Chamber of Commerce and legal opinions that they may engage in the following political activities:

(1) Pay salaries and wages of officers and regular employees while engaged in political activities;

(2) Publish opinions and arguments of a political nature, expressed as the views of the corporation, in any house organ or other printed document circulated at the expense of the corporation;

(3) Purchase radio and television time or newspaper space for the presentation of the corporation's political views;

(4) Use any other means of expressing the political views of the corporate management, publicly or privately;

(5) Encourage people to register and vote, and disseminate information and opinions concerning public issues without regard to parties and candidates.

Comparable to the allegations that union treasury funds are improperly diverted directly to candidates or political committees (rather than for the direct expression by the union organizations of their own political philosophies or ideas), is the testimony of Dr. Heard and Mr. Duncan Norton-Taylor with respect to evasions of the law by corporate organizations. It was testified that such organizations:

(1) Make use of the advertising or entertainment funds of trade associations for political contributions;

(2) Place advertisements in political publications through public relations firms or advertising agencies;

(3) Make contributions in kind to political candidates (make available to them without pay the use of offices, airplanes, etc.);

(4) Permit the padding of expense accounts with the understanding that political contributions should be made out of the padded amounts; and

(5) Pay or prepay bonuses with the explicit or tacit understanding that part of such remuneration shall be spent in campaign contributions.

In the near future, a decision is expected in the case of *United States* v. *International Union, United Automobile, etc., Workers,* now pending before the Supreme Court of the United States, on appeal by the Department of Justice from a decision of Judge Picard of the Federal District Court of the Eastern District of Michigan. In that decision, it was held that expenditures made by a labor union from its general treasury for television broadcasts endorsing political candidates were not expenditures prohibited by section 610 of the Corrupt Practices Act.

Should the Supreme Court hold this provision unconstitutional in its application to the labor unions, there may still remain an area of doubt as to its constitutionality with respect to corporations. The viewpoint of labor as expressed by Mr. Reuther is, however, that corporations should have the same right to participate in political activities as labor unions claim for themselves.

The subcommittee received testimony from Warren Olney III, Assistant Attorney General in charge of the Criminal Division of the Department of Justice, with reference to the enforcement of section 610. In a statistical report of complaints received by the Department of Justice concerning alleged violations of this section from 1950 through 1956, Mr. Olney pointed out that during that period there had been received 54 complaints, of which 49 were considered by the Department to be worthy of investigation. From these complaints and investigations, 14 cases were presented to the grand jury; only 2 indictments were obtained; and only 1 case had been brought to trial, which resulted in an acquittal. The other indictment has resulted in the case of *United States* v. *International Union, United Automobile, etc., Workers,* noted above.

There has never been an indictment of a corporation under this section.

ALBERT GORE.
MIKE MANSFIELD.

EXHIBIT 11—1956 CONTRIBUTIONS OF 12 SELECTED FAMILIES

In this exhibit are presented summaries of certain contributions made in 1956 by members of 12 selected families. The information has been obtained from reports on file with the Clerk of the United States House of Representatives, chiefly from the period prior to September 1, and from questionnaires filed with the subcommittee by political committees and by individuals. Generally, the summaries include only contributions of $500 and over made in connection with campaigns for Federal office. In some instances, contributions of $100 and over and contributions made to other campaigns have been included, information provided by the contributors themselves.

The families and their contributions are as follows:

| Family | Total | Republican | Democratic | Miscellaneous |
|---|---|---|---|---|
| du Pont | $248,423 | $248,423 | | |
| Field | 33,500 | 7,500 | $23,000 | $3,000 |
| Ford | 36,899 | 36,899 | | |
| Harriman | 38,850 | 34,350 | 4,500 | |
| Lehman | 39,500 | 14,000 | 23,500 | 2,000 |
| Mellon | 100,150 | 100,150 | | |
| Olin | 53,550 | 53,550 | | |
| Pew | 216,800 | 216,800 | | |
| Reynolds | 49,609 | | 49,609 | |
| Rockefeller | 152,604 | 152,604 | | |
| Vanderbilt | 62,400 | 54,800 | 6,500 | 1,100 |
| Whitney | 121,450 | 121,450 | | |
| Total | 1,153,735 | 1,010,526 | 107,109 | 6,100 |

This exhibit illustrates that significant political contributions are made by some prominent family groups. It does not include all prominent families, and it is not intended to suggest that all prominent families make large political contributions. Some single individuals, in fact, made larger campaign gifts in 1956 than some of these families, as shown in exhibit 12.

The exhibit does not necessarily include the contributions of all members of the families listed. The subcommittee has simply included the contributions it knows about that were made by persons who, it understands, belong to the families in question. In the case of the du Pont family, the names of over 900 members of the family were checked against the list of contributors.

*Du Pont family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Bredin, J. B., Greenville, Del | $2,200 | | |
| Bredin, Mrs. J. B., Greenville, Del | 3,000 | | |
| Brown, Donaldson, Port Deposit, Md | 11,000 | | |
| Brown, Mrs. Greta B., Port Deposit, Md | 8,500 | | |
| Buck, C. D., Wilmington, Del | 1,000 | | |
| Buck, Mrs. C. Douglass, Buena Vista, Del | 500 | | |
| Carpenter, Mrs. Margaretta du Pont, Wilmington, Del | 6,500 | | |
| Carpenter, W. K., Wilmington, Del | 500 | | |
| Carpenter, W. S., Jr., Wilmington, Del | 11,800 | | |
| Carpenter, Mrs. W. S., Wilmington, Del | 500 | | |
| Carpenter, R. R. M., Jr., Wilmington, Del | 4,000 | | |
| Copeland, Lamot D., Wilmington, Del | 9,650 | | |
| Craven, Mrs. David, Wilmington, Del | 1,000 | | |
| Dean, J. Simpson, Wilmington, Del | 3,285 | | |
| Dean, Mrs. J. Simpson, Wilmington, Del | 3,285 | | |
| Downs, Mrs. Ellason, Wilmington, Del | 1,000 | | |
| Downs, Mr. and Mrs. Robert N., III, Wilmington, Del | 6,100 | | |
| du Pont, A. F., Marshalton, Del | 2,000 | | |
| du Pont, A. Felix, Jr., Wilmington, Del | 1,000 | | |
| du Pont, Alfred R., New York, N. Y | 2,000 | | |

*Du Pont family*—Continued

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| du Pont, Edmond, Wilmington, Del | $2,000 | | |
| du Pont, Emile F., Wilmington, Del | 1,000 | | |
| du Pont, Eugene E., Greenville, Del | 3,000 | | |
| du Pont, F. V., Washington, D. C | 9,000 | | |
| du Pont, H. B., Wilmington, Del | 4,000 | | |
| du Pont, Irénée, Wilmington, Del | 26,295 | | |
| du Pont, Irénée, Jr., Wilmington, Del | 2,500 | | |
| du Pont, K. L., Wilmington, Del | 1,000 | | |
| du Pont, Miss Lydia C., Wilmington, Del | 500 | | |
| du Pont, Nicholas R., Wilmington, Del | 5,000 | | |
| du Pont, Mrs. Pierre S., III, Wilmington, Del | 2,000 | | |
| du Pont, Pierre S., III, Wilmington, Del | 7,200 | | |
| du Pont, S. Hallock, Wilmington, Del | 3,000 | | |
| du Pont, William, Jr., Wilmington, Del | 9,000 | | |
| du Pont, Aileen M., Wilmington, Del | 500 | | |
| du Pont, Amy E., Santa Barbara, Calif | 1,000 | | |
| du Pont, Barbara B., Wilmington, Del | 500 | | |
| du Pont, Mrs. F. V., Washington, D. C | 1,000 | | |
| du Pont, Mrs. H. B., Greenville, Del | 2,100 | | |
| du Pont, H. F., Winterthur, Del | 3,000 | | |
| du Pont, Jessie Ball, Jacksonville, Fla | 600 | | |
| du Pont, Mrs. Lammot, Wilmington, Del | 2,000 | | |
| du Pont, Lammot Jr., Wilmington, Del | 2,000 | | |
| du Pont, Reynolds, Greenville, Del | 7,400 | | |
| du Pont, Ruth W., Wilmington, Del | 3,000 | | |
| Edmonds, G. P., Wilmington, Del | 1,000 | | |
| Edmonds, N. W., Wilmington, Del | 2,000 | | |
| Emerson, J. C., Brooksville, Fla | 1,500 | | |
| Flint, Mrs. Robert B., Greenville, Del | 2,000 | | |
| Greenewalt, Crawford H., Wilmington, Del | 4,200 | | |
| Greenewalt, Mrs. Margaretta L., Wilmington, Del | 2,000 | | |

*Du Pont family*—Continued

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Laird, William W., Wilmington, Del | $5,950 | | |
| Layton, G. B., Wilmington, Del | 500 | | |
| Layton, R. M., Wilmington, Del | 500 | | |
| Layton, Mrs. R. M., Wilmington, Del | 500 | | |
| Lunger, Mrs. Harry W., Wilmington, Del | 6,000 | | |
| May, Ernest N., Granoque, Del | 600 | | |
| Peyton, Bernard, New York, N. Y | 2,500 | | |
| Riegel, Richard, Montchanin, Del | 1,000 | | |
| Riegel, Mrs. Richard, Montchanin, Del | 3,000 | | |
| Reynolds, Mrs. W. G., Wilmington, Del | 2,750 | | |
| Reynolds, W. G., Wilmington, Del | 1,500 | | |
| Ross, Donald P., Montchanin, Del | 4,700 | | |
| Ross, Mrs. Donald P., Montchanin, Del | 3,500 | | |
| Schutt, Mrs. C. P., Wilmington, Del | 1,200 | | |
| Sharp, H. R., Jr., Wilmington, Del | 500 | | |
| Sharp, H. Rodney, Wilmington, Del | 6,250 | | |
| Sharp, Bayard, Wilmington, Del | 500 | | |
| Silliman, Henry H., Wilmington, Del | 1,962 | | |
| Silliman, Mrs. Henry H., Wilmington, Del | 2,956 | | |
| Wack, John T. DeBlois, Santa Barbara, Calif | 5,750 | | |
| Wack, Mrs. John T. DeBlois, Santa Barbara, Calif | 5,250 | | |
| Weymouth, George T., Wilmington, Del | 1,000 | | |
| Total | 248,423 | | |

*Field family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Field, Marshall. New York, N. Y | | $12,000 | $3,000 |
| Field, Mrs. Marshall, New York, N. Y | | 10,500 | |
| Field, Marshall, Jr., Chicago, Ill | $5,000 | | |
| Field, Mrs. Marshall, Jr., Chicago, Ill | 500 | 500 | |
| Field, Stanley, Chicago, Ill | 2,000 | | |
| Total | 7,500 | 23,000 | 3,000 |

*Ford family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Ford, Benson, Detroit, Mich | $3,000 | | |
| Ford, Mrs. Edsel B., Grosse Pointe Shores, Mich | 3,000 | | |
| Ford, Mrs. Henry, II, Grosse Pointe Farms, Mich | 2,500 | | |
| Ford, Charlotte M., Grosse Pointe Farms, Mich | 200 | | |
| Ford, Henry, II, Grosse Pointe Farms, Mich | 16,000 | | |
| Ford, Anne, Grosse Pointe Farms, Mich | 199 | | |
| Ford, Josephine F., Detroit, Mich | 3,000 | | |
| Ford, William C., Grosse Pointe Farms, Mich | 9,000 | | |
| Total | 36,899 | | |

*Harriman family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Harriman, W. A., New York, N. Y | | $4,500 | |
| Harriman, Mr. and Mrs. E. Roland, New York, N. Y | $34,350 | | |
| Total | 34,350 | 4,500 | |

*Lehman family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Lehman, Herbert H., New York, N. Y | | $15,500 | $2,000 |
| Lehman, Mrs. Herbert H., Washington, D. C | | 3,500 | |
| Lehman, Mrs. Arthur, New York, N. Y | | 3,000 | |
| Lehman, Mrs. Evelyn S., New York, N. Y | | 1,500 | |
| Lehman, Robert, New York, N. Y | $11,000 | | |
| Lehman, Mrs. Robert, New York, N. Y | 1,000 | | |
| Lehman Bros, New York, N. Y | 2,000 | | |
| Total | 14,000 | 23,500 | 2,000 |

*Mellon family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Mellon, Dr. Matthew A., Pittsburgh, Pa | $1,500 | | |
| Mellon, Mr. and Mrs. Paul, Upperville, Va | 29,500 | | |
| Mellon, Mr. and Mrs. Richard K., Pittsburgh, Pa | 33,000 | | |
| Mellon, Dr. W. L., Jr., St. Mark, Haiti | 1,500 | | |
| Hitchcock, Mrs. Thomas, New York, N. Y | 2,000 | | |
| Walton, Mr. and Mrs. John F., Jr., Pittsburgh, Pa | 3,150 | | |
| Scaife, Mr. and Mrs. Alan M., Pittsburgh, Pa | 29,500 | | |
| Total | 100,150 | | |

*Olin family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Olin, John M., East Alton, Ill | $11,950 | | |
| Olin, Mrs. John M., New York, N. Y | 3,000 | | |
| Olin, S. Truman, Jr., Alton, Ill | 1,500 | | |
| Olin, Mr. and Mrs. Spencer T., Alton, Ill | 34,600 | | |
| Pritzlaff, Mrs. Mary O., Milwaukee, Wis | 2,500 | | |
| Total | 53,550 | | |

*Pew family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Pew, J. Howard, Philadelphia, Pa | $48,125 | | |
| Pew, Mrs. J. Howard, Ardmore, Pa | 3,000 | | |
| Pew Estate, New York, N. Y | 2,000 | | |
| Pew, Estate of J. N., Philadelphia, Pa | 3,000 | | |
| Pew, J. N., Jr., Philadelphia, Pa | 51,425 | | |
| Pew, John G., Bryn Mawr, Pa | 500 | | |
| Pew, Mary Ethel, Philadelphia, Pa | 47,125 | | |
| Pew, Walter G., Bryn Mawr, Pa | 3,000 | | |
| Pew, Mrs. Arthur E., Bryn Mawr, Pa | 1,000 | | |
| Pew, Arthur E., Jr., Philadelphia, Pa | 9,000 | | |
| Pew, Walter C., Philadelphia, Pa | 1,500 | | |
| Myrin, Mrs. Mabel Pew, Philadelphia, Pa | 47,125 | | |
| Total | 216,800 | | |

*Reynolds family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Reynolds, David P., Louisville, Ky | | $6,000 | |
| Reynolds, J. Louis, Richmond, Va | | 6,000 | |
| Reynolds, Mrs. Muriel, Palm Beach, Fla | | 2,990 | |

*Reynolds family*—Continued

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Reynolds, R. S., Jr., Richmond, Va | | $6,000 | |
| Reynolds, Mrs. R. S., Sr., Richmond, Va | | 5,000 | |
| Reynolds, Richard J., Palm Beach, Fla | | 21,619 | |
| Reynolds, William G., Louisville, Ky | | 2,000 | |
| Total | | 49,609 | |

*Rockefeller family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Rockefeller, Blanchette H., New York, N. Y | $1,250 | | |
| Rockefeller, David, New York, N. Y | 16,050 | | |
| Rockefeller, Jeanette E., Morrilton, Ark | 1,000 | | |
| Rockefeller, Mrs. John D., Jr., New York, N. Y | 6,450 | | |
| Rockefeller, John D., Jr., New York, N. Y | 6,450 | | |
| Rockefeller, John D., III, New York, N. Y | 13,000 | | |
| Rockefeller, Laurance S., New York, N. Y | 23,350 | | |
| Rockefeller, Mrs. Laurance S., New York, N. Y | 2,200 | | |
| Rockefeller, Margaret M., New York, N. Y | 1,450 | | |
| Rockefeller, Nelson A., New York, N. Y | 29,600 | | |
| Rockefeller, Mrs. Nelson A., New York, N. Y | 6,000 | | |
| Rockefeller, Winthrop, Little Rock, Ark | 19,304 | | |
| Prentice, Mrs. Alta Rockefeller, New York, N. Y | 11,500 | | |
| Mauze, Mrs. Abby Rockefeller, New York, N. Y | 15,000 | | |
| Total | 152,604 | | |

*Vanderbilt family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Vanderbilt, Alfred G., New York, N. Y | $3,800 | | |
| Vanderbilt, Harold S., New York, N. Y | 47,000 | | |
| Vanderbilt, Anne C., Brookline, Mass | | $5,000 | |
| Vanderbilt, William H., Englewood, Fla | | 1,000 | $1,100 |
| Vanderbilt, Cornelius, New York, N. Y | | 500 | |
| Vanderbilt, Mrs. Harold S., New York, N. Y | 4,000 | | |
| Total | 54,800 | 6,500 | 1,100 |

*Whitney family*

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Whitney, John Hay, New York, N. Y | $32,100 | | |
| Whitney, Mrs. John Hay, New York, N. Y | 15,000 | | |
| Whitney, C. V., New York, N. Y | 2,500 | | |
| Payson, Charles S., New York, N. Y | 6,800 | | |
| Payson, Mrs. Joan Whitney, New York, N. Y | 65,050 | | |
| Total | 121,450 | | |

**EXHIBIT 12—1956 POLITICAL CONTRIBUTORS OF $5,000 OR OVER**

**This exhibit lists all those individuals, married couples or firms whom the subcommittee has been able to identify from reports available to it as making total political contributions of $5,000 or more during 1956. Of these contributions, $2,894,309 went to Republicans, $860,380 to Democrats, and $55,000 to other political parties or organizations.**

**The information has been obtained from questionnaires filed by political committees**

and by individuals with the Clerk of the House of Representatives and with the subcommittee. In some instances, the amounts derived from the questionnaires filed by political committees differed from the amounts shown in the reports filed by individuals. This is due to several conditions. The individual reports included contributions of $100 or more, while the committees reporting to the subcommittee were asked to give the names only of contributors of $500 or more. Some individuals reported their contributions to committees which were not among those requested to file questionnaires with the subcommittee. Moreover, the reports filed by committees may have contained errors, and the subcommittee had difficulty in many cases identifying individuals because of variations in the spelling of names and the lack of complete addresses. For these reasons, the amounts shown in this exhibit may, in some instances, vary from the amounts shown for the same individuals in other exhibits, particularly exhibits 25–28.

In this exhibit, the contributions of firms are listed under the firm name. Where a husband and wife have both made contributions, either jointly or separately, the given names of both, where known, are given. All contributions of a husband and wife have been combined, but that part of the total attributable solely to the wife is indicated in parentheses, e. g. (W———).

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Adams, Duque, and Hazeltine, suite 1035, Pacific Mutual Bldg., 523 West 6th St., Los Angeles 14, Calif. | $5,000 | | |
| Alexander, Mrs. Annette S., Alexander Sanitarium, Belmont, Calif. | 6,500 | | |
| Allen, Mrs. Vivian Beaumont, 680 Madison Ave., New York, N. Y. | 8,000 | | |
| Allison, William M., 299 East Lake Shore Dr., Chicago 11, Ill. | 5,000<br>(W 500) | | |
| Altschul, Mr. and Mrs. (Helen G.) Frank, 730 5th Ave., New York, N. Y., residence, Overbrook Farm, Riverbank Rd., Stamford, Conn. | | $9,350 | $250 |
| Anderson, Carl B., 3814 North Santa Fe, Oklahoma City, Okla. | 6,000 | | |
| Anderson, K. T., care of Citizens National Bank, Emporia, Kans. | | 7,000 | |
| Anderson, Mr. and Mrs. (Kathryn B) Wendell, 211 Vendome Rd., Grosse Point Farms 36, Mich. | 12,000<br>(W 8,000) | | |
| Arnold, Isaac, Mr. and Mrs., 3001 Del Monte, Houston, Tex. | 5,000 | | |
| Astor, Vincent, 152 West 42d St., New York, N. Y. | 7,500 | | |
| Avery, Sewell L., 209 East Lake Shore Dr., Chicago, Ill. | 6,000 | | |
| Ball, George W., Mr. and Mrs. (Ruth), Southern Bldg., Washington, D. C. | | 6,000<br>(W 2,500) | |
| Bartlett, David A., 406 National Bank Bldg., Tulsa, Okla. | 8,600 | | |
| Barton, T. H., care of Lion Oil Co., Eldorado, Ark. | 6,100 | | |
| Bechtel, Mr. and Mrs. (Laura Peart) S. D., 155 Sansome St., San Francisco, Calif. | 15,150<br>(W 2,500) | | |
| Benton, William, 342 Madison Ave., Suite 702, New York 17, N. Y. | | 23,657 | 250 |
| Berlin, Mr. and Mrs. Roy, 170 Broadway, New York, N. Y. | 9,000<br>(W 3,000) | 2,500 | |
| Berry, L. M. and Loren M., 1155 Ridgeway Rd., Dayton, Ohio, and Florida | 5,000 | | |
| Bez, Nick, 1220 Bexter Horton Bldg., Seattle, Wash. | | 5,000 | |
| Bingham, Barry, Glenview, Ky. | | 10,000 | |
| Blaustein, M. and Mrs. (Hilda K.) Jacob, American Bldg., Baltimore, Md.; residence, Alto Dale, Pikesville, Md. | | 14,150<br>(W 5,650) | |
| Blodgett, John W., Jr., residence, 250 Plymouth Rd. SE., Grand Rapids, Mich. | 14,855 | | |
| Boeschenstein, Harold, Box 901, Toledo, Ohio | 11,500 | | |
| Bradley, Mr. and Mrs. (Helen W.) Albert, 1775 Broadway, New York, N. Y.; residence, Mayfair Lane, Greenwich, Conn. | 22,100<br>(W 9,100) | | |
| Bredin, Mr. and Mrs. (Octavia du Pont) J. B., Greenville, Del. | 5,200<br>(W 3,000) | | |
| Breyer, Henry W., Mr. and Mrs., 1600 Locust St., Philadelphia, Pa. | 6,000<br>(W 3,000) | | |
| Brinton, William M., 111 Sutter St., San Francisco, Calif. | 9,600 | | |
| Brittingham, Thomas E., Jr., 251 Del Trust Bldg., Wilmington 1, Del. | 6,543 | | |
| Brown, Mr. and Mrs. (Greta B.) Donaldson, Mount Ararat, Port Deposit, Md. | 19,750<br>(W 8,750) | | |
| Brown, Mr. and Mrs. (Gladys S.) E. W., Jr., Post Office Box 60, Orange, Tex. | 35,000<br>(W 8,500) | 1,500 | |
| Browne, Aldis J., 919 North Michigan Ave., Chicago, Ill. | 6,000<br>(W 1,000) | | |
| Brownlee, James F., 630 5th Ave., New York, N. Y. | 5,300 | | |
| Bruce, Mrs. A. M., 713 Park Ave., New York 21, N. Y.; residence, 2 East 67th St., New York 21, N. Y. | 23,200 | | |
| Bulova, Arde, Hotel Pierre, 5th Ave. and 61st St., New York, N. Y. | 6,000 | 13,000 | |
| Burden, Mr. and Mrs. (Margaret) William A. M., Jr., 820 5th Ave., New York 21, N. Y. | 10,750<br>(W 750) | | |
| Burns, Mr. and Mrs. (Gladys Carson) Fritz B., 4950 Wilshire Blvd., Los Angeles, Calif.; residence, 133 South June St., Los Angeles, Calif. | 9,850 | | |
| Busch, Mrs. August A., Grants Farm, St. Louis, Mo. | | 7,850 | |
| Call, Mr. and Mrs. (Margaret Fleming), Asa V., 919 North Alpine Dr., Beverly Hills, Calif.; business, Pacific Mutual Bldg., Los Angeles 55, Calif. | 5,500<br>(W 1,500) | | |
| Canady, Ward M., 520 Madison Ave., Toledo, Ohio | 5,000 | | |
| Carpenter, Mrs. R. R. M. (Margaretta du Pont), Nemours Bldg., Wilmington, Del. | 6,500 | | |
| Carpenter, W. S., Jr., 18th St. and Rising Sun Lane, Wilmington, Del. | 11,800 | | |
| Chalk, O. R., 160 Central Park South, New York, N. Y. | $5,000 | | |
| Christie, Landsdell K., 70 Pine St., New York 5, N. Y. | | $70,564 | $2,600 |
| Cheatham, Mr. and Mrs. (Celeste W.) Owen R., River House, 435 East 52d St., New York 6, N. Y. | 6,100 | | |
| Clark, Ambrose F., 149 Broadway, New York, N. Y. | 10,100 | | |
| Clay, Gen. and Mrs. (Marjorie McKeown) Lucius D., 1040 5th Ave., New York 28, N. Y. | R 5,100<br>(W 3,000) | | |
| Clayton, Mr. and Mrs. (Susan Vaughn) William L., care of Anderson Clayton Co., Post Office Box 2538, Houston 1, Tex. | | 16,350 | 500 |
| Coffin, Mr. and Mrs. (Alice) H. Errol, 125 East 46th St., New York, N. Y. | 2,500<br>(W 2,500) | | |
| Cooke, Mr. and Mrs. Jay, Philadelphia National Bank Bldg., Philadelphia, Pa. | 10,700<br>(W 500) | | |
| Copeland, Lamont D., Du Pont Bldg., Wilmington, Del.; residence, Greenville, Del. | 9,650 | | |
| Cord, E. L., 1545 Wells Ave., Reno, Nev. | 55,000 | 8,500 | |
| Crocker, William W., 2270 Redington Rd., Hillsborough, Calif. | 9,200 | | |
| Crown, Henry, 300 West Washington St., Chicago, Ill.; residence, 900 Edgemere Ct., Evanston, Ill. | 6,500 | 600 | |
| Cullen, Mr. and Mrs. (Lillie Cronz) H. R., 1710 City National Bank Bldg., Houston, Tex.; residence, 1620 River Oaks Blvd., Houston, Tex. | 8,500 | | |
| Dean, J. S., Du Pont Bldg., Wilmington, Del. | 6,570<br>W 3,285 | | |
| Denman, Leroy, Jr., 215 West Commerce St., San Antonio, Tex. | 6,000 | | |
| Dillon, Ambassador and Mrs. (Phyllis E.) C. Douglas, care of American Embassy, Paris, France | 36,500 | | |
| Dilworth, Paxson, Kalish & Green, 2635 Fidelity-Philadelphia Trust Bldg., Philadelphia 9, Pa. | | 5,000 | |
| Donohue, Daniel J., Jr., 2076 West Adams Blvd., Los Angeles 18, Calif. | 5,000<br>(W 2,500) | | |
| Dowling, Mr. Robert W., 995 5th Ave., New York, N. Y. | | 12,500 | |
| Downs, Mr. and Mrs. (Alletta L.) Robert N., III, Old Baltimore Rd., Glendon Farms, Wilmington, Del. | 6,100 | | |
| Ducommun, Charles E., Box 2117, Terminal Annex, Los Angeles 54, Calif.; residence, 237 Strada Corta, Los Angeles 24, Calif. | 5,675 | | |
| du Pont, F. U., 1025 Connecticut Ave., NW., Washington 6, D. C.; residence, Cambridge, Md. | 9,000 | | |
| du Pont, Mr. and Mrs. (Emilie T.) Henry Belin, Greenville, Del. | R-6,100<br>(W-2,100) | | |
| du Pont, Irenee, 9028 Du Pont Bldg., Wilmington, Del. | 26,295 | | |
| du Pont, Nicholas Ridgeley, Snuff Mill Rd., Greenville 7, Del. | 5,000 | | |
| du Pont, Mr. and Mrs. (Jane H.) Pierre S., III, Rockland, Del. | 9,200<br>(W 2,000) | | |
| du Pont, Mr. and Mrs. (K. L.) Reynolds, Randalea, Greenville, Del. | 8,400<br>(W 1,000) | | |
| du Pont, William, Jr., 107 Delaney Trust Bldg., Wilmington, Del. | 9,000 | | |
| Edison, Mr. and Mrs. (Carolyn H.) Charles, Llewellyn Park, West Orange, N. J. | 500 | | 12,300 |
| Ehrman, Frederick, 480 Park Ave., New York 4, N. Y. | 7,300 | | |
| Eichholz, Mr. and Mrs. (Kathryn B.) Robert B., 1327 33d St., NW., Washington, D. C. | | 5,400<br>(H 400) | |
| Evans, T. M., Oliver Rd., Sewickley, Pa. | 6,600 | | |
| Ewing, William, 2 Wall St., New York 5, N. Y. | 5,000 | | |
| Farland, Mr. and Mrs. (Virginia C.) Joseph S., Morgantown, W. Va. | 9,000<br>(W 3,000) | | |
| Feldman, H. I., 415 Lexington Ave., New York, N. Y. | | 5,000 | |
| Field, Mr. and Mrs (Ruth) Marshall, (Marshall Field died in 1956), 250 Park Ave., New York, N. Y. | | 20,000<br>(W 9,500) | 3,000 |
| Field, Mr. and Mrs. (Katherine Woodruff) Marshall, Jr., 211 West Wacker Dr., Chicago, Ill.; residence, 2430 Lakeview Ave., Chicago, Ill. | 5,500<br>(W 500) | 500 | |
| Firestone, Mr. and Mrs. (Polly C.) Leonard K., 2525 Firestone Blvd., Los Angeles, Calif.; residence, 1014 Laurel Lane, Beverly Hills, Calif. | 11,000<br>(W 1,000) | | |
| Firestone, Mr. and Mrs. (Anne Joers) Roger S., Pottstown, Pa. | 11,150<br>(W 1,000) | | |
| Flanigan, Mr. and Mrs. (Aimee M.) Horace C., Anderson Hill Rd., Purchase, N. Y. | 7,950<br>(W 1,000) | | |

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Foley, E. H., 1001 Connecticut Ave. NW., Washington 6, D. C.; residence, 2340 Wyoming Ave. NW., Washington 8, D. C. | | $6,600 | |
| Folger, J. C., 2991 Woodland Dr., Washington, D. C. | $11,500 (W 5,500) | | |
| Fogelson, Mr. and Mrs. E. E., 2512 Cedar Springs Rd., Dallas, Tex. | 5,000 (W 2,500) | | |
| Follansbee, Rogers, 1791 Howard St., Chicago 26, Ill. | 6,000 (W 3,000) | | |
| Ford, Mr. and Mrs. (Anne M.) Henry, II, 421 Lake Shore Rd., Grosse Pointe Farms 36, Mich. | 18,899 (W 2,500) | | |
| Ford, William C., 396 Provencal Rd., Grosse Pointe Farms, Mich. | 9,000 | | |
| Fraser, Andrew A., Mr. and Mrs., 1 East 44th St., New York, N. Y. | 8,000 (W 3,000) | | |
| Freeman, A. B., 1050 South Jeff Davis Parkway, New Orleans, La. | 6,000 | | |
| Frick, Miss Helen C., 7200 Penn Ave., Pittsburgh 8, Pa. | 26,300 | | |
| Garwood, Mr. and Mrs. Wilmer St. John, 2213 Windsor Rd., Austin 3, Tex. | | 7,100 | |
| Gimbel, Mr. and Mrs. (Alva B.) Bernard F., 33d St. and Broadway, New York, N. Y. | 5,000 (W 2,250) | 5,000 | |
| Gladwin, Miss Winifred Jones, Post Office Box 540, Santa Barbara, Calif.; residence, 1555 Valley Rd., Santa Barbara, Calif. | | 10,000 | |
| Gluck, Mr. and Mrs. Maxwell H., 930 5th Ave., New York, N. Y. | 26,500 (W 2,000) | | |
| Goelet, Mrs. Anne Marie, 546 5th Ave., New York, N. Y.; residence, Ochre Point, Narragansett Ave., Newport, R. I. | 5,200 | | |
| Goelet, Francis, 548 5th Ave., New York 36, N. Y. | 6,000 | | |
| Goelet, Robert G., 546 5th Ave., New York, N. Y. | 5,000 | | |
| Goldwyn, Mr. and Mrs. (Frances Howard) Samuel, 1041 North Formosa Ave., Los Angeles, Calif.; residence, 1200 Laurel Lane, Beverly Hills, Calif. | 12,500 | | |
| Gorson, Joseph N., Lincoln Liberty Bldg., Philadelphia, Pa.; residence, 429 North Highland Ave., Merion, Pa. | | 6,850 | |
| Grace, Eugene G., 25 Broadway, New York, N. Y.; residence, 12th and Prospect Ave., Bethlehem, Pa. | 7,850 | | |
| Grant, William T., Field Point Park, Greenwich, Conn. | 5,500 | | |
| Green, Edward H., 48 Wall St., New York 5, N. Y. | 5,100 | | |
| Greenewalt, Mr. and Mrs. (Margaretta L.) Crawford H., 9042 Du Pont Bldg., Wilmington, Del.; residence, Greenville, Wilmington, Del. | 6,200 (W 2,000) | | |
| Greenfield, Mr. and Mrs. (Elizabeth M.) Albert M., 9230 Germantown Ave., Philadelphia, Pa. | | 30,950 (W 9,250) | |
| Greenway, James C., 17 West 54th St., New York 19, N. Y. (wife at Greenwich, Conn.) | 10,000 (W 4,000) | | |
| Griffith, John S., 2456 Huntington Dr., San Marino 9, Calif. | 6,500 (W 4,000) | | |
| Grundy, Joseph R., Bristol, Bucks County, Pa. | 12,000 | | |
| Guest, Mrs. Frederick E., 465 East 57th St., New York, N. Y. | 5,000 | | |
| Guggenheim, Harry F., 34 East 74th St., New York, N. Y.; residence, Port Washington, Long Island, N. Y. | 10,000 | | |
| Gutman, Mr. and Mrs. (Edna C.) Monroe C., 480 Park Ave., New York 22, N. Y. | 8,200 | | |
| Hall, Mr. and Mrs. (Alice Hathaway) Perry E., 2 Wall St., New York, N. Y.; residence, 10 Gracie Sq., New York 28, N. Y. | 6,500 | | |
| Hamon, Mr. and Mrs. (Nancy B.) Jake L., National Bank Bldg., Dallas, Tex. | 13,000 | | |
| Hanes, Mr. and Mrs. (Hope Vandell) John W., 990 5th Ave., New York, N. Y. | 9,200 (W 2,000) | | |
| Hanna, L. C., Jr., 1300 Leader Bldg., Cleveland, Ohio | 13,350 | | |
| Harriman, Mr. and Mrs. (Gladys F.) E. Roland, 59 Wall St., New York, N. Y.; residence: Alden, Orange County, N. Y. | 34,350 | | |
| Harris, Albert W., 115 West Monroe St., Chicago 80, Ill. | 5,500 | | |
| Harris, Mrs. Elizabeth Flagler, 8600 Seminole Ave., Philadelphia 18, Pa. | 9,500 | | |
| Haskell, Arnold D., 173 Shorecliff Rd., Corona Del Mar, Calif. | 6,000 | | |
| Havemeyer, Horace (deceased Oct. 25, 1956), 98 Wall St., New York, N. Y.; residence: Islip, Long Island, N. Y. | 5,000 | | |
| Havenstrite, Mr. and Mrs. Edith W.) Russell, 301 Carolwood Dr., Los Angeles 24, Calif. | 10,000 | | |
| Heinz, H. J., II, 1062 Progress St., Pittsburgh, Pa.; residence: Rosemont Farm, Pittsburgh, Pa. | 12,500 | | |
| Heller, Mr. and Mrs. (Elinor) Edward H., 100 Montgomery St., San Francisco, Calif. | | 18,000 (W 1,000) | |
| Hickox, Mr. and Mrs. (Catherine B.) Charles U., 10 Gracie Sq., New York, N. Y.; residence: Boxwood Farm, Glen Head, Long Island, N. Y. | 7,700 (W 4,002) | | |
| Higgins, Mr. Lawrence, Metropolitan Club, Washington, D. C. | 10,000 | | |
| Hightower, Mr. Frank J., First National Bank Bldg., Oklahoma City, Okla. | 7,000 | | |
| Hill, Mr. and Mrs. (Mary McDowell) Arthur M., 839 17th St. NW., Washington, D. C.; residence: Merryhill Farm, Lewisburg, W. Va. | 19,462 (W 2,500) | | |
| Hochschild, Mr. H. K., 61 Broadway, New York, N. Y.; residence: Eagle Nest, Blue Mountain Lake, N. Y. | | $26,000 | |
| Holmes, Mr. Jay, 122 East 42d St., New York 17, N. Y. | $6,250 | | |
| Hope, Mr. and Mrs. L. Bob, Paramount Studios, Hollywood, Calif. | 7,500 | | |
| Houghton, Mr. and Mrs. (Laura R.) Amory, The Knoll, Corning, N. Y. | 9,000 | | |
| Howard, Mr. L. C., 24 State St., New York, N. Y. | | 10,000 | |
| Hunt, H. L., 700 Mercantile Bldg., Dallas, Tex. | 7,500 | | |
| Hutchins, Mr. and Mrs. Curtis M., Bangor, Maine | 10,000 (W 2,500) | | |
| Ittleson, Mr. Henry, Jr., 1 Park Ave., New York 16, N. Y.; residence: 730 Park Ave., New York 21, N. Y. | 10,200 | | |
| Ives, Mr. Ernest L., 1316 East Washington St., Bloomington, Ill. | | 5,240 | |
| Jewett, Mr. and Mrs. (Mary Cooper) George F., West 612 Sumner Ave., Spokane 4, Wash. | 17,000 (W 5,300) | | |
| Johnson, Mr. H. F., 1525 Howe St., Racine, Wis. | 15,600 | | |
| Johnson, Mr. and Mrs. Leonard C., Clifton, N. J. | 5,000 | | |
| Johnston, Mr. and Mrs. (Ina H.) Eric, 1600 I St. NW., Washington, D. C.; residence: East 615 16th Ave., Spokane, Wash. | 5,700 | | |
| Jones, Mr. L. H., Morgantown, W. Va. | | 6,200 | |
| Jones, Mr. Lem T., Sr., 803 West 54th Ter., Kansas City, Mo. | 6,500 | | |
| Keith, Mrs. Stanley (Helen Shedd), 1315 North Lake Rd., Lake Forest, Ill. | 9,000 | | |
| Kerwin, Mr. and Mrs. (Regina Mary) James S., Wrack and Dale Rds., Meadowbrook, Pa. | 5,800 (W 200) | | |
| Knappe & Johnson, 390 East 150th St., New York, N. Y. | | 5,000 | |
| Kohn, Mr. L. A., 231 South La Salle St., Chicago, Ill. | | 10,600 | |
| Kulukundis, Mr. and Mrs. (Calliope Hadjihas) Manuel, 44 Whitehall St., New York, N. Y.; residence: Hotel Pierre, New York, N. Y. | 3,000 | 3,500 | |
| Laird, Mr. William W., 200 West 9th St., Wilmington, Del. | 5,950 | | |
| Lamont, Mr. Thomas S., 23 Wall St., New York 5, N. Y.; residence: 101 East 72d St., New York 21, N. Y. | 7,250 | | |
| Larsen, Mr. Roy E., 5060 Congress St., Fairfield, Conn. | 14,583 | | |
| Lasker, Mrs. (Mary Woodward) Albert D., Chrysler Bldg., New York 17, N. Y.; residence: 29 Beekman Pl., New York 22, N. Y. | 1,000 | 64,400 | |
| Lazarus, Mr. and Mrs. (Rose) Ralph, 50 West 44th St., New York, N. Y. | 1,000 | 15,475 | |
| Lehman, Mr. and Mrs. Herbert H., 820 Park Ave., New York, N. Y. | | 14,500 (W 2,500) | $2,000 |
| Lehman, Mr. and Mrs. (Lee H.) Robert, 1 William St., New York 4, N. Y. | 12,000 (W 1,000) | | |
| Leidesdorf, Mr. Samuel D., 125 Park Ave., New York 17, N. Y. | 5,000 | 100 | |
| Leone, Mr. and Mrs. (Mary) Eugene, Leone Farms, Central Valley, N. Y. | 6,000 (W 3,000) | | |
| Levison, Morris, 4000 Warner Blvd., Burbank, Calif. | 5,000 | | |
| Levy, Dr. and Mrs. (Adele R.) David M., 993 5th Ave., New York 28, N. Y. | | 28,000 | 5,000 |
| Loeb, Mr. Henry A., 42 Wall St., New York, N. Y.; residence, 63 Campfire Rd., Chappaqua, N. Y. | 6,100 | | |
| Love, Mr. George H., 5920 Braeburn Pl., Pittsburgh 32, Pa. | 5,200 | | |
| Luce, Mr. Henry R., 9 Rockefeller Plaza, New York, N. Y.; residence, Limestone Rd., Ridgefield, Conn. | 29,375 | | |
| Lunger, Mrs. Harry W. (Jane du Pont), Rural Delivery No. 1, Wilmington, Del. | 6,200 | | |
| Luse, Mr. and Mrs. (Bulah McAdams) W. P., Republic Bank Bldg., Dallas, Tex. | 6,200 | | |
| Lyons, Mr. Garrett E., 1820 Shipley Rd., Wilmington, Del. | | 5,300 | |
| Machris, Mrs. Maurice A. (Paquita L.), 900 Wilshire Blvd., Los Angeles 17, Calif. | 10,000 | | |
| Macomber, Mrs. Myrtle H., Ritz Hotel, Place Vendome, Paris, France | 5,000 | | |
| Mars, Mr. and Mrs. (Audrey Meyer) F. E., Marland Farm, The Plains, Va. | 5,000 | | |
| Marshall, Mr. and Mrs. Douglas, 1710 First City National Bank, Houston, Tex. | 5,000 | | |
| Martin, Mr. Lester, 514 Broadway, New York, N. Y. | | 15,750 | |
| Mauze, Mrs. (Abby R.) Jean, 1 Beekman Pl., New York 22, N. Y. | 15,000 | | |
| Mayer, Mr. Louis B., Metro-Goldwyn, Culver City, Calif. | 5,000 | | |
| Mazur, Mr. and Mrs. (Adolphia Kaske) Paul M., 1 William St., New York, N. Y.; residence, 1 Gracie Sq., New York 28, N. Y. | 5,850 (W 350) | | |
| McCabe, Mr. Thomas B., Front and Market Sts., Chester, Pa. | 19,500 | | |
| McCone, Mr. and Mrs. (Rosemary) John A., 612 South Flower St., Los Angeles 17, Calif. | 7,500 | | |
| McConnell, Mr. J. H. Tyler, Greenville, Wilmington, Del. | | 7,250 | |
| McCormick, Mr. Fowler, 919 North Michigan Ave., Chicago 11, Ill. | 13,100 | | 100 |
| McCulloch, Mr. and Mrs. Robert P., 6101 West Century Blvd., Los Angeles, Calif. | 5,000 | | |

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| McKenney, Mr. and Mrs. (Mary Elizabeth) Norris E., 140 Granada Ave., Long Beach 3, Calif. | | | $6,000 (W 3,000) |
| McLean, Mr. Edward B.; residences: 435 East 52d St., New York, N. Y.; North County Rd., Palm Beach, Fla. | $5,000 | | |
| McNulty, Mr. and Mrs. (Patience M.) P. Jerome, 261 Via Bellaria, Palm Beach, Fla. | 5,000 | | |
| Mellon, Mr. and Mrs. (Rachel Lambert) Paul, Post Office Box 1345, Pittsburgh 30, Pa.; residence: Rokeby Farm, Upperville, Va. | $29,500 | | |
| Mellon, Mr. and Mrs. (Constance Prosser) Richard K., Post Office Box 1345, Pittsburgh 30, Pa.; residence: 525 William Penn Pl., Pittsburgh 30, Pa. | 33,000 | | |
| Meyer, Mr. and Mrs. (Agnes E.) Eugene, Seven Springs Farm, Mount Kisco, N. Y. | 1,000 | (W$5,250) | D 5,250 |
| Millbank, Mr. and Mrs. Jeremiah, 16 East 67th St., New York 21, N. Y. | 6,900 (W 2,000) | | |
| Miller, Mr. and Mrs. (Flora W.) G. MacCulloch, 16 East 67th St., New York 21, N. Y. | 6,600 (W 6,000) | | |
| Millsop, Mr. and Mrs. (Frances W.) Thomas E., Riverview Dr., Weirton, W. Va. | 6,750 (W 2,500) | | |
| Moncrief, Mr. and Mrs. (Elizabeth B.) W. A., 1407 W. T. Waggoner Bldg., Fort Worth, Tex. | 7,800 | D 1,000 | |
| Montgomery, Mr. and Mrs. (Elisabeth Grant) Robert, 19 East 72d St., New York 21, N. Y. | 6,000 (W 3,000) | | |
| Morgan, Mr. and Mrs. (Catherine A.) Henry S., 120 East End Ave., New York 28, N. Y.; residence, Eaton's Neck, Northport, Long Island, N. Y. | 5,300 | | |
| Mudd, Dr. and Mrs. (Dorothy D.) Seeley G., 1206 Pacific Mutual Bldg., 523 West 6th St., Los Angeles 14, Calif. | 10,000 | | |
| Mudge, Mrs. E. W., 1000 Morewood Ave., Pittsburgh 13, Pa. | 9,000 | | |
| Myrin, Mrs. (Mabel Pew) H. A. W., Room 1000, 1608 Walnut St., Philadelphia 3, Pa. | 47,125 | | |
| Nathan, Mr. Robert R., 3 Thomas Circle, Washington, D. C. | | | 6,000 |
| Newton, Mr. and Mrs. (Lucienne) Maurice, McCouns Lane, Old Brookville, N. Y. | 5,700 (W 1,500) | | |
| Nichols, Mr. and Mrs. (Betty W.) Thomas S., 460 Park Ave., New York 22, N. Y. | 13,150 (W 500) | 5,000 | |
| Nicholson, Mrs. G. J. Guthrie, The Glen, Newport, R. I. | 9,800 | | |
| Noble, Mr. and Mrs. Edward J., Round Hill Rd., Greenwich, Conn. | 18,000 (W 9,000) | | |
| Noland, Mr. and Mrs. Lloyd U., Jr., Newport News, Va. | 5,000 (W 2,500) | | |
| Odlum, Mr. Floyd B., Cochran-Odlum Ranch, Indio, Calif. | 20,450 | | |
| Olin, Mr. and Mrs. (Evelyn B.) John M., Olin Mathieson Chemical Corp., East Alton, Ill; residence, Post Office Box 373, Alton, Ill. | 14,950 (W 3,000) | | |
| Olin, Mr. and Mrs. (Ann W.) Spencer T., Post Office Box 232, Alton, Ill. | 34,600 | | |
| Olmsted, Mr. and Mrs. (Mary Elizabeth) Conway H., 48 East Oak St., Chicago, Ill. | | 5,000 (W 2,000) | |
| Paine, Mr. and Mrs. (Priscilla Davies) Stephen, Forest Rd., Millis, Mass. | 5,000 (W 2,500) | | |
| Paine, Walter C., 10 Post Office Sq., Boston, Mass. | | 5,000 | |
| Paley, Mr. and Mrs. (Barbara C.) William S., Shelter Rock Rd., Manhasset, Long Island, N. Y. | 12,600 (W 3,100) | | |
| Pappas, Mr. Thomas A., 540 E St., Boston, Mass.; residence, 323 Marsh St., Belmont, Mass. | 9,000 | | |
| Parten, Mr. and Mrs. (Patsy E) J. R., South Coast Life Bldg., Houston, Tex. | | 11,700 | |
| Patterson, Mr. and Mrs. Jefferson, 3108 Woodland Dr. NW., Washington, D. C. | 21,000 (W 6,000) | | |
| Pauley, Mr. Edwin W., 717 North Highland Ave., Los Angeles, Calif. (also San Francisco) | | 9,500 | |
| Payson, Mr. and Mrs. (Joan Whitney) Charles S., 2 East 88th St., New York 28, N. Y. | 71,850 (W 65,050) | | |
| Peck, Mr. and Mrs. (Barbara W.) Samuel A., Wheatley Rd., Old Westbury, N. Y. | 7,800 | | |
| Perez, August (and associates), Audubon Bldg., New Orleans, La. | 5,000 | | |
| Petrillo, Mr. James J., Chicago, Ill. | | 5,000 | |
| Pew, Mr. and Mrs. (Julia F.) Arthur E., 1500 Walnut St., Philadelphia 2, Pa. | 10,000 (W 1,000) | | |
| Pew, Mr. and Mrs. (Helen T.) J. Howard, Room 1000, 1608 Walnut St., Philadelphia, Pa. | 51,125 (W 3,300) | | |
| Pew, Mr. J. N., Jr., Room 1000, 1608 Walnut St., Philadelphia, Pa. | 51,425 | | |
| Pew, Miss Mary Ethel, Room 1000, 1608 Walnut St., Philadelphia, Pa. | 47,125 | | |
| Phillips, Mr. Ellis L., 820 5th Ave., New York, N. Y.; residence, 107 Bayview Ave., Plandome Manor, Long Island, N. Y. | 7,500 | | |
| Phipps, Mr. and Mrs. (Harriett) Howard, 1 Sutton Pl., South, New York, N. Y.; residence, Westbury, N. Y. | 5,000 (W 2,500) | | |
| Phipps, Mr. L. C., 3400 Belcaro Dr., Denver 9, Colo. | 11,000 | | |
| Pitcairn, Mr. Harold F., 1616 Walnut St., Philadelphia, Pa. | 14,925 | | |
| Poller, Mr. and Mrs. (Rose) Lou, 1784 Sycamore St., NW., Washington, D. C. | | 14,500 (W 5,000) | |
| Pomerance, Mr. and Mrs. (Josephine W.) Ralph, Cos Cob, Conn. | | 7,840 | 100 |
| Post, Mrs. Majorie M., 815 15th St. NW., Washington, D. C. (also New York) | 7,000 | | |
| Potter, Mr. Justin, 318 Murfresboro Rd., Nashville, Tenn. | 6,000 (W 1,000) | 500 | |
| Pratt, Mr. and Mrs. (Jane A.) George D., Jr., Schaghticoke Farm, Bridgewater, Conn. | | $30,700 (W 500) | |
| Prentice, Mrs. (Alto Rockefeller) E. Parmalee (E. Parmalee Prentice deceased Dec. 15, 1955), 5 West 53d St., New York, N. Y. | $11,500 | | |
| Pryor, Mr. and Mrs. (Mary Taylor) S. F., Greenwich, Conn. | 8,000 | | |
| Rea, Mr. and Mrs. (Virginia R.) Henry Oliver, 2237 Oliver Bldg., Pittsburgh 22, Pa.; residence, Windward Backbone Rd., Sewickley, Pa. | 9,450 | | |
| Reed, Mr. and Mrs. Gordon W., Clapboard Ridge Rd., Greenwich, Conn. | 8,300 (W 4,100) | | |
| Reed, Mr. Joseph V., Quaker Ridge, Greenwich, Conn. | 9,000 | | |
| Reed, Mr. and Mrs. (Permelia P.) Joseph V., Quaker Ridge, Greenwich, Conn. | 20,000 (W 2,000) | | |
| Reynolds, Mr. David P., 2500 South 3d St., Louisville, Ky. | | 6,000 | |
| Reynolds, Mr. J. Louis, 5511 Cary St., Richmond 26, Va. | | 6,000 | |
| Reynolds, Mr. and Mrs. (Muriel) R. J., Reynolds Bldg., Winston-Salem, N. C.; residence, 1330 North Lake Way, Palm Beach, Fla. | | 24,609 (W 2,990) | |
| Reynolds, R. S., Jr., 3d and Grayce Sts., Richmond, Va. | | 6,000 | |
| Robb, Mr. Max, 1901 Walnut St., Philadelphia, Pa. | | 7,500 | |
| Roberts, Mr. H. Evan, 109 Loralyn Dr., Arcadia, Calif. | 5,000 | | |
| Robertson, Mr. and Mrs. (Wilhelmina Cullen) Corbin, J., Houston, Tex. | 5,000 | | |
| Robinson, Dr. and Mrs. (Patricia W.) Hampton C., Hermann Professional Bldg.; residence, 4012 Inverness, Houston, Tex. | 12,800 | 850 | |
| Rockefeller, Mr. and Mrs. (Margaret M.) David, 146 East 65th St., New York 21, N. Y. | 17,500 (W 1,450) | | |
| Rockefeller, Jr. Mr. and Mrs. (Martha B.) John D., 740 Park Ave., New York 21, N. Y. | 12,900 (W 6,450) | | |
| Rockefeller, Mr. and Mrs. (Blanchette H.) John D., III, 30 Rockefeller Plaza, New York, N. Y.; residence: No. 1 Beekman Pl., New York 22, N. Y. | 14,250 (W 1,250) | | |
| Rockefeller, Mr. and Mrs. (Mary F.) Laurance S., 834 5th Ave., New York 21, N. Y. | 25,550 (W 2,200) | | |
| Rockefeller, Mr. and Mrs. (Mary Clark) Nelson A., 810 5th Ave., New York 21, N. Y. | 35,600 (W 6,000) | | |
| Rockefeller, Mr. and Mrs. (Jeanette Edris) Winthrop, 426 Union National Bank Bldg., Little Rock, Ark.; residence, Winrock Farms, Route No. 3, Morillton, Ark. | 20,304 (W 1,000) | | |
| Rooke, Mr. and Mrs. (Alice Withington) Robert L., 929 Mount View Circle, Westfield, N. J. | 13,600 | | |
| Ross, Mr. and Mrs. (Wilhelmina du Pont) Donald P Montchanin, Del. | 8,200 (W 3,500) | | |
| Rubin, Mr. and Mrs. (Vera) 5 West 54th St., New York 19, N. Y. | | 6,500 (W 3,000) | |
| Russell, Mr. Hubbard, Box 399, Maricopa, Calif. | 400 | | $6,300 |
| Saunderson, Mr. and Mrs. Alexander (Los Angeles), Arcadia, Calif. | 6,000 (W 3,000) | | |
| Scaife, Mr. and Mrs. Alan M., Post Office Box 1345, Pittsburgh, Pa.; residence: 525 William Penn Pl., Pittsburgh 30, Pa. | 29,500 | | |
| Schiff, Mrs. Dorothy, 75 West St., New York, N. Y. | | 4,000 | 3,000 |
| Schiff, Mr. and Mrs. (Edith B.) John M., 1133 5th Ave., New York, N. Y.; residence, Berry Hill, Oyster Bay, Long Island, N. Y. | 18,550 (W 3,000) | | |
| Schuman, Mr. and Mrs. (Lillian) Adolph P., 2701 16th St., San Francisco, Calif. | | 13,450 (W 2,500) | |
| Segal, Mr. Martin, 501 Florida Theater Bldg., Jacksonville, Fla. | | 5,000 | |
| Semenenko, Mr. Serge, 32 Embankment Rd., Boston 14, Mass. | 6,000 | | |
| Sharp, Mr. H. Rodney, 922 Du Pont Bldg., Wilmington, Del.; residence, 16th and Brinckle Ave., Wilmington, Del. | 6,250 | | |
| Simmonds, Mr. H. F., Los Angeles, Calif. | | 5,000 | |
| Simon, Stanley, Bulova Park, Flushing 70, N. Y. | 5,000 | | |
| Skouras, Spyros P., 444 West 56th St., New York 19, N. Y.; residence, 2 Shore Rd., Rye, N. Y. | 7,050 | 1,100 | |
| Slater, Mr. and Mrs. (Marie-Louise Croy) H. Nelson, 185 East 64th St., New York 21, N. Y. | 5,500 | | |
| Slick, Mr. Earl F., Bennett Bldg., San Antonio, Tex. | 12,000 | | |
| Sloan, Mr. Alfred P., Jr., 30 Rockefeller Plaza, New York 20, N. Y. | 21,000 | | |
| Smith, Mr. and Mrs. C. Arnholt, 202 Broadway, San Diego, Calif. | 6,000 (W 3,000) | | |
| Smith, Mr. Lloyd H., City National Bank Bldg., Houston, Tex. | 6,600 | | |
| Smith, Mr. and Mrs. (Grace Giesau) William Wikoff, 123 South Broad St., Philadelphia; residence, Morris Ave. and Old Gulph Rd., Bryn Mawr, Pa. | 9,500 (W 1,500) | | |
| Snyder, Mr. and Mrs. (Elfrida A.) John I., 250 Park Ave., New York, N. Y.; residence, 53 Penn Blvd., Scarsdale, N. Y. | | 40,000 | |
| Sole, Mr. George J., 347 East 52d St., New York, N. Y. | | 5,000 | |
| Spalding, Mr. and Mrs. Hobart A., 1408 31st St., NW., Washington, D. C. | | 6,500 | |
| Spencer, Mr. Kenneth A., 610 Dwight Bldg., Kansas City 5, Mo. | 10,600 | | |
| Stillman, Mr. Chauncey D., 230 Park Ave., New York 17, N. Y. | 12,100 | | |

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Stockard, Mr. Lester N., 17 Battery Pl., New York, N. Y.; residence, 50 Sutton Pl., S., New York 22, N. Y. | $5,700 | | |
| Stone, Dewey D., 53 Arlington St., Brockton, Mass. | 13,400 | | |
| Storer, Mr. and Mrs. (Martha Jean) Geo. B., Bay Harbor Island, Miami Beach 41, Fla.; residence, 26 Indian Creek Island, Miami Beach 41, Fla. | 8,200 | | |
| Straus, Mr. and Mrs. (Helen Sachs) Nathan, 415 Madison Ave., New York 17, N. Y. | | $24,650 | $250 |
| Straus, Mr. and Mrs. (Gladys G.) Roger W., 6 East 93d St., New York 28, N. Y. | 5,800 (W 2,000) | | |
| Strelsin, Mr. Alfred A., 595 Madison Ave., New York, N. Y. | 10,000 | | |
| Strong, Mr. and Mrs. (Alice Trowbridge) L. Corrin, 2712 32d St. NW., Washington, D. C. | 9,600 | | |
| Stuart, Mr. H. L., 123 South La Salle St., Chicago, Ill.; residence, 999 Lake Shore Dr., Chicago, Ill. | 6,500 | 5,500 | |
| Stuart, Mr. and Mrs. (Harriet McClure) R. Douglas, 528 North Mayflower Rd., Lake Forest, Ill. | 16,150 (W 2,000) | | |
| Sullivan, John L., residence, 1330 Union St., Manchester, N. H.; business, 804 King Bldg., Washington, D. C. | | 6,450 | |
| Sweeney, Mrs. Catherine H., 816 20th St., Rock Island, Ill. Mail: Care of Walter L. Hulstedt, Sec., Post Office Box 520, Rock Island, Ill. | 12,500 | | |
| Tankersley, Mrs. (Ruth McCormick) Garvin, 7500 River Rd., Washington 14, D. C. | 100 | | 5,150 |
| Teagle, Mr. Walter C., Byram Shore Rd., Byram, Conn. | 6,200 | | |
| Thayer, Mr. and Mrs. Robert H., 1511 30th St., NW., Washington, D. C.; and American Embassy, Vienna, Austria | 6,000 (W 4,000) | | |
| Thompson, Mr. John Ambrose, 111 East 40th St., New York, N. Y. | | 5,000 | |
| Tinsley, Mr and Mrs. (Margaret Patricia McCord) Thomas G., Jr., Valley Rd., Owings Mills, Md. | 23,100 (W 9,000) | | |
| Tucker, Mrs. (Marcia Brady) Carll, 733 Park Ave., New York; residence, Mount Kisco, N. Y. | 6,600 | | |
| Van Allen, Mr. and Mrs. (Candice) James H., Avalon, Newport, R. I. | 5,500 (W 3,000) | | |
| Vanderbilt, Mr. and Mrs. (Gertrude) Harold S., 250 Park Ave., room 1627, New York 17, N. Y. | 51,000 (W 4,000) | | |
| Vanderbilt, Mr. and Mrs. (Anne Colby) William H., 99 Warren St., Englewood, Fla. | 50 | 6,050 | 1,000 |
| Wack, Mr. and Mrs. (Ethel du Pont Barksdale) John T. Deblois, Yolo Farm, Post Office Box 996, Santa Barbara, Calif. | 11,000 (W 5,250) | | |
| Wade, Mr. F. S., 810 South Flower St., Los Angeles, Calif., residence 132 South Flower Dr., Los Angeles 36, Calif. | 9,200 | | |
| Walker, Mr. and Mrs. (Claire B.) Jay P., 2711 East 23d St., Tulsa, Okla., residence 2616 East 31st St., Tulsa, Okla. | 14,300 | | |
| Warburg, Mr. and Mrs. (Wilma Shannon) Frederick M., 30 Wall St., New York 5, N. Y., residence 6 Riverview Ter., New York 22, N. Y. | 5,200 | | |
| Warner, Mr. and Mrs. (Rea E.) H. M., Warner Bros., Studio, Burbank, Calif. | $19,250 (W 5,000) | | |
| Warner, Mr. and Mrs. (Ann) J. L., Warner Bros. Studio, Burbank, Calif.: residence 1801 Angelo Dr., Beverley Hills, Calif. | 11,000 | | |
| Watson, Mr. Arthur K., 81 Weed St., New Canaan, Conn. | 6,000 | | |
| Watson, Jr., Mr. and Mrs. (Olve Cawley) Thomas J., Meadowcraft Lane, Greenwich, Conn. | 10,000 (W 3,000) | | |
| Weed, Mr. Oliver Eugene, 231 S. LaSalle St., Chicago, Ill.: residence, 92 Indian Tree Dr., Highland Park, Ill. | | $8,000 | |
| Weir, Mr. Ernest T., 2800 Grant Bldg., Pittsburgh, Pa. | 11,000 | | |
| Wellington, Mr. and Mrs. (Elizabeth D.) Herbert G., 19 E. 72d St., New York, N. Y.; residence, Locust Valley, Long Island, N. Y. | 16,000 (W 3,000) | | |
| Western, Mr. Dallas E., 275 W. St. Charles Rd., Elmhurst, Ill. | 7,500 | | |
| White, Mr. Charles M., 1707 Republic Bldg., Cleveland, Ohio; residence 16670 S. Park Blvd., Shaker Heights, Cleveland 20, Ohio | 11,350 | | |
| Whitney, Mr. and Mrs. (Martha B.) George, 23 Wall St., New York, N. Y. | 10,050 (W 3,500) | | |
| Whitney, Mr. and Mrs. (Betsy Cushing) John Hay, 630 5th Ave., New York, N. Y.; residence, 270 Valley Rd., Manhasset, Long Island, N. Y. | 47,100 (W 15,000) | | |
| Whittington, Mr. and Mrs. Harmon, Houston, Tex. | 10,000 (W 2,500) | | |
| Widener, Mr. George D.; residence, Stenton & Wissah, Philadelphia, Pa.: business, 405 Land Title Bldg., Philadelphia, Pa. | 24,200 | | |
| Williamson, Cubbison & Vaughn, (Blake A. Williamson, James K. Cubbison, and Lee Vaughn), 2220 Nebraska Ave., Kansas City, Kans. (Blake A. Williamson, 2220 Nebraska Ave.) (James K. Cubbison, 3300 Minnesota Ave.) (Lee Vaughn, 1310 Hoel Pkwy.) | 5,361 | | |
| Wilmas, Mr. and Mrs. (Dorothy M.) Walter F., 250 Park Ave., New York, N. Y.; residence, 19 Griggs Lane, Chappaqua, N. Y. | | 20,000 | |
| Wilson, Mr. and Mrs. (Jessie C.) Charles E., West Long Lake Rd., Bloomfield Hills, Mich. | 8,412 | | |
| Wilson, Mr. Orme, 2406 Massachusetts Ave. NW., Washington, D. C.; residence, 11 E. 64th St., New York 21, N. Y. | 7,250 | | |
| Windfohr, Mr. and Mrs. (Anne Burnett) R. F., 1107 Continental Life Bldg., Fort Worth, Tex. | 5,000 | | |
| Winthrop, Mr. and Mrs. Robert, 720 Park Ave., New York, N. Y. | 6,500 (W 3,000) | | |
| Woodruff, Mr. and Mrs. Robert, care of Coca Cola Co., Atlanta, Ga. | 5,450 (W 3,000) | | |
| Yawkey, Mr. Thomas A.; residence 5th Ave. and 61st St., New York, N. Y.; business: 420 Lexington Ave., New York 17, N. Y. | 25,500 | | |
| Zellerbach, Mr. J. D., 343 Sansome St., San Francisco 19, Calif. | 6,500 | | $300 |
| Ziegler, Mr. William, Jr., 250 Park Ave., New York 17, N. Y.; residence: 116-118 East 55th St., New York, N. Y. | 7,350 | | |
| Total | 2,894,309 | 860,380 | 55,000 |

EXHIBIT 13—1956 POLITICAL CONTRIBUTIONS OF $500 AND OVER BY OFFICIALS OF LABOR ORGANIZATIONS

The contributions of $500 and over used in compiling this exhibit were drawn from reports filed by organizations and individuals with the Clerk of the United States House of Representatives (generally for the period prior to September 1), with the Secretary of the Senate, and with the subcommittee (generally for the period September 1–November 30). A master list showing all such contributions known to the subcommittee appears in exhibit 26. (A few of the contributions listed there may not have been known at the time the present exhibit was prepared. And in a few cases contributions as low as $100 may be included in the amounts shown for individuals whose total contributions exceeded $5,000.)

In preparing this exhibit, a list of over 2,000 officials of national and international labor unions, State labor councils, State federations of labor, State industrial union councils, and national political action and education committees was compiled from the official directory of the United States Department of Labor (1955), the directory of the American Federation of Labor and Congress of Industrial Organizations (July 30, 1955), and the International Labor Directory and Handbook (1955).

This list of labor officials was checked against the list of contributors of $500 and over. Eighteen labor officials were found to have made contributions, as follows:

| | Democrat | Republican |
|---|---|---|
| Abel, I. W., secretary-treasurer, United Steelworkers of America, Pittsburgh, Pa. | $500 | $2,000 |
| Autterson, Hobert, secretary-treasurer, Indiana State Industrial Council, Terre Haute, Ind. | 500 | |
| Bates, Harry C., president, International Union of Bricklayers, Masons, & Plasterers, Washington, D. C. | 500 | |
| Byron, Robert, president, International Association of Sheet Metal Workers, Washington, D. C. | 1,000 | |
| Calvin, William A., president, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths & Forgers, Kansas City, Mo. | 1,000 | |
| Carroll, T. C., president, Brotherhood of Maintenance of Way Employees, Detroit, Mich. | 1,000 | |
| Cohen, Harry, president, Maryland-District of Columbia Federation of Labor, Baltimore, Md. | 750 | |
| Doherty, William C., president, National Association of Letter Carriers, Washington, D. C. | 1,200 | |
| Garno, Harold J., secretary-treasurer, New York State Industrial Council, New York, N. Y. | 1,000 | |
| Haggerty, C. J., vice president, International Union of Wood, Wire & Metal Lathers, San Francisco, Calif. | 550 | |
| Harrison, George M., president, Brotherhood of Railway & Steamship Clerks, Cincinnati, Ohio | $1,000 | |
| Kramer, Philip, vice president, International Ladies Garment Workers Union, Boston, Mass. | 1,000 | |
| Leighty, G. E., president, Order of Railroad Telegraphers, St. Louis, Mo. | 1,000 | |
| Lyons, John H., president, International Association of Bridge & Structural Workers, St. Louis, Mo. | 1,000 | |
| Matz, Anthony E., president, International Brotherhood of Firemen & Oilers, Philadelphia, Pa. | 1,000 | |
| McDonald, David J., president, United Steelworkers of America, Pittsburgh, Pa. | 1,000 | |
| Thorpe, John H., secretary-treasurer, Michigan State Federation of Labor, Southfield Township, Mich. | 500 | $500 |
| Weston, E. M., president, Washington State Federation of Labor, Seattle, Wash. | 2,000 | |
| Total | 16,500 | 2,500 |

EXHIBIT 14—1956 POLITICAL CONTRIBUTIONS OF $500 AND OVER BY OFFICIALS OF THE 10 LEADING RADIO AND TELEVISION STATION LICENSEES

The contributions of $500 and over used in compiling this exhibit were drawn from reports filed by organizations and individuals with the Clerk of the United States House of Representatives (generally for the period prior to September 1), with the Secretary of the Senate, and with the subcommittee (generally for the period September 1–November 30). A master list showing all such contributions known to the subcommittee appears in exhibit 26. (A few of the contributions listed there may not have been known at the time the present exhibit was prepared. And in a few cases contributions as low as $100 may be included in the amounts shown for individuals whose total contributions exceeded $5,000.)

In preparing this exhibit, the officers and directors of 10 radio and television station licensees were checked against the list of contributors. These licensees, according to information on file with the Federal Communications Commission, had the highest combined radio-television revenues in 1955.

In all, 22 officers and directors (of 8 firms) contributed $38,800 in amounts of $500 and over.

Generally, all contributions of a husband and wife have been lumped together, but any part of the total attributable solely to the wife has, where possible, been shown in parentheses, e. g. (W———). (Exhibit 26 shows more complete separate listing of contributions by husband and wife.)

| | Party | Amount |
|---|---|---|
| Columbia Broadcasting System, Inc.: | | |
| Iglehart, Joseph A. W., 14 Wall St., New York, N. Y. | Republican | $1,000 |
| Paley, William S., 485 Madison Ave., New York, N. Y. | do | 12,600 |
| National Broadcasting Co., Inc.: | | |
| Hagerty, Harry C., 1 Madison Ave., New York, N. Y. | do | 500 |
| Robinson, William E., 515 Madison Ave., New York, N. Y. | do | 3,000 |
| American Broadcasting Co., Inc.: | | |
| Anderson, Earl E., 7 West 66th St., New York, N. Y. | do | 500 |
| Storer Broadcasting Co., Inc.: | | |
| McAdam, Charles V., 60 East 42d St., New York, N. Y. | do | 500 |
| Ryan, J. Harold, 136 Huron Rd., Toledo, Ohio | do | 600 |
| Storer, George B., 1177 Kane Concourse, Miami Beach, Fla. | do | 8,200 |
| Westinghouse Broadcasting Co.: | | |
| Headlee, Charles E., 1419 Carlton House, Pittsburgh, Pa. | do | 500 |
| Hinckley, Robert H., 1735 DeSales St. NW., Washington, D. C. | Democrat | 500 |
| Main, George, 4 Churchhill Rd., Pittsburgh, Pa. | Republican | 1,400 |
| Price, Gwilwyn A., Club Rd., Carnegie, Pa. | do | 1,500 |
| RKO Teleradio Pictures, Inc.: | | |
| None found | | |
| Crosley Broadcasting Corp.: | | |
| Allen, George, Washington, D. C. | Republican | $500 |
| Bruce, James, 260 Madison Ave., New York, N. Y. | Democrat | 500 |
| Darling, C. Coburn, 333 Hospital Trust, Providence, R. I. | Republican | 1,000 |
| Johnson, Dr. Robert L., Temple University, Philadelphia, Pa. | do | 1,000 |
| Kahn, Herman H., 1 William St., New York, N. Y. | do | 500 |
| Lincoln, Leroy A., 1 Madison Ave., New York, N. Y. | do | 500 |
| O'Hara, Thomas A., 420 Lexington Ave., New York, N. Y. | do | 1,000 |
| Meredith Publishing Co.: | | |
| Bohen, Fred, Meredith Publishing Co., Des Moines, Iowa. | do | 1,000 |
| Meredith, E. T., Jr., Des Moines, Iowa | do | 1,500 |
| Scripps-Howard Radio, Inc.: | | |
| None found | | |
| Consolidated TV & Radio Broadcasts, Inc.: | | |
| Euler, R. S. Ralph), 538 Irwin Dr., Sewickley, Pa. | Republican | 500 |
| Total Republican | | 37,800 |
| Total Democratic | | 1,000 |

EXHIBIT 15—1956 POLITICAL CONTRIBUTIONS OF $500 AND OVER BY OFFICIALS OF 17 LEADING CERTIFICATED AIRLINE COMPANIES

The contributions of $500 and over used in compiling this exhibit were drawn from reports filed by organizations and individuals with the Clerk of the United States House of Representatives (generally for the period prior to September 1), with the Secretary of the Senate, and with the subcommittee (generally for the period September 1-November 30). A master list showing all such contributions known to the subcommittee appears in exhibit 26. (A few of the contributions listed there may not have been known at the time the present exhibit was prepared. And in a few cases contributions as low as $100 may be included in the amounts shown for individuals whose total contributions exceeded $5,000.)

Generally, all contributions of a husband and wife have been combined, but any part of the total attributable solely to the wife has, where possible, been shown in parentheses, e. g. (W ———). (Exhibit 26 shows more complete separate listing of contributions by husband and wife.)

Sixty officials in this group are shown to have contributed, in the aggregate, $163,759 of which $132,150 went to Republicans and $31,609 to Democrats.

In preparing this exhibit, the officers and directors of 17 leading certificated airline companies were checked against the list of contributors. These 17 companies were selected from a list of 46 certificated United States air carriers (excluding Alaska) furnished by the Civil Aeronautics Board.

On the pages that follow, the names of the airlines are listed alphabetically, as are the names of the officers and directors of such airlines found to have made contributions in amounts of $500 and over.

| | Democratic | Republican | Miscellaneous |
|---|---|---|---|
| American Airlines: | | | |
| Bone, A. R., Jr., 523 West 6th St., Los Angeles 14, Calif. | | $1,000 | |
| Bruce, James, 260 Madison Ave, New York | $500 | | |
| Fisher, Charles T., Jr., 5 Lake Court, Grosse Pointe, 25th floor, Fisher Bldg., Detroit 2, Mich. | | 1,500 | |
| Hogan, William J., 100 Park Ave., New York | | 500 | |
| Jacob, C. W., 100 Park Ave., New York | | 500 | |
| Quenny, Edgar M., 1700 South 2d St., St. Louis 4, Mo. | | 1,000 | |
| Smith, C. R., 100 Park Ave., New York | | 1,000 | |
| Speers, Charles R., 100 Park Ave., New York | | 500 | |
| Total | 500 | 6,000 | |
| Braniff Airways, Inc.: | | | |
| Butler, George, Houston, Tex. | 500 | | |
| Flenniken, W. W., Denver Club Bldg., Washington, D. C. | | 500 | |
| Law, T. N., 2540 East 30th, Tulsa, Okla. | | 500 | |
| McGreevy, Milton, 912 Baltimore, Kansas City, Mo. | | 750 | |
| Total | 500 | 1,750 | |
| Capital Airlines, Inc.: | | | |
| Coleman, J. D. Stetson, 1137 West Jackson Blvd., Chicago 7, Ill. | | 3,000 | |
| Hann, George R., Oliver Bldg., Pittsburgh 22, Pa. | | 2,000 | |
| Stockton, James R., Jacksonville, Fla. | | 500 | |
| Total | | 5,500 | |
| Continental Air Lines, Inc.: | | | |
| Ehrman, Frederick L., 1 William St., New York, N. Y. | | 7,300 | |
| Ehrman, Mrs. Frederick L. | | 2,500 | |
| Hellman, Marco F., 404 Montgomery St., San Francisco, Calif. | | 3,500 | |
| Ricketson, F. H., Jr., 1837 South Vermont Ave., Los Angeles, Calif. | | 500 | |
| Total | | 13,800 | |
| Delta Air Lines, Inc.: | | | |
| Freeman, R. W., 295 Walnut St., New Orleans, La. | | 2,500 | |
| Gerry, Edward H., New York | | 500 | |
| Delta Air Lines, Inc.—Continued | | | |
| Reynolds, R. J., Reynolds Metals Co., Winston-Salem, N. C. | $24,609 | | |
| Total | 24,609 | $3,000 | |
| Eastern Air lines: | | | |
| Rockefeller, Laurance S., 30 Rockefeller Plaza, New York, N. Y. | | 25,550 | |
| Total | | 25,550 | |
| Flying Tiger Line, Inc.: | | | |
| Meyer, A. H., 3900 Wyoming, Dearborn, Mich. | | 500 | |
| Mosher, Samuel B., 811 West 7th St., Los Angeles, Calif. | | 500 | |
| Zeckendorf, William, 383 Madison Ave., New York | | 3,500 | |
| Total | | 4,500 | |
| National Airlines, Inc.: | | | |
| Cross, John W., 960 5th Ave., New York 21, N. Y. | | 3,000 | |
| Hardy, A. G., 6105 Landon Lane, Bethesda, Md. | 2,000 | | |
| Total | 2,000 | 3,000 | |
| Northeast Airlines, Inc.: | | | |
| Fitzgerald, James F., 1000 Turnpike St., Canton, Mass. | 500 | | |
| Total | 500 | | |
| Northwest Airlines, Inc.: | | | |
| Weatherhead, Albert J., Jr., 300 East 131st St., Ceveland 8, Ohio | | 500 | |
| Whitney, Wheelock, Jr., Point Vedra Beach, Fla. | | 500 | |
| Total | | 1,000 | |
| Pan American Grace Airways, Inc.: | | | |
| Leslie, John C., 8 Murray Hill Rd., Scarsdale, N. Y. | | 500 | |
| Total | | 500 | |
| Pan American World Airways: | | | |
| Fairchild, Sherman M., 30 Rockefeller Plaza, New York 20, N. Y. | | 3,000 | |
| Lehman Robert, 1 William St., New York, N. Y. | | 12,000 | |

| | Democratic | Republican | Miscellaneous |
|---|---|---|---|
| Pan American World Airways—Continued | | | |
| Leslie, Jonn C., 8 Murray Hill Rd., Scarsdale, N. Y. | | $500 | |
| Pryor, S. F., Greenwich, Conn | | 8,000 | |
| Taylor, Vernon F., San Antonio, Tex | | 1,000 | |
| Total | | 24,500 | |
| Seaboard & Western Airlines, Inc.: | | | |
| Neth, Wallace P., Jericho, N. Y | | 1,250 | |
| Norden, Arthur V., Jericho, N. Y | | 1,250 | |
| Norden, Raymond A., Jericho, N. Y | | 1,250 | |
| Total | | 3,750 | |
| Slick Airways, Inc.: | | | |
| Alison, John, 1116 Glendon, West Los Angeles, Calif | $1,000 | | |
| Graham, John S., 3326 P St. NW., Washington, D. C | 500 | | |
| Milbank, Samuel R., 30 Wall St., New York 5, N. Y | | 500 | |
| Moorman, Lewis J., Jr., Bennett Bldg., San Antonio, Tex | | 3,000 | |
| Rentzel, D. W., Box 3274, Oklahoma City, Okla | 2,000 | | |
| Slick, Earl F., Bennett Bldg., San Antonio, Tex | | 12,000 | |
| Slick, Tom, 804 Milan Bldg., San Antonio, Tex | | 4,000 | |
| Urschel, Charles F., Milan Bldg., San Antonio, Tex | | 2,500 | |
| Total | 3,500 | 22,000 | |
| Trans World Airlines: | | | |
| Bierwirth, John E., 99 Park Ave., New York, N. Y | | $500 | |
| Eisenhower, Arthur B., Commerce Trust, Kansas City, 41 Mo | | 500 | |
| Wright, Lloyd, Los Angeles 14, Calif | | 1,000 | |
| Total | | 2,000 | |
| United Air Lines: | | | |
| Brown, H. Templeton, 231 South LaSalle St., Chicago, Ill | | 600 | |
| Cowles, Gardner, 488 Madison Ave., New York, N. Y | | 3,000 | |
| Dart, Justin W., 8480 Beverly Blvd., Los Angeles, Calif | | 3,000 | |
| Johnston, Eric A., 28 West 44th St., New York, N. Y | | 5,700 | |
| Nielsen, Aksel, 1711 California St., Denver, Colo | | 500 | |
| Patterson, William A., 1049 Locust Rd., Wilmette, Ill | | 1,500 | |
| Stouffer, Vernon, 1375 Euclid Ave., Cleveland, Ohio | | 1,000 | |
| Total | | 15,300 | |
| Western Air Lines, Inc.: | | | |
| None found | | | |
| Grand total | $31,609 | 132,150 | |

EXHIBIT 16—1956 POLITICAL CONTRIBUTIONS OF $500 AND OVER BY OFFICIALS OF THE 47 LEADING UNDERWRITERS OF INVESTMENT BONDS

The contributions of $500 and over used in compiling this exhibit were drawn from reports filed by organizations and individuals with the Clerk of the United States House of Representatives (generally for the period prior to September 1), with the Secretary of the Senate, and with the subcommittee (generally for the period September 1–November 30). A master list showing all such contributions known to the subcommittee appears in exhibit 26. (A few of the contributions listed there may not have been known at the time the present exhibit was prepared. And in a few cases contributions as low as $100 may be included in the amounts shown for individuals whose total contributions exceeded $5,000.)

In preparing this exhibit, the officials of 47 leading underwriters of investment bonds were checked against the list of contributors. These 47 firms were those whose capital worth exceeded $5 million in a rating appearing in the March 1956 issue of Finance magazine.

These firms are here listed alphabetically, as are their officials who were found to have made contributions of $500 and over.

Generally, all contributions of a husband and wife have been lumped together, but any part of the total attributable solely to the wife has, where possible, been shown in parentheses, e. g. (W———). (Exhibit 26 shows more complete separate listing of contributions by husband and wife.)

These persons are shown in this exhibit to have contributed $239,800, of which $237,800 was contributed to Republicans and the balance to Democrats.

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Allyn (A. C.) & Co., Inc., Chicago, Ill.: | | | |
| Allyn, A. C., 707 Hinman Ave, Evanston, Ill | $4,000 | | |
| Casey, Douglas, 5555 Sheridan Rd., Chicago, Ill | 2,500 | | |
| Kistner, Walter E., 1929 West 101st St., Chicago, Ill | 500 | | |
| Riley, John H., 2 Gougar Rd., Joliet, Ill | 500 | | |
| Total | 7,500 | | |
| Allen & Co., New York, N. Y.: | | | |
| Allen, Charles, Jr., 30 Broad St., New York, N. Y | 1,000 | | |
| Allen, Herbert, 30 Broad St., New York, N. Y | 1,000 | | |
| Blair, Frank H., 188 Manhasset Woods, Manhasset, Long Island, N. Y | 4,000 | | |
| Stern, Herbert L., 11 5th Ave., New York, N. Y | 2,000 | | |
| Total | 8,000 | | |
| Bache & Co., New York, N. Y.: | | | |
| Price, Harold C., Price Tower, Bartlesville, Okla | 1,000 | | |
| Bear, Stearns & Co., New York, N. Y.: | | | |
| Lillis, Donald C., 1 Wall St., New York, N. Y | 3,000 | | |
| Low, V. Theodore, Bedford Village, N. Y | 1,000 | | |
| Mayer, Harold C., 1 Wall St., New York, N. Y | 5,500 | | |
| Total | 9,500 | | |
| Blyth & Co., New York, N. Y.: | | | |
| Bashore, Eugene, 14 Wall St., New York, N. Y | 500 | | |
| Blyth, Charles R., Russ Bldg., San Francisco, Calif | 1,000 | | |
| Devlin, Paul G., 14 Wall St., New York, N. Y | 500 | | |
| Ford, Bernard W., 2100 Russ Bldg., San Francisco, Calif | 500 | | |
| Leib, George C., 14 Wall St., New York, N. Y | 2,500 | | |
| Limbert, Lee M., 14 Wall St., New York, N. Y | 750 | | |
| Blythe & Co., New York, N. Y—Continued | | | |
| Miller, James F., Portland, Oreg | $500 | | |
| Pagen, J. Lawrence, 14 Wall St., New York, N. Y | 500 | | |
| Total | 6,750 | | |
| Byllesby (H. M.) & Co., Inc., Chicago, Ill.: | | | |
| Newlin, E. Mortimer, 1500 Chestnut St., Philadelphia, Pa | 500 | | |
| Total | 500 | | |
| Central National Corp., New York, N. Y.: | | | |
| Wallach, Ira D., 100 Park Ave., New York, N. Y | 1,000 | | |
| Total | 1,000 | | |
| Clark, Dodge & Co., New York, N. Y.: | | | |
| Choate, Arthur O., 61 Wall St., New York, N. Y | 1,000 | | |
| Choate, Arthur O., Jr., 61 Wall St., New York, N. Y | 1,000 | | |
| Total | 2,000 | | |
| Craigmyle, Pinney & Co., New York, N. Y.: | | | |
| Craigmyle, Ronald M., 1 Wall St., New York, N. Y | 1,000 | | |
| Total | 1,000 | | |
| Dominick & Dominick, New York, N. Y.: | | | |
| Dominick, Bayard, 14 Wall St., New York, N. Y | 550 | | |
| Dominick, Gayer G., 14 Wall St., New York, N. Y | 500 | | |
| Mattison, Graham D., 14 Wall St., New York, N. Y | 1,500 | | |
| Stout, A. Varick, 14 Wall St., New York, N. Y | 800 | | |
| Total | 3,350 | | |
| Drexel & Co., Philadelphia, Pa.: | | | |
| Gates, Thomas S., Jr., 15th and Walnut Sts., Philadelphia, Pa | 1,000 | | |

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Drexel & Co., Phila., Pa.—Continued | | | |
| Hopkinson, Edward, Jr., 15th and Walnut Sts., Philadelphia, Pa | $1,000 | | |
| Lloyd, Morris, 1500 Walnut St., Philadelphia, Pa | 2,000 | | |
| Starr, Edward, Jr., 15th and Walnut Sts., Philadelphia, Pa | 1,300 | | |
| Total | 5,300 | | |
| Du Pont (Francis I.) & Co., New York, N. Y.: | | | |
| Du Pont, Alfred Rhett, 1 Wall St., New York, N. Y | 2,000 | | |
| Du Pont, Edmond, Du Pont Bldg., Wilmington, Del | 2,000 | | |
| Moran, Charles, Jr., 1 Wall St., New York, N. Y | 1,000 | | |
| Total | 5,000 | | |
| Eastman, Dillon Co., Inc., New York, N. Y.: | | | |
| Dillon, Herbert L., 15 Broad St., New York, N. Y | 1,000 | | |
| Gilmour, Lloyd S., 15 Broad St., New York, N. Y | 3,000 | | |
| Hutton, Edward F., 61 Broadway, New York, N. Y | 1,500 | | |
| Total | 5,500 | | |
| Equitable Securities Corp., Nashville, Tenn.: | | | |
| No contributors | | | |
| First Boston Corp., New York, N. Y.: | | | |
| Addinsell, Harry M., 100 Broadway, New York, N. Y | 1,000 | | |
| Woods, George D., 100 Broadway, New York, N. Y | 1,000 | | |
| Total | 2,000 | | |
| Glore, Forgan & Co., New York, N. Y.: | | | |
| Fennelly, John F., 135 South LaSalle St., Chicago, Ill | 1,000 | | |
| Forgan, J. Russell, 40 Wall St., New York, N. Y | 500 | | |
| Total | 1,500 | | |
| Goldman, Sachs & Co., New York, N. Y.: | | | |
| Blaine, Walter F., 30 Pine St., New York, N. Y | 1,500 | | |
| Sachs, Howard J., 30 Pine St., New York, N. Y | 1,000 | | |
| Weinberg, Sidney J., 30 Pine St., New York, N. Y | 2,500 | | |
| Total | 5,000 | | |
| Goodbody & Co., New York, N. Y.: | | | |
| No contributors | | | |
| Gregory & Sons, New York, N. Y.: | | | |
| No contributors | | | |
| Halsey, Stuart & Co., Chicago, Ill.: | | | |
| Buck, Leonard J., 74 Trinity Pl., New York, N. Y | 1,000 | | |
| Stuart, Charles B., 35 Wall St., New York, N. Y | 500 | | |
| Total | 1,500 | | |
| Harriman, Ripley & Co., New York, N. Y.: | | | |
| No contributors | | | |
| Haupt (Ira) & Co., New York, N. Y.: | | | |
| Haupt, Ira, 111 Broadway, New York, N. Y | 500 | | |
| Total | 500 | | |
| Hemphill, Noyes & Co., New York, N. Y.: | | | |
| Blancke, Leo M., 15 Broad St., New York, N. Y | 600 | | |
| Noyes, Jansen, 15 Broad St., New York, N. Y | 3,500 | | |
| Total | 4,100 | | |
| Hentz (H.) & Co., New York, N. Y.: | | | |
| Lewine, Jerome, New York, N. Y | 1,000 | | |
| Total | 1,000 | | |
| Hornblower & Weeks, New York, N. Y.: | | | |
| Antell, Tristan, 40 Wall St., New York, N. Y | 1,000 | | |
| Bergin, Daniel T., 40 Wall St., New York, N. Y | 500 | | |
| Elston, Isaac C., Jr., 134 South La Salle St., Chicago, Ill | 500 | | |
| Giblin, Walter M., 40 Wall St., New York, N. Y | 500 | | |
| Gimma, Joseph, 40 Wall St., New York, N. Y | 500 | | |
| Morris, George L., 40 Wall St., New York, N. Y | 500 | | |
| Total | 3,500 | | |
| Hutton (E. F.) & Co., New York, N. Y.: | | | |
| Cutten, Ruloff E., 61 Broadway, New York, N. Y | $500 | | |
| Ferguson, W. C., 3738 Chouteau St., St. Louis, Mo | 1,000 | | |
| Kantzler, George R., 61 Broadway, New York, N. Y | 1,000 | | |
| Total | 2,500 | | |
| Kidder (A. M.) & Co., New York, N. Y.: | | | |
| No contributors | | | |
| Kidder, Peabody & Co., New York, N. Y.: | | | |
| Compton, Randolph P., 17 Wall St., New York, N. Y | 750 | | |
| Gordon, Albert H., 17 Wall St., New York, N. Y | 500 | | |
| Matthews, Orus J., Dodds Lane, Ardmore, Pa | 1,000 | | |
| Webster, Edwin S., Jr., 17 Wall St., New New York, N. Y | 1,000 | | |
| Total | 3,250 | | |
| Kuhn, Loeb & Co., New York, N. Y.: | | | |
| Brown, Robert F., 30 Wall St., New York, N. Y | 500 | | |
| Kahn, Gilbert W., 30 Wall St., New York, N. Y | 1,250 | | |
| Schiff, John M., 30 Wall St., New York, N. Y | 18,550 (W 3,000) | | |
| Stewart, Percy M., 30 Wall St., New York, N. Y | 500 | | |
| Walker, Robert E., 52 William St., New York, N. Y | 500 | | |
| Total | 21,300 | | |
| Langley (W. C.) & Co., New York, N. Y.: | | | |
| Langley, William C., 115 Broadway, New York, N. Y | 500 | | |
| Total | 500 | | |
| Lazard Frères & Co., New York, N. Y.: | | | |
| Adams, James S., New York, N. Y | | $500 | |
| Herzog, Edwin H., 44 Wall St., New York, N. Y | 500 | | |
| Myer, Andre, 44 Wall St., New York, N. Y | 4,500 | | |
| Murname, George, 44 Wall St., New York, N. Y | 1,500 | | |
| Total | 6,500 | 500 | |
| Lehman Bros., New York, N. Y.: | | | |
| Ehrman, Frederick L., 1 William St., New York, N. Y | 7,300 | | |
| Glazier, William S., 127 East 80th St., New York, N. Y | 3,500 | | |
| Gutman, Monroe C., 1 William St., New York, N. Y | 8,200 | | |
| Hammerslough, William J., 930 Park Ave., New York, N. Y | 1,000 | | |
| Hertz, John, New York, N. Y | 2,500 | | |
| Isles, Philip H., 1 William St., New York, N. Y | 4,000 | | |
| Kahn, Herman H., 1 William St., New York, N. Y | 500 | | |
| Kennedy, Edwin L., 60 Colonial Way, Shorthills, N. J | 500 | | |
| Lehman, Robert H., New York, N. Y | 12,000 | | |
| Manheim, Frank J., 135 East 95th St., New York, N. Y | 500 | | |
| Manheim, Paul E., 1 William St., New York, N. Y | 2,500 | | |
| Mazur, Paul M., 1 Gracie Sq., New York, N. Y | 5,850 (W 350) | | |
| Total | 48,350 | | |
| Loeb (Carl M.) Rhodes & Co., New York, N. Y.: | | | |
| Dixon, W. Palmer, 550 Park Ave., New York, N. Y | 500 | | |
| Erpf, Armand G., 42 Wall St., New York, N. Y | 1,000 | | |
| Loeb, Carl M., Jr., 137 East 57th St., New York, N. Y | 1,500 | | |
| Michel, Clifford W., 42 Wall St., New York, N. Y | 1,000 | | |
| Total | 4,000 | | |
| Marks (Carl) & Co., Inc., New York, N. Y.: | | | |
| No contributors | | | |
| Merrill Lynch, Pierce, Fenner & Beane, New York, N. Y.: | | | |
| Cook, Victor B., 70 Pine St., New York, N. Y | 500 | | |
| Findlay, Douglas C., 70 Pine St., New York, N. Y | 500 | | |
| Himes, Joseph H., 4524 Garfield St. NW., Washington, D. C | 1,000 | | |
| Kistler, William L., Jr., 1744 East 20th St., Tulsa, Okla | 1,000 | | |
| Leness, George J., 70 Pine St., New York, N. Y | 500 | | |
| Rooke, Robert L., 3 Mountain View, Westfield, N. J | 13,600 | | |
| Rubezanin, Milija, 70 Pine St., New York, N. Y | 500 | | |

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Merrill Lynch, Pierce & Beane, New York, N. Y.—Continued | | | |
| Smith, Norman P., 70 Pine St., New York, N. Y. | $2,000 | | |
| Smith, Winthrop H., 70 Pine St., New York, N. Y. | 500 | | |
| Weiden, Norman, 70 Pine St., New York, N. Y. | 500 | | |
| Total | 20,600 | | |
| Morgan, Stanley & Co., New York, N. Y.: | | | |
| Ewing, William, Jr., 2 Wall St., New York, N. Y. | 500 | | |
| Ewing, William, 2 Wall St., New York, N. Y. | 5,000 | | |
| Hall, Perry E., 2 Wall St., New York, N. Y. | 6,500 | | |
| Morgan, Henry S., 2 Wall St., New York, N. Y. | 5,300 | | |
| Payne, Samuel B., 2 Wall St., New York, N. Y. | 500 | | |
| Stanley, Harold, 2 Wall St., New York, N. Y. | 1,000 | | |
| Ward, Francis T., 2 Wall St., New York, N. Y. | 500 | | |
| Total | 19,300 | | |
| Paine, Webber, Jackson & Curtis, Boston, Mass.: | | | |
| Lewis, David J., 25 Broad St., New York, N. Y. | 500 | | |
| Mason, Lloyd W., 25 Broad St., New York, N. Y. | 500 | | |
| Total | 1,000 | | |
| Reynolds & Co., New York, N. Y.: | | | |
| Babcock, Charles H., Reynolds Bldg., Winston-Salem, N. C. | 1,000 | | |
| Baker, John D., 120 Broadway, New York, N. Y. | 1,000 | | |
| Buchner, Walter G., 122 East 42d St., New York, N. Y. | 2,000 | | |
| Roberts, Clifford, 120 Broadway, New York, N. Y. | 2,000 | | |
| Staley, Thomas F., 120 Broadway, New York, N. Y. | 1,500 | | |
| Willard, Frank A., 120 Broadway, New York, N. Y. | 3,000 | | |
| Total | 10,500 | | |
| Rothchild (L. F.) & Co., New York, N. Y.: | | | |
| Hochstader, Leonard A., 120 Broadway, New York, N. Y. | 500 | | |
| Total | 500 | | |
| Salomon Bros. & Hutzler, New York, N. Y.: | | | |
| Smutny, Rudolph, 60 Wall St., New York, N. Y. | $500 | | |
| Total | 500 | | |
| Shearson Hammill & Co., New York, N. Y.: | | | |
| No contributors | | | |
| Smith, Barney & Co., New York, N. Y.: | | | |
| Fish, Edwin A., 14 Wall St., New York, N. Y. | 500 | | |
| Johnson, J. Ford, 14 Wall St., New York, N. Y. | 500 | | |
| Johnson, Ralph B., 14 Wall St., New York, N. Y. | 500 | | |
| Phipps, Ogden, 14 Wall St., New York, N. Y. | 3,000 | | |
| Total | 4,500 | | |
| Union Securities Corp., New York, N. Y.: | | | |
| Quinn, Cyril J. C., 65 Broadway, New York, N. Y. | 1,000 | | |
| Total | 1,000 | | |
| Walston & Co., San Francisco, Calif.: | | | |
| No contributors | | | |
| Wertheim & Co., New York, N. Y.: | | | |
| Bernhard, Richard J., 120 Broadway, New York, N. Y. | 500 | | |
| Hottinger, Henry, 120 Broadway, New York, N. Y. | 2,000 | | |
| Steinbach, Milton, 120 Broadway, New York, N. Y. | 2,000 | | |
| Total | 4,500 | | |
| White, Weld & Co., New York, N. Y.: | | | |
| Kernan, Francis, 40 Wall St., New York, N. Y. | 4,000 | | |
| White, Alexander M., 3 East 77th St., New York, N. Y. | 4,000 | | |
| White, Harold T., 40 Wall St., New York, N. Y. | 1,000 | | |
| Total | 9,000 | | |
| Witter (Dean) & Co., San Francisco, Calif.: | | | |
| Boone, William B., Equitable Bldg., Portland, Oreg. | 500 | | |
| Dollar, R. Stanley, 311 California St., San Francisco, Calif. | 2,500 | | |
| Eaton, Rea L., 1466 Carleton Rd., San Marino, Calif. | 1,500 | $1,000 | |
| Roth, William Matson, California | | 500 | |
| Total | 4,500 | 1,500 | |
| Grand total | 237,800 | 2,000 | |

EXHIBIT 17—1956 POLITICAL CONTRIBUTIONS OF $500 AND OVER BY OFFICIALS OF THE 37 LEADING ADVERTISING AGENCIES

The contributions of $500 and over used in compiling this exhibit were drawn from reports filed by organizations and individuals with the Clerk of the United States House of Representatives (generally for the period prior to September 1), with the Secretary of the Senate, and with the subcommittee (generally for the period September 1–November 30). A master list showing all such contributions known to the subcommittee appears in exhibit 26. (A few of the contributions listed there may not have been known at the time the present exhibit was prepared. And in a few cases contributions as low as $100 may be included in the amounts shown for individuals whose total contributions exceeded $5,000.)

Generally, all contributions of a husband and wife have been lumped together, but any part of the total attributable solely to the wife has, where possible, been shown in parentheses, e. g. (W———). (Exhibit 26 shows more complete separate listing of contributions by husband and wife.)

In this group, no contributions to Democrats were found. Contributions to Republicans were in the total amount of $51,600.

In preparing this exhibit, the officials of the 37 leading advertising agencies were checked against the list of contributors. These are the 37 firms that had billings of $20 million and over in 1955 listed in the February 27, 1956, issue of Advertising Age.

The agencies are here listed in alphabetical order, as are the officials of each agency who were found to have made contributions of $500 and over.

| | *Republican* |
|---|---|
| Batten, Barton, Durstine & Osborn: | |
| Barton, Bruce, New York | $2,000 |
| Danforth, J. D., New York | 1,000 |
| Manchee, Fred B., New York | 1,000 |
| Osborn, A. F., New York | 1,000 |
| Total | 5,000 |
| Benton & Bowles: | |
| Baker, William R., Jr., New York | 1,000 |
| Lusk, Robert E., New York | 500 |
| Total | 1,500 |
| Biow-Beirn-Toigo (now Biow Co.): | |
| Biow, Milton H., New York | 1,500 |
| Welch, Veronica, New York | 500 |
| Total | 2,000 |
| Brooke, Smith, French & Dorrance: No contribution | ------ |
| Campbell-Ewald Co.: White, Charles M., Washington | 11,350 |
| Campbell-Mithun: No contribution | ------ |
| Cockfield, Brown & Co.: No contribution | ------ |
| Compton Advertising: No contribution | ------ |
| Cunningham & Walsh: No contribution | ------ |
| Dancer-Fitzgerald-Sample: Fitzgerald, Clifford L., New York | 1,000 |
| D'Arcy Advertising Co.: Orthwein, P. J., St. Louis | $1,500 |
| Donahue & Coe: No contribution | ------ |
| D. P. Brother & Co.: No contribution | ------ |
| Erwin, Wasey & Co.: No contribution | ------ |
| Foote, Cone & Belding: Carney, Robert F., New York | 500 |
| Fuller & Smith & Ross: No contribution | ------ |
| Geyer Advertising: Geyer, B. B., New York | 500 |
| Grant Advertising: No contribution | ------ |
| Grey Advertising Agency: No contribution | ------ |
| J. Walter Thompson Co.: | |
| Elton, Wallace W., New York | 500 |
| Flower, Henry C., Jr., New York | 2,500 |
| Hinks, Kenneth W., New York | 1,000 |
| Kohl, Howard, New York | 1,000 |
| Lemon, L. O., New York | 1,000 |
| Meek, Samuel W., New York | 1,000 |
| Resor, Stanley, New York | 2,100 |
| Rheinstrom, Charles A., New York | 1,000 |
| Ryan, Oneill, Jr., New York | 1,500 |
| Strouse, Norman H., New York | 1,000 |
| Total | 12,600 |
| Kenyon & Eckhardt: | |
| Brophy Thomas D. A., New York | 750 |
| Miller, Don C., Detroit | 750 |
| Mills, Dwight, New York | 1,500 |
| Total | 3,000 |
| Kudner Agency: Ellis, J. H. S., New York | 500 |

| | Republican |
|---|---|
| Lennen & Newell: Toigo, Adolph J., New York | $2,000 |
| Leo Burnett Co.: Burnet, Leo, Chicago, Ill | 500 |
| MacLaren Advertising Co.: No contribution | ------ |
| MacManus, John & Adams: Adams, James R. Bloomfield, Bloomfield Hills, Mich | 500 |
| Maxon, Inc.: Maxon, Lou R., Detroit, Mich | 500 |
| McCann-Erickson: | |
| Foote, Emerson, New York | 1,000 |
| Harper, Marion, Jr., New York | 650 |
| Total | 1,650 |
| Needham, Louis & Brorby: No contribution | ------ |
| Norman, Craig & Kummel: No contribution | ------ |
| N. W. Ayer & Son: No contribution | ------ |
| Ruthrauff & Ryan: Ryan, Frederick B., Jr., New York | 500 |
| Sullivan, Stauffer, Colwell & Bayles: | |
| Colwell, Robert T., New York | 500 |
| Sullivan, Raymond F., New York | 500 |
| Total | 1,000 |

| | Republican |
|---|---|
| Tatham-Laird: No contribution | ------ |
| Ted Bates & Co.: No contribution | ------ |
| William Esty Co.: | |
| Houlahan, James J., New York | $2,000 |
| Peace, John, New York | 1,000 |
| Total | 3,000 |
| Young & Rubicam: | |
| Brockway, Louis N., New York | 1,000 |
| Larmon, Sigurd S., New York | 1,500 |
| Total | 2,500 |
| Grand total | 51,600 |

EXHIBIT 18—1956 POLITICAL CONTRIBUTIONS OF $500 AND OVER BY OFFICIALS OF THE 29 LARGEST OIL COMPANIES

The contributions of $500 and over used in compiling this exhibit were drawn from reports filed by organizations and individuals with the Clerk of the United States House of Representatives (generally for the period prior to September 1), with the Secretary of the Senate, and with the subcommittee (generally for the period September 1 to November 30). A master list showing all such contributions known to the subcommittee appears in exhibit 26. (A few of the contributions listed there may not have been known at the time the present exhibit was prepared. And in a few cases contributions as low as $100 may be included in the amounts shown for individuals whose total contributions exceeded $5,000.)

Generally, all contributions of a husband and wife have been lumped together, but any part of the total attributable solely to the wife has, where possible, been shown in parentheses, e. g. (W ———). (Exhibit 26 shows more complete separate listing of contributions by husband and wife.)

Total contributions to Republicans were in the amount of $344,997, and to Democrats in the sum of $14,650.

In preparing this exhibit, the officers and directors of the 29 largest oil companies were checked against the list of contributors. The 29 oil firms are the largest measured by 1955 sales as shown in the list of America's largest industrial corporations published by Fortune magazine in July 1956.

It was found that 24 of the 29 corporations had officials who gave $500 and over to the 1956 campaign. These firms are listed alphabetically below, together with their officials who were found to have contributed.

The five corporations whose officials were not found to have contributed are: Clark Oil & Refining, Ohio Oil, Signal Oil & Gas, South Penn Oil, and Superior Oil.

| | Republican | Democratic |
|---|---|---|
| Anderson-Prichard Oil: | | |
| Fennelly, J. F., Chicago, Ill | $1,000 | ---------- |
| Rodman, Roland V., Oklahoma City, Okla | 500 | ---------- |
| Total | 1,500 | ---------- |
| Ashland Oil & Refining Co.: | | |
| Breuil, James F., Oklahoma City, Okla | 1,000 | ---------- |
| Atlantic Refining: | | |
| Colley, Robert H., Wayne, Pa | 500 | ---------- |
| Ingersoll, C. Jared, Philadelphia, Pa | ---------- | $500 |
| Supplee, Henderson, Jr., Philadelphia, Pa | 500 | ---------- |
| Total | 1,000 | 500 |
| Cities Service: | | |
| Christian, Erle G., New York, N. Y | 1,000 | ---------- |
| Frame, A. P., New York, N. Y | 1,000 | ---------- |
| Hill, George H., Jr., New York, N. Y | 1,000 | ---------- |
| Jones, W. Alton (Mrs.), New York, N. Y | 3,000 | ---------- |
| Mitchell, Charles S., New York, N. Y | 1,000 | ---------- |
| O'Brien, Henry L., New York, N. Y | 1,000 | ---------- |
| Shaw, George H., New York, N. Y | 1,000 | ---------- |
| Total | 9,000 | ---------- |
| Continental Oil: | | |
| Douglas, Lewis W., New York, N. Y | 2,000 | ---------- |
| Page, Arthur W., New York, N. Y | 1,000 | ---------- |
| Whitney, Mr. and Mrs. George, New York, N. Y | 9,500 | ---------- |
| Total | 12,500 | ---------- |
| Crown Central Petroleum: | | |
| Stralem, Mr. and Mrs. Donald S., New York, N. Y | 2,000 | ---------- |
| Gulf Oil: | | |
| Brown, Mr. and Mrs. Donaldson, Port Deposit, Md | 19,750 (W 8,750) | ---------- |
| Mellon, Mr. and Mrs. Richard K., Pittsburgh, Pa | 33,000 | ---------- |
| Proctor, David, Pittsburgh, Pa | 800 | ---------- |
| Scaife, Mr. and Mrs. Alan M., Pittsburgh, Pa | 29,500 | ---------- |
| Swensrud, Sidney A., Pitsburgh, Pa | 1,000 | ---------- |
| Walton, John F., Jr., Pittsburgh, Pa | 2,500 | ---------- |
| Whiteford, W. K., Pittsburgh, Pa | 1,000 | ---------- |
| Total | 87,550 | ---------- |
| Phillips Petroleum: | | |
| Adams, K. S., Bartlesville, Okla | 1,000 | ---------- |
| Addinsell, H. M., Bartlesville, Okla | 1,000 | ---------- |
| Endacott, Paul, Bartlesville, Okla | 500 | ---------- |
| Jopling, R. C., Bartlesville, Okla | 1,000 | ---------- |
| Keeler, W. W., Bartlesville, Okla | 500 | ---------- |
| Learned, Stanley, Bartlesville, Okla | 500 | ---------- |
| Musgrave, C. R., Bartlesville, Okla | 500 | ---------- |
| Phillips, Philip R., Bartlesville, Okla | 1,000 | ---------- |
| Stradley, B. F., Bartlesville, Okla | 1,000 | ---------- |
| Thomas, R. W., Bartlesville, Okla | 500 | ---------- |
| Total | 7,500 | ---------- |

| | Republican | Democratic |
|---|---|---|
| Plymouth Oil: | | |
| Benedum, Paul G., Pittsburgh, Pa | $1,000 | ---------- |
| Hallanan, W. S., Charleston, W. Va | 6,500 | ---------- |
| Total | 7,500 | ---------- |
| Pure Oil: | | |
| Armour, Lester, Chicago, Ill | 750 | ---------- |
| Avery, Sewell L., Chicago, Ill | 6,000 | ---------- |
| Dixon, Wesley M., Chicago, Ill | 1,500 | ---------- |
| Total | 8,250 | ---------- |
| Richfield Oil Corp.: | | |
| Gosney, M. L., New York, N. Y | 1,000 | ---------- |
| Jones, W. Alton (Mrs.), New York, N. Y | 3,000 | ---------- |
| Jones, Charles S., Los Angeles, Calif | 2,500 | ---------- |
| O'Brien, Henry L., Los Angeles, Calif | 1,000 | ---------- |
| Spencer, Percy C., New York, N. Y | 2,000 | ---------- |
| Total | 9,500 | ---------- |
| Shell Oil: | | |
| Dominick, Gayer G., New York, N. Y | 500 | ---------- |
| Sinclair Oil: | | |
| Clarkson, R. L., New York, N. Y | 2,000 | ---------- |
| Dyer, J. E., New York, N. Y | 600 | ---------- |
| Gosney, M. L., New York, N. Y | 1,000 | ---------- |
| Spencer, P. C., New York, N. Y | 2,000 | ---------- |
| Total | 5,600 | ---------- |
| Skelly Oil: | | |
| Getty, George F., Tulsa, Okla | 750 | ---------- |
| Socony Mobil Oil: | | |
| Jennings, Mr. and Mrs. B. Brewster, New York, N. Y | 3,000 | ---------- |
| Standard Oil (California): | | |
| Call, Asa V., Los Angeles, Calif | 5,500 (W 1,500) | ---------- |
| Collier, H. D., San Francisco, Calif | 2,000 | ---------- |
| McBean, Atholl, San Francisco, Calif | 500 | ---------- |
| Peterson, T. S., San Francisco, Calif | 1,000 | ---------- |
| Total | 9,000 | ---------- |
| Standard Oil (Indiana): | | |
| Blaustein, Mr. and Mrs. Jacob, Chicago, Ill | ---------- | $14,150 (W 5,650) |
| Graham, David, Chicago, Ill | 1,000 | ---------- |
| Prior, Frank O., Chicago, Ill | 1,000 | ---------- |
| Total | 2,000 | 14,150 |
| Standard Oil (New Jersey): | | |
| Crane, J. E., New York, N. Y | 500 | ---------- |
| Holman, Eugene, New York, N. Y | 3,500 | ---------- |
| Lamont, Peter T., New York, N. Y | 500 | ---------- |
| Proudfit, Arthur T., New York, N. Y | 500 | ---------- |
| Rathbone, M. J., New York, N. Y | 1,000 | ---------- |
| Smith, Chester F., Elizabeth, N. J | 500 | ---------- |
| Soubry, E. E., New York, N. Y | 500 | ---------- |

| | Republican | Democratic |
|---|---|---|
| Standard Oil (New Jersey)—Continued | | |
| Welch, Leo D., New York, N. Y. | $500 | |
| Total | 7,500 | |
| Standard Oil (Ohio): | | |
| Nance, James J., Detroit, Mich. | 750 | |
| Patton, Thomas F., Cleveland, Ohio | 700 | |
| Total | 1,450 | |
| Sun Oil: | | |
| Eckert, Samuel B., Philadelphia, Pa. | 1,100 | |
| Pew, Mr. and Mrs. J. Howard, Philadelphia, Pa. | 51,125 (W 3,000) | |
| Pew, John G., Philadelphia, Pa. | 500 | |
| Pew, Joseph N., Jr., Philadelphia, Pa. | 51,425 | |
| Thayer, Clarence H., Philadelphia, Pa. | 500 | |
| Total | 104,650 | |
| Sun Ray Mid-Continent Oil: | | |
| Cleveland, J. Luther, New York, N. Y. | 500 | |
| France, Jacob, Baltimore, Md. | 3,000 | |
| Parriott, Foster B., Tulsa, Okla. | 500 | |
| Seeligson, Arthur A., San Antonio, Tex. | 500 | |
| Smith, Glenn J., Tulsa, Okla. | 1,000 | |
| Walker, Jay P., Tulsa, Okla. | 14,300 | |
| Wright, Clarence H., Tulsa, Okla. | 3,500 | |
| Total | 23,300 | |
| Texas Co.: | | |
| Gray, W. S., New York, N. Y. | $1,000 | |
| Harris, Henry U., New York, N. Y. | 4,550 | |
| McCune, Charles L., Pittsburgh, Pa. | 2,000 | |
| Mitchell, W. H., Chicago, Ill. | 847 | |
| Rodgers, W. S. S., New York, N. Y. | 1,000 | |
| Total | 9,397 | |
| Tide Water Associated Oil: | | |
| Bayer, L. F., San Francisco, Calif. | 750 | |
| Hopkins, Mrs. John Jay, Washington, D. C. | 2,000 | |
| Jackson, Mr. and Mrs. H. A., New York, N. Y. | 2,500 | |
| Schiff, Mr. and Mrs. John M., New York, N. Y. | 18,550 (W 3,000) | |
| Staples, D. T., San Francisco, Calif. | 750 | |
| Thomas, Joseph A., San Francisco, Calif. | 2,000 | |
| Wellborn, Olin, III, Los Angeles, Calif. | 500 | |
| Williams, Fero, San Francisco, Calif. | 500 | |
| Total | 27,550 | |
| Union Oil: | | |
| Battson, Leigh, Los Angeles, Calif. | $2,000 | |
| Brandi, Frederic H., New York, N. Y. | 500 | |
| Doheny, William H., Los Angeles, Calif. | 1,500 | |
| Rubel, A. C., Los Angeles, Calif. | 1,000 | |
| Stewart, Mrs. W. L., Jr., Los Angeles, Calif. | 1,000 | |
| Taylor, Reese H., Los Angeles, Calif. | 500 | |
| Total | 6,500 | |
| Grand total | 344,997 | $14,650 |

EXHIBIT 19—1956 POLITICAL CONTRIBUTIONS OF $500 AND OVER BY OFFICIALS OF THE 100 LARGEST MILITARY PRIME CONTRACTORS

The contributions of $500 and over used in compiling this exhibit were drawn from reports filed by organizations and individuals with the Clerk of the United States House of Representatives (generally for the period prior to September 1), with the Secretary of the Senate, and with the subcommittee (generally for the period September 1–November 30). A master list showing all such contributions known to the subcommittee appears in exhibit 26. (A few of the contributions listed there may not have been known at the time the present exhibit was prepared. And in a few cases contributions as low as $100 may be included in the amounts shown for individuals whose total contributions exceeded $5,000).

In preparing this exhibit, the officers and directors of the 100 largest military prime contractors were checked against the list of contributors. These firms were named by the Department of Defense as the 100 largest in net value of military prime contract awards for the period, January 1–December 31, 1955 (released by Office of the Assistant Secretary of Defense (Supply and Logistics) dated August 10, 1956).

It was found that officials of 63 such corporations contributed $500 or over during 1956. A total of $1,133,882 was contributed to the Republicans. The Democrats received $40,975, and $12,400 was contributed to miscellaneous political committees.

The corporations are listed alphabetically with the names of contributing officials set forth under each.

Generally, all contributions of a husband and wife have been combined, but any part of the total attributable solely to the wife has, where possible, been shown in parentheses, e. g. (W ———). (Exhibit 26 shows more complete separate listings of contributions by husband and wife).

When a person is an official of more than one corporation, the amount he contributed has been listed after his name under each corporation with which he is connected, but in computing the net grand totals of contributions by party and other groups, an adjustment has been made for such duplicate contributions.

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Allis-Chalmers Manufacturing Co.: | | | |
| Bohen, Fred, Des Moines, Iowa | $1,000 | | |
| Comer, Hugh M., Sylacauga, Ala. | 500 | | |
| Mahler, Ernst, Chicago, Ill. | 1,000 | | |
| Stevenson, Robert S., Milwaukee, Wis. | 500 | | |
| Total | 3,000 | | |
| American Machine & Foundry Co.: | | | |
| Patterson, Morehead, New York, N. Y. | 3,000 | | |
| Total | 3,000 | | |
| American Shipbuilding Co.: | | | |
| Ackerman, R. B., Cleveland, Ohio | 880 | | |
| Hoffmeier, A. C., Cleveland, Ohio | 500 | | |
| Hutchinson, John T., Cleveland, Ohio | 500 | | |
| Ingwersen, Martin L., Cleveland, Ohio | 500 | | |
| McDowell, Robert C., Cleveland, Ohio | 500 | | |
| Sherwin, John, Cleveland, Ohio | 1,000 | | |
| Thompson, Joseph H., Cleveland, Ohio | 500 | | |
| Williams, E. B., Cleveland, Ohio | 500 | | |
| Total | 4,880 | | |
| American Telephone & Telegraph: | | | |
| Page, Arthur W., New York, N. Y. | 1,000 | | |
| Root, Elihu, Jr., New York, N. Y. | 1,000 | | |
| Welldon, Samuel A., New York, N. Y. | 1,000 | | |
| Total | 3,000 | | |
| Avco Manufacturing Corp.: | | | |
| Allen, George E., Washington, D. C. | 500 | | |
| Bierwirth, John E., New York, N. Y. | 500 | | |
| Bruce, James, New York, N. Y. | | $500 | |
| Darling, C. Coburn, Providence, R. I. | 1,000 | | |
| Emanuel, Victor, New York, N. Y. | 500 | | |
| Hall, Joseph B., Cincinnati, Ohio | 1,000 | | |
| Johnson, Robert L., Philadelphia, Pa. | 1,000 | 1,000 | |
| Kahn, Herman H., New York, N. Y. | 500 | | |
| Lincoln, Leroy A., New York, N. Y. | 500 | | |
| Avco Manufacturing Corp.—Continued | | | |
| O'Hara, Thomas A., New York, N. Y. | $1,000 | | |
| Total | 6,500 | $1,500 | |
| Bell Aircraft Corp.: | | | |
| Bell, Lawrence D., Buffalo, N. Y. | 500 | | |
| Bierwirth, John E., New York, N. Y. | 500 | | |
| Total | 1,000 | | |
| Bendix Aviation Corp.: | | | |
| Biggers, John D., Toledo, Ohio | 3,000 | | |
| Ferguson, Malcolm P., Detroit, Mich. | 900 | | |
| Francis, Clarence, New York, N. Y. | 1,000 | | |
| Kanzler, Ernest, Detroit, Mich. | 3,000 | | |
| Total | 7,900 | | |
| Bethlehem Steel: | | | |
| Grace, Eugene G., Bethlehem, Pa. | 7,850 | | |
| McMath, Robert E., Bethlehem, Pa. | 1,000 | | |
| Total | 8,850 | | |
| Boeing Airplane Co.: | | | |
| Reed, William G., Seattle, Wash. | 1,000 | | |
| Total | 1,000 | | |
| Burroughs Corp.: | | | |
| Cisler, Walker L., Detroit, Mich. | 500 | | |
| Eppert, Ray R., Detroit, Mich. | 500 | | |
| Total | 1,000 | | |
| Chrysler Corp.: | | | |
| Brady, James C., Detroit, Mich. | 500 | | |
| Colbert, L. L., Detroit, Mich. | 1,000 | | |
| Foy, Byron C., Detroit, Mich. | 1,500 | | |
| Jones, W. Alton, Detroit, Mich. | 3,000 | | |

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Chrysler Corp—Continued | | | |
| Van Bomel, L. A., Detroit, Mich | $1,000 | | |
| Total | 7,000 | | |
| Cincinnati Milling Machine Co.: | | | |
| Flynt, Henry N., New York, N. Y | 1,000 | | |
| Geier, Frederick V., Cincinnati, Ohio | 2,500 | | |
| Quinn, Cyril J. C., New York, N. Y | 1,000 | | |
| Total | 4,500 | | |
| Cities Service: | | | |
| Christian, Erle G., New York, N. Y | 1,000 | | |
| Frame, A. P., New York, N. Y | 1,000 | | |
| Hill, George H., Jr., New York, N. Y | 1,000 | | |
| Jones, W. Alton, New York, N. Y | 3,000 | | |
| Mitchell, Charles S., New York, N. Y | 1,000 | | |
| O'Brien, Henry L., New York, N. Y | 1,000 | | |
| Shaw, George H., New York, N. Y | 1,000 | | |
| Total | 9,000 | | |
| Continental Oil: | | | |
| Douglas, Lewis W., New York, N. Y | 2,000 | | |
| Page, Arthur W., New York, N. Y | 1,000 | | |
| Whitney, George, New York, N. Y | 9,500 (W 3,500) | | |
| Total | 12,500 | | |
| Curtiss-Wright Corp.: | | | |
| Beinecke, Edwin J., New York, N. Y | 3,000 | | |
| Cowdin, J. Cheever, New York, N. Y | 2,000 | | |
| Coyne, Thomas C., New York, N. Y | 500 | | |
| Crandall, L. R., New York, N. Y | 2,000 | | |
| Dana, Charles A., New York, N. Y | 1,000 | | |
| Hill, George R., New York, N. Y | 500 | | |
| Hurley, Roy T., New York, N. Y | 500 | | |
| Irwin, S. D., New York, N. Y | 500 | | |
| Kurzina, Stanley B., Jr., New York, N. Y | 500 | | |
| Lake, William T., New York, N. Y | 500 | | |
| Miccio, Joseph V., New York, N. Y | 500 | | |
| Smith, Lloyd H., Houston, Tex | 6,600 | | |
| Total | 18,100 | | |
| Douglas Aircraft Co., Inc.: | | | |
| Bekins, Milo W., Santa Monica, Calif | 500 | | |
| Jones, Charles S., Los Angeles, Calif | 2,500 | | |
| Total | 3,000 | | |
| Du Pont (E. I.) de Nemours & Co.: | | | |
| Beadle, Walter J., Wilmington, Del | 500 | | |
| Brown, Donaldson, Port Deposit, Md | 19,750 (W 8,750) | | |
| Carpenter, W. S., Jr., Wilmington, Del | 11,800 | | |
| Copeland, Lammot D., Wilmington, Del | 9,650 | | |
| Dodge, M. Hartley, Madison, N. J | 1,500 | | |
| Du Pont, Emile F., Wilmington, Del | 1,000 | | |
| Du Pont, Eugene E., Wilmington, Del | 3,000 | | |
| Du Pont, H. F., Wilmington, Del | 3,000 | | |
| Du Pont, Henry B., Wilmington, Del | 6,100 (W 2,100) | | |
| Du Pont, Irenee, Wilmington, Del | 26,295 | | |
| Du Pont, P. S., III, Wilmington, Del | 9,200 (W 2,000) | | |
| Du Pont, William, Jr., Wilmington, Del | 9,000 | | |
| Greenewalt, Crawford H., Wilmington, Del. | 6,200 (W 2,000) | | |
| Harrington, W. F., Wilmington, Del | 2,000 | | |
| Peyton, Bernard, Wilmington, Del | 2,500 | | |
| Sharp, Hugh R., Jr., Wilmington, Del | 6,250 | | |
| Sloan, Alfred P., Jr., New York, N. Y | 21,000 | | |
| Total | 138,745 | | |
| Eastman Kodak Co.: | | | |
| Curtis, Edward P., Rochester, N. Y | 500 | | |
| Price, Gwilym A., Carnegie, Pa | 1,500 | | |
| Total | 2,000 | | |
| Firestone Tire & Rubber Co.: | | | |
| Firestone, Leonard K., Los Angeles, Calif | 11,000 (W 1,000) | | |
| Firestone, Roger S., Pottstown, Pa | 5,500 (W 1,000) | | |
| Total | 16,500 | | |
| Ford Motor Co.: | | | |
| Breech, Ernest R., Dearborn, Mich | 2,000 | | |
| Bugas, John S., Dearborn, Mich | 3,000 | | |
| David, Donald K., New York, N. Y | 1,000 | | |
| Ford, Benson, Dearborn, Mich | 3,000 | | |
| Ford, Henry, II, Dearborn, Mich | 18,899 (W 2,500) | | |
| Ford, William C., Dearborn, Mich | 6,000 | | |
| Gossett, William T., Dearborn, Mich | 1,000 | | |
| Moore, C. F., Jr., Dearborn, Mich | 500 | | |
| Total | 35,399 | | |
| Fuller (George A.) Co.: | | | |
| Beinecke, Edwin J., New York, N. Y | $3,000 | | |
| Crandall, Lou R., New York, N. Y | 2,000 | | |
| Hilson, John S., New York, N. Y | 1,000 | | |
| Kilpatrick, John Reed, New York, N. Y | 500 | | |
| Slater, Ellis D., New York, N. Y | 2,500 | | |
| Total | 9,000 | | |
| Garrett Corp.: | | | |
| Garrett, John Clifford, Los Angeles, Calif | 500 | | |
| Morgan, W. D., Los Angeles, Calif | 500 | | |
| Whitehead, William C., Los Angeles, Calif | 500 | | |
| Total | 1,500 | | |
| General Dynamics Corp.: | | | |
| Alvord, Ellsworth C., New York, N. Y | 1,000 | | |
| Dean, Gordon, New York, N. Y | | $500 | |
| Himes, Joseph H., New York, N. Y | 500 | | |
| Hopkins, John Jay, New York, N. Y | 2,000 | | |
| Pace, Frank, Jr., New York, N. Y | | 2,000 | |
| Windfohr, Robert F., New York, N. Y | 5,000 | | |
| Total | 8,500 | 2,500 | |
| General Electric Co.: | | | |
| Boulware, Lemuel R., New York, N. Y | 1,000 | | |
| Colt, S. Sloan, Schenectady, N. Y | 1,500 | | |
| Cordiner, Ralph J., New York, N. Y | 1,500 | | |
| David, Donald K., New York, N. Y | 1,000 | | |
| Dickey, Charles D., New York, N. Y | 2,000 | | |
| Ford, Henry, II, Detroit, Mich | 18,899 (W 2,500) | | |
| Humphrey, Gilbert W., Schenectady, N. Y | 500 | | |
| LaPierre, Cramer W., New York, N. Y | 500 | | |
| Lockton, John D., New York, N. Y | 500 | | |
| Love, George H., Pittsburgh, Pa | 5,200 | | |
| McCabe, Thomas B., Chester, Pa | 19,500 | | |
| Morgan, Henry S., New York, N. Y | 5,300 | | |
| Reed, Philip D., New York, N. Y | 2,000 | | |
| Stringham, Warde B., Chevy Chase, Md | 1,000 | | |
| Weinberg, Sidney J., New York, N. Y | 2,500 | | |
| Woodruff, Robert W., Atlanta, Ga | 5,450 (W 3,000) | | |
| Total | 68,349 | | |
| General Motors Corp.: | | | |
| Anderson, Harry W., Detroit, Mich | 500 | | |
| Bradley, Albert, Detroit, Mich | 22,100 (W 9,100) | | |
| Brown, Donaldson, Port Deposit, Md | 19,750 (W 8,750) | | |
| Carpenter, W. S., Jr., Wilmington, Del | 11,800 | | |
| Chayne, Charles A., Detroit, Mich | 1,000 | | |
| Clay, Lucius D., New York, N. Y | 5,100 (W 3,000) | | |
| Copeland, Lammot D., Wilmington, Del | 9,650 | | |
| Cronin, J. J., Detroit, Mich | 500 | | |
| Curtice, Harlow, Detroit, Mich | 2,000 | | |
| Donner, Frederic G., Detroit, Mich | 500 | | |
| Douglas, Lewis W., New York, N. Y | 2,000 | | |
| Du Pont, Emile F., Wilmington, Del | 1,000 | | |
| Du Pont, Henry B., Wilmington, Del | 6,100 (W 2,100) | | |
| Earl, H. J., Detroit, Mich | 500 | | |
| Fisher, Edward F., Detroit, Mich | 1,500 | | |
| Fisher, Lawrence P., Detroit, Mich | 1,500 | | |
| Garrett, Paul, Detroit, Mich | 500 | | |
| Goad, Louis C., Detroit, Mich | 1,000 | | |
| Goodman, James E., Detroit, Mich | 500 | | |
| Gordon, John F., Detroit, Mich | 1,000 | | |
| Hafstad, Lawrence R., Detroit, Mich | 1,000 | | |
| Hogan, Henry M., Detroit, Mich | 500 | | |
| Hufstader, William F., Detroit, Mich | 1,000 | | |
| Hunt, Ormond E., Bloomfield Hills, Mich | 500 | | |
| Johnson, Earle F., Detroit, Mich | 1,000 | | |
| Keating, Thomas H., Detroit, Mich | 500 | | |
| Kindl, Carl H., Detroit, Mich | 500 | | |
| Kyes, Roger M., Detroit, Mich | 1,000 | | |
| Mellon, Richard K., Pittsburgh, Pa | 33,000 | | |
| Osborn, Cyrus R., Detroit, Mich | 1,000 | | |
| Pratt, John L., Fredericksburg, Va | 500 | | |
| Riley, Edward, Detroit, Mich | 750 | | |
| Russell, George, Detroit, Mich | 1,000 | | |
| Skinner, Sherrod E., Detroit, Mich | 1,000 | | |
| Sloan, Alfred P., Jr., New York, N. Y | 21,000 | | |
| Stanley, Clarence, Detroit, Mich | 1,000 | | |
| Whitney, George, New York, N. Y | 9,500 (W 3,500) | | |
| Total | 163,250 | | |
| General Precision Equipment Corp.: | | | |
| Clarkson, Robert L., New York, N. Y | 2,000 | | |
| General Tire & Rubber Co.: | | | |
| O'Neil, William, Akron, Ohio | 3,000 | | |
| Goodyear Tire & Rubber Co.: | | | |
| DeYoung, R., Akron, Ohio | 2,000 | | |
| Greene, Edward B., Cleveland, Ohio | 1,500 | | |
| Leroy, P. E. H., Akron, Ohio | 500 | | |
| Litchfield, P. W., Akron, Ohio | 2,000 | | |
| Spencer, Kenneth A., Kansas City, Mo | 10,600 | | |
| Spencer, Leland E., Akron, Ohio | 550 | | |

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Goodyear Tire & Rubber Co.—Continued | | | |
| Thomas, E. J., Akron, Ohio | $500 | | |
| Wilson, Robert S., Akron, Ohio | 1,750 | | |
| Total | 19,400 | | |
| Gulf Oil Corp.: | | | |
| Brown, Donaldson, Port Deposit, Md | 19,750 (W 8,750) | | |
| Mellon, Richard K., Pittsburgh, Pa | 33,000 | | |
| Proctor, David, Pittsburgh, Pa | 800 | | |
| Scaife, Alan M., Pittsburgh, Pa | 29,500 | | |
| Swensrud, Sidney A., Pittsburgh, Pa | 1,000 | | |
| Walton, John F., Jr., Pittsburgh, Pa | 2,500 | | |
| Whiteford, William K., Pittsburgh, Pa | 1,000 | | |
| Total | 87,550 | | |
| Hercules Powder Co.: | | | |
| McConnell, J. H. T., Wilmington, Del | | $7,250 | |
| International Business Machines Corp.: | | | |
| Booth, Willis H., New York, N. Y | 500 | | |
| Buckner, Walter G., New York, N. Y | 2,000 | | |
| Fairchild, S. M., New York, N. Y | 3,000 | | |
| Folger, John C., Washington, D. C | 11,500 (W 5,500) | | |
| Scribner, Gilbert H., Chicago, Ill | 500 | | |
| Watson, Thomas J., New York, N. Y | 6,000 | | |
| Watson, Thomas J., Jr., New York, N. Y | 10,000 (W 3,000) | | |
| Total | 33,500 | | |
| International Harvester: | | | |
| McCormick, Fowler, Chicago, Ill | 7,300 | | $100 |
| Ryerson, Edward L., Chicago, Ill | 2,000 | | |
| Spencer, Kenneth A., Kansas City, Mo | 10,600 | | |
| Wilson, John P., Chicago, Ill | 1,500 | | |
| Total | 21,400 | | 100 |
| International Telephone & Telegraph Corp.: | | | |
| Edison, Charles, New York, N. Y | 500 | | 12,300 |
| Hill, Arthur M., Washington, D. C | 19,462 W 2,500 | | |
| McKinney, Robert, Santa Fe, N. Mex | | 625 | |
| Total | 19,962 | 625 | 12,300 |
| Lear, Inc.: | | | |
| Luckman, Charles, Los Angeles, Calif | 2,500 | | |
| Lockheed Aircraft Corp.: | | | |
| Barker, C. A., Jr., Burbank, Calif | 500 | | |
| Chappellet, Cyril, Burbank, Calif | 500 | | |
| Gross, Courtlandt S., Burbank, Calif | 500 | | |
| Gross, Robert E., Burbank, Calif | | 500 | |
| Hibbard, Hall L., Burbank, Calif | 500 | | |
| Keith, Willard W., Los Angeles, Calif | 3,000 | | |
| Monesmith, Burt C., Burbank, Calif | 500 | | |
| Total | 5,500 | 500 | |
| Martin (Glenn L.) Co.: | | | |
| Bruce, Howard, Baltimore, Md | 1,000 | | |
| Sullivan, John L., Washington, D. C | | 6,450 | |
| Total | 1,000 | 6,450 | |
| McDonnell Aircraft Corp.: | | | |
| Johnson, James Lee, St. Louis, Mo | 500 | | |
| McDonnell, William A., St. Louis, Mo | 500 | | |
| Total | 1,000 | | |
| Merritt-Chapman & Scott: | | | |
| Savin, A. I., New York, N. Y | 500 | | |
| Minneapolis-Honeywell Regulator Co.: | | | |
| Brown, Richard P., Philadelphia, Pa | 1,900 | | |
| Quinn, Cyril J. C., New York, N. Y | 1,000 | | |
| Total | 2,900 | | |
| Morrison-Knudson Co., Inc.: | | | |
| Bonny, J. B., Boise, Idaho | 500 | | |
| Morrison, Harry W., Boise, Idaho | 500 | | |
| Total | 1,000 | | |
| Northrop Aircraft, Inc.: | | | |
| Jorgensen, Earle M., Hawthorne, Calif | 2,500 | | |
| Olin Mathieson Chemical Co.: | | | |
| Casteel, Russel R., East Alton, Ill | 500 | | |
| Chace, Arnold B., Providence, R. I | 800 | | |
| Hanes, John W., New York, N. Y | 9,200 (W 2,000) | | |
| Nichols, Thomas S., Baltimore, Md | 13,150 (W 500) | 5,000 | |
| Olin, John M., New York, N. Y | 14,950 (W 3,000) | | |
| Olin, Spencer T., Alton, Ill | 34,600 | | |
| Palmer, Carleton H., New York, N. Y | 1,000 | | |
| Rockefeller, Laurance S., New York, N. Y | 25,550 (W 2,200) | | |
| Stone, Robert G., Boston, Mass | 500 | | |
| Total | 100,250 | 5,000 | |

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Pan American World Airways: | | | |
| Fairchild, S. M., New York, N. Y | $3,000 | | |
| Gledhill, Franklin, New York, N. Y | 500 | | |
| Lehman, Robert, New York, N. Y | 12,000 (W 1,000) | | |
| Leslie, John C., New York, N. Y | 500 | | |
| Pryor, Sam F., Greenwich, Conn | 8,000 | | |
| Taylor, Vernon F., San Antonio, Tex | 1,000 | | |
| Total | 25,000 | | |
| Philco Corp.: | | | |
| Balderston, William, Philadelphia, Pa | 2,800 | | |
| Buckley, James T., Philadelphia, Pa | 1,000 | | |
| Butler, Harold W., Philadelphia, Pa | 500 | | |
| Gubb, Larry E., Philadelphia, Pa | 500 | | |
| Heberling, Russell L., Philadelphia, Pa | 500 | | |
| Skinner, James M., Philadelphia, Pa | 2,000 | | |
| Total | 7,300 | | |
| Phillips Petroleum Co.: | | | |
| Adams, K. S., Bartlesville, Okla | 1,000 | | |
| Addinsell, H. M., Bartlesville, Okla | 1,000 | | |
| Endacott, Paul, Bartlesville, Okla | 500 | | |
| Jopling, R. C., Bartlesville, Okla | 1,000 | | |
| Keeler, W. W., Bartlesville, Okla | 500 | | |
| Learned, Stanley, Bartlesville, Okla | 500 | | |
| Musgrave, C. R., Bartlesville, Okla | 500 | | |
| Phillips, Philip R., Bartlesville, Okla | 1,000 | | |
| Stradley, B. F., Bartlesville, Okla | 1,000 | | |
| Thomas, R. W., Bartlesville, Okla | 500 | | |
| Total | 7,500 | | |
| Piasecki Helicopter Co.: | | | |
| Du Pont, A. Felix, Jr., Wilmington, Del | 500 | | |
| Radio Corporation of America: | | | |
| Hagerty, Harry C., New York, N. Y | 500 | | |
| Robinson, William E., New York, N. Y | 3,000 | | |
| Total | 3,500 | | |
| Republic Aviation Corp.: | | | |
| Bain, Walter C., Farmingdale, Long Island, N. Y | 500 | | |
| Clarkson, R. L., New York, N. Y | 2,000 | | |
| Moore, Edward S., Jr., New York, N. Y | 1,500 | | |
| Moore, Paul, New York, N. Y | 3,500 | | |
| Moore, William H., New York, N. Y | 500 | | |
| Peale, Mundy I., Farmingdale, Long Island, N. Y | 500 | | |
| Total | 8,500 | | |
| Richfield Oil Corp.: | | | |
| Gosney, M. L., New York, N. Y | 1,000 | | |
| Jones, W. Alton, New York, N. Y | 3,000 | | |
| Jones, Charles S., Los Angeles, Calif | 2,500 | | |
| O'Brien, Henry L., Los Angeles, Calif | 1,000 | | |
| Spencer, Percy C., New York, N. Y | 2,000 | | |
| Total | 9,500 | | |
| Shell Oil Co.: | | | |
| Dominick, Gayer G., New York, N. Y | 500 | | |
| Sinclair Oil Corp.: | | | |
| Clarkson, R. L., New York, N. Y | 2,000 | | |
| Dyer, J. E., New York, N. Y | 600 | | |
| Gosney, M. L., New York, N. Y | 1,000 | | |
| Spencer, Percy C., New York, N. Y | 2,000 | | |
| Total | 5,600 | | |
| Socony Mobiloil Co., Inc.: | | | |
| Jennings, B. Brewster, New York, N. Y | 3,000 | | |
| Sperry-Rand Corp.: | | | |
| Harvey, I. J., Jr., New York, N. Y | 2,000 | | |
| Rand, James H., New York, N. Y | 4,000 | | |
| Vickers, Harry F., New York, N. Y | 1,000 | | |
| Total | 7,000 | | |
| Standard Oil of California: | | | |
| Call, Asa V., San Francisco, Calif | 5,000 (W 1,500) | | |
| Collier, H. D., San Francisco, Calif | 2,000 | | |
| McBean, Atholl, San Francisco, Calif | 500 | | |
| Peterson, T. S., San Francisco, Calif | 1,000 | | |
| Total | 9,000 | | |
| Standard Oil of Indiana: | | | |
| Blaustein, Jacob, Chicago, Ill | | $14,150 (W 5,650) | |
| Brown, Bruce K., New Orleans, La | 600 | | |
| Graham, David, Chicago, Ill | 1,000 | | |
| Prior, Frank O., Chicago, Ill | 1,000 | | |
| Thalheimer, Alvin, New York, N. Y | | 3,000 | |
| Total | 2,600 | 17,150 | |
| Standard Oil of New Jersey: | | | |
| Crane, Jay E., New York, N. Y | 500 | | |
| Holman, Eugene, New York, N. Y | 3,500 | | |
| Lamont, P. T., New York, N. Y | 500 | | |
| Proudfit, A. T., New York, N. Y | 500 | | |
| Rathbone, M. J., New York, N. Y | 1,000 | | |
| Smith, Chester F., Elizabeth, N. J | 500 | | |

| | Republican | Democratic | Miscellaneous |
|---|---|---|---|
| Standard Oil of New Jersey—Continued | | | |
| Soubry, E. E., New York, N. Y. | $500 | | |
| Welch, Leo D., New York, N. Y. | 500 | | |
| Total | 7,500 | | |
| Sun Oil Co.: | | | |
| Eckert, Samuel B., Philadelphia, Pa. | 1,100 | | |
| Pew, J. Howard, Philadelphia, Pa. | 51,125 (W 3,000) | | |
| Pew, John G., Philadelphia, Pa. | 500 | | |
| Pew, Joseph N., Jr., Philadelphia, Pa. | 51,425 | | |
| Thayer, Clarence H., Philadelphia, Pa. | 500 | | |
| Total | 104,650 | | |
| Texas Co.: | | | |
| Gray, William S., New York, N. Y. | 1,000 | | |
| Harris, Henry U., New York, N. Y. | 4,550 | | |
| McCune, Charles L., Pittsburgh, Pa. | 2,000 | | |
| Mitchell, W. H., Chicago, Ill. | 847 | | |
| Rodgers, W. S. S., New York, N. Y. | 1,000 | | |
| Total | 9,397 | | |
| Tide Water Associated Oil Co.: | | | |
| Bayer, L. F., San Francisco, Calif. | 750 | | |
| Hopkins, John Jay, Washington, D. C. | 2,000 | | |
| Jackson, H. A., New York, N. Y. | 2,500 | | |
| Schiff, John M., New York, N. Y. | 18,550 (W 3,000) | | |
| Staples, D. T., San Francisco, Calif. | 750 | | |
| Thomas, Joseph A., New York, N. Y. | 2,000 | | |
| Welborn, Olin, III, Los Angeles, Calif. | 500 | | |
| Williams, Fero, San Francisco, Calif. | 500 | | |
| Total | 27,550 | | |
| Union Oil Co.: | | | |
| Battson, Leigh M., Los Angeles, Calif. | 2,000 | | |
| Brandi, Frederic H., New York, N. Y. | 500 | | |
| Doheny, William H., Los Angeles, Calif. | 1,500 | | |
| Rubel, A. C., Los Angeles, Calif. | 1,000 | | |
| Stewart, W. L., Jr., Los Angeles, Calif. | 1,000 | | |
| Taylor, Reese H., Los Angeles, Calif. | 500 | | |
| Total | 6,500 | | |
| United Aircraft Corp.: | | | |
| Horner, H. Mansfield, Hartford, Conn. | $1,000 | | |
| Robbins, W. Russell, Hartford, Conn. | 600 | | |
| Sheperd, Howard C., New York, N. Y. | 500 | | |
| Stoddard, Harry G., Worcester, Mass. | 1,000 | | |
| Total | 3,100 | | |
| United States Rubber Co.: | | | |
| Caskey, John E., New York, N. Y. | 500 | | |
| Edmonds, George P., Wilmington, Del. | 1,000 | | |
| Humphreys, H. E., Jr., New York, N. Y. | 1,000 | | |
| Total | 2,500 | | |
| Westinghouse Electric Corp.: | | | |
| Boshell, Edward O., Pittsburgh, Pa. | 500 | | |
| Burnham, Donald C., Pittsburgh, Pa. | 2,300 | | |
| Denton, Frank R., Pittsburgh, Pa. | 1,500 | | |
| Fort, Tomlinson, Jr., Pittsburgh, Pa. | 1,000 | | |
| Headlee, C. E., Pittsburgh, Pa. | 500 | | |
| Higgins, H. B., Pittsburgh, Pa. | 2,000 | | |
| Hopkinson, Edward, Jr., Philadelphia, Pa. | 1,000 | | |
| Hutcheson, J. A., Pittsburgh, Pa. | 700 | | |
| Jewell, J. H., Pittsburgh, Pa. | 700 | | |
| Lynde, Leslie E., Pittsburgh, Pa. | 1,000 | | |
| Main, George G., Pittsburgh, Pa. | 1,400 | | |
| McCully, L. B., Pittsburgh, Pa. | 700 | | |
| Myers, John F., Pittsburgh, Pa. | 800 | | |
| Page, Arthur W., New York, N. Y. | 1,000 | | |
| Patterson, William A., Chicago, Ill. | 1,000 | | |
| Price, Gwilym A., Carnegie, Pa. | 1,500 | | |
| Robertson, A. W., Pittsburgh, Pa. | 2,500 | | |
| Robinson, William C., Sewickley, Pa. | 600 | | |
| Rowland, William C., Philadelphia, Pa. | 500 | | |
| Schiff, John M., New York, N. Y. | 18,550 (W 3,000) | | |
| Weaver, C. H., Pittsburgh, Pa. | 1,000 | | |
| Weber, C. S., Silver Spring, Md. | 1,000 | | |
| Total | 41,750 | | |
| Grand total | 1,133,882 | $40,975 | $12,400 |

EXHIBIT 20—1956 POLITICAL CONTRIBUTIONS OF $500 AND OVER BY OFFICIALS OF 88 CORPORATIONS PARTICIPATING IN THE ATOMIC ENERGY PROGRAM

The contributions of $500 and over used in compiling this exhibit were drawn from reports filed by organizations and individuals with the Clerk of the United States House of Representatives (generally for the period prior to September 1), with the Secretary of the Senate, and with the subcommittee (generally for the period September 1–November 30). A master list showing all such contributions known to the subcommittee appears in exhibit 26. (A few of the contributions listed there may not have been known at the time the present exhibit was prepared. And in a few cases contributions as low as $100 may be included in the amounts shown for individuals whose total contributions exceeded $5,000.)

In preparing this exhibit, the officers and directors of 88 corporations participating in the atomic energy program were checked against the list of contributors. These corporations appear on the most inclusive list that could be obtained (with the help of the Joint Committee on Atomic Energy of the Congress (licensees engaged in the atomic energy program. Included are individual corporations which have been licensed by the Atomic Energy Commission as well as those corporations which have combined to form joint ventures whereby the group as a separate entity has been licensed.

The corporations are listed in alphabetical order and under each corporation are listed the names of those officers and directors found to have made contributions of $500 and over.

Generally, all contributions of a husband and wife have been lumped together, but any part of the total attributable solely to the wife has, where possible, been shown in parentheses, e. g. (W ———). (Exhibit 26 shows more complete separate listing of contributions by husband and wife.)

Accounted for here are contributions in the total amount of $378,342 to Republicans and $34,700 to Democrats.

| | Republican | Democratic |
|---|---|---|
| Aerojet General Corp.: | | |
| No contributions | | |
| Alabama Power Co.: | | |
| No contributions | | |
| Allis-Chalmers Manufacturing Co.: | | |
| Bohen, Fred, Des Moines, Iowa | $1,000 | |
| Comer, Hugh M., Sylacauga, Ala. | 500 | |
| Mahler, Ernst, Chicago, Ill. | 2,000 (W 500) | |
| Stevenson, Robert S., Milwaukee, Wis. | 500 | |
| Total | 4,000 | |
| American Gas & Electric Service Corp.: No contribution | | |
| American Machine & Foundry Co.: | | |
| Patterson, Morehead, New York, N. Y. | 3,000 (W 1,000) | |
| Atlantic City Electric Co.: | | |
| Seabrook, Belford L., Atlantic City, N. J. | 800 | |
| Babcock & Wilcox Co.: | | |
| Merica, Paul D., New York, N. Y. | 1,000 | |
| Pratt, A. G., New York, N. Y. | 1,000 | |
| Traphagen, J. C., New York, N. Y. | 1,000 | |
| Total | 3,000 | |
| Baltimore Gas & Electric Co.: | | |
| Wareheim, Eli C., Baltimore, Md. | 500 | |
| Bechtel Corp.: | | |
| Bechtel, K. K., San Francisco, Calif. | $3,500 | |
| Bechtel, Stephen D., San Francisco, Calif. | 15,150 (W 2,500) | |
| Bechtel, Stephen D., Jr., San Francisco, Calif. | 1,500 | |
| Bridges, Robert L., San Francisco, Calif. | 750 | |
| Colley, George S., Jr., San Francisco, Calif. | 500 | |
| Hamilton, R. L., San Francisco, Calif. | 500 | |
| Simpson, John L., San Francisco, Calif. | 500 | |
| Waste, W. E., San Francisco, Calif. | 500 | |
| Yates, J. P., San Francisco, Calif. | 500 | |
| Total | 23,400 | |
| Blaw-Knox Co.: | | |
| Hodge, Edwin, Jr., Pittsburgh, Pa. | 1,500 | |
| Snyder, W. C., Jr., Pittsburgh, Pa. | 500 | |
| Thorp, Charles M., Jr., Pittsburgh, Pa. | 3,000 | |
| Walker, Alexander E., Pittsburgh, Pa. | 500 | |
| Total | 5,500 | |
| Boston Edison Co.: No contributions | | |
| Brush Beryllium Co.: | | |
| Sherwin, Francis M., Cleveland, Ohio | 2,000 | |
| Sherwin, John, Cleveland, Ohio | 1,000 | |
| Wellman, S. K., Cleveland, Ohio | 500 | |
| Total | 3,500 | |

| | Republican | Democratic |
|---|---|---|
| Burroughs Corp.: | | |
| Cisler, Walker L., Detroit, Mich | $500 | |
| Eppert, Ray R., Detroit, Mich | 500 | |
| Total | 1,000 | |
| Cambridge Electric Light Co.: No contributions | | |
| Catalytic Construction Co.: No contributions | | |
| Central Hudson Gas & Electric Corp.: No contributions | | |
| Central Illinois Light Co.: No contributions | | |
| Central Maine Power Co.: No contributions | | |
| Central Vermont Public Service Corp.: No contributions | | |
| Chrysler Corp.: | | |
| Brady, James C., Detroit, Mich | (W 500) | |
| Colbert, L. L., Detroit, Mich | 1,000 | |
| Foy, Byron C., Detroit, Mich | 1,500 (W 1,000) | |
| Jones, W. Alton, Detroit, Mich | (W 3,000) | |
| VanBomel, L. A., Detroit, Mich | 1,000 | |
| Total | 7,000 | |
| Cincinnati Gas & Electric Co.: | | |
| LeBlond, Harold R., Norwood, Ohio | 500 | |
| Sebald, Weber W., Middletown, Ohio | 1,000 | |
| Total | 1,500 | |
| Cleveland Electric Illuminating Co.: | | |
| Virden, John C., Cleveland, Ohio | 500 | |
| Climax Uranium Molybdenum Co.: | | |
| Bunker, Arthur H., New York, N. Y | 500 | |
| Hochschild, Harold K., New York, N. Y | | $26,000 |
| Hochschild, Walter, New York, N. Y | 3,000 | |
| Loeb, Carl M., Jr., New York, N. Y | 1,500 | |
| Total | 5,000 | 26,000 |
| Columbus & Southern Ohio Electric Co.: No contributions | | |
| Combustion Engineering, Inc.: | | |
| Getz, George F., Jr., Chicago, Ill | 1,000 | |
| Keeley, William C., New York, N. Y | 3,000 | |
| Total | 4,000 | |
| Commonwealth Edison Co.: | | |
| Field, Stanley, Chicago, Ill | 2,000 | |
| Connecticut Light & Power Co.: No contributions | | |
| Connecticut Power Co.: No contributions | | |
| Consolidated Edison of New York: | | |
| Ecker, Frederick H., New York, N. Y | 1,200 | |
| McLaughlin, George V., New York, N. Y | | 500 |
| Munson, Charles S., New York, N. Y | 500 | |
| Sheperd, Howard C., New York, N. Y | 500 | |
| Whitney, George, New York, N. Y | 9,500 (W 3,500) | |
| Total | 11,700 | 500 |
| Consumers Power Co.: No contributions | | |
| Delaware Power & Light Co.: | | |
| Nelson, G. M., Salisbury, Md | 2,000 | |
| Detroit Edison Co.: | | |
| Brown, Prentiss M., St. Ignace, Mich | | 500 |
| Burr, George L., New York, N. Y | 1,000 | |
| Cisler, Walker L., Detroit, Mich | 500 | |
| Fisher, Charles T., Jr., Detroit, Mich | 1,500 | |
| Scott, Eldred H., Detroit, Mich | 500 | |
| Total | 3,500 | 500 |
| Ferguson, H. K., Co.: | | |
| Bonny, J. B., Cleveland, Ohio | 500 | |
| Thompson, W. N., Cleveland, Ohio | 500 | |
| Total | 1,000 | |
| Foote Mineral Co., Inc.: | | |
| Stein, I. Melville, Philadelphia, Pa | 600 | |
| Fruehauf Trailer Co.: | | |
| Bruce, James, New York, N. Y | | 500 |
| Cisler, Walker L., Detroit, Mich | 500 | |
| General Electric Corp.: | | |
| Boulware, Lemuel R., New York, N. Y | 1,000 | |
| Colt, S. Sloan, Schenectady, N. Y | 1,500 | |
| Cordiner, Ralph J., New York, N. Y | 1,500 | |
| David, Donald K., Boston, Mass | 1,000 | |
| Dickey, Charles D., New York, N. Y | 2,000 | |
| Ford, Henry, II, Schenectady, N. Y | 18,899 (W 2,500) | |
| Humphrey, Gilbert W., Schenectady, N. Y | 1,000 | |
| LaPierre, Cramer W., New York, N. Y | 500 | |
| Lockton, John D., New York, N. Y | 500 | |
| Love, George H., Pittsburgh, Pa | 5,200 | |
| McCabe, Thomas B., Chester, Pa | 19,500 | |
| Morgan, Henry S., New York, N. Y | 5,300 | |
| Reed, Philip D., New York, N. Y | 2,000 | |
| Stringham, Warde B., Philadelphia, Pa | 1,000 | |
| Weinberg, Sidney J., New York, N. Y | 2,500 | |
| Woodruff, Robert W., Atlanta, Ga | 5,450 (W 3,000) | |
| Total | 68,849 | |

| | Republican | Democratic |
|---|---|---|
| General Public Utilities Co.: | | |
| Chinlund, Edwin F., New York, N. Y | $3,000 | |
| Henderson, Donald A., New York, N. Y | 750 | |
| Total | 3,750 | |
| General Tire & Rubber Co.: | | |
| O'Neil, William, Cincinnati, Ohio | 3,000 | |
| Georgia Power Co.: No contributions | | |
| Giffels & Vallet, Inc.: No contributions | | |
| Gulf Power Co.: No contributions | | |
| Harshaw Chemical Co.: | | |
| Douglas, Lewis W., Cleveland, Ohio | 2,000 | |
| Hartford Electric Light Co.: | | |
| Deeds, Charles W., Hartford, Conn | (W 1,500) | |
| Holley Carburetor Co.: | | |
| Cisler, Walker L., Van Dyke, Mich | 500 | |
| Holmes & Narver, Inc.: No contributions | | |
| Illinois Power Co.: No contributions | | |
| International Minerals & Chemical Corp: | | |
| Lamont, Thomas S., New York, N. Y | 7,250 | |
| McDougal, Edward D., Jr., Chicago, Ill | | $5,700 (W 3,000) |
| Taylor, Vernon F., San Antonio, Tex | 1,000 | |
| Wood, Robert E., Chicago, Ill | 2,500 | |
| Total | 10,750 | 5,700 |
| International Nickel Co., Inc.: | | |
| Douglas, Lewis W., Sonoita, Ariz | 2,000 | |
| Montague, Theodore G., Greenwich, Conn | 2,000 | |
| Rockefeller, Laurance S., New York, N. Y | 25,550 (W 2,200) | |
| Total | 29,550 | |
| Iowa-Illinois Gas & Electric Co.: No contributions | | |
| Jersey Central Power & Light Co.: No contributions | | |
| Jones, J. A., Construction Co.: No contributions | | |
| Kaiser, Henry J., Co.: | | |
| Kaiser, Edgar F., Oakland, Calif | 1,000 | |
| Kaiser, Henry J., Sr., Oakland, Calif | | 1,000 |
| Ordway, A. B., Oakland, Calif | 500 | |
| Price, T. M., Oakland, Calif | 500 | |
| Reis, J. F., Oakland, Calif | 500 | |
| Wood, C. Bruce, Oakland, Calif | 500 | |
| Total | 3,000 | 1,000 |
| Kansas City Power & Light Co.: | | |
| Bitler, Olen G., Kansas City, Mo | 500 | |
| Spencer Kenneth A., Kansas City, Mo | 10,600 | |
| Total | 11,100 | |
| Lindsay Chemical Co.: No contributions | | |
| Lithium Corporation of America, Inc.: No contributions | | |
| Lockheed Aircraft Corp.: | | |
| Barker, C. A., Jr., Burbank, Calif | 500 | |
| Chappellet, Cyril, Burbank, Calif | 500 | |
| Dulin, E. S., Los Angeles, Calif | 1,500 | |
| Gross, Courtland S., Burbank, Calif | 1,125 | |
| Gross, Robert E., Burbank, Calif | 625 | 500 |
| Hibbard, Hall L., Burbank, Calif | 500 | |
| Keith, Willard W., Los Angeles, Calif | 3,000 | |
| Monesmith, Burt C., Burbank, Calif | 500 | |
| Total | 8,250 | 500 |
| Long Island Lighting Co.: | | |
| Doebler, Errol W., Mineola, N. Y | 1,000 | |
| Olmsted, Robert G., Mineola, N. Y | 500 | |
| Total | 1,500 | |
| Mallinckrodt Chemical Works: No contributions | | |
| Mason & Hanger Silas Mason Co.: No contributions | | |
| Metals & Controls Corp.: No contributions | | |
| Metropolitan Edison Co.: No contributions | | |
| Mississippi Power Co.: No contributions | | |
| New Bedford Gas & Edison Light Co.: No contributions | | |
| New England Power Co.: No contributions | | |
| New Jersey Power & Light Co.: No contributions | | |
| New York State Electric & Gas Co.: No contributions | | |
| Newport News Shipbuilding & Drydock Co.: | | |
| Randolph, Francis F., New York, N. Y | 3,000 | |
| Niagara Mohawk Power Co.: No contributions | | |
| Nuclear Development Corporation of America: No contributions | | |
| Ohio Valley Electric Corp.: No contributions | | |
| Pacific Gas & Electric Co.: | | |
| Crocker, William W., San Francisco, Calif | 9,200 | |
| Haas, Walter A., San Francisco, Calif | 2,250 | |
| Nichols, Henry D., San Francisco, Calif | 1,000 | |
| Sesnon, Portor, San Francisco, Calif | 750 | |
| Sullivan, Walter H., San Francisco, Calif | 750 | |
| Total | 13,950 | |
| Pennsylvania Electric Co.: No contributions | | |
| Philadelphia, Electric: | | |
| Diemand, John A., Philadelphia, Pa | 1,000 | |
| Liversidge, H. P., Philadelphia, Pa | 1,000 | |
| Ramsey, H. N., Philadelphia, Pa | 500 | |

| | Republican | Democratic |
|---|---|---|
| Philadelphia, Electric—Continued | | |
| Redding, C. S., Philadelphia, Pa | $500 | |
| Schutt, Harold S., Wilmington, Del | 1,000 | |
| Sharples, Philip T., Philadelphia, Pa | 2,000 (W 500) | |
| Total | 6,000 | |
| Potomac Electric Power Co.: No contributions | | |
| Public Service Company of New Hampshire: No contributions | | |
| Public Service Electric & Gas Co.: | | |
| Hanau, Kenneth J., Newark, N. J | 500 | |
| Rochester Gas & Electric Corp.: | | |
| Haggerty, Harry C., New York, N. Y | 500 | |
| Stone & Webster Engineering Corp:. | | |
| Stone, Whitney, Boston, Mass | 1,000 | |
| Webster, Edwin S., Jr., New York, N. Y | 1,000 | |
| Total | 2,000 | |
| Sylvania Electric Products, Inc.: No contributions | | |
| Toledo Edison Co.: | | |
| Biggers, John D., Toledo, Ohio | 3,000 | |
| Union Carbide Nuclear Co.: No contributions | | |
| Union Electric Company of Missouri: | | |
| Hayes, W. Alfred, St. Louis, Mo | 500 | |
| Queeny, Edgar M., St. Louis, Mo | 1,000 | |
| Shea, Edward L., New York, N. Y | 500 | |
| Total | 2,000 | |
| Vanadium Corporation of America: | | |
| Floyd, George C., New York, N. Y | 500 | |
| Keeley, W. C., New York, N. Y | 3,000 | |
| Pryor, Samuel F., New York, N. Y | 8,000 | |
| Total | 11,500 | |
| Vitro Corporation of America: | | |
| Brittingham, Thomas E., Jr., New York, N. Y | 6,543 | |
| Payson, Charles S., New York, N. Y | 71,850 (W 65,050) | |
| Total | 78,393 | |
| Western Massachusetts Electric Co: | | |
| Crane, Winthrop M., Jr., Dalton, Mass | 500 | |
| Westinghouse Corp.: | | |
| Boshell, Edward O., Pittsburgh, Pa | $500 | |
| Burnham, D. C., Pittsburgh, Pa | 2,300 | |
| Denton, Frank R., Pittsburgh, Pa | 1,500 | |
| Fort, Tomlinson, Jr., Pittsburgh, Pa | 1,000 | |
| Headlee, C. E., Pittsburgh, Pa | 500 | |
| Higgins, H. B., Pittsburgh, Pa | 2,000 | |
| Hopkinson, Edward, Jr., Philadelphia, Pa | 1,000 | |
| Hutcheson, J. A., Pittsburgh, Pa | 700 | |
| Jewell, J. H., Pittsburgh, Pa | 700 | |
| Lynde, Leslie E., Pittsburgh, Pa | 1,000 | |
| Main, George G., Pittsburgh, Pa | 1,400 | |
| McCully, L. B., Pittsburgh, Pa | 700 | |
| Myers, John F., Pittsburgh, Pa | 800 | |
| Page, Arthur W., New York, N. Y | 1,000 | |
| Patterson, William A., Chicago, Ill | 1,500 | |
| Price, Gwilym A., Pittsburgh, Pa | 1,500 | |
| Robertson, A. W., Pittsburgh, Pa | 2,500 | |
| Robinson, William C., Pittsburgh, Pa | 600 | |
| Rowland, W. C., Philadelphia, Pa | 500 | |
| Schiff, John M., New York, N. Y | 18,550 (W 3,000) | |
| Weaver, Charles H., Pittsburgh, Pa | 1,000 | |
| Weber, C. S., Washington, D. C | 1,000 | |
| Total | 42,250 | |
| Wisconsin Electric Power Co.: | | |
| Coughlin, Charles L., Milwaukee, Wis | 2,500 | |
| Wisconsin Power & Light Co.: No contributions | | |
| Grand total | 387,342 | $34,700 |

| | Democratic | Republican |
|---|---|---|
| American Petroleum Institute | | |
| Association of American Railroads | | |
| Business advisory council, United States Chamber of Commerce | | |
| Chiefs of diplomatic missions | | |
| Manufacturing Chemists Association | | |
| National Association of Electric Companies | | |
| National Association of Manufacturers | | |
| National Association of Real Estate Boards | | |
| National Coal Association | | |

## EXECUTIVE SESSION

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

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

## EXECUTIVE MESSAGES REFERRED

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

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

## EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. BYRD, from the Committee on Finance:

Philip A. Hoghaug, of North Dakota, to be collector of customs for customs collection district numbered 34, with headquarters at Pembina, N. Dak.; and

Raymond L. Rhodes, of New Jersey, to be comptroller of customs with headquarters at New York, N. Y.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

## UNITED STATES CIRCUIT JUDGES

The Chief Clerk read the nomination of Win G. Knoch, of Illinois, to be a United States circuit judge for the 7th circuit.

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

The Chief Clerk read the nomination of Gilbert H. Jertberg, of California, to be a United States circuit judge for the 9th circuit.

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

## UNITED STATES DISTRICT JUDGE

The Chief Clerk read the nomination of Omer Poos, of Illinois, to be a United States district judge for the southern district of Illinois.

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

## UNITED STATES ATTORNEY

The Chief Clerk read the nomination of Wilbur G. Leonard, of Kansas, to be United States Attorney for the district of Kansas.

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

## FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

The Chief Clerk read the nomination of Robert L. Kunzig, of Pennsylvania, to be a member of the Foreign Claims Settlement Commission of the United States.

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

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

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

## LEGISLATIVE SESSION

Mr. JOHNSON of Texas. 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.

## CURRENT STATUS OF SPACE EXPLORATION

Mr. JOHNSON of Texas. Mr. President, the distinguished commentator, Hanson W. Baldwin, has an excellent article in the New York Times this morning summarizing the current status of space exploration. As Mr. Baldwin points out, space exploration at the present time is tied closely to the military development of rockets. But as knowledge of the art increases, the potential goes far beyond purely military weapons.

Because this article so well summarizes the situation, I ask unanimous consent it be printed in the RECORD as a part of my remarks.

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

[From the New York Times of August 19, 1958]

SPACE FLIGHT ADVANCES—PROGRAM FUNDAMENTALLY DEPENDENT UPON MILITARY'S LAUNCHING VEHICLES

(By Hanson W. Baldwin)

Last week-end's failure of the Nation's first attempted lunar probe merely punctures an American space program that is slowly moving into high gear.

Later this week, probably on Thursday, the Army is scheduled to attempt another satellite launching, Explorer V. In September the Air Force will try another shot at the moon and throughout the fall, winter, and spring additional satellite launchings, lunar probes, high altitude balloon ascensions and rocket soundings are on the program.

The military significance of the lunar probes, satellite launchings and other space experiments is both direct and indirect, immediate and remote.

The United States space program today is fundamentally dependent upon military launching vehicles and any space development project must move hand in hand with developments in military rocketry; the two are interlocking. Moreover increased knowledge of the upper atmosphere and of the void above it is of tremendous and direct importance not only to missile development but to electronics, to radar and communications.

RAY MEASUREMENT SIGNIFICANT

Exploration and measurement of the band of intense X-ray type radiation, discovered by the satellites, is of great significance not only to the science of electronics but also to our space program.

For the best information now available, admittedly quite incomplete, indicates that the radiation becomes more intense the higher the altitude, and that the intensity is so great that a human space traveler would absorb approximately a safe maximum lifetime dosage within about a week.

Instrumentation in the next attempted moon probe will include a Geiger counter and Explorer V will carry new high capacity radiation measuring instruments to gather additional information about this radiation zone.

In addition to the accumulation of this scientific and technical data significant alike to military rocketry and space ventures the space program provides an added experience factor of importance to rocket reliability. With each firing the "bugs" in the complex "birds" become fewer and fewer and reliability greater and greater.

In terms of actual useable space hardware or equipment, the most immediate military goals, still a long way off, are earth satellites with instruments and telemetering devices to provide accurate and precise data for the following purposes: Meterology, communication relay stations, mapping, navigation, reconnaissance.

More remote military applications of space and manned space capsules, winged and wingless; first for a shallow and brief penetration; then for longer flights, ultimately, perhaps for a flight to the moon and return, always provided that the unknown facts of space permit.

The failure of the Nation's first attempt to launch a rocket at speed great enough to escape the earth's gravitational pull is thus merely an episode, not really a setback in the military race for space. The failure was anticipated, though not in the form it occurred.

It is possible that Russia has experienced a similar failure; both nations may expect other failures before the ultimate success. Even then the first successful lunar probe will be more of a psychological triumph than a military one, a spectacular stunt that would, of course, provide evidence of technological competency, but not of actual in-being military power.

Available evidence seems to suggest that the popular verdict of last fall, when Russia launched the world's first satellite, was exaggerated. Intelligence officers and experts in Washington believe that the military ballistic missile race is in many ways nip-and-tuck, and that there is no good evidence of an overwhelming Soviet lead in the development of long-range ballistic missiles.

MOSCOW BELIEVED BACKWARD

Many experts now think that the brute force technique used by the Russians, the utilization of powerful rocket motors with numerous stage, was dictated by Moscow's backwardness in miniaturization, the reduction of a powerful thermonuclear warhead to small size and weight. The radio transmitting equipment and batteries used in some of the Soviet satellites were far heavier and bulkier, and less efficient, than those used in our own.

There has been, moreover, very little pragmatic evidence of any sizable Soviet lead in either intermediate or intercontinental range ballistic missiles. Soviet missiles differ somewhat from our own in ranges, a fact dictated by Moscow's differing strategic needs. Their intermediate range ballistic missiles are believed to be operationally ready; but probably not in great quantities. Their maximum range is thought to be about 1,200 miles as compared to our 1,500- to 1,600-mile missiles.

Contrary to repeated reports, there is no evidence that any Soviet missile launching sites have been emplaced in the eastern European satellites.

Some experts believe that the Russians may utilize a mobile launching system for their intermediate range missile. Specially designed railroad flatcars could be used as firing platforms, or the missiles could be transported to forward field firing positions quickly when needed.

This system has the advantage of relative secrecy and security as well as mobility; the missiles could be stored deep in Russia until ready for use.

The Soviet intercontinental ballistic missiles so far fired have approximated about 3,500 miles in range as compared to our planned 5,500-mile missiles. About 10 Soviet missiles have been fired at the 3,500-mile range, but there is no indication the missile is as yet operationally ready.

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## TEN POINT PROGRAM FOR OLDER CITIZENS

Mr. KENNEDY. Mr. President, no social legislation can be adopted without reference to the change which has taken place in the age distribution and life expectancy of our population. We are justly proud of the skill and achievements of American medical scientists. No other country in the world can show such spectacular progress in this area. Even the Russians concede the superiority of the West in medicine. Indeed, they must. Every single major drug developed in the last 40 years was discovered by the West—the antidiabetics, vitamins, sulpha drugs, antibiotics, hormones, antihypertensives, and mental health drugs.

As a result of these discoveries there has been a dramatic increase in life expectancy and a decrease in mortality during the past generation. At the start of World War I we had a life expectancy of 52 years. A child born today can expect to live to the biblical 3 score years and 10. In 1900 there were 3 million people over 65. This constituted approximately 4 percent of the population. By 1920, the number of persons over 65 had grown to almost 4 million which was 4.7 percent of the population. The most recent available figures indicate that today there are approximately 15 million persons in the United States over 65. This is a staggering 8.8 percent of our population—more than 1 out of 12. By 1975 1 out of every 10 persons in this country will be over 65.

This accelerating increase in the proportion of elder citizens in our population warrants special attention. Every civilized society honors, respects, and make provision for its older citizens. Ours should be no exception. Yet little more than a start has been made toward providing for the needs of this segment of our population.

We must adjust our national thinking, our social legislation, and our long-range plans to take into account the challenges presented by the characteristics, the changes and the age structure of our population.

The challenge is twofold. First, we must learn to recognize and use the many skills peculiar to those who have acquired the wisdom of years. Secondly, we must destroy the insecurity and futility which often accompany retirement from active participation in the labor market.

These matters are becoming of increasing importance; they can no longer be neglected because of the clamor for attention by other matters of public concern. Social security legislation, private pension plans, the Hill-Burton Hospital Construction Act, and the recently enacted Federal housing program have all taken tentative steps toward honoring our obligations to our elder citizens.

Together they represent a patchwork attempt to meet particularly urgent needs at particular times. We have not yet undertaken a comprehensive program which takes into consideration all of the basic problems involved in a changing population and which attempts to fit together the demands of society and the talents of our older citizens. This is long overdue. Since the program developed must, to a large extent, deal with labor, health, and educational problems, I have asked the staff of the Subcommittee on Labor of the Labor and Public Welfare Committee to undertake a comprehensive study of the needs of older citizens during the recess. This study will lay the foundation for a full legislative program. I would like to sketch briefly a 10-point bill of rights for our senior citizens. Action in each field is desperately needed.

First. Every person willing and capable of productive employment, regardless of age, should have an opportunity to make maximum use of his skills. It is a sad commentary upon our employment practices that men over 45 and women over 35 find it increasingly difficult to obtain work. By 65 many workers are compelled to retire, despite ex-

cellent health and needed talents. The superiority of America is dependent to a great extent upon the use of all the knowledge, experience, and wisdom of its people. When our elder citizens are relegated against their wills, to the economic obscurity of retirement, a great source of talent is lost.

It is a responsibility of Government to encourage the wider use of employees in the older age brackets. We must expand our employment services to emphasize the availability and suitability of older persons for jobs; we must educate employers to the advantages of experienced personnel; we must adopt a policy of Federal employment consistent with these objectives; we must modify our laws to encourage the employment of older persons.

Unless such a program is adopted and carried out, we run the serious risk of losing one of our most valuable national resources.

Second. Vocational training facilities should be expanded to aid older persons to adjust to new job opportunities. Beginning with middle age, many of our physical capacities usually begin to decline. Necessarily, therefore, there are many occupations in which workers must shift to less strenuous labors. For these employees provision should be made to retrain them in other suitable skills.

It is both depressing to the worker and wasteful to society to permit a small change in physical ability to incapacitate a worker completely. The superstition that there is a loss of ability to learn a new occupation with advancing years has long been disproved. Three existing Federal-State programs are involved in providing expanded training facilities: vocational education, the employment service, and vocational rehabilitation. The Federal Government should redouble its use of these presently available programs and facilities to retrain older workers able and willing to enter a new occupation.

Third. More adequate attention should be directed to the housing needs of the aged. The recently passed Housing Act of 1958 establishes a program of mortgage insurance for rental housing for elderly persons. This should enable more homes specifically designed for the aged to be constructed.

Equally important, however, is the integration of these developments into the community. Our older citizens should not be relegated to an out-of-the-way locality in which they can vegetate among themselves. They should continue to be an important part of the community and of community life. It is unfair to them and to their neighbors to separate them into a kind of antiquarian haven.

As we gain more experience under this act, and as the proportion of elderly persons increases, it will be necessary to add further incentives to builders to bring about construction of additional housing units specifically designed to meet the needs of the elderly. It should be feasible to adopt a program of loans to elderly persons who wish to purchase a home; and governmental assistance should be provided to help in the conversion of housing to meet the special requirements of the elderly.

Fourth. A program must be declared to provide adequate medical and dental care for all elderly citizens. Although science and medical skill have rewarded us with an ever increasing life expectancy, our later years inevitably increase our need for medical and dental services. This comes at the same time that there is a drop in income. Some means must be developed to relieve our older citizens from the stress, the worry, and the hardship which results.

Although the number of persons over 65 constitutes less than 9 percent of the population, they account for 40 percent of the chronically ill, 22 percent of the long term hospital beds, and between 80 and 90 percent of the inhabitants of nursing homes. Less than half have any form of health insurance. The health needs facing our older citizens are of staggering proportions. We cannot turn our heads and hope this problem will go away.

The House Committee on Ways and Means has asked the Secretary of Health, Education, and Welfare to conduct a study on hospitalization and nursing home care insurance for social security beneficiaries. The report on the results of this study is due February 1, 1959. This report should provide us with some of the facts we need to embark upon a constructive program of hospital insurance for the elderly.

The number of nursing homes with substandard accommodations in itself presents a serious problem. Only last week the District of Columbia Medical Society released a special report which pointed out that very few of the private nursing homes in the Nation's Capital met minimum standards. Although the committee comments ranged from charges that the situation is deplorable and criminal to characterizations of the nursing homes as holes which should be burned to the ground, it was agreed that there was no immediate solution.

Raising the standards of nursing homes calls for combined State and Federal action. The Federal Government has indicated its concern with the problem in the Housing Act of 1958. In the form in which that act passed the Senate, the FHA Commissioner is authorized to insure mortgages of nursing homes only if those homes meet standards established by the Department of Health, Education, and Welfare. This should help improve the service in these homes.

But, where possible, the chronically ill should be housed in their own homes. This can be done if the existing public health grants for visiting nurse services are expanded. This would serve a double purpose. On the one hand, it would reduce the cost of caring for the patient, and on the other hand, it would supply the patient with a home environment, which is often a prelude to complete and faster recovery.

Fifth. Federal old age, survivors, and disability insurance payments must be increased to reflect the rise in living standards, the cost of living and the higher salaries received during the employment period. Retirement under the Social Security Act has become little more than a mirage for many older workers. A lifetime of work and a lifetime of payments into an insurance fund calls for at least the basic comforts upon retirement. This is not possible today unless the income received from the social-security fund is suplemented from other sources.

The scope and importance of this problem will continue to grow. Today there are approximately 12 million people receiving Federal social security benefits. Four hundred and twelve thousand are in Massachusetts. These benefits average only $67.86 per month. In 1935 $68 might have been enough to provide the basic necessities of life. In 1958 it is grossly inadequate for even a minimum standard of living. At the very least, our older citizens should receive an increase in benefits commensurate with the increase in the cost of living. Since benefit levels were last amended in 1954, the cost of living has increased by 8 percent, and wage benefits generally have increased 12 percent. While the difference may seem small on paper, and indeed costs very little in terms of the total program, it is of vital dollars-and-cents difference to our retired workers and their families.

The impact of cost of living increases is felt perhaps more keenly by our older citizens than any other group. They have no union to protect them; they are unable to raise prices like businessmen; and they are in most instances without investment income. It is our obligation and our responsibility to see that they do not suffer because of fluctuations in the economy beyond their control.

It is time, too, that we considered a permanent social security insurance provision which automatically adjusted benefits with the changes in the cost of living. Temporary, stop-gap bills are both time-consuming and ill-adapted to constructive legislation.

Sixth. The number and proportion of our older citizens who require public assistance payments should be decreased further; and payments to those who do need assistance should be increased. With the improvement and broadening of the social security program, which has taken place in recent years, there has been a decline in the proportion of our older citizens who are receiving public old-age assistance. There are, however, still about 2,500,000 persons over 65 receiving such payments—a disturbing 15 percent of the total number of persons in our population in that age category.

By modifying our social security structure, embarking upon a suitable housing program for our older citizens and providing employment opportunities to the older age groups, we should be able to reduce the number and proportion of our older citizens receiving assistance. At the same time, those who of necessity must apply for such assistance should be granted enough to permit them to live in a dignified and suitable manner. These are perhaps the neediest people in our population, and those who should get our first attention. They should not be abandoned or ignored.

Seventh. Recreational facilities and programs for older persons should be greatly expanded. The Federal Government maintains a large number of parks, recreational areas, museums, libraries, and similar facilities. In every case, consideration should be given by those responsible as to how they can offer increased recreational facilities for our senior citizens. By proper planning, older persons can be encouraged to visit them and to participate in the various activities. The Federal Government should undertake to design both the physical facilities and the recreational activities for greater use by older persons.

Eighth. The Federal Government should expand its research activities in prevention of chronic illness and the diseases associated with aging. Interest in and concern for our older citizens requires more knoweldge about the aging process, the causes of degenerative diseases, and the cure for physical and mental illnesses which attack our older citizens. Knowledge in each of these fields is fragmentary. Last year less than $1 million was spent on problems of the control of chronic diseases in our aging population. In the same year we spent $8 million for the control of diseases among farm animals and $8 million more on research on field crops. Congress has again this year increased the funds available to the National Institutes of Health, and it is to be hoped that these institutes can augment the attack upon the diseases which destroy the abilities of our older citizens to continue to give us the benefit of their experience and training.

Ninth. The Federal Government should expand the training of personnel and research projects in geriatrics. In addition to increasing the knowledge and research in the medical aspects of aging, we must learn much more about the impact of aging upon the individual, the family, and society. Some attempts to study this have been made by private foundations and nonprofit institutions. However, it is so important and the future is so vast that it is imperative that Federal resources be applied to this task.

We must also have more trained personnel to help in our hospitals and rehabilitation agencies; we must encourage local communities to undertake projects which demonstrate how our older citizens can be more effective members of society; and we must make every effort to expand our frontiers of knowledge about the physical, mental, and emotional needs of people in their later years.

Tenth. There must be an effective program of assistance to widows and dependents of our older citizens. The median income for widows eligible for social-security benefits, apart from Federal payments, is $30 per year. The total average income of such widows, including their social-security benefits and any other payments received by them is less than $880 per year. Their problems are compounded when they become widowed relatively late in life, for they generally have had little or no recent experience in the labor market.

Because women live longer than men and because wives generally are several years younger than their husbands, the period of widowhood may extend over many years. Therefore, even if she has accumulated some savings or some insurance, this money is soon dissipated.

For widows who are still below age 62, which is when social security survivor benefits become payable, the problem is even more tragic. With no recent working experience, at an age which most employers regard as prohibitive, and without the advice and comfort upon which she has always relied, the plight of these women is indeed desperate.

A comprehensive program for older citizens will, of course, also include the older woman. Some special attention, however, must be directed at their particular economic and social problems. The widow receives only three-fourths of the amount paid her husband upon his retirement. She receives only one-half the total amount that would have been paid to both her husband and herself prior to his death. This is completely unrealistic. A woman living alone cannot expect to maintain a standard of living comparable to a couple with twice her income.

The social problems of the widow can be met if we provide an outlet for her energies and a place for her as a useful member of society.

Mr. President, there is an urgent need for a positive Federal program in each of the areas I have outlined. Today, when the average lifetime is 70, we cannot accept a national policy which condemns our older citizens to frustration, boredom, unhappiness, and tensions induced by unsatisfied economic needs. When almost 10 percent of our population is over 65, it is time we devoted ourselves to the seriousness of their problem of employment, recreation, medical care, and housing. Today, when the very survival of the Free World depends upon our full use of human knowledge and resources, we must take advantage of the huge reservoir of wisdom and experience accumulated by our elder citizens.

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## COURT DECISIONS IN SCHOOL SEGREGATION CASES

Mr. ROBERTSON. Mr. President, last Saturday the Newport News (Va.) Daily Press published an editorial, commenting on the trend of recent court decisions, which gave a realistic interpretation to the term "deliberate speed" used by the United States Supreme Court in its 1954 decision in the school segregation cases.

The writer of this editorial said: "Nobody wants the public schools closed. It is just possible that the Federal bench is searching for a way to keep then open through a 'letter of the law' compliance with the Supreme Court's attempt to legislate."

I, too, shared the hope that the courts would move in that direction, but yesterday's decision of the Eighth United States Circuit Court of Appeals in the Little Rock case was extremely disappointing because, to all intent and purpose, it nullified the meaning of "deliberate" in the Supreme Court decision.

The logic in this newspaper editorial still is sound, however, and I ask unanimous consent that the text may be included in the RECORD at this point as part of my remarks.

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

[From the Newport News (Va.) Daily Press of Saturday, August 16, 1958]

### SCHOOL CLOSING BOGY TEMPERING THE COURTS?

Some signs begin to appear that perhaps—just perhaps—the Federal courts themselves may be beginning to take notice of the realities involved in the 4-year-old effort to force admission of Negro pupils into public schools heretofore operated for white pupils only. But—as the Charlottesville case makes clear—there are some catches in it.

The district judges appear to keep a tight hold on the technicalities they can deduce from the 1954 Supreme Court ruling that separately operated schools for white and Negro children are "inherently unequal" and therefore in violation of the 14th—or "equal protection"—amendment. Yet there are cracks appearing in the brick curtain that edict reared.

It is not out of order, we believe, to speculate that the reality having the greatest weight in these judges' minds is the reality that enforced dual enrollment in any Virginia school will mean no public school at all.

The Supreme Court's formal order a year later—in 1955—commanded that the district judges require the abandonment of enforced separation "with all deliberate speed." The first sign to appear was Judge Sterling Hutcheson's refusal to fix a specific date in Prince Edward County. When on appeal all the way to the top he was told that he had to, he finally—just a few days ago—granted a 7-year delay.

Here on the Peninsula, Judge Walter E. Hoffman recognized that the consolidation of Newport News and Warwick brought a new city to birth. Consequently he agreed to hear arguments, at least, on whether this would invalidate his earlier order that Newport News slap the two races immediately into the same schoolhouses. Counsel for the petitioning Negro pupils are preparing an argument that a geographic change does not change facts or obligation.

But while Judge Hoffman previously had held that a pupil-placement law was unconstitutional on its face, he did concede that mixing ought not to be ordered during a session. Thus the time taken up by litigation should keep the Newport News schools separate—and operating—for at least another year.

Up in Charlottesville, when Judge John Paul told the school board to throw the races together at once, an ordinance was adopted requiring certain tests—academic and otherwise—of any pupils who applied for transfer to another schoolhouse. Judge Paul has just refused to interfere.

But Judge Paul made one remark that for sheer arrogance equals if not exceeds that of the Supreme Court itself. He might, he said, step over the school board's heads and assign the pupils himself.

That is no function of any court—not even a State court. And it would fly directly in the face of what Chief Judge John J. Parker of the Fourth Circuit Court said before his death—viz., that it was not intended that the Federal courts attempt to administer the public schools. It is directly at odds with the primary principle issue involved in the

whole school-race case: the principle of State sovereignty.

Nobody wants the public schools closed. It is just possible that the Federal bench is searching for a way to keep them open through a letter of the law compliance with the Supreme Court's attempt to legislate.

## THE LABOR BILL

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial from the Denver Post of August 13, 1958, on the labor bill, which was defeated in the House yesterday.

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

HOPE FOR LABOR BILL IS FADING

With each passing day, chances fade that Congress will enact the House-stalled labor reform legislation known as the Kennedy-Ives bill. Curiously, it is labor, not management, which is disappointed.

But perhaps not so curiously, at that. The AFL–CIO supplied much of the push which put the Kennedy-Ives bill through the Senate by an overwhelming margin. And it is management which has so militantly opposed labor reform legislation in the House.

Management, however, blames labor for denying the American workingman the added protection which could be his under the Kennedy-Ives bill, through closer union financial accounting and accountability, improved democratic internal processes, etc.

"The weaknesses and deficiencies in the Kennedy-Ives bill as it passed the Senate reveal the extent of labor's political influence on Capitol Hill," reports the current issue of Nation's Business, the United States Chamber of Commerce magazine.

What weaknesses? Well, the chamber doesn't bother with details, but no matter. It's really after those big, bad labor bosses anyway.

"Labor politicians," according to the chamber's peculiar Washington size-up, "already have proved their effectiveness by getting favorable legislation through the Senate when all signs pointed to the need for more corrective measures.

"They put the Kennedy-Ives bill over as a reform measure although it actually would have imposed new and uncalled for restrictions on management and pulled some teeth out of Taft-Hartley."

So there we have it. What the chamber and the business lobby generally, objects to is not so much the proposed labor regulations as it is the very idea that there is anything wrong with management.

But that isn't the way we remember the McClellan committee testimony, and while the Kennedy-Ives bill may fall short of that committee's strongest recommendations, it has met with the approval of its fair and thoughtful chairman, Senator MCCLELLAN, Democrat, of Arkansas.

For much the same reason, management also is opposing a second labor reform measure, the Kennedy-Douglas-Ives bill to require full disclosure of employee welfare and pension funds. This badly needed and long overdue legislation is stuck in conference committee, where management still plots to exempt company-managed funds.

There are things in both bills that unions don't like either, but the AFL–CIO is willing to accept them in hopes some corrective labor legislation may yet be passed this session. The punitive "don't tread on me" stand taken by the management lobby might well wreck those hopes, but it also might well invite an even closer attention to management abuses by the McClellan committee and Congress as a whole in the future.

## ADDRESS DELIVERED BY SECRETARY OF STATE AT MEETING OF THE VETERANS OF FOREIGN WARS

Mr. SMITH of New Jersey. Mr. President, last night the distinguished Secretary of State, John Foster Dulles, made a very important speech at a gathering of the Veterans of Foreign Wars, in New York City. The speech is entitled "Foundation of Peace." It has a bearing on present world conditions. I ask unanimous consent that it may be printed in the RECORD at this point.

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 VETERANS OF FOREIGN WARS, HOTEL ASTOR, NEW YORK CITY, MONDAY, AUGUST 18, 1958, 8 P. M.

*Foundation of peace*

I

Permit me first of all to express my deep appreciation for the honor you have conferred upon me. The Bernard Baruch gold medal is the highest award that the Veterans of Foreign Wars bestows. It reflects your judgment that the recipient has contributed to peace. I am gratified that this organization, which so worthily represents the finest traditions of our Nation, should deem me worthy of this award.

II

It is inevitable that, at an occasion such as this, I should speak of peace and of the ways in which our efforts to preserve peace may best be exerted.

There are, in the world, different schools of thought. Some believe that peace is to be found by making concessions which will placate those of aggressive mood. Some would engage in maneuvers of expediency, which in the past have acquired the name of power politics. Then there are those who would seek to secure peace by promoting the reign of law and justice in the world.

I would like to discuss with you these three alternatives.

III

History has clearly demonstrated that peace cannot be assured by a policy of placating aggressors—of peace at any price. The fact is that men will not accept peace at any price. Human beings are so constituted that many would rather fight and die than concede their God-given rights. Our own Declaration of Independence included among these "life, liberty, and the pursuit of happiness," and many indeed died in our War of Revolution to achieve those rights for their fellows and their posterity.

So it has been and always will be. Concessions to despotism lead inevitably to a point of no return: a choice between intolerable denial of liberty and fighting, even in the face of hopelessly adverse odds, to preserve liberty.

You will recall that during the decade of the 1930's, and particularly the latter half of that decade, certain powerful countries, under aggressive and expansionist leadership, sought to extend their domain in the world. By various devices of direct and indirect aggression, they moved against smaller and weaker nations. They gave the impression that whoever tried to halt them would himself become engaged in war.

The League of Nations and its nonaggressive members, desirous of avoiding war, made concession after concession. Finally, when it came to Poland, the nonaggressive powers decided to resist. But by that time the aggressive powers were so overconfident, so reckless, that they would not stop and World War II ensued.

Curiously enough, it was Stalin who analyzed with the greatest penetration the fallacy of this policy and most vigorously denounced it.

Speaking on March 10, 1939, to the Central Committee of the Soviet Communist Party, he pointed out that the aggressor states "in every way infringe upon the interests of the nonaggressive states, primarily England, France, and the United States of America, while the latter draw back and retreat, making concession after concession to the aggressors."

He said that this could not "be attributed to the weakness of the nonaggressive states. * * * Combined, the nonaggressive, democratic states, are unquestionably stronger than the Fascist states, both economically and in the military sense." The explanation was that "the nonaggressive countries have rejected the policy of collective security, the policy of collective resistance to the aggressors." Their policy, Stalin said, might be defined as "Let each country defend itself from the aggressors as it likes and as best it can. That is not our affair." And Stalin concluded that that policy "means conniving at aggression, giving free rein to war, and, consequently, transforming the war into a world war."

Within 6 months that forecast unhappily proved true and World War II began.

Today, roles are altered. The Soviet Union, in March 1939, was fearful of the power of the then aggressors. But now it is itself a great military power. The Soviet Government, in concert with its alter-ego the international Communist movement, seeks to dominate the world. It now denounces the policy of collective security. It now wants each of its prospective victims to be left to stand alone.

But it is as certain now, as it was in 1939, that a policy of falling back, of making concession after concession, will not lead to peace, but to war.

The United States rejects that policy.

We are not alone in this rejection. There is a goodly company, comprising the great majority of the free nations, which also reject the policy of conniving at aggression. Nearly 50 nations of the Free World are bound together in collective security pacts which embody the principle—an attack upon one is an attack upon all.

There are, I know, some who feel that it is reckless for the United States to identify our own peace with the peace and security of others. History teaches that not to do so would be reckless. It would be to invite a series of aggressions which at first might seem tolerable to us, but which would soon become intolerable. War would inevitably result.

IV

Let us then consider the possibility of achieving peace by means of tactics of expediency. We would on this theory seek maximum maneuverability by not committing ourselves to any principles or to any predetermined positions.

This was the policy which the Soviet Government followed in the latter part of 1939 after it became convinced that the nonaggressive countries would not adopt a policy of collective security. Stalin and Hitler made their agreement to divide up Eastern Europe. Mr. Molotov announced in October 1939 that England and France were now to be regarded as aggressors and enemies of the peace. Together the Soviets and the Nazis had attacked Poland, and Mr. Molotov proudly announced that "it needed only one swift blow to Poland, first by the German Army and then by the Red army, and nothing remained of this ugly offspring of the Versailles Treaty." Latvia, Estonia,

Lithuania, first lured into natural assistance treaties with the Soviet Union, were absorbed through the device of enforced plebiscites. Efforts were made to divide up the Eurasian world. These efforts broke down when Hitler and Stalin each insisted on the right to dominate the Persian Gulf area. Then Hitler's forces invaded Russia, and this chapter of power politics came to its end.

This is the way power politics are apt to end.

Expediency and opportunism in policy are possible in an absolute despotism. There, the people have no voice in the formulation of foreign policy. They are the slaves of whatever foreign policy the government may from time to time adopt.

But here the people are the masters and government is the servant.

Thus, apart from any moral considerations, it is quite impractical for the United States to operate on a freewheeling basis in the field of foreign affairs. In a democracy like ours foreign policy must be understood by the people and supported by the people. We have had during these postwar years a foreign policy which has on the whole been successful, and which has had bipartisan support, whenever it was a policy that was understood and approved by our people. But the American people could never understand and put their weight behind a foreign policy which was erratic and, indeed, shifty in character. They cannot be led in devious and unpredictable paths by a government which chooses to operate on the basis of day-to-day expediency rather than of principle.

There is another fact which also needs to be observed. That is the fact that the United States is the strongest of the Free World nations. Its power is indispensable to Free World security. But this power will not help to bind the Free World together unless the policies that govern its use are predictable and dependable. There could not be Free World unity and harmony if the United States reserved to itself the right to shift its position under the dictates of passing considerations of expediency. Other Free World nations must be able to count upon our following a known and acceptable course. Otherwise the Free World will collapse in a state of disunity and we ourselves shall end in a position of precarious isolation.

For America there is no honorable or safe course except to adhere to certain basic principles.

V

Let us therefore turn to consider the third alternative.

I recall that George Washintgon in his farewell address predicted that our Nation would "at no distant period be a great nation," and he urged that, as such, we should give to mankind the "too novel example of a people always guided by an exalted justice and benevolence." He said, "Religion and morality enjoined this conduct; can it be, that good policy does not equally enjoin it?"

It can now be said with confidence that good policy does indeed enjoin upon us a conduct of adhering steadfastly to principles of justice.

But what are these principles?—it may be asked.

There exists fortunately in the Charter of the United Nations an expression of sound principles designed to save succeeding generations from the scourge of war. These principles might be called the basic law of the world. Upon their observance depend peace and order.

First of all, the charter binds the members to refrain from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

The prohibition against the open and direct use of force has considerable sanction behind it. There is the weight of world opinion. It would clearly condemn the unprovoked use of force by one country to conquer another or to destroy its independence.

An indispensable supplement to world opinion is the deterrent which flows from the collective will of the free nations to resist aggression, and the dedication of great resources to back up their will.

It is more difficult to implement effectively the charter provision which prohibits the "threat" of force.

The Soviet Union, particularly since it has acquired a nuclear and prospective ballistic-missile capacity, has taken to using threats of force in an effort to accomplish its political aims. Within the last 2 years the Government of the Soviet Union, speaking officially at a top policymaking level, has made many nuclear-missile threats. These threats were, for the most part, not designed to prevent any alleged plan of attack against the Soviet Union, but rather to intimidate other nations so that they would not oppose Soviet policies in relation to third countries.

These threats, while they constitute disturbing symptoms, have not visibly promoted Soviet foreign policies; indeed, they may have had a contrary effect. In the main, the threatened countries have treated their blustering as bluff, particularly in view of the capacity and determination of the United States not to allow Soviet military power to dominate the world.

This experience confirms that it is essential that our Nation should both contribute to world opinion against the use of threat of force and also maintain the capacity and the will to retaliate against the Soviet Union should it actually carry out its threats and engage in armed aggression.

VI

The charter also prohibits aggression in the broad sense of this term. The United Nations General Assembly has frequently denounced "indirect aggression." In 1949 it adopted a resolution calling upon all nations to refrain from "fomenting civil strife," and again in 1950 it adopted a resolution in which it denounced the "fomenting of civil strife in the interest of a foreign power" as among "the gravest of all crimes against peace and security in the world."

The Soviet Union has itself considered that such acts should be deemed to constitute indirect aggression. In October 1957, the Soviet Government submitted a proposed resolution to this effect.

Indirect aggression is nothing new. But the art has been greatly perfected in recent years. Through use of inflammatory radio broadcasts; through infiltration of weapons, personnel, and bribe money; through incitement to murder and assassination and through threats of personal violence, it becomes possible for one nation to destroy the genuine independence of another.

It was in order to help to halt such practices that the United States responded to the urgent plea of the freely elected Government of Lebanon and sent United States forces to Lebanon to assist that democratic country to retain its independence.

The United Kingdom acted similarly in relation to Jordan.

These acts in the Near East bring to the forefront this acute problem of indirect aggression. It has become an issue with which the United Nations and its members must deal.

I recall that President Roosevelt in his so-called quarantine address of October 1937, pointed out that indirect aggression and the fomenting of civil strife were characteristic of that period. The League of Nations did little or nothing about it.

The United States is convinced that if indirect aggression, in the form of fomenting civil strife or subverting foreign governments, is now tolerated as an instrument of international policy, events will indeed follow the tragic pattern which led to World War II, and this time with even more disastrous consequences.

We must, of course, recognize that this issue of indirect aggression is a delicate one. On the one hand it is clear, beyond a possibility of a doubt, that nations are free to seek, and to get, help as against a genuine external threat. On the other hand, we must be careful not to encourage or condone armed divisions into Hungary in order to revert the will of a foreign people. We saw that occur when the Soviet Union sent its armed divisions into Hungary in order to repress what the United Nations found to be a spontaneous uprising of the Hungarian people.

We believe that the task of dealing with indirect aggression should so far as possible be assumed by the United Nations itself. That will eliminate the hazard that individual nations might use armed intervention under circumstances that were self-serving rather than serving the principles of the charter. But, in order that the United Nations should act effectively, several things are needed.

First of all it is necessary that public opinion be more alert to the dangers which come from efforts short of actual war to destroy the independence and security of another nation. Too often it is assumed that so long as armies do not march openly across borders the situation is tolerable. The fact is that if indirect aggression were to be admitted as a legitimate means of promoting international policy, small nations would be doomed and the world become one of constant chaos, if not of war.

Also, the United Nations should, we think, itself take steps which will enable it, on a collective basis, to deal with indirect aggression. That is why President Eisenhower proposed that the United Nations should always have available, on call, the elements of a United Nations Peace Force which could quickly respond to the appeal of a nation subjected to civil strife which was being fomented from without.

President Eisenhower also proposed a system which would enable the United Nations to monitor, and if need be condemn, the transmission by radio from one country to another of propaganda which seeks to foment civil strife.

There is still another potential role for the United Nations. In the case of the Truman plan for emergency aid to Greece and Turkey, and now again in the case of emergency aid to Lebanon, the United States has volunteered that it would withdraw its aid whenever the United Nations General Assembly found that such aid was unnecessary.

The United Kingdom has taken a similar position regarding its forces in Jordan.

Thus we subordinate our judgment to the collective judgment of the world community. This represents a further notable effort to implement the principle of peace through law.

VII

In all of these foreign policy matters the United States seeks to develop principles which will insure peace in the interest of all concerned.

It is difficult for many to understand that the United States should really be motivated by considerations other than short-range expediency. It has been customary, for so many centuries, for nations to act merely to promote their own immediate self-interest, to hurt their rivals, that it is not readily accepted that there can be a new era when nations will be guided by principle.

We seek honestly to follow policies that will sustain the basic principles of world law which we believe to be the indispensable foundation for peace. Thus, we acted in 1956 in relation to Suez for precisely the same reasons that led us to act as we did in 1958 in relation to Lebanon, namely, the support, as we saw it, of the principles of the United Nations Charter.

To paraphrase George Washington's words, our conduct may be novel, but sound policy enjoins it.

Unless the nations of the world will accept and abide by certain principles which are written into the charter as world law, then peace is in constant jeopardy.

VIII

Let me close, however, by recalling that peace is never assured merely by negative do-not principles. It is not enough that force shall not be used or threatened, or that there shall be no aggression, direct or indirect. These denials are an essential part of peace. But they are by no means the whole of peace. Peace also has a positive aspect.

Peace must recognize that change is the law of life for nations just as it is for individuals. It is impossible to freeze the status quo and attempts to do so will also breed war. That is why the Charter of the United Nations by its first article says that the settlement of international disputes should be brought about in conformity with principles of justice; and why article 14 provides for the peaceful adjustment of any situation, regardless of origin, which is likely to impair the general welfare of friendly relations among nations.

We ourselves in this country are blessed because we have a society of law and order. That is because our society is a continuously evolving society. Our laws and social order are constantly being changed in order that they may more faithfully reflect justice in relation to new conditions.

So it must be in the world. The society of nations can no more be frozen in a stagnant position than can our own domestic society.

We live in a world where change is more rapid and more inevitable than ever.

Within less than 20 years, 20 new nations have been born, bringing to many hundreds of millions of people new aspirations for a better economic and social life.

In Western Europe there is the increasing unity represented by the Western European Union; by the Coal and Steel Community; by the Common Market; and by Euratom, the agency of six countries to develop atomic energy.

In the Near East there is a valid movement for increased Arab unity.

Everywhere, underdevelopment clamors for development. Change is inherent in the development of atoms for peace—within a generation, atomic power will revolutionize our material lives.

To the north and south two once forbidden areas, virtually continental in scope, open up for man's use—the Arctic and the Antarctic.

And on top of all this comes the prospective use by man of the heretofore prohibited area of outer space.

It would indeed be folly to treat the world as static.

But if change is to be peaceful and not destructive, then human conduct, and national conduct, must be based on principles of law and justice.

If strong nations attempt, by their own means, to make the world over in their image; or if they attempt by their own force to keep the world from changing, then disaster is inevitable.

Our own Nation has long since abandoned the use or threat of force for purposes of aggrandizement; and we accept a world of diversity.

Also we are possessed of a dynamic, inventive spirit. We are not afraid to continue to be pioneers.

May it be given us to use these qualities to promote a peace that will be just and durable, because it will be based on the solid rock of principle.

The PRESIDING OFFICER. Is there further morning business?

Mr. BUTLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief 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.

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## LONDON CONFERENCE OF NATO PARLIAMENTARIAN ECONOMIC RAPPORTEURS

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 8 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I have just yesterday returned from presiding over a meeting of the Economics Section of the General Affairs Committee of the NATO Parliamentarians' Conference in London. I should like for the RECORD to show that the time of my presence in London was roughly 3 to 4 days, simply enough to accomplish the purpose of the meeting.

The purpose of the meeting was to determine what action NATO countries might take collectively, though not necessarily through the NATO organization, to help the underdeveloped areas and the economically underdeveloped members of the NATO group. I desire to make the following report to my colleagues.

CONCLUSIONS

My conclusions are that it is not considered desirable for the NATO organization as such to engage in economic aid to the underdeveloped areas but that members of NATO can feasibly and effectively engage in such aid in varying groupings by areas or countries. As a practical example, western European industrial countries will show real interest in joining with the United States in supporting the regional economic development plan for the Middle East recently proposed by President Eisenhower at the U. N. General Assembly.

The expression of opinion at the meeting was clearly in favor of actions of the President.

There is extensive western European interest in a program for collective guaranties to private investments in the underdeveloped areas. That is the second of my conclusions.

The third conclusion, Mr. President, is that economically underdeveloped members of NATO are considered to deserve the help of the other NATO countries on a high priority. Accordingly, the dispute over Iceland fisheries should be settled on an economic basis, rather than a legal basis, with the aid of the other NATO countries, and I shall develop that point later in detail.

DISCUSSION

I found the general acceptance of the fact that a new phase in the foreign economic aid effort was indicated which would be multilateral aid by the United States and groupings of the western nations, many of which are members of NATO, rather than by NATO itself. NATO as an organization being closely identified with defense is considered unsuitable for the purpose. I believe this initiative developed at this meeting is most auspicious and that it can be very effectively and fruitfully pursued in the interests of our country and of the Free World. This interest was manifested practically by the willingness to support the President's program for a regional economic development plan for the Mideast recently put before the United Nations General Assembly.

The desire to participate by the western European nations in economic aid is the fruit of their own Marshall plan experience. They believe in this kind of regionally operated self-help and mutual cooperation economic plans with outside financing.

It was the general consensus of opinion that economic aid and technical assistance to underdeveloped areas deserved a budget equality in each country on a level with home consumption, public investment, and government welfare services, notwithstanding the heavy armaments burden of the members of NATO for the defense of the Free World. This determination is most important, for it indicated a willingness to follow the United States example as a matter of policy rather than to defer foreign economic aid and technical assistance until home needs were satisfied. It represented acceptance of the principle that the effective preservation of the Free World through foreign-aid programs was entitled to share in the available resources of each country on the same priority as domestic needs and defense.

The Development Loan Fund of the United States is well adapted to this kind of multilateral joint venture in foreign economic assistance between the United States and Western Europe. I hope we will have that much in mind as we consider the appropriation for mutual security tomorrow.

There was a very important consensus of opinion, also, as to the urgent need for increasing private investment in the underdeveloped areas. The example of the United States private-investment guaranty program under the Mutual Security Act was carefully noted; this guarantees such investments against war, expropriation, and currency inconvertibility. I believe it entirely practical to look for collective action to institute a Western Europe program for guaranties of private investment in the underdeveloped areas. Such private investment was considered to have a flexibility and

character and to be so divorced from political considerations as to be most agreeably acceptable to nations in the underdeveloped areas.

There is a great concern expressed with the economically underdeveloped areas which are members of NATO. These were stated to include Greece, Iceland, parts of Italy, Portugal, and Turkey. It was considered most advisable to put aid by the other NATO countries to these members for their urgent development needs on high priority and also to give close attention to trade relations with them. In this connection, the current dispute over Icelandic fisheries between the Government of Iceland and continental European nations, including the Scandinavian countries and the United Kingdom, came up for consideration. A subcommittee was appointed which recommended that the settlement be made upon an economic basis rather than on a jurisdictional basis.

The dispute involves the authority of the Icelandic Government under international law to bar other countries' fishing fleets from a 12-mile zone off its coast. This right was very sharply contested as a matter of international law by the other nations concerned. The Government of Iceland has announced this restriction to take effect on September 1, and the tension is great and serious acts may result.

The British newspapers discussed actual naval conflicts between the contending trawler fleets, the British fleet to be protected by British gunboats.

On the other hand, 97 percent of Iceland's exports are in fish and fish products and this 12-mile area restriction is considered indispensable to Iceland's economic viability. Accordingly, an economic solution was indicated, and our subcommittee expressed the hope that the NATO Council could bring about this kind of solution. I believe it fair to say specifically that there was hope for the intercession of the distinguished Secretary General of NATO, Paul-Henri Spaak, with the great prestige which he carries in European affairs to help bring this about.

In view of the presence of American forces in Iceland, and its key importance as a base in the Atlantic, I am urging our Secretary of State to lend his good offices toward the same end.

I append the list of the parliamentary delegations which sent representatives to the meeting and the name of each delegate.

I believe that the time allowed to me by the Senate to perform this official mission was well worthwhile in the interests of our country, the NATO alliance, and the Free World. There is a most intense interest among the NATO powers in implementing section 2 of the NATO Treaty with respect to economic cooperation. The words of Secretary General Spaak at the Press Association in London on June 11 last are especially pertinent and I quote them as follows:

> I will tell you frankly why. I wonder whether the Atlantic alliance, as conceived in 1949, really meets the world situation of 1958.
>
> In 1949, the Communist threat was European and military. We have found the right answer to that.
>
> The Russians, who have realized this, but who have not, nonetheless, given up their hope of world domination, have adroitly changed their plans and modified their methods.
>
> In 1958, the Communist threat is essentially Asiatic and African, and is probably more economic and social than military.
>
> One has only to consult an atlas and read the newspapers to realize that NATO is being outflanked. The defensive position of the Western World, that is NATO, is now menaced from the rear and for the moment the countries of the West have not found an answer, either collective or individual, to this bold maneuver—to this new threat.
>
> In my opinion, the only effective answer is a collective one.
>
> The whole Communist world has issued a challenge to the Free World. This challenge can only be taken up by the whole of the Free World. This implies that NATO strategy, as it was conceived 10 years ago, has now become too narrow and inadequate.
>
> The geographical limits of the Atlantic alliance are cracking. Its essentially military character is outdated. Today we must think in wider terms, and I would almost say, in more complicated terms. By that I mean that the alliance must remain military, very certainly, but also we must have political and economic unity. Economic particularly, not only so that all countries of the alliance may make social progress, but also so that the less developed countries who have not yet been indoctrinated against the West can receive from us the substantial help which they need.

In conclusion, through the Pan-European activity of the European Coal and Steel Community, the European Common Market, NATO, Euratom—which we approved yesterday, happily—and the Council of Europe, a true community of interest of the most effective character is being developed in what is called the Western World. The West is now carrying with it a sense of mission and purpose which will increasingly gain the attention of nations in the underdeveloped areas in terms of the West's intentions and helpfulness. I trust that my rapid turn around trip to London may serve to underline these implications for Members of the Senate.

Mr. President, I append to my remarks and ask unanimous consent to have printed in the RECORD at this point a list of the participants representing the parliamentary delegations of the United States, Canada, Germany, Iceland, the Netherlands, Norway, France, Greece, and Italy.

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

LIST OF PARTICIPANTS

United States, Senator JACOB K. JAVITS.
Canada, Mr. Heath Macquarrie.
Germany, Dr. Fritz Burgbacher.
Iceland, Mr. B. Grondal.
Netherlands, Mr. C. L. Patijn.
Norway, Mr. Helge Seip.
France, M. Valery Giscard d'Estaing.
Greece, Mr. Panos Yokas.
Italy, M. Leopoldo Rubinacci.

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## FEDERAL AID TO EDUCATION

Mr. MURRAY. Mr. President, I am sure there will be widespread disappointment in the country at the failure of the Congress at this session to provide an adequate program of classroom construction and teachers' salaries. Such a program, in my judgment, constitutes the essential foundation for the education and training of scientists and technicians to meet the acknowledged threat to our national security.

As chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare, I wish to announce that this subject will be high on the priority list of our committee for action in the next session of Congress. I desire that all Senators be on notice now so that they may prepare and introduce pertinent legislative proposals at the beginning of the session, if they so desire.

I believe the Senate must and will approve the long-delayed school construction-teacher salary legislation next year. I believe the membership of the 86th Congress in the House of Representatives will take companion action, whether or not the President chooses to ignore the need for additional classroom space for elementary and high schools as he did this year.

The Education Subcommittee this year heard considerable testimony from both advocates and opponents of Federal aid to education. Testimony was taken on S. 3311. Senators MANSFIELD, COOPER, MORSE, MCNAMARA, LANGER, NEUBERGER, MAGNUSON, HENNINGS, and PROXMIRE joined me in sponsoring this bill, which would authorize an expenditure of $25 per pupil for the first year, $50 the second, $75 the third, and $100 the fourth year.

The money would go to the States, which could use the money for classroom construction and/or teacher salaries, as they saw fit. Control of the program would be completely in the hands of the State and local agencies. Federal control would be prohibited. Section 14 specifically provides that:

> In the administration of this act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or programs of instruction of any school or school system.

Another important feature of S. 3311 is section 5, dealing with maintenance of State and local support. It provides that the allotment going to each State shall be reduced proportionately if the State's expenditure for education, from State and local sources, as a percent of income, falls below the national average of education expenditure as percent of income. This would prevent the use of Federal funds as a replacement for State and local funds presently available.

We can all agree that education is chiefly a function of the States and local communities. But I believe we must also agree that the Federal Government has a responsibility to see that every American child gets an adequate education. Our children are not only citizens of the communities and the States in which they live. They are citizens of the United States. To be good citizens they must be sufficiently educated to assume the responsibilities of functioning citizens. The Federal Government must support

the education program necessary to attain this goal. For there is general recognition of the fact that there is a tremendous shortage of both classrooms and teachers. This shortage will continue until there is substantial expenditure which both States and local communities are unwilling or unable to make.

The Office of Education reports a shortage of approximately 140,000 classrooms. The Office of Education also estimates an average cost of $40,000 to build and equip a classroom. In other words, an expenditure of $5.6 billion would be necessary merely to catch up on classroom construction. Additionally the National Education Association reports a shortage of 135,000 teachers. That deficit, you may be sure, will not be made up until the teaching profession offers the sort of wages which will attract many more qualified persons.

The Soviet Union spends twice as much of its national income on education as the United States does. How can this Nation match and surpass the the Soviet Union if we deny American boys and girls the good fundamental education which they must have, at the elementary and high school levels, to become scientists and technicians? Last year there were 800,000 schoolchildren—that is almost a million young Americans—going to school only half a day, because the school had to be used by two shifts of students. Many students now entering high school have never gone to a full day of school in their lives.

Mr. President, I contend that schoolchildren are just as deserving of subsidies as are the many special interest groups which come to Congress and receive billions of dollars each year. The chamber of commerce witness before my subcommittee admitted, in answer to my question, that his organization works for subsidies for various big business interests. If a subsidy for a steamship company, for example, is good, why is a subsidy for a schoolroom considered so bad, socialistic and un-American by the same people? One chamber of commerce president in Montana asked me to oppose the national defense education bill even though, a few months previous, he had asked me to liberalize the same bill so that business colleges such as his could benefit from its provisions.

I submit that some of the special interests in this country are doing their members a disservice by grossly distorting the facts. I believe the Senate may be able better to evaluate the telegrams and letters inspired by these organizations if I recount my recent observations of their tactics.

Two of the most vociferous opponents of Federal aid to education are the American Medical Association and the College of Physicians and Surgeons. Let us treat the AMA first.

The position of the AMA is that Federal aid to education is a very dangerous thing, an unnecessary waste of the taxpayer's money and a device to put this Nation on the road to communism, unless the aid goes to medical schools.

If this Federal money buys bricks for needed elementary and high schools, it is bad. If this Federal money buys bricks for needed medical schools, it is good. That is the position of the AMA.

Let me read from the testimony submitted in April of this year to the House Interstate and Foreign Commerce Subcommittee which was considering health research facilities legislation.

The April 10, 1958, memorandum from the American Medical Association to Chairman OREN HARRIS of the Commerce Committee stated the following:

> Generally, the American Medical Association is opposed to Federal aid in those areas where private citizens and local communities are capable of providing for themselves. We believe Federal aid to be a dangerous device because of the degree of control and regulation which must necessarily accompany Federal funds. We believe, however, that there is sufficient need for assistance in the expansion, construction, and remodeling of the physical facilities of medical schools to justify a one time expenditure of Federal funds, on a matching basis, provided, of course, that maximum freedom of the schools from Federal control is assured.
>
> While we object to increased Federal participation when it is based solely on increased enrollment, we do not object to greater than 50 percent Federal participation per se, such as in H. R. 7841, where the Government would contribute up to 66⅔ percent for the construction of new schools. The position of the American Medical Association is only that there should be some matching of Federal funds by the recipient school.

Mr. President, let us restate in plain English the position of the American Medical Association on Federal aid to education.

Federal aid to education is bad, says the AMA when it goes to elementary and secondary schools.

Federal aid to education is good, says the AMA, when it goes to medical schools.

Federal aid to education is even better, says the AMA, if the Federal Government puts up most of the money for those medical schools.

Mr. President, I believe in Federal aid for education, whether it is for a needed medical building or laboratory or a needed one-room schoolhouse. My record on this matter is long and consistent. But I question the ethics of an organization which raises one hand in self-righteous horror at the prospect of Federal aid for everyone else's educational needs while the other palm is extended to obtain help for its particular brand of education.

I know that the vast majority of men who have taken the Hippocratic oath, hold to a code of ethics far above that of the organization which purports to speak for them.

I wish now to discuss the viewpoint of the Association of American Physicians and Surgeons, Inc. One thing must be said for this organization. It is consistent in its opposition to Federal aid for education, whether the bricks go into grammar schools or medical buildings.

The May 6, 1958, letter of its president, Mal Rumph, M. D., to the Honorable JOHN BELL WILLIAMS, which appears in the House Interstate and Commerce Committee hearings heretofore referred to, makes clear the opposition of AAPS to any type of Federal subsidization of medical schools.

I regret to report, however, that the vehemence of the AAPS opposition to Federal aid to education has led it to take actions and inspire other actions which in my opinion reflect unfavorably on the ethics of the organization.

On July 10 at my direction the chief clerk of the Senate Committee on Labor and Public Welfare dispatched the following telegram to the executive secretary of the AAPS:

> Mr. HARRY E. NORTHAM,
> *Executive Secretary, American Association of Physicians and Surgeons, 185 North Wabash Avenue, Chicago, Ill.:*
>
> Senator MURRAY, chairman of the Subcommittee on Education of this committee, will hold a further hearing on his bill S. 3311 (to authorize assistance to States and local communities in remedying the inadequacies in the number of their teachers and teachers' salaries and the shortage in classrooms) at 10 a. m. on Wednesday, July 16, in the Foreign Relations Committee room of the Senate, F-53 in the Capitol. It has been suggested by Mr. John Miles, manager of the education department of the United States Chamber of Commerce, that you, as executive secretary of the American Association of Physicians and Surgeons, would wish to testify at that hearing or, if that is not possible, to file a statement for the record. Would you kindly inform me by return wire whether you will be able to present 15 or 20 minutes' testimony at the scheduled hearing or whether you wish to submit a statement to be printed in the record.
>
> STEWART E. MCCLURE,
> *Chief Clerk, Senate Committee on Labor and Public Welfare.*

On the same date, July 10, Mr. McClure received the following reply from Mr. Northam:

> CHICAGO, ILL., *July 10, 1958.*
>
> STEWART E. MCCLURE,
> *Chief Clerk, Senate Committee on Labor and Public Welfare, Senate Office Building, Washington, D. C.:*
>
> The Association of American Physicians and Surgeons will submit a statement on Federal aid to education to be included in the record, you should receive it Saturday morning. Thank you for the opportunity.
>
> HARRY E. NORTHAM,
> *Executive Secretary, Association of American Physicians and Surgeons.*

Thus the AAPS had a 6-day notice of the hearing and invitation to testify. I know that prospective witnesses desire and deserve as long a time as possible to prepare testimony, but as my colleagues well appreciate, it is sometimes, in fact usually, difficult for us to schedule hearings far in advance, because of possible conflicts. I might say that witnesses who testified in support of this legislation had less notice, and also had to change their plans on a few hours' notice when the hearing had to be postponed.

Nevertheless, 4 days after receiving and acknowledging notice of the hearing, the AAPS sent to at least a portion of its membership an emergency bulletin which one of the recipients kindly sent on to me. This bulletin told of the surprise, quickie hearing coming up. The entire bulletin follows:

> JULY 14, 1958.
>
> BULLETIN No. 13-58
>
> Please wire or write today, not tomorrow. Senator JAMES E. MURRAY, chairman of the

Subcommittee on Education of the Senate Committee on Labor and Public Welfare, has called a surprise quickie hearing on his bill S. 3311 for Wednesday, July 16.

S. 3311 proposes Federal aid to education for inadequacies in number of teachers, their salaries, and the shortage of classrooms.

Dr. Mal Rumph, president of AAPS, has filed a statement of opposition to this legislation—and all similar legislation which would place our schools under Federal control—with the committee.

Please support the association's position by sending telegrams and airmail letters to Senator JAMES E. MURRAY, Senate Office Building, Washington, D. C.

It is not necessary to refer to the AAPS statement. Express your views as an individual citizen.

Please act today, not tomorrow.

Sincerely,

GEORGE J. HESS, M. D.,
*Chairman, AAPS Legislative Committee.*

Thus, the AAPS completely distorted the request of the subcommittee to hear its spokesman or consider its viewpoint. The recipients of this letter were not told that the organization had been invited to testify 4 days before the emergency bulletin was issued. Certainly there was nothing surprise or quickie about the continuation of the hearings, regarding which the organization had ample notice. And it is obvious, both from the emergency bulletin and the letters and telegrams it inspired, that the recipients were furnished no information at all about the bill under consideration. I quote from a few of the telegrams I received:

COVINGTON, KY.

Bill S. 3311 in my estimation is a socialistic measure, a good way to establish a welfare state. Let these teachers work 12 months out of the year like I do, and let the school children go the year around. Why should there be 3 months out of the year when they don't have to work? Why should they expect to work 9 months and get a year's pay? Most of the teachers that I know actually put in 6 hours a day 5 days a week teaching while the tax-paying public works 40–48 hours a week plus 2–3 weeks vacation a year.

ALVIN C. POWELEIT, M. D.

PORTERVILLE, CALIF.

I would like to express my opposition to any legislation which would place all or part of our education system under control of the Federal Government. I do not feel that the Federal Government is sufficiently in touch with local situations to judge how a local school district should be administered.

WARREN GOUX, M. D.

JACKSON, MISS.

I am opposed to your S. 3311 and all other forms of Federal aid to education. They are unwanted because taxes confiscated by Washington are for you to control education with. They are unnecessary because we get back only one-fourth to one-hundredth of each dollar extracted against our will.

CURTIS W. CAINE, M. D.

GREENVILLE, N. C.

All the States have plenty money and credit.

DR. K. B. PACE.

RICHMOND, IND.

In regard to Bulletin No. 13–58, wish to state we are definitely opposed to Federal aid to education.

LEON T. COX, M. D.

COLUMBUS, OHIO.

Probably one of the strongest arguments against this legislation is that it is absolutely unnecessary. Shortages of classrooms is a myth, and except in isolated circumstances, shortages of teachers is a myth. Are you sure that you know the public's will on this bill?

KENNETH L. BROWN, M. D.

INDIANAPOLIS, IND.

What you propose is purely socialistic legislation. You might as well have Russia come over and run the United States as to carry out the proposal such as you have made.

C. P. CLARK, M. D.

GAITHERSBURG, MD.

Centralization of Government is reverting us to obstruction, tyranny, and eventual collapse; how this may come about is well seen in history and the current turmoil existing in the foreign sovereign powers in both hemispheres. Our Constitution exists only on paper, the political Supreme Court has taken over, States rights are all but abolished, and our legislative Congress activities, in many respects, seemingly are motivated with cunning political expediency in contradistinction to equity in governmental affairs. This is highly significant and exampled in bill S. 3311.

WILLIAM C. MILLER, M. D.

EVANSVILLE, IND.

Education is the responsibility of the local States and communities. Soviet Russia owns and controls its schools. Have you sunk to the level of a Soviet official?

ROBERT J. MILLER, M. D.

Mr. President, I shall let these communications speak for themselves. But a few more observations are in order.

For one thing, I have frequently asked opponents of Federal aid, who say that Federal aid means Federal control, to cite some examples. After all, Federal aid to education started during the time of George Washington. If the Federal Government is controlling the program to which it contributes, one would suppose that by now the opponents could cite some examples. But they cannot. The administration of federally aided education programs remains with State and local agencies, as it properly should.

Federal aid does not mean Federal control, a point which should be obvious to the many physicians who trained at Government expense and practice in hospitals constructed with the aid of Federal funds provided under the Hill-Burton Act.

Also, because the question of public wishes on Federal aid to eduction has been raised by the opponents, it is pertinent to recite the February 9, 1957, report of Dr. George Gallup's American Institute for Public Opinion.

In answer to the question, "Do you favor or oppose Federal aid to help build new public schools?" 76 percent indicated approval, 19 percent opposed the idea, and 5 percent voiced no opinion.

Thus four Americans favored Federal aid for schoolroom construction for everyone who opposed it. Furthermore, reported Dr. Gallup, every major group in the population is in favor of the Federal-aid proposal. Republicans and Democrats, Protestants and Catholics, people from all sections of the country strongly supported it. No group was less than 70 percent for it.

His survey also showed the sentiment in favor of Federal aid to schools was increasing. The percentage of 76 in favor compared with a figure of 67-percent support the year previous.

Mr. President, I have attempted to show the need for Federal aid to elementary and high schools, the public support for the program and, so that Senators may be able better to evaluate their mail, the tactics of some of the opponents. When I speak of the opponents I speak of the organizations which purport to speak for their membership, rather than the individual members themselves. For I know there are many fine physicians in this land who do not countenance the tactics of either the AAPS or the AMA which I have just described.

Mr. President, it is my hope that next year the vital matter of Federal aid to schools and teachers may be discussed constructively and rationally, to the end that we on both sides of the aisle, in cooperation with the other House, work out legislation and appropriations that will help provide this Nation's youngsters with the good education they deserve.

The PRESIDING OFFICER. Is there further morning business?

## TRIBUTE TO WORK OF SENATOR NEUBERGER IN CONNECTION WITH PASSAGE OF KLAMATH INDIAN RESERVATION PURCHASE LEGISLATION

Mr. MURRAY. Mr. President, one of the most difficult questions facing my Senate Committee on Interior and Insular Affairs this year has been that involving the complex resources and tribal relationships of the Klamath Indian Reservation in the State of Oregon.

Outstanding work has been done by our colleague, the junior Senator from Oregon [Mr. NEUBERGER], in pushing through to passage S. 3051, to solve this critical problem.

In the issue of the Klamath Falls (Oreg.) Herald and News for August 15, 1958, high praise has been paid to our distinguished colleague by Frank Jenkins, publisher of the Herald and News.

Mr. Jenkins writes in his daily column:

Great credit is due to Senator NEUBERGER. He has worked unceasingly to bring about the enactment of the bill that has just been approved. He made its final enactment his major interest. He forgot politics and devoted his efforts to the welfare of the State and its people.

That is statesmanship.

In this session of Congress, Senator NEUBERGER has joined the greats of Oregon. He has done a splendid job.

I have called to the attention of the Senate Mr. Jenkins' words in tribute to Senator NEUBERGER, because I concur in what Mr. Jenkins has written.

I ask unanimous consent that the editorial column by Frank Jenkins from the Klamath Falls Herald and News, under the heading "In the Day's News," from that newspaper of August 15, 1958, be printed in the RECORD at this particular point.

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

IN THE DAY'S NEWS

(By Frank Jenkins)

There is good news today.

The Klamath Indian Reservation purchase bill has passed both Houses of the Congress. It is now at the White House.

President Eisenhower's signature is regarded as certain.

That is splendid news for the Klamath Basin and for all of Oregon. It is splendid news because it insures that this great resource will be administered in such a way that it will be kept producing trees and fiber perpetually. It insures watershed protection.

The future of southern Oregon and far northern California is all bound up in adequate and perpetual supplies of fiber and water. Fiber and water are our great natural resources.

Upon them depends our future.

This is a good time to give some credit for this really important achievement where the credit is due.

Chief credit should go to the management specialists, for they were the first to realize the defects of the original termination act. They were the first to propose form of Government purchase of the reservation lands. Their study of the problem of liquidation convinced them that if this great body of timber was thrown on the market at auction to the highest bidder the inevitable result would be that the Indian owners would fail to receive a fair price for their property.

At the same time, they realized that disposal of the Klamath Reservation timber under the original law would be likely to result in ultimate great damage to this tremendously important asset. So they suggested purchase of the lands by the Federal Government.

Senator NEUBERGER of Oregon agreed with them. So he introduced a bill providing for Federal purchase of the timber, which would be added to the national forests.

Later on, Secretary of the Interior Seaton offered an alternate proposal—that private enterprise be given an opportunity to purchase all or a part of these timberlands at the appraised price. Under the proposal, the Government would buy the lands not purchased by private operators.

This appealed to Senator NEUBERGER as a reasonable solution of the problem, and he withdrew his own bill and introduced the Department of the Interior bill. In considerably amended form, this is the bill that has just been approved by the Congress.

Great credit is due to Senator NEUBERGER. He has worked unceasingly to bring about the enactment of the bill that has just been approved. He has made its final enactment his major interest. He forgot politics and devoted his effort to the welfare of his State and its people.

That is statesmanship.

In this session of Congress, Senator NEUBERGER has joined the greats of Oregon. He has done a splendid job.

He has had effective help from all the members of Oregon's delegation in Congress. He has had help from Congressman CLAIR ENGLE of California. He has had help from a wide range of influential people in Oregon and elsewhere.

As a result, an excellent piece of legislation has been enacted.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief 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.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 3195. An act to authorize certain retired personnel of the United States Government to accept and wear decorations, presents, and other things tendered them by certain foreign countries;

S. 3448. An act to authorize the acquisition and disposition of certain private lands and the establishment of the size of farm units on the Seedskadee reclamation project, Wyoming, and for other purposes; and

S. 3502. An act to amend the Federal Airport Act in order to extend the time for making grants under the provisions of such act, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 4053. An act to extend the boundaries of the Siskiyou National Forest in the State of Oregon, and for other purposes; and

S. 4196. An act to amend the Intercoastal Shipping Act, 1933 (47 Stat. 1425), as amended, to authorize incorporation of contract terms by reference in short-form documents.

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

H. R. 7240. An act to amend title 18 of the United States Code to make it unlawful to destroy, deface, or remove certain boundary markers on Indian reservations, and to trespass on Indian reservations to hunt, fish, or trap;

H. R. 11456. An act to authorize the exchange of certain real property heretofore conveyed to the city of El Paso, Tex., by the United States, for other real property of equal value, and for other purposes;

H. R. 12115. An act to amend chapter 13—Wage Earners' Plans—of the Bankruptcy Act;

H. R. 12640. An act to authorize the Secretary of the Army to convey to the city of Philadelphia, Pa., certain piers and other facilities of the United States located in such city;

H. R. 12704. An act to amend the provisions of law codified as section 500, title 16, United States Code;

H. R. 13354. An act to amend the act of June 10, 1938, relating to participation by the United States in the International Criminal Police Organization;

H. R. 13500. An act to provide for the disposal of federally owned property of the Hanson, Company, and Houma Canals, La., and for other purposes;

H. R. 13571. An act for the relief of the city of Madeira Beach, Fla.;

H. R. 13676. An act to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship;

H. J. Res. 608. Joint resolution requesting the President to proclaim August 25, 1958, as National Allergy Day; and

H. J. Res. 658. Joint resolution authorizing and requesting the President to invite the countries of the Free World to participate in the California International Trade Fair and Industrial Exposition to be held in Los Angeles, Calif., from April 1 to 12, 1959.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 13518. An act to incorporate the Blinded Veterans Association; and

H. R. 13558. An act to incorporate the Military Order of the Purple Heart of the United States of America, of combat wounded veterans who have been awarded the Purple Heart.

## HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

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

H. R. 7240. An act to amend title 18 of the United States Code to make it unlawful to destroy, deface, or remove certain boundary markers on Indian reservations, and to trespass on Indian reservations to hunt, fish, or trap; to the Committee on Interior and Insular Affairs.

H. R. 11456. An act to authorize the exchange of certain real property heretofore conveyed to the city of El Paso, Tex., by the United States, for other real property of equal value, and for other purposes; to the Committee on Public Works.

H. R. 12115. An act to amend chapter 13—Wage Earners' Plans—of the Bankruptcy Act;

H. R. 13571. An act for the relief of the city of Madeira Beach, Fla.;

H. R. 13676. An act to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship; and

H. J. Res. 608. Joint resolution requesting the President to proclaim August 25, 1958, as National Allergy Day; to the Committee on the Judiciary.

H. R. 12640. An act to authorize the Secretary of the Army to convey to the city of Philadelphia, Pa., certain piers and other facilities of the United States located in such city; to the Committee on Armed Services.

H. R. 12704. An act to amend the provisions of law codified as section 500, title 16, United States Code; to the Committee on Agriculture and Forestry.

H. J. Res. 658. Joint resolution authorizing and requesting the President to invite the countries of the Free World to participate in the California International Trade Fair and Industrial Exposition to be held in Los Angeles, Calif., from April 1 to 12, 1959; to the Committee on Foreign Relations.

## ACQUISITION AND DISPOSITION OF CERTAIN LANDS, SEEDSKADEE RECLAMATION PROJECT, WYOMING

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3448) to authorize the acquisition and disposition of certain private lands and the establishment of the size of farm

units on the Seedskadee reclamation project, Wyoming, and for other purposes, which were, on page 3, line 12, strike out "shall" and insert "does," and on page 4, line 3, strike out "Computing" and insert "In computing."

Mr. O'MAHONEY. Mr. President, in its consideration of Senate bill 3448, to authorize the acquisition and disposition of certain private lands and the establishment of the size of farm units on the Seedskadee reclamation project, Wyoming, and for other purposes, the House of Representatives made two minor, technical amendments. One of the amendments would change the word "shall" to the word "does". The other amendment would insert the words "in computing".

These two amendments are satisfactory to my colleague and to me. We are the sponsors of the bill. The amendments are also agreeable to the Committee on Interior and Insular Affairs. My colleague has consulted the leadership on the minority side, and I have consulted the leadership on the majority side; and there is no objection.

Therefore, I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

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## ADMISSIBILITY OF EVIDENCE—STATEMENTS AND CONFESSIONS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is H. R. 11477.

The Senate resumed the consideration of the bill (H. R. 11477) to amend ch. 223 of title 18, United States Code, to provide for the admission of certain evidence, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, which will be stated.

The amendment of the Committee on the Judiciary was, on page 1, line 11, after the word "of", to insert "reasonable."

### INDIVIDUAL RIGHTS AND INTELLIGENT LAW ENFORCEMENT

Mr. O'MAHONEY. Mr. President, I shall proceed with my statement on the bill as rapidly as possible. I think there is no reason why the measure cannot be disposed of promptly.

The bill reported by the Committee on the Judiciary is not to be interpreted in any respect as an attack upon the Supreme Court. The purpose of the bill is to clarify the decision which was rendered in the now famous Mallory case.

It must be understood that the city of Washington is different from any other city in the land. The city of Washington is the only city in the land which is completely under the Federal law. Other cities, in the States—cities in Massachusetts, New York, Pennsylvania, Illinois, and the rest of the States—are under State constitutions, as well as under the Federal Constitution. In the District of Columbia it is essential, for the protection of organized society, that we have a system which will preserve the ancient and effective enforcement of the criminal law, as well as safeguard individual rights under the Bill of Rights.

Nothing in the bill which the Committee on the Judiciary has reported casts the slightest doubt upon the sovereignty of the Bill of Rights, so to speak, over the District of Columbia and over the police force in the District of Columbia. But it must be remembered that the City of Washington is different from other cities.

Mr. Justice Frankfurter, in rendering his decision in the Mallory case, made it quite clear that I have stated correctly the situation as it exists. In the committee report we have reprinted the Mallory decision. It was rendered June 24, 1957. After a discussion of the facts in the case, the Court stated specifically:

> The case calls for the proper application of rule 5 (a) of the Federal Rules of Criminal Procedure, promulgated in 1946.

Then Mr. Justice Franfurter, in interpreting the meaning of the rule, said in one sentence:

> The requirement of rule 5 (a) is part of the procedure devised by Congress for safeguarding individual rights without hampering effective and intelligent law enforcement.

Nothing could be plainer than that statement.

There are two objectives of rule 5 (a) of the Rules of Criminal Procedure. The first of the objectives is to safeguard individual rights. The bill which the committee has reported does that. It does not impair in the slightest degree the necessity of developing probable cause before a formal arrest can be made and a charge filed against an alleged criminal. So the first objective is the safeguarding of individual rights, to use the words of Mr. Justice Frankfurter.

The second phrase follows immediately:

> without hampering effective and intelligent law enforcement.

That means that organized society, as represented in the District of Columbia, the people who reside here, the citizens who reside here, are entitled to the effective and intelligent enforcement of the criminal law.

We do not need to be instructed by anyone about the prevalence of crimes of violence in the District of Columbia and elsewhere in the United States. Women, young and old, walking on the streets are victims of yoke robberies and yoke assaults and other violence of various kinds. They ought to be able to walk the streets of the District of Columbia without the danger of such attack.

Congress is the governing body of the District of Columbia, and we owe a solemn obligation to the people of the District of Columbia to make the enforcement of the laws against crimes of violence "effective and intelligent," to use the words of Justice Frankfurter. That is why, when I went before the majority policy committee last week to urge that this measure be scheduled for action, I urged upon that committee my feeling that the measure ought to be passed without amendment. I do not want to see this step in the clarification of the interpretation of the Mallory case fouled up, so to speak, by the addition of irrelevant or even relevant amendments, because they will make it difficult for us to secure agreement by the House to the simple Senate amendment which adds the word "reasonable" before the word "delay."

Is there any doubt that such a clarification is needed? I think I can demonstrate such a need to every Member of this body, to every auditor, to every person who reads what I might say, by citing the case of the United States against Trilling. That case was decided in the United States Court of Appeals for the District of Columbia under the title "John E. Trilling against United States of America." Three cases were combined in one decision. Those three cases came to the court of appeals in this manner, briefly speaking:

### TRILLING CASE

John E. Trilling was seen by two patrol-car officers outside the door of a business house in a secluded section of the city. This was the property of Johnson & Wimsatt, private businessmen in this city. The officers, I think, had been called there. In any event, they questioned Trilling because his car was right there at the time.

Trilling satisfied them that he had had no part whatsoever in the alleged crime, that he had not participated in the robbery, and so they did not arrest him. But it transpired the next day that his fingerprints were found on the broken glass of one of the windows of the establishment. Then it was discovered that his fingerprints revealed that he had been involved in another crime elsewhere, not in the District of Columbia.

Then the police brought him in; and when he became aware of this evidence, he immediately acknowledged that he was guilty.

After that acknowledgement—which was made speedily—the police confronted him with about 12 to 20 cases of similar burglaries which had been reported to them; I have forgotten exactly how many. They went over them with him. In some cases he said, "Yes, I did." In other cases, he said, "No, I didn't." He was being interrogated by the police.

Three cases were taken to court. They went before 3 separate judges, with 3 separate juries; and he was convicted, before each of the judges, by each of the juries.

As regards the statement he made in connection with the first count of one of the cases, the Johnson & Wimsatt case, as I recall, his attorney, during the trial of the case, urged that the statement was an involuntary confession. Each of the separate judges dismissed the jury, heard the arguments of counsel, then recalled the jury, and submitted the question to the jury for its judgment as to whether the admission was a voluntary one, obtained without any semblance of third-degree methods. The juries so found. There seemed to be no question about the matter at all.

AMAZING DECISION

After the convictions in the three cases, the defendant appealed to the Court of Appeals of the District of Columbia. The ensuing decision, I say frankly to the Senate, is one of the most amazing decisions I have ever read in all my experience as a lawyer and as a legislator. Nine judges of the Court of Appeals of the District of Columbia sat en banc to pass upon the appeal. As one of the judges said—and now I quote from page 2 of the case of Trilling against United States of America, decided on April 17, 1958:

While appeals were pending, the Supreme Court decided *Mallory* v. *United States* (354 U. S. 449).

The result was that every one of the nine judges read the Mallory case decision, and then arrived at utterly different interpretations of its meaning.

At the moment, I shall not read the names of the judges; there is no need to do so, because the decision is available to all who wish to read it. It is available to the Members of the Senate; it is available to the press. I have no desire to lay particular emphasis upon the lack of unanimity on the part of the justices. I have written down the details, so there will be no mistake.

Two judges affirmed the conviction on count three of case No. 13069. Though they affirmed the conviction, they voted to reverse as regards the remainder of case No. 13069, all of case No. 13165, and all of case No. 13212.

Three judges concurred in an opinion, a very well written one, which affirmed the convictions in all of the cases and on all of the counts. So when the votes of these 3 judges were added to the votes of the 2 judges who voted to affirm the decision on count No. 3 in case No. 13069, there was a vote of 5 to 4 to affirm that conviction.

But four judges joined in an opinion to reverse all the convictions. Three judges voted to affirm.

So the result was that the vote on all the counts, except count No. 3 in case No. 13069, was one of 6 to 3 to reverse.

However, I am sure that a reading of the facts involved would convince almost any person who looked at the facts solely for facts' sake, that the defendant was guilty—as the juries found him to be.

Why, then, was the reversal entered? One of the judges made that point clear. I shall read his opinion, because it is short, and tells the story in the simplest of simple language. I shall not read his name. I now read from his opinion:

I think the result reached by Judge (blank)—

Who was the judge who wrote the opinion to affirm the conviction on count No. 3 of case No. 13069—

is compelled by the Mallory case, and therefore concur with him, but only because I conclude we are not free to do otherwise. I do this reluctantly because what Judge (blank)—

The justice who wrote the opinion, in which 2 of his colleagues concurred, to affirm all 3 convictions—

has said makes sense, and ought to be the law. The steady expansion of the meaning of unnecessary delay by the courts since rule 5 (a) has been in effect, suggests to me that this area of the law cannot be developed properly on a case-by-case basis, even though that is sometimes appropriate. Rule 5 (a) should be reexamined by the rulemaking process or by Congress.

RESPONSE TO INVITATION

Now the Congress has answered that invitation, by means of a very simple measure, passed by the House, which provides, in the first section, that the admission of confessions should not be denied solely on the ground of delay in arraignment; and then in subsection (b), provides that it shall be the duty of the interrogating officers, before interrogating a prisoner, to advise him that what he says might be used against him.

Of course, Mr. President, that is a fundamental principle, recognized by all who are at all familiar with the criminal law; it is one of the ways of safeguarding an individual's rights. So this provision is included in the bill; the Senate Judiciary Committee has accepted it.

The only change which the Senate Judiciary Committee has made is by amending the first clause by inserting the word "reasonable" before the word "delay."

Let me say here, Mr. President, that Representative WILLIS, of the House Judiciary Committee, who submitted the report of the House Judiciary Committee, was the author of the provision in clause (b) of the House bill to require notice to a prisoner before interrogation that what he would say would be used against him. I compliment Representative WILLIS for his action.

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

Mr. O'MAHONEY. I am happy to yield.

Mr. LONG. As a Louisianian, I was very much pleased to hear the statement by the Senator from Wyoming about Representative WILLIS. I agree that Representative WILLIS is an extremely able attorney, and I know he would do excellent work on the bill.

Mr. O'MAHONEY. He submitted a good report, from which I wish to quote right now, to demonstrate the importance of the rule of reason.

Beginning on page 6, and running over to page 7 of House Report No. 1815, Mr. WILLIS wrote the following:

A Justice of the Supreme Court, namely, Justice Jackson, once referred to the protections offered by the Constitution and the Bill of Rights by saying:

* * * (they)—

Meaning these protections—

represent the maximum restrictions upon the power of organized society over the individual that are compatible with the maintenance of organized society itself.

I must emphasize that—

(they) represent the maximum restrictions upon the power of organized society over the individual that are compatible with the maintenance of organized society itself.

He then said: "He," meaning Justice Jackson—and the Members of this body know the very high standards of Justice Robert Jackson, of New York, Attorney General before he became a member of the United States Supreme Court. These are Jackson's words:

I doubt very much if they (these restrictions) require us to hold that the State may not take into custody and question one suspected reasonably of an unwitnessed murder. If it—

That is to say, if the law—

does, the people of this country must discipline themselves to seeing their police stand by helplessly while those suspected of murder prowl about unmolested. Is it a necessary price to pay for the fairness which we know as due process of law? And if not a necessary one, should it be demanded by this Court? I do not know the ultimate answers to these questions; but, for the present, I should not increase the handicap on society.

What the Senate Judiciary Committee is requesting of the Senate is that the Senate shall put the stamp of approval upon the action of the Judiciary Committee not to handicap the society which lives in the District of Columbia. It seems to me we owe them the protection of the word "reasonable" before the word "delay."

RULE OF REASON

This is no new importation into the law of the land—not at all. In the Bill of Rights, in the fourth amendment, the provision was made to protect the citizen against unreasonable searches and seizures. The Bill of Rights did not protect against reasonable searches and seizures. So from the very beginning of our society, we have recognized the importance of the rule of reason in handling matters of this kind.

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

Mr. O'MAHONEY. I shall be very happy to yield.

Mr. BUTLER. Starting on the first page of H. R. 11477, the bill reads as follows:

(a) Evidence, including statements and confessions, otherwise admissible, shall not be otherwise inadmissible solely because of reasonable delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States.

There are many cases in which it would be unreasonable, without explanation, to hold a person for perhaps 2 or 3 days without taking him before a committing magistrate. In such cases, if the statement of confession was otherwise admissible and it served the administration of justice, what effect would the word "reasonable" in line 11 have?

Mr. O'MAHONEY. I think that was made clear by Mr. Justice Frankfurter in the case of *McNabb* v. *The United States* (318 U. S., at p. 332).

In our report, the Senator will recall——

Mr. BUTLER. I have it in my hand.

Mr. O'MAHONEY. We quoted, on page 5 of the report, the statement of Mr. Justice Frankfurter in that case. I read it now:

The mere fact that a confession was made while in the custody of the police does not render it inadmissible.

Mr. BUTLER. Does the Senator believe the Mallory decision has not changed that rule?

Mr. O'MAHONEY. I think that some persons, and some judges who read the Mallory decision, think it has changed the rule; but I do not think so.

Mr. BUTLER. Then let me ask the Senator this question: If the statement is "otherwise admissible"—that is, if there were no third-degree methods employed and there was no other reason than delay to refuse it—why is it necessary to have the word "reasonable" in the bill?

Mr. O'MAHONEY. Because that is a matter of fact. These cases vary in their circumstances. The courts have recognized that. I think the putting of the word "reasonable" in the bill only fortifies the position which the Senator from Maryland takes, and which I also take.

Mr. BUTLER. I should like to ask the Senator a further question. I do not mean to cast aspersions on the courts, but if the word "reasonable" is included in the language of the bill, will not a court which has shown a disposition to be unreasonable in such cases, as for example in the Trilling case, seize upon that word and slap us down again.

Mr. O'MAHONEY. I do not go that far. I point out the exact language of one of the members of the Court of Appeals. He stated specifically that he voted to reverse the decision solely because he felt compelled to do so by the Mallory case.

I submit that, in all intelligence the justices of the Court of Appeals were overpersuaded by some of the statements in the opinion. If the Senator will pardon me just a minute, I wish to read from the Mallory decision. This information is shown on page 31 of the Senate committee report. It is a quotation from Justice Frankfurter:

> The police may not arrest upon mere suspicion, but only on "probable cause."

That is a pretty substantial statement of law.

> The next step in the proceeding is to arraign the arrested person before a judicial officer as quickly as possible so that he may be advised of his rights and so that the issue of probable cause may be promptly determined. The arrested person may, of course, be "booked" by police. But he is not to be taken to police headquarters in order to carry out a process of inquiry that lends itself, even if not so designed, to eliciting damaging statements to support the arrest and ultimately his guilt.

Then it is stated:

> The duty enjoined upon arresting officers to arraign "without unnecessary delay" indicates that the command does not call for mechanical or automatic obedience.

In those few words Mr. Justice Frankfurter expressed an opinion which was totally contrary to the opinion in the Trilling case, which reversed the conviction.

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

Mr. O'MAHONEY. If the Senator will pardon me just a moment, I will yield a little later.

Mr. BUTLER. But it does inject into the quotient a degree of uncertainty not now there.

Mr. O'MAHONEY. No. I have complete faith in the reasonable character of the great majority of the judges of the United States—even the Justices of the Supreme Court, may I say with a smile in my eye.

Mr. BUTLER. I can return that smile. I do not think any Member of this body has done more to uphold the integrity of the judiciary and the independence of the Supreme Court of the United States than have I, but I stand on the floor of the Senate of the United States and condemn that court for the decision in the Mallory case. I say it is not a sound decision, and it has brought untold worry and misery to a great many people. I feel that there are many citizens in the Capital City of the United States who are today afraid to walk the streets on account of that decision.

Mr. O'MAHONEY. I will say, Mr. President, I think the condition which the Senator describes arises not from the decision, but from the misinterpretations of the decision.

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

Mr. O'MAHONEY. I will yield in a moment, if the Senator will pardon me.

That is the situation. It has been proved by the Trilling case. Let me invite the Senator's attention to the fact that Trilling was indicted in 3 separate cases. The cases were tried before 3 separate trial judges. Each judge had a separate jury. A question arose in count C of case 13069 whether the almost immediate admission of Trilling was voluntary or involuntary. The judge excused the jury to hear the arguments. This is common practice in every State of the land. The judge heard the arguments of counsel and then called the jury back and submitted the matter to the jury. The jury found that the confession was admissible because it was voluntary. Those were three trials in courts in the District of Columbia.

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

SOURCE OF MISINTERPRETATION

Mr. O'MAHONEY. By reading the opinion of the Court of Appeals in the Trilling case one will find the source of the misinterpretation.

Mr. BUTLER. But we have nine learned men sitting on the Circuit Court of Appeals for the District of Columbia and they all went in different directions. None of the judges knew what the Supreme Court had decided and Trilling came within an ace of escaping without any criminal sanctions being invoked against him whatever.

Mr. O'MAHONEY. By the pending bill we are putting the searchlight of public opinion and judicial opinion upon the matter. I am not one who very often attempts to predict, but I will venture to say that as a result of this searching inquiry about the Mallory decision, we will never again find such a decision as that rendered by the Court of Appeals in the Trilling case.

Will the Senator now pardon me a minute?

Mr. BUTLER. Yes.

Mr. O'MAHONEY. The Senator from Pennsylvania has been seeking to ask a question, and I am glad to yield to him.

Mr. CLARK. I thank my friend for his courtesy in yielding to me. I asked the Senator to yield so that I might ask him whether he would agree with me that the entire paragraph on page 31 of the Senate committee report, the quotation from the decision in the Mallory case, sets forth the essentials of the proper procedure in the matter before us. I wish to read the paragraph, because my good friend, I think, was interrupted before he had an opportunity to complete the paragraph.

Mr. O'MAHONEY. I was going to read the second paragraph. I should be very happy to have the Senator from Pennsylvania read the last sentence with special emphasis.

Mr. CLARK. I should like to read the entire paragraph, which is short. This is a quotation from the Mallory opinion, and in my judgment states the essence of the Mallory problem and states it correctly:

> The duty enjoined upon arresting officers to arraign "without unnecessary delay" indicates that the command does not call for mechanical or automatic obedience. Circumstances may justify a brief delay between arrest and arraignment, as for instance, where the story volunteered by the accused is susceptible of quick verification through third parties. But the delay must not be of a nature to give opportunity for the extraction of a confession.

I submit that is the heart of the problem. That is a sound statement of the law.

I commend my distinguished colleague from Wyoming for the brilliant presentation he is making in support of his essential amendment to the bill, and for the fine constitutional and legal argument he is giving his colleagues the opportunity to listen to.

M'NABB CASE

Mr. O'MAHONEY. I am very grateful to the Senator for his remarks. This prompts me to invite attention to the McNabb case. We have cited the opinion in the report. It begins on page 7. The decision was rendered on the first of March 1943. The important fact to which I want first to call attention is that the decision was written by Mr. Justice Frankfurter, the same justice who wrote the Mallory decision.

On page 21 I find this language:

> The mere fact that a confession was made while in the custody of the police does not render it inadmissible. Compare *Hopt* v. *Utah* (110 U. S. 574) *Sparf* v. *United States* (156 U. S. 51, 55) *United States ex rel. Bilokumsky* v. *Tod* (263 U. S. 149, 157) *Wan* v. *United States* (266 U. S. 1, 14).

Mr. CLARK. That is the law today, is it not, despite the Mallory decision?

Mr. O'MAHONEY. Absolutely.

The opinion then continues:

> But where in the course of a criminal trial in the Federal courts it appears that evidence has been obtained in such violation of legal rights as this case discloses, it is the duty of the trial court to entertain a motion for the exclusion of such evidence and to hold a hearing, as was done here, to determine whether such motion should be granted or denied. (Cf. *Gouled* v. *United States* (255 U. S. 298, 312–13); *Amos* v. *United States* (255 U. S. 313); *Nardone* v. *United States* (308 U. S. 338, 341–42.)

The interruption of the trial for this purpose should be no longer than is required for a competent determination of the substantiality of the motion. As was observed in the Nardone case, supra, "The civilized conduct of criminal trials cannot be confined within mechanical rules.

That is why I wrote the word "reasonable" in the amendment.

It necessarily demands the authority of limited direction entrusted to the judge presiding in Federal trials, including a well-established range of judicial discretion, subject to appropriate review on appeal, in ruling upon preliminary questions of fact. Such a system as ours must, within the limits here indicated, rely on the learning, good sense, fairness, and courage of Federal trial judges.

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

Mr. O'MAHONEY. I am happy to yield to the Senator from Missouri.

Mr. HENNINGS. On behalf of many members of the legal profession, first I wish to commend the clarity with which my distinguished colleague on the Committee on the Judiciary, the junior Senator from Wyoming, has presented this very vexing and somewhat complex question. I think the question has become complex—and I believe my friend will agree with me—because of misunderstanding on the part of perhaps certain editorialists, some of the laity, and, indeed, many lawyers and some judges. And hence it has found itself in the realm of considerable controversy because of the outrageous and somewhat flagrant facts upon which the Mallory case was bottomed—facts which brought the Mallory case into focus and resulted in Mallory's indictment and trial, and, thereafter, the appeal with the consequent results.

I think it would be very helpful to raise a question which I have been asked a number of times. I do not serve on the subcommittee with my colleague, the Senator from Wyoming. After all, this is his bill, and he deserves a tremendous amount of credit for his labor, thought, and industry. I have had the pleasure and profit of having the opportunity to visit and confer with him and discuss this subject a good many times.

Mr. O'MAHONEY. The Senator is very kind and very generous.

Mr. HENNINGS. Indeed, I am most keenly aware of the problems presented here. They are not as simple as they may seem at first glance, unless one engages entirely in the great art of oversimplification and brushes aside all the possible pitfalls and dangers. I think it would be helpful to many who have asked this question for the Senator to explain, if he cares to do so—if not, I have done a little research on the question, too, which I hope to discuss later when I am recognized in my own right—the question of the difference between the word "unnecessary" as presently appearing in the law and the word "reasonable," which now appears in the amendment to the bill before us today.

Mr. O'MAHONEY. The reason the word "reasonable" is used is that it has a connotation that goes back to the Bill of Rights. It permeates our whole judicial system.

Mr. HENNINGS. The Senator might cite "reasonable search and seizure," for example, in the Bill of Rights.

Mr. O'MAHONEY. That is correct. It goes all the way back, and I think it helps to clarify the situation. One of the difficulties which is so frequently overlooked in the interpretation of judicial decisions arises from a situation which I think every lawyer knows well. It is a common saying among the practicing attorneys in criminal law and in civil law that close cases sometimes make bad law.

Mr. HENNINGS. Yes, that is an old legal maxim. It is almost an adage.

Mr. O'MAHONEY. That is correct. Consider the famous decision in the McNabb case, which arose in connection with the operations of the Alcohol Tax Unit. As I recall the case, the Federal officers were advised that a still was in operation in a certain State, the name of which I shall not venture at the moment, and the authorities rushed out. The moonshiners were still there, but the officers were more concerned about destroying the liquor and pouring it out upon the ground than they were in arresting the moonshiners. So the moonshiners escaped to a little distance. Then arose a very serious conflict, because the moonshiners began to shoot. A law enforcement officer was killed.

Human nature being what it is, the law enforcement officers undertook to get confessions: Because there were implications of coercion and third degree methods in obtaining confessions, the court handed down the decision it did.

Mr. HENNINGS. As the Senator knows, they were questioned extensively for 2 days.

Mr. O'MAHONEY. That is correct.

Mr. HENNINGS. And after their statements were coordinated and presented with continuity and verisimilitude, they were accepted as so-called confessions. As the Senator knows, prosecutors have always tried to avoid the use of the word "confession" because it is, of itself, a conclusion. Any statement made, either oral or written and signed by the defendant, is what we call an admission against interest under the law, and it is a statement to be assessed and taken as either a so-called confession, which may be a conclusion of the jury, or a statement perhaps even exonerating a defendant.

MITCHELL CASE

Mr. O'MAHONEY. I think it would be interesting at this point to make a reference to another decision by Mr. Justice Frankfurter. This is the case of United States against Mitchell. This decision was handed down on April 24, 1944. It followed the McNabb case, and again Mr. Justice Frankfurter wrote the opinion of the Court. This involved a District of Columbia case. It is not necessary for me to read the entire opinion, of course, but I read one paragraph. The Justice was distinguishing between the McNabb doctrine and the doctrine in the Mitchell case which he was about to apply. In the McNabb case he wrote the opinion of the Supreme Court, which turned the defendants free because of violation of their individual rights, which are necessary not for the protection of criminals but for the protection of the innocent against mistaken arrests and mistaken prosecution. He said:

But the foundations for application of the McNabb doctrine are here totally lacking. Unlike the situation in other countries—see, for instance, sections 25 and 26 of the Indian Evidence Act, 1872—under the prevailing American criminal procedure, as was pointed out in the McNabb case, "The mere fact that a confession was made while in the custody of the police does not render it inadmissible" (318 U. S. 346). Under the circumstances of this case, the trial courts were quite right in admitting, for the juries' judgment, the testimony relating to Mitchell's oral confessions as well as the property recovered as a result of his consent to a search of his home.

As the issues came before us, the facts are not in dispute and are quickly told.

Then the Court proceeds to set forth the facts. The Court then goes on:

Illegality is illegality, and officers of the law should deem themselves special guardians of the law.

But in any event, the illegality of Mitchell's detention—

I understand he was illegally detained after these confessions—

But in any event, the illegality of Mitchell's detention does not retroactively change the circumstances under which he made the disclosures. These, we have seen, were not elicited through illegality. Their admission, therefore, would not be used by the Government of the fruits of wrongdoing by its officers. Being relevant, they could be excluded only as a punitive measure against unrelated wrongdoing by the police. Our duty in shaping rules of evidence relates to the propriety of admitting evidence. This power is not to be used as an indirect mode of disciplining misconduct. Judgment reversed.

There we find Mr. Justice Frankfurter explaining the very clear objectives he had in mind in the Mallory case. He wrote three opinions—Mallory, Mitchell, McNabb—and if we search those three opinions, we find a plain and clear statement of the law. The Committee on the Judiciary feels that by its research it has presented to the Senate a measure which can be adopted as reported by the committee. I hope that will be the case. I read from a letter dated August 18, yesterday, to the Senator from Mississippi [Mr. EASTLAND], the chairman of the Committee on the Judiciary. I shall read one paragraph from the letter. It is a discussion of various bills which are on the calendar dealing with recent Supreme Court decisions. The letter was signed by the Attorney General:

Another measure whch has the virtue of attempting to meet only one problem, thereby avoiding the possibilities of varied, unanticipated, and undesirable consequences, is H. R. 11477, a bill "to amend chapter 223 of title 18, United States Code, to provide for the admission of certain evidence, and for other purposes."

It is directed to the law enforcement problem raised by the Supreme Court decision in *Mallory* v. *United States* (354 U. S. 448). Its scope is narrow. It is aimed at one legal problem. Its effect may be anticipated. In the Mallory case, the Court ruled inadmissible a confession made during a delay between arrest and arraignment which the Court considered to be unnecessary. The bill would provide that evidence, including

statements and confessions, otherwise admissible, would not be inadmissible solely because of reasonable delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States. We have no objection to the enactment of this bill.

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

Mr. O'MAHONEY. I yield.

Mr. CLARK. I should like to point out to my colleagues what, I am sure, the Senator from Wyoming already knows, that, while the Attorney General purports to be referring to H. R. 11477, in point of fact he is referring to the bill as amended by the Senate Committee on the Judiciary, which adopted the very wise amendment which my good friend from Wyoming succeeded in having added to the bill.

Mr. O'MAHONEY. Yes. The Attorney General refers to "reasonable delay." It is a one-word amendment. I yield the floor.

Mr. JAVITS. Mr. President, before the Senator yields the floor, will he yield to me?

Mr. O'MAHONEY. I yield.

Mr. JAVITS. I wish to join my colleagues who have spoken of the very material improvement in the bill which was made in the Committee on the Judiciary by the adoption of the amendment offered by the distinguished Senator from Wyoming, based upon his knowledge and training which all of us regard so highly; and also to commend him for the distinguished presentation he has made of the matter this morning.

I shall discuss the bill in detail later. However, I would be less than faithful to my oath if I did not state to the Senator that to me, as a lawyer, the bill would have been inconceivable without the Senator's amendment. I would have had the gravest doubts in terms of human justice and constitutionality if the amendment had not been added to the bill. I am very much pleased that under the distinguished leadership of the Senator from Wyoming, we at least have some arguable legal questions placed before us which do not jeopardize what I consider to be the very foundation of our freedom. I am very greatly pleased to join my colleagues in expressing our appreciation.

Mr. O'MAHONEY. The Senator is very kind.

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

Mr. O'MAHONEY. I yield.

Mr. COOPER. I, too, am very glad that the Committee on the Judiciary, under the leadership of the distinguished Senator from Wyoming, has amended the House bill to add the word "reasonable." When questions arise which involve legal matters, particularly constitutional matters, every Member of the Senate who has been a lawyer immediately rushes into the fray. It is a good thing. I know there are many views among lawyers in the Senate, as well as among other Members of the Senate. Among them, I have my views, and I am very much interested in this question, for at least two reasons.

The first reason is that I have always been interested in the preservation of the rights of the individual which are guaranteed by the Constitution, particularly by the Bill of Rights. I agree wholeheartedly with the statement made by Justice Frankfurter in these cases, in which he points out that these constitutional rights are often guaranteed by procedural rights.

Second, my interest is not abstract but also practical. When I was 27 years of age I was elected to an office in Kentucky which, compared to other State and Federal judicial courts, was not one of the highest courts, but a county court. I was elected in 1929, at a time when the 18th amendment and the Volstead Act was in force, and as the Senate knows, the States and the Federal Government had concurrent jurisdiction.

As I have said, I was 27 years of age, not long out of law school, yet I found myself day after day passing upon constitutional questions affecting the rights of individuals. Law enforcement officers worked with zeal to apprehend and convict people charged with moonshining, transporting liquor, and selling liquor. Many people of the community were moved with commendable zeal to see that violators were found and convicted. I found no fault with them. However, I found myself passing on such questions as search and seizure, the detention of individuals without probable cause and the admissibility of confessions. Sometimes I had to decide against law enforcement officers, and sometimes even against private citizens who had searched, seized, arrested, secured confessions, without due process. I had to make decisions which I believed conformed with the spirit of the Bill of Rights, but sometimes were not popular in the community, when people did not know their explicit guarantees of individual rights. Later I was elected to the position of circuit judge.

Mr. O'MAHONEY. They were not popular?

Mr. COOPER. No; I am sure some were not popular, because at times defendants were dismissed even though they may have been guilty because the search and seizure provisions had been violated, and confessions had been wrenched from the defendants.

Mr. O'MAHONEY. They must have rallied to the Senator's cause, since he was elected as a circuit judge.

Mr. HENNINGS. Does the Senator from Wyoming mean that our colleague was elected by those whom he turned loose?

Mr. O'MAHONEY. I hope the Senator from Kentucky will excuse us; we are jesting.

Mr. COOPER. I understand the kindly comments and believe they arise out of friendship. I am pointing out that my interest is not theoretical, because for 10 years I had to deal with such problems, first as a county judge. But later I sat as a judge of the circuit court, which is the highest trial court in my State, and one of original jurisdiction.

So, for these two reasons, first because I am concerned about the preservation of individual rights, and second, because I had the opportunity to pass upon these issues as a judge, I am very much interested in this subject.

I believe there is a tendency in the country today toward conformity. I think it grows out of our assembly line industry, our advertising, our education, which influence the nature of our civilization. It also grows out of the knowledge that communism attempts to subvert and undermine our country, and a tendency, in some quarters, to take steps outside our constitutional system to defeat this effort. All of us are acquainted with these factors. So, I believe there is a great responsibility upon Members of Congress to preserve and protect individual rights, certainly in the courts, and throughout the whole body politic. For the protection of individual rights sets our system apart and worthwhile in the world.

Mr. O'MAHONEY. I think we all agree with the Senator from Kentucky.

Mr. COOPER. I know we all agree; there is no question.

I ask the Senator now about the pending bill. Rule 5 (a) of the Federal Rules of Criminal Procedure, which was promulgated by the Supreme Court and submitted to the Congress provides:

An officer making an arrest under a warrant issued upon a complaint or any person making an arrest without a warrant shall take the arrested person without unnecessary delay before the nearest available commissioner or before any other nearby officer empowered to commit persons charged with offenses against the laws of the United States. When a person arrested without a warrant is brought before a commissioner or other officer, a complaint shall be filed forthwith.

I emphasize the phrase "without unnecessary delay."

The Court held in the Mallory case that an unnecessary delay could not be permitted in the arraignment of an accused person. There could be no consent by the court to an unnecessary delay. The Court went on to say that necessary delay is permissible, such as, I assume, the inability to find a commissioner; the distance one would have to go to find a commissioner; and, the Court suggested other reasons, but said the delay must not be to extract a confession.

I do not believe that a law enforcement officer has the discretion to determine that he could hold a person in custody, and deprive him of his liberty, except as prescribed by law.

Mr. O'MAHONEY. For the purpose of securing an enforced confession.

Mr. COOPER. For any purpose not prescribed by law. The Mallory case was limited to a confession. We are presumed, to be free against detention, and that no one shall be deprived of his liberty without probable cause of the commission of a crime. No law enforcement officer, has an absolute right to detain a person and to hold him in detention. We are not talking about a person such as Mallory, who was charged with rape, which is a reprehensible crime; we are talking about the application of the rule to every man and woman in the United States, and before every Federal court.

I believe it is the intention of the Constitution that while a court may detain a person under due process, and deprive him of his liberty, no policeman, no sheriff, or private individual has the right to hold an individual against his will, except as prescribed by law. These reasons, it seems to me, are fundamental and explain why the Court said that the arraignment of an accused person cannot be unnecessarily delayed.

I remember the debate we had last year on the Jencks case. I remember the great service which the Senator from Wyoming performed on that matter. His bill became law, and I supported him. I know that he is a great lawyer, and that he is a lawyer of greater experience than I. He has a deep sense of justice.

Mr. O'MAHONEY. The Senator from Kentucky is most generous.

Mr. COOPER. I believe what I have said, with all my heart. Yet this bill seems to me to be either unnecessary, or tending procedurally to infringe on the constitutional rights of the accused. Now I propound this question to the Senator. The court said in the Mallory case that the only delay which will be permitted is a necessary delay. Does the phrase "reasonable delay" in the Senator's bill add to the scope or extend the comprehension of the meaning "necessary delay"? Does it add to the scope? Does it contemplate that a law-enforcement officer can detain a man whether he has been arrested by warrant, or certainly without a warrant, for a longer time than "necessary delay" comprehends?

Mr. O'MAHONEY. No. The purpose of using the word "reasonable" is that the word "unnecessary" has been the cause of some of the misinterpretations. "Unnecessary" is the word which has led to the mechanical and automatic interpretation which Justice Frankfurter himself condemned in the Mallory decision. As I said in response to the Senator from Missouri, the word "reasonable" goes all the way back to the Bill of Rights. It connotes a procedure which does not in any way, shape, or form, or manner impair individual rights. It does not open the door to coercion and third degree. It does afford the opportunity for what Justice Frankfurter called the efficient and intelligent enforcement of the law.

Mr. COOPER. Interrogations are proper before an accused has been arraigned before a commissioner, if the interrogations are propounded within the due process of law, and certainly interrogations can take place after the defendant has been arraigned. I return to my question: Rule 5 (a) of the Federal Rules of Criminal Procedure provides clearly that an accused must be arraigned before a commissioner without unnecessary delay. That is the rule. My question is whether the Senator's amendment is intended to weaken that rule. Does the amendment mean that the accused may be detained for a little more time?

INTENT OF AMENDMENT

Mr. O'MAHONEY. No; the amendment is not intended to weaken the rule at all. In the leading case, to which I alluded earlier in the argument, one of the trials of the defendant in one of the cases took place before United States District Judge Holtzoff of the District of Columbia. As it happened, Judge Holtzoff was the secretary of the group which drafted rule 5 (a).

In the trial of the case against Trilling, Judge Holtzoff, who was the author—in part, at least—of rule 5 (a), held a hearing to determine whether the confession was properly made.

After having been convinced himself that it was properly made, he called in the jury, and had it submitted to the jury. That is an indication of the general practice of reasonable process in the trial of these cases.

Mr. COOPER. I wish to assure the Senator from Wyoming that I am not trying to be captious.

Mr. O'MAHONEY. I realize that. The Senator from Kentucky is helping to make a legislative record, and he is doing very well.

Mr. COOPER. But my point is that if the amendment "reasonable delay" is not intended to enlarge the concept of "necessary delay," laid down in the Mallory case, and if therefore, they mean the same thing, why is it necessary to adopt your amendment to the Federal Code?

Mr. O'MAHONEY. It is necessary to amend it because the word "delay" stands alone in the bill which came to us; and in the attempt to clarify the meaning of the decision, it seemed to be much wiser to use the old-fashioned word "reasonable," which comes down to us from the Bill of Rights, and from before that, rather than to use the word "necessary," which comes to us only from rule 5 (a), approved in 1946.

Mr. COOPER. I agree wholeheartedly that the Senator's amendment "reasonable delay" is superior to the House amendment "delay." I will support his amendment which adds "reasonable" to the word "delay." I prefer as he does the phrase "reasonable delay" to "delay." But my question is broader than that—it goes to the necessity of the bill before us—and its effect on individual rights.

Mr. O'MAHONEY. I have already answered the other aspect of the question. I have pointed out that the phrase "unnecessary delay" has caused confusion in interpretation which we are trying to clear away.

Mr. BUTLER. And the Senator agrees that it does not mean "immediate."

Mr. O'MAHONEY. Of course it does not mean "immediate"; and Judge Frankfurter says it does not mean "immediate."

Mr. COOPER. But it would, by implication.

Mr. O'MAHONEY. No; I would not consent to that.

Mr. COOPER. Rule 5 (a) says flatly that a defendant must be taken before a commissioner without unnecessary delay.

Mr. O'MAHONEY. Let me say to the Senator from Kentucky that we must bear in mind that what the Senate Committee on the Judiciary was trying to do was to get away from the automatic and mechanical interpretation of rule 5 (a), which Justice Frankfurter himself condemned in the decision in the Mallory case.

Let us bear in mind that when we talk about rule 5 (a), we are talking about a rule of procedure. But when we talk about the McNabb case, the Mallory case, the Mitchell case, and a thousand other cases, we are talking about rules of evidence and facts in particular cases. And the courts have consistently pointed out, in discussing matters of arrest and arraignment, that procedure cannot be made to rise above the facts in the particular cases.

Mr. COOPER. Is the amendment intended to change rule 5 (a) that an accused must be arraigned "without unnecessary delay"?

Mr. O'MAHONEY. There is no attempt here to change or modify the rule of criminal procedure.

Mr. COOPER. Then the amendment is directed toward a rule of evidence; is it?

Mr. O'MAHONEY. That is correct.

Mr. COOPER. My own view, insofar as rule 5 (a) is concerned, is that it is something more than a rule of procedure. Its purpose, as I understand it, is to bring an accused person whose liberty has been taken away from him—whether by a warrant or without a warrant; a person in the hands of a law-enforcement officer, who is not a court, and who has no right to detain indefinitely an individual and deprive him indefinitely of his liberty before a court. I believe rule 5 (a) is bottomed upon the amendments to the Constitution—the Bill of Rights. The sixth amendment provides that an accused must "be informed of the nature and cause of the accusation against him."

Mr. O'MAHONEY. That is provided in subsection (b) of the pending bill.

Mr. COOPER. It is not the same thing. The sixth amendment intends that the accused be informed by a court—not by a police officer.

Mr. O'MAHONEY. Of course.

The Senator from Kentucky has said that rule 5 (a) is something more than procedure. I deny that.

Mr. COOPER. It is bottomed on the Bill of Rights.

Mr. O'MAHONEY. Yes; but I wish to read the interpretation made by Justice Frankfurter in the Mallory case. One cannot get any closer to the heart of this matter than to go to the heart of that decision itself. This is what Mr. Justice Frankfurter said:

> The requirement of rule 5 (a) is part of the procedure devised by Congress for safeguarding individual rights without hampering effective and intelligent law enforcement.

So I contend that it is procedure.

Mr. COOPER. I agree wholeheartedly that it is procedure, but——

Mr. O'MAHONEY. And so does our amendment.

Mr. COOPER. But the opinion goes further. The statement adds "for safeguarding individual rights."

Mr. O'MAHONEY. The Senator should read more of the quotation, including the word "without."

Mr. COOPER. Very well.

Mr. O'MAHONEY. I refer to the words "for safeguarding individual rights without hampering effective and intelligent law enforcement."

Mr. COOPER. All right.

Mr. O'MAHONEY. We are proceeding hand in hand with the interpretation by Mr. Justice Frankfurter.

Mr. COOPER. But there is a question of which is prior and which is supreme—the preservation of individual human rights by due process or some unlimited law-enforcement right. I believe under the Bill of Rights, individual rights and due process must be observed.

The sixth amendment to the Constitution points out the reasons for bringing an accused before a court. It is to inform the accused of the nature and cause of the complaint against him. It is to apprise him of his rights. It is to give him an opportunity to secure bail, if it is possible for him to do so. It is to give him the possibility of being released immediately, if no probable cause can be shown.

Mr. O'MAHONEY. We have stated in the report, particularly, that we are preserving "probable cause." I wish to call the Senator's attention to the words of the late Justice Jackson, who was a very fine member of the Supreme Court.

Mr. COOPER. He was a great judge.

Mr. O'MAHONEY. As I stated earlier, this quotation is to be found on pages 6 and 7 of the excellent report submitted to the House of Representatives by Representative WILLIS, of Louisiana. In speaking about the restrictions afforded by the Bill of Rights, Justice Jackson said:

> They represent the maximum restrictions on the power of organized society over the individual that are compatible with the maintenance of organized society itself.

I say to the Senator from Kentucky that the Congress, as the legislative body for the District of Columbia, has the responsibility of protecting the organized society of the District of Columbia against the welter of crimes of violence that are being committed in the District of Columbia; and we have the support of the language of the Mallory case; and we have this very interesting and, I think, most persuasive explanation by Justice Jackson:

> I doubt very much if they—

Meaning these restrictions—

> require us to hold that the State may not take into custody and question one suspected reasonably of an unwitnessed murder. If it—

Meaning the law—

> does, the people of this country must discipline themselves to seeing their police stand by helplessly while those suspected of murder prowl about unmolested. Is it a necessary price to pay for the fairness which we know as due process of law? And if not a necessary one, should it be demanded by this Court? I do not know the ultimate answers to these questions; but, for the present, I should not increase the handicap on society.

I desired to call attention to these facts. I would not have indulged in this further discussion but for the question raised. I recognized the great ability of the Senator from Kentucky, and his complete sincerity in trying to analyze these matters. When the Bill of Rights was written, our society was a society almost completely of individuals. Agriculture was the dominant industry in the United States. Not so now. We live in a time when persons are engaged in organized crime. Before the Committee on Government Operations, which is investigating racketeering, and which committee is headed by the great Senator from Arkansas (Mr. MCCLELLAN), we find man after man pleading the fifth amendment. Is it to protect individual rights? No; in these cases the pleas are made to protect the racketeering organizations. We must, as a reasonable and intelligent legislative body, make up our minds to protect organized society against crimes of violence; and we can do it by the rule of reason, and not by a mechanical rule.

Mr. COOPER. I appreciate the Senator's statement. I am not basing my questions on mere technical grounds.

Mr. O'MAHONEY. I know that.

Mr. COOPER. However, I say it would be a great tragedy if the Congress enacted laws which attempted to infringe on the rights of individuals to due process. Of course, Congress really cannot infringe upon such rights guaranteed under the Bill of Rights, because such a law would be stricken down by the Court. And it would be a mistake for the Congress to enact bad or unnecessary laws because we face an unusual situation of crime. And to do so if there is a bad state of law enforcement in the District of Columbia. If there is such a condition, let Congress supply more judges, so they may promptly try cases which arise in the District of Columbia and bring offenders to speedy justice; and we should do the same for the United States. If there is a bad state of law enforcement throughout the United States, and particularly in the District of Columbia, let Congress supply more law enforcement officers, so they may better guard citizens and property.

Those are matters which bear upon law enforcement. The public opinion of a community or a people also bears on law enforcement. But even admitting outbreaks of crime or bad law enforcement, they do not serve as a reason for attempting to limit the individual rights of an individual, be that individual finally proven guilty or innocent.

I shall not burden the Senate with the opinions of the Court, but I should like to read from the case of McNabb against United States. I quote:

> The purpose of this impressively pervasive requirement of criminal procedure is plain—

Referring to rule 5 (a)—

> A democratic society—

Mr. O'MAHONEY. I beg the Senator's pardon.

Mr. COOPER. Yes.

Mr. O'MAHONEY. The McNabb decision was handed down on the 1st of March 1943, 3 years before rule 5 (a) was adopted.

Mr. COOPER. It was in 1943?

Mr. O'MAHONEY. Yes.

Mr. COOPER. I turn to page 17 of the report:

> The act of June 18, 1934 * * * authorizing officers of the Federal Bureau of Investigation to make arrests, requires that "the person arrested shall be immediately taken before a committing officer." Compare also the Act of March 1, 1879 * * * which provides that when arrests are made of persons in the act of operating an illicit distillery—

This particular case involved arrest for the operation of an illicit distillery—

> the arrested persons shall be taken forthwith before some judicial officer residing in the county where the arrests were made, or if none, in the county nearest to the place of arrest.

Mr. O'MAHONEY. Mr. President, since I have the floor, I wish to ask the Senator from Kentucky, inasmuch as he is holding a copy of the committee report in his hand, to turn to page 2. There he will see set forth the act of June 29, 1940, which was the act which authorized the Supreme Court to make the Rules of Criminal Procedure.

Mr. COOPER. I understand that.

Mr. O'MAHONEY. And I call his attention to the last sentence of the act:

> Such rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session thereof and until after the close of such session, and thereafter all laws in conflict therewith shall be of no further force and effect.

By that sentence Congress, in 1940, and the Supreme Court in drafting the rules, struck out the words "immediate" and "forthwith" in the two laws to which the Senator has been referring in the McNabb decision. The Supreme Court did not boggle at cutting down the words "forthwith" or "immediate" to "unnecessary." We are not cutting down the word "unnecessary" when we say "reasonable." We are standing firmly behind rule 5 (a).

Mr. COOPER. The rules which were promulgated by the Supreme Court and adopted in 1944, became effective after they had been submitted to the Congress. They were not adopted by the Congress, but were submitted to the Congress; and the Congress took no action contrary to that submission.

So today 5 (a) is the rule.

Mr. OMAHONEY. And we are not changing it.

Mr. COOPER. Yes. At the time of the McNabb decision it was not the rule.

Mr. O'MAHONEY. The Senator is correct.

Mr. COOPER. The Court, in passing upon the McNabb case, took into consideration the acts to which I adverted a few moments ago, which required that an accused be brought forthwith before a judicial officer. Upon that basis the Court made its holding, when it held the accused had not been taken forthwith before an officer. It said the accused had been illegally detained by the arresting Federal officers.

On page 18 of the report there is a quotation from the McNabb decision. This is what the Court said:

> The purpose of this impressively pervasive requirement of criminal procedure is plain. A democratic society, in which respect for the dignity of all men is central, naturally

guards against the misuse of the law enforcement process. Zeal in tracking down crime is not in itself an assurance of soberness of judgment. Disinterestedness in law enforcement does not alone prevent disregard of cherished liberties. Experience has therefore counseled that safeguards must be provided against the dangers of the overzealous as well as the despotic. The awful instruments of the criminal law cannot be entrusted to a single functionary. The complicated process of criminal justice is therefore divided into different parts, responsibility for which is separately vested in the various participants upon whom the criminal law relies for its vindication.

Mr. O'MAHONEY. Mr. President, I was going to read the following sentence.

Mr. COOPER. I will read, it and then it will be together.

Mr. O'MAHONEY. Certainly.

Mr. COOPER. It reads:

Legislation such as this, requiring that the police must with reasonable promptness—

Mr. O'MAHONEY. The Senator will note the word "reasonable."

Mr. COOPER. I do.

show legal cause for detaining arrested persons—

This was before rule 5 (a) was enacted into law—

show legal cause for detaining arrested persons, constitutes an important safeguard—not only in assuring protection for the innocent but also in securing conviction of the guilty by methods that commend themselves to a progressive and self-confident society.

Mr. O'MAHONEY. If the Senator will be good enough, I ask him to turn to page 21.

Mr. COOPER. I should like to finish the paragraph, if I may.

Mr. O'MAHONEY. Very well.

Mr. COOPER—

For this procedural requirement checks resort to those reprehensible practices known as the "third degree" which, though universally rejected as indefensible, still find their way into use. It aims to avoid all the evil implications of secret interrogation of persons accused of crime. It reflects not a sentimental but a sturdy view of law enforcement. It outlaws easy but self-defeating ways in which brutality is substituted for brains as an instrument of crime detection. A statute carrying such purposes is expressive of a general legislative policy to which courts should not be heedless when appropriate situations call for its application.

Mr. O'MAHONEY. Mr. President, if the Senator will turn to page 21 and look down the page 6 lines he will find this sentence used by Justice Frankfurter:

The mere fact that a confession was made while in the custody of the police does not render it inadmissible.

Mr. COOPER. I agree.

Mr. O'MAHONEY. So I say I completely agree with all the language in the McNabb case which the Senator has read. I am against third-degree methods. The judiciary is against third-degree methods. The Congress is against third-degree methods. We wish to protect organized society, and we are seeking to do precisely what Mr. Justice Frankfurter pointed out in the Mallory decision when he made it clear there are two objectives, the rights of the individual and the rights of organized society to intelligent and effective enforcement of the criminal law.

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

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

Mr. CARROLL. Mr. President, will the Senator yield so that I can perfect the RECORD at this point? I think it is very important to the argument.

Mr. COOPER. I can finish in a minute.

If the Senator will permit me to continue a minute I will be through.

Mr. O'MAHONEY. I yield further to the Senator from Kentucky.

Mr. COOPER. The last statement the Senator recites the holding of the Court. It is that confession is not inadmissible simply because the man was in the custody of an officer.

Mr. O'MAHONEY. The confessions were made inadmissible by certain judges in the District of Columbia. That is why we have to clarify the matter.

Mr. COOPER. There are two problems involved. One simply deals with the question of admissibility of confessions. The other is a much more important problem, and concerns itself with the question of whether a police officer has the right and the discretion to make a determination as to how long he shall hold a defendant against the defendant's will, and in that time when the defendant is held illegally, extracts a confession. That is the case before us.

Mr. O'MAHONEY. The police officer does not have that right and nothing in the bill would give it to him.

I now yield to the Senator from Colorado.

Mr. CARROLL. Mr. President, I thought at this point in the RECORD, following the colloquy between the distinguished Senator from Wyoming and the Senator from Kentucky, I should emphasize what Justice Frankfurter said in the McNabb case. Justice Frankfurter writing, in the McNabb case, said:

As was observed in the Nardone case, "the civilized conduct of criminal trials cannot be confined within mechanical rules. It necessarily demands the authority of limited direction entrusted to the judge presiding in Federal trials, including a well-established range of judicial discretion, subject to appropriate review on appeal, in ruling upon preliminary questions of fact.

I say to the able Senator from Wyoming, this statement is the basis of the McNabb rule. It is the basis of Federal Rule No. 5. As I conceive it, it is the basis of the amendment of the distinguished Senator from Wyoming. It is the basis of the rule of reason which would leave the matter to the courts. It would not be a mechanical rule. It would be left to the courts to make a determination upon the facts and circumstances of each case, within the limitations of judicial discretion.

Mr. BUTLER. Mr. President, will the Senator yield for one question?

Mr. O'MAHONEY. I am anxious to yield the floor.

Mr. BUTLER. I should like to ask one question.

Mr. O'MAHONEY. I will yield to the Senator for that purpose.

Mr. BUTLER. Justice Frankfurter in the McNabb case said the mere fact that a confession was given before arraignment would not render it inadmissible.

Mr. O'MAHONEY. The Senator is correct.

Mr. BUTLER. What circumstances in the Mallory case made the confession inadmissible?

Mr. O'MAHONEY. Apparently the confession was extorted. I will say to the Senator from Maryland, if he will remember the facts in the case, the defendant, Mallory, after having been held for several hours in custody and subjected to interrogation, was in fact compelled to take a lie detector test. I was of the opinion that the court might well have said the defendant was compelled to give evidence against himself, when the lie detector test was imposed upon him. Some might say that the defendant consented to it, but his consent was after long interrogation without any notice to him, as he should have been advised, that the statements he made could be used against him. The defendant was not advised that there was an effort to convict him out of his own mouth.

Mr. BUTLER. I think that is very important.

Mr. O'MAHONEY. That is the reason. I think the Supreme Court would have done better to have rendered a decision on those grounds.

Mr. BUTLER. On those grounds?

Mr. O'MAHONEY. Yes.

Mr. BUTLER. The point I wished to make was the Court did not use those grounds at all.

Mr. O'MAHONEY. But we are here clarifying that decision, and we are citing Justice Frankfurter in three cases, to show that he believes that the rule of reason should apply in the courts.

Mr. BUTLER. That is the point I wish to make sure of. A confession after arrest, but before arraignment, in the absence of duress or other circumstances inimical to the interest of the defendant, would still be admissible under the provisions of this bill.

Mr. O'MAHONEY. Yes. Mr. President, I apologize to the Senate for having held the floor for so long; but I think it is obvious that I did so in responding to the inquiries of my colleagues. I yield the floor.

Mr. CARROLL obtained the floor.

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

Mr. CARROLL. I yield.

Mr. LANGER. I ask unanimous consent that my individual views in this case be printed in the RECORD at this point as a part of my remarks.

There being no objection, the individual views of Mr. LANGER were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF SENATOR WILLIAM LANGER

I emphatically and unequivocally oppose the enactment of H. R. 11477, as reported by the House of Representatives or as reported out of the Judiciary Committee of the United States Senate.

H. R. 11477, as amended in the Senate Committee on the Judiciary, is a meaningless gesture in dealing with the problems of arrest and arraignment brought to the forefront of public attention since the Supreme

Court decision in the case of *United States* v. *Mallory* (354 U. S. 449 (1957)). Happily, the amended bill does not achieve what the proponents of the original version of H. R. 11477 hoped to accomplish. By the insertion of the word "reasonable," the Senate Committee on the Judiciary has reported out an entirely different piece of legislation than the one which passed the House of Representatives on July 2. However, despite the fact that the committee has prevented substantial harm from being done to individual liberties by H. R. 11477, it has in no way clarified the law of arrest and arraignment. Individuals would be no safer from arbitrary arrest and detention by Federal law-enforcement officers than before; Federal law-enforcement officers would have no clearer guide to the legitimate scope of their activities than they have now. For these reasons, I oppose the passage of the bill.

The problems which H. R. 11477 fail to solve or ameliorate are not new ones. On the one hand, they involve the responsibilities of Federal law-enforcement officers for effective crime detection. Contrary to the belief of some, the rule in the Mallory case and the provisions of H. R. 11477 do not purport to touch upon the activities of State police in the enforcement of State laws. We are potentially concerned here with the activities of the Federal Bureau of Investigation, the Treasury Department, the National Park Service, and other nationwide Federal agencies. As a practical matter, we are dealing with the problems of the Metropolitan Police of Washington. On the other hand, the problems before us also involve the meaningful protection of individual citizens from unlawful arrest and detention by Federal law-enforcement agents. We are concerned lest the protection contained in the fourth amendment of the Constitution and in the Federal Rules of Criminal Procedure become a dead letter.

These same problems confronted the Congress 15 years ago in the wake of the Supreme Court decision in *McNabb* v. *United States* (318 U. S. 332 (1943)). In that case, the Supreme Court had occasion to construe a Federal statute (act of March 1, 1879, 20 Stat. 327) governing arrests for moonshining, which required an arrested person to be brought "forthwith" to a committing magistrate. The Supreme Court held that confessions taken before arraignment from an arrested person who was not brought forthwith to a committing magistrate were inadmissible in evidence in Federal courts. In arriving at this decision, the Supreme Court followed a sound and well-established rule of evidentiary exclusion based upon the highest considerations of public policy. The Supreme Court has recognized that, when a court admits into evidence illegally obtained statements or materials, it is sharing with the police in an unlawful enterprise. For this reason the Supreme Court has required the exclusion of evidence seized in violation of the fourth amendment (*United States* v. *Weeks* (232 U. S. 383 (1913))); evidence obtained as a result of wiretapping (*United States* v. *Nardone* (308 U. S. 338 (1939))), and confessions extracted by force or duress (*Watts* v. *Indiana* (338 U. S. 49 (1949))). In the McNabb case, the Court merely applied the same basic rule to evidence taken during periods of illegal detention of a prisoner.

Congress was beseiged with protestations that the McNabb rule was unworkable, that it would hamstring law enforcement, and that it would lead to a breakdown of law and order. As a result of this hue and cry, a bill similar in many respects to the original H. R. 11477 was passed by the House of Representatives, although it failed of final enactment (H. R. 3690, 78th Cong., 1st sess.). In the 15 years which have elapsed since the McNabb decision, none of the dreadful features ascribed to the decision has come to pass. The Senate at that time rightly declined to tamper with the McNabb decision; I believe that it should exercise the same deliberative restraint with respect to the direct descendant of the McNabb case, the Mallory decision.

HISTORY OF RULE 5 (A)—ITS APPLICATION AND INTERPRETATION

On March 21, 1946, the Federal Rules of Criminal Procedure, formulated by the Supreme Court and submitted to Congress, became effective in all United States district courts. Rule 5 (a) of these Federal Rules, drawn into construction in the Mallory case, provides much more flexibility with respect to the immediacy of arraignment than did its statutory predecessors. Instead of invoking a requirement of arraignment "immediately" or "forthwith" after arrest, rule 5 (a) allows law enforcement officers the more liberal standard of no "unnecessary delay" between arrest and arraignment. It is with respect to this requirement of no "unnecessary delay" that Federal law enforcement officers, mostly the Metropolitan Police of Washington, profess to have operating difficulties. I believe that these difficulties are, in the final analysis, more imaginary than real. If a prisoner is inebriated or in need of medical attention, or if he requests counsel for his arraignment, no one can seriously maintain that the provisions of rule 5 (a) require an on-the-spot arraignment.

In the Mallory case, supra, Mr. Justice Frankfurter, in delivering the Court's opinion, said of rule 5 (a) as follows:

"The case (Mallory) calls for the proper application of rule 5 (a) of the Federal Rules of Criminal Procedure, promulgated in 1946 (327 U. S. 821). That rule provides:

"'(a) Appearance before the commissioner: An officer making an arrest under a warrant issued upon a complaint or any person making an arrest without a warrant shall take the arrested person without unnecessary delay before the nearest available commissioner or before any other nearby officer empowered to commit persons charged with offenses against the laws of the United States. When a person arrested without a warrant is brought before a commissioner or other officer, a complaint shall be filed forthwith.'

"This provision has both statutory and judicial antecedents for guidance in applying it. The requirement that arraignment be 'without unnecessary delay' is a compendious restatement, without substantive change, of several prior specific Federal statutory provisions. (E. g., 20 Stat. 327, 341; 48 Stat. 1008; also 28 Stat. 416.) See Dession, The New Federal Rules of Criminal Procedure I, 55 Yale L. J. 694, 707. Nearly all the States have similar enactments.

"In *McNabb* v. *United States* (318 U. S. 332, 343–344), we spelled out the important reasons of policy behind this body of legislation:

"'The purpose of this impressively pervasive requirement of criminal procedure is plain. * * * The lawful instruments of the criminal law cannot be entrusted to a single functionary. The complicated process of criminal justice is therefore divided into different parts, responsibility for which is separately vested in the various participants upon whom the criminal law relies for its vindication. Legislation such as this, requiring that the police must with reasonable promptness show legal cause for detaining arrested persons, constitutes an important safeguard—not only in assuring protection for the innocent but also in securing conviction of the guilty by methods that commend themselves to a progressive and self-confident society. For this procedural requirement checks resort to those reprehensible practices known as the 'third degree' which, though universally rejected as indefensible, still find their way into use. It aims to avoid all the evil implications of secret interrogation of persons accused of crime.'

"Since such unwarranted detention led to tempting utilization of intensive interrogation, easily gliding into the evils of 'the third degree,' the Court held that police detention of defendants beyond the time when a committing magistrate was readily accessible constituted 'willful disobedience of law.' In order adequately to enforce the Congressional requirement of prompt arraignment, it was deemed necessary to render inadmissible incriminating statements elicited from defendants during a period of unlawful detention.

"In *Upshaw* v. *United States* (335 U. S. 410), which came here after the Federal Rules of Criminal Procedure had been in operation, the Court made it clear that rule 5 (a)'s standard of 'without unnecessary delay' implied no relaxation of the McNabb doctrine.

"The requirement of Rule 5 (a) is part of the procedure devised by Congress for safeguarding individual rights without hampering effective and intelligent law enforcement. Provisions related to Rule 5 (a) contemplate a procedure that allows arresting officers little more leeway than the interval between arrest and the ordinary administrative steps required to bring a suspect before the nearest available magistrate. Rule 4 (a) provides: 'If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue. * * *' Rule 4 (b) requires that the warrant 'shall command that the defendant be arrested and brought before the nearest available commissioner.' And rule 5 (b) and (c) reveal the function of the requirement of prompt arraignment."

It is interesting to note the following quotation cited above:

"For this procedural requirement checks resort to those reprehensible practices known as the third degree which, though universally rejected as indefensible, still find their way into use."

However, when this writer raised the issue that the Senate versions of the Mallory bill might lead to practices of the third degree, he was challenged by a colleague that the issue of possibility on the practice of third degree was outside of the scope of argument on the Mallory bill and had no bearing whatsoever on the provisions of said Mallory bill. Either my colleague or the Supreme Court misconstrued the application of rule 5 (a).

It should also be noted here the comment on rule 5 (a) by the minority views on H. R. 11477, at page 10 of said report:

"The Court, in interpreting rule 5 (a), was construing a provision of law which applies to all Federal crime. The proposed bill is also one of general application and will apply to all criminal acts which constitute Federal crime. Yet it is aimed at only one type of evidence, namely, confessions. Could not Mallory's attorney, if the case were to be tried under this bill, still seek to obtain Mallory's release—even before trial—on the ground that he was unlawfully arraigned because of the unnecessary delay between his arrest and arraignment? During the trial could not his attorneys argue that other incriminating evidence, such as his clothes which were obtained by police during a search of his house before his arraignment, was inadmissible on the grounds that it was secured during this period of unnecessary delay? Is it not conceivable in other prosecutions that an accused might invoke the provisions of rule 5 (a) against evidence obtained as a result of so-called leads elicited during a period of incessant questioniong before arraignment? In fact, were the Supreme Court to consider Mallory under the present bill, there would be grave doubts as to whether the confession would be admissible because of the aggravating circum-

stances enumerated above, not the least of which—aside from mere delay—was Mallory's subnormal mental capacity.

"The proponents of this legislation state that the Mallory rule hampers effective law enforcement. They urge that it is often difficult to show probable cause unless and until they have secured a confession. The difficulty with this argument is that the fourth amendment to the Constitution prohibits any arrest except upon probable cause. If there is no probable cause at the time of the arrest, the accused should not be arrested to begin with. If, on the other hand, the arrest is lawful under the fourth amendment, there is already probable cause and no confession therefore is necessary in order to hold an accused. It is well settled that police officials and prosecuting officers cannot use the fruits of their wrongdoings to secure convictions. Evidence secured by coercion—be it physical or psychological—unlawful search and seizure, has long been held inadmissible by our Federal courts. The Mallory case is a sound decision because it reaffirms this elementary principle.

"Rule 5 (a), requiring arraignment without unnecessary delay, is a good rule."

Senator WAYNE MORSE, in his statement, supra, said of rule 5 (a):

"Rule 5 (a) of the Federal Rules of Criminal Procedure, requiring arraignment without unnecessary delay after arrest, does not impose an undue burden upon careful policemen. There are any number of legitimate reasons which would justify delay between arrest and arraignment. The accused may be inebriated or in need of medical attention. The committing magistrate may not be immediately available. Rule 5 (a) and the McNabb-Mallory rule forbids an arrest for the purpose of obtaining a confession. It places the burden upon the police of obtaining the probable cause justification for the arrest prior to making the arrest and not afterwards. In this connection it should be noted that even if the bills presently before the subcommittee should become law, the requirement of arraignment without unnecessary delay after arrest would still remain. A clarification of the phrase 'without unnecessary delay' which the police are seeking would not be forthcoming. All that would be changed is the sole effective remedy for violating the requirement. As such, the bills would be a green light to the police to ignore rule 5 (a). The Congress would be placing itself in an untenable position by permitting, if not encouraging, violations of its mandate.

"The exact application of the phrase 'without unnecessary delay' lies at the heart of the law enforcement problem. This phrase allows more latitude between arrest and arraignment than the former Federal statutes which required arraignments 'immediately' or 'forthwith' after an arrest. What constitutes an unnecessary delay in that critical portion of any criminal case between arrest and arraignment depends upon the facts and circumstances of each case. Congress is in no position to lay down flat rules which accommodates the individual necessities of each case. Only the courts, on a case-by-case basis, are able to fashion a body of law with sufficient flexibility to do justice to both the public and the accused in this matter. For that reason, I firmly believe that the working out of any clarification of the McNabb-Mallory rule should be left to the courts who created it.

"The reason that an arraignment is of such critical significance in the processing of any criminal case is that, at an arraignment, conducted by a judicial officer, an accused must be advised of the charge against him, of his right to counsel, and of his right to remain silent. Until this stage of the proceedings, a suspect may well be in ignorance of his rights and of the specific crime of which he is accused. A hardened criminal, habituated to the atmosphere of a police station, is usually capable of protecting his own interests without any warnings. A person seized by the police for the first time may well succumb to the new and frightening situation in which he finds himself and damage himself beyond repair."

On the other hand, let us examine the testimony of one of the leading proponents of H. R. 11477 (Keating-Willis bill) namely, Nicholas Chase, a leading practicing attorney and professor of law at Georgetown University Law Center, Washington, D. C. He states on page 8 of his prepared text as follows:

"I submit that under the provisions of the Keating-Willis bill, our trial judges will have adequate standards, which they will conscientiously apply to control the use of evidence of statements made by suspects during periods of reasonable detention while the police seek to ferret out the person or persons responsible for the criminal conduct involved. These courts will not be particeps to what has been euphemistically spoken of as sordid business. If the accused has been unreasonably delayed, or otherwise put upon, the court or jury can be counted upon to protect him."

First, I will answer that argument by referring to the additional views of Congressman ROLAND V. LIBONATI, who stated:

"Under H. R. 11477, it is incumbent upon the court to instruct the jury that, delay of itself is not to be considered by the jurors to determine whether or not the confession was a result of abuse, influence, or coercion. Such an instruction would deprive the defendant of protection against an unjust conviction."

Secondly, rule 5 (a) now in effect as interpreted by the Supreme Court in the Mallory case states:

"The duty enjoined upon arresting officers to arraign 'without unnecessary delay' indicates that the command does not call for mechanical or automatic obedience.

"Circumstances may justify a brief delay between arrest and arraignment, as for instance where the story volunteered by the accused, is susceptible of quick verification through third parties. But the delay must not be of a nature to give opportunity for the extraction of a confession."

Pray, tell me, if the above quote is unanswerable—which I deem it so—then why the need for a modification or reversal of rule 5 (a). The Supreme Court decisions cited herein and rule 5 (a) recognize a delay may be necessary between arrest and arraignment but the delay cannot be an unnecessary delay, which, as Justice Frankfurter states "the delay must not be of a nature to give opportunity for the extraction of a confession."

It might be well to point out here that the court of appeals has interpreted the phrase "without necessary delay" in 14 cases since the Mallory decision. They have not outlawed all delays nor all questioning or checking of evidence prior to arraignment.

In *Milton Mallory* v. *U. S.* (March 31, 1958), the court of appeals expressly held that delay in and of itself does not make a confession inadmissible. There was a delay of 14 hours before arraignment. In so holding, the court cited the earlier Mallory case and held that neither it or any other authority required a contrary finding. See minority views on H. R. 11477, wherein it states at page 11:

"We have, then a situation where the courts, through judicial decisions, are accomplishing the very purpose which the instant bill (H. R. 11477) seeks to attain by legislation. There is no need for haste. The fears which law enforcement groups had immediately following the earlier Mallory case have thus far proved unfounded. We feel confident that time will further show that legislation is unneeded."

Senator WAYNE MORSE in his statement echoed the above minority view. He stated on page 9 of his prepared text, as follows:

MALLORY RULE NOT A DETERRENT TO CONVICTIONS

"Despite the fact that the McNabb-Mallory rule has been a matter of public controversy for more than a year, the Department of Justice and the chief legal officer of the United States have not seen fit to endorse any modification of the rule. The omission indicates clearly that the Federal law enforcement officials do not regard the rule as a significant deterrent to obtaining convictions in Federal courts. Over 25,000 criminal prosecutions have been commenced in Federal courts outside the District of Columbia since the rendition of the Mallory decision. The McNabb-Mallory rule has excluded confessions in less than a half dozen of these cases. Clearly the rule has brought no crisis to law enforcement outside the District of Columbia. Yet the bills before the subcommittee are applicable to Federal courts all over the United States.

"Judicial scrutiny of police activities in the District of Columbia should be particularly thorough. When residents of any other large metropolitan communities are aggrieved at the activities of their police departments, they have a legitimate political remedy. They can vote to obtain a city administration to run the police department to their liking. Such a remedy is not available to the voteless residents of the District of Columbia. When Washingtonians have a gievance against their city administration, their only significant remedy is a juridical one. The McNabb-Mallory rule provides such a remedy, limited though it may be, in cases of illegal police activity."

Is there a constitutional problem involved?

Senator JOHN CARROLL raised the important question of constitutional problem in H. R. 11477 of Mr. James Hogan, professor of law, Georgetown University Law Center. It would serve a very useful purpose to quote fully the colloquy between Senator CARROLL and Professor Hogan beginning at page 338, transcript of hearings on H. R. 11477, et al, as follows:

"Senator CARROLL. I want to say, Mr. Chairman, we have evidence here in the Turner case, and all I know is what I hear from the witness, because I am not familiar with the case myself—but I think it was based there where a police officer was asked a question on the stand, 'Why did you arrest him?' and he said 'to take him down and get a confession out of him.' Now, this is the testimony of one of their colleagues from the Washington bar. It is a different bar association—but he so testified.

"Now, if that is true, it appears on its face there was no probable cause—and even in a State court they would throw him out. They would not have to have a Supreme Court ruling on that one.

"But that does not answer the question at all. As I understand Professor Hogan's statement—I may ask about this question of sanction.

"Do you think that the Mallory rule narrows down the McNabb rule?

"Mr. HOGAN. I do not think the Mallory rule and the McNabb rule are to be referred to as narrowing down each other at all. I think they are separate. One is a rule of procedure. You must arraign without unnecessary delay. That is the Mallory rule, the Mallory interpretation of 5 (a). Then implementing that you have the rule of evidence in McNabb—if you do not arraign promptly, any confession obtained after the point when you should have arraigned will be thrown out because it becomes the fruit of illegality.

"Rule 5 (a) says arraign without unnecessary delay. The Supreme Court says 'If we receive a confession into evidence obtained

after the time you should have arraigned him, it is the fruit of illegality, and it cheapens and degrades the process of justice in the Federal courts to receive evidence that is obtained only through the criminality of the Government.' It is important, says the court, that we watch and see whether justice is done. It is also important, says the court, how it is done. And as long as rule 5 (a) remains the law, whether it is a wise or a poor law, you are not going to be able to bring in evidence that is the fruit of illegality. If Congress does not like rule 5 (a) the way it is, they ought to change it. But they should not force the courts, in my opinion, to receive evidence which is obtained in violation of Congressional mandate.

"It is important, as I said before, that a criminal trial disclose the criminality of the defendant. But it is equally important in my opinion that it not disclose the criminality of the United States Government.

"Senator CARROLL. Can you suggest how we could change 5 (a) to meet this issue head-on? Supposing the Congress does not like rule 5 (a). How would they meet it?

"Mr. HOGAN. I am not sure they can do too much about it, Senator, because I believe rule 5 (a) might very well be held to embody an essential constitutional guaranty of liberty; that if you allow the police to hold a person any long period of time—12 hours, 24 hours, 36 hours—you are cutting down the right that he has to go free on bail in noncapital cases.

"Senator CARROLL. This raises a very important question, Mr. Chairman. Now, Professor Hogan, in your opinion is there a constitutional problem involved in this legislation?

"Mr. HOGAN. In my opinion there is a constitutional problem involved in Senator BUTLER's bill, which changes 5 (a), and there is also a constitutional problem involved in the first part of the Willis-Keating bill. And I think it comes up under the problem of separation of powers.

"I do not think Congress has the power to force the Supreme Court to receive into evidence material when it believes that by doing so it corrupts and corrodes the machinery of justice. I think that the rules of evidence are mainly the concern of Congress. But there is a small area of the rules of evidence which pertains so closely to the process of administering criminal justice that I think it is within the inherent power of the court to say 'We are going to exclude evidence; we are not going to allow you to cheapen and degrade the Federal trial process; we are not going to succumb to the delusive appeal of a very vicious principle that the ends justifies the means. We would like to convict Mallory just as much as anyone else would; but, when we do so, we do not want to do it in a trial that discloses the criminality, the disregard of Congressional mandate on the part of the United States Government.'

"The executive branch must respect the mandate of the legislative branch. And when it does not do so, then it is the duty of the judiciary, I think, to say 'We are not going to allow into evidence the fruit of illegality.' This cheapens the whole governmental procedure. It convicts criminals, to be sure, but in the long pull it is detrimental to the morale of society. And that is why I think that you cannot set aside that independent judgment of an independent judiciary to the effect that they do not believe they can admit illegally obtained evidence without contaminating the Federal criminal trial.

"Now, I do not mean making the trial come out with the wrong result. But I mean making it something that does less than inspire respect in the people who are watching it for the majesty of the law. And I think that is important, too. It is important to get Mallory—but it is also important to watch how you get him.

"Senator O'MAHONEY. If I understood you, Professor Hogan, a little while ago, referring to the Upshaw case, you spoke of it as one in which delay alone was the reason for the denial of the confession.

"Mr. HOGAN. Unnecessary delay.

"Senator O'MAHONEY. Unnecessary delay. Well, I want to read to you from the Upshaw decision. I am quoting the Supreme Court now.

" 'In this case we are left in no doubt as to why this petitioner was not brought before a committing magistrate promptly. The arresting officer himself stated that petitioner was not carried before a magistrate on Friday or Saturday morning, after his arrest on Friday at 2 a. m., because the officer thought there was not a sufficient case for the court to hold him, adding that even "if the police court did hold him, we would lose custody of him, and I no longer would be able to question him." Thus the arresting officer in effect conceded that the confessions here were "the fruit of wrongdoing" by the public officer.'

"So it was not delay alone.

"Mr. HOGAN. No, it was unnecessary delay. But even if you have an unnecessary delay, sir, then it makes the confession the fruit of illegality, because you would not have had the confession had you complied with the statute.

"Let me read one sentence of the Upshaw decision which is the holding of the case.

" 'We hold a confession is inadmissible if made during illegal detection due to failure promptly to carry a prisoner before a magistrate, whether or not the confession is the result of torture, physical, or psychological.' The violation of rule 5 (a) makes the confession the fruit of illegality. No Federal court, I think, without cheapening and degrading itself, can receive into evidence the fruit of illegality.

"Senator O'MAHONEY. That goes beyond the McNabb rule.

"Mr. HOGAN. No, I think the McNabb rule does just that—that is what it is designed to do. As long as 5 (a) is the law—

* * * * *

"Senator CARROLL. I have one or two questions, Mr. Chairman. Your point is in an effort to water down a Supreme Court sanction, the Congress itself, in Willis and Keating, has established another sanction.

"Mr. HOGAN. That is right—and of the same kind. That is why I think it is inconsistent.

"Senator CARROLL. In other words, if I may use my own words and not yours, to water down an exclusionary rule, they have thrown us another sop which is not nearly as important.

"Mr. HOGAN. And it also embodies another exclusionary rule, and they say exclusionary rules are bad. And that is why I think that the drafters are inconsistent. And that is why I would suggest that maybe there is something else lurking in the background of part A of that bill, some other reason why the people in the House were so anxious to pass part A, that they are willing to come over here with a bill which is inconsistent on its face. And I think that thing lurking in the background might be that they believe when they pass rule 5 (a) they take a slap at the Supreme Court, and there are people today who are in favor of slaps at the Supreme Court per se. Now, I think that may be in the background of this bill.

"Senator CARROLL. May I ask you one more question. Let us assume that this bill that was in the House passes without amendment in the Senate. What will it do to this question of probable cause, what will be the effect so far as a confession obtained?

"Mr. HOGAN. I think it will have this effect. I will be teaching rule 5 (a) in my course in criminal procedure next December, and if you pass this legislation, I think I will be forced to tell my students, as my professors told me, that without the McNabb rule, rule 5 (a) is not worth the paper that it is printed on. And that exactly, I think, is the rule if this Willis-Keating bill goes through. Rule 5 (a) has not been changed at all, but in another sense it has been completely eviscerated."

THE MORSE BILL

Senator MORSE, in introducing S. 3325, which I heartily endorse, stated on the Senate floor on February 21, 1958, as follows:

"I ask Senators to keep in mind the fact that the Mallory decision was based upon rule 5 of the Federal Rules of Criminal Procedure, but at its base it involves due process of law as a constitutional concept."

PRESERVING DUE PROCESS

"It is about this concept of due process of law that I wish to speak this afternoon as I introduce the bill. The basic constitutional rights guaranteed to accused persons in the Federal Bill of Rights do not mean very much unless they can be invoked at the earliest appropriate time. Due process of law means just that. It is not a mere legalistic phrase confined to the subsequent criminal trial; it properly applies as early as necessary in the proceedings—that is, when a person is detained by law-enforcement officers and is questioned.

"Due process of law attaches to the person the moment the law officer lays his hand on him and subjects him to arrest. Due process of law is not a legal protection that applies sometime subsequent to arrest; it applies immediately. I would have Senators read the Mallory case from the standpoint of that constitutional guarantee. It is at the point of arrest that the individual's basic rights should be made clear to him.

RIGHTS DECLARED BY BILL

"He should be told the charge against him, that he has a right not to make any statement, and that he has a right to have legal counsel present while he is questioned. With such a safeguard, with enforcement features, the problem of improperly obtained confessions would be reduced to a minimum."

According to the amended bill, confessions or admissions will not be excludable from evidence if they are taken during periods of reasonable delay between arrest and arraignment. Taken in the abstract, the terms "reasonable" and "necessary" may not be exactly synonymous. However, neither crime detection nor sensible judicial interpretations are made in the abstract. Reasonable delays between arrest and arraignment—those founded upon some practical motivation aside from extracting a confession from an accused—are already sanctioned by the present law. (See *United States* v. *Milton Mallory* (CCA-DC No. 14023); *United States* v. *Porter* (CCA-DC No. 14305 (1958).) The reworded McNabb-Mallory rule contained in the amended H. R. 11477 approaches the question from the opposite direction from rule 5 (a) and the Mallory case. Instead of saying that a confession is excludable unless taken "without unnecessary delay" between arrest and arraignment, the present bill states that a confession shall not be excluded if taken during a period of "reasonable delay." Semanticists may be able to find a shadow of distinction in the phraseology, jurists convinced of the propriety of the McNabb-Mallory rule will not.

The problems of arrest and arraignment are difficult and delicate enough without being cluttered up with meaningless statutory verbiage. The law in this area of individual liberties has, since the earliest days of the common law, been largely fashioned by the courts on a case-by-case basis. In

this manner, a concept of ordered liberty has been developed which is flexible enough to meet the necessities of justice in a wide variety of instances. I believe that we will serve the Nation best by leaving these matters with all of their attendant difficulties to the courts.

OBSERVATIONS AS TO THE NEED OF H. R. 11477

Some of the proponents of H. R. 11477 testified in effect that the Mallory decision protects a criminal who has voluntarily confessed his crime and escapes the penalty of the law as a result of a technicality which prohibits the introduction of his confession as evidence against him.

It is further pointed out in the evidence that the Mallory decision received such widespread public indignation because of the gruesomeness of the crime committed, resulting in a great clamor by individuals and organizations for legislation to alter or repeal rule 5 (a) upon which the Mallory decision was predicated.

I would like to make these observations:

(1) As Abraham Lincoln once said, "It is better to acquit 20 known criminals than to convict 1 innocent person."

The McNabb and Mallory decisions and rule 5 (a) of the Federal Criminal Procedure are predicated on the American way of life and our constitutional guaranties in protecting the innocent, who are the individuals who need the utmost protection of their constitutional rights. The hardened criminals know these rights and exercise them. The inexperienced, the uneducated person, is the one whose need of these protections is the greatest at such times as enunciated in the Mallory decision.

The minority view in House Report No. 1815, hereinbefore referred to, states that while this bill is referred to as a rule of evidence, it is in effect a rule which undermines and errodes the constitutional rights set forth in the fourth, fifth, and sixth amendments.

(2) Some of the witnesses have stated that the opposition to the Mallory rule resulted from the desire on the part of the law enforcement officers and other groups to make it much simpler and easier to obtain convictions by confession. If it is their desire to have Congress change the law to get evidence from the defendent to the prejudice of his rights of fair play, then why not ask Congress to place in motion a constitutional amendment wiping away the constitutional guaranty that an individual cannot be forced to testify against himself. In this way, the State could gain many convictions which up to this point the State was unable to prove because the Constitution guaranteed that a defendant cannot be forced to testify against himself.

I might further point out that if one wanted to get even more ridiculous in this respect, legislatures could amend the laws to force a wife to testify against her husband who is now protected by the statutes throughout most of the country, and by doing so, you could aid in the conviction of many husband-defendants.

I could go on with observations along the same lines to show the many ways in which Congress could amend laws to make it easier for the State to prosecute and convict the individual, but that is not our American way of life. That is not our sense of fair play and that is not consistent with the fundamental guaranties set forth in the Constitution of our United States which made this country the great country that it is today.

On the other hand, the Mallory rule known as rule 5 (a), recognizes a delay may be necessary between the arrest and arraignment, but, as stated by the Supreme Court, it cannot be an unnecessary delay—a delay must not be of a nature to give opportunity for the extraction of a confession.

In conclusion, for the foregoing reasons, I reiterate that no legislation is needed to modify the Mallory decision or rule 5 (a) of the Federal Rules of Criminal Procedure. If any legislation is to be passed by this Congress at this late date, it is the excellent Senate bill 3325, introduced by Senator WAYNE MORSE which would grant to the accused further protections consistent with our constitutional guaranties.

WILLIAM LANGER.

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

Mr. CARROLL. I yield.

Mr. BUTLER. I ask unanimous consent to have printed in the RECORD at this point a statement which I have prepared in connection with the bill.

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

The rights of the individual accused of criminal activities are protected by the Bill of Rights to our Constitution. The guaranties of our Constitution, however, are not limited to those individuals alone. Society also has rights and interests recognized by the Constitution, among these being a basic purpose of Government—protection from those irresponsible individuals who would ignore the rights of fellow citizens and commit criminal acts. Without effective and intelligent law enforcement, no society can survive, and the rights and even lives of law-abiding citizens canot be protected.

As the Bill of Rights guarantees the individual accused of criminal activities due process, law-enforcement activities must be tailored to fit the constitutional rights of the accused. While it is simple indeed to stress the importance of either the rights of the individual or the rights of society without concern for the other, in the last analysis, those Federal officials with responsibility for making, administering, and interpreting our laws cannot arbitrarily favor either individual or public rights as if one or the other were paramount. On the contrary, proper balance between the rights of the individual and the rights of society must be achieved and maintained. Protection of both is essential. This philosophy was stated by Mr. Justice Cardozo in *Snyder* v. *Massachusetts* (291 U. S. 97, 122), in which he made the following pronouncement:

Justice, though due to the accused, is due to the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true."

In the opinion of many, the Supreme Court in the Mallory decision disrupted this balance. In the Mallory case, the Court voided a confession because the accused had been held 7½ hours after arrest before an attempt was made for arraignment. The Court held: "We cannot sanction this extended delay, resulting in confession, without subordinating the general rule of prompt arraignment to the discretion of arresting officers in finding exceptional circumstances for its disregard."

The Supreme Court was convinced that there was an extended delay amounting to a breach of rule 5 (A) of the Federal Rules of Criminal Procedure requiring arraignment without "unnecessary delay." Moreover, that in order to punish the police, and thus the public, for violating rule 5 (A), it was necessary to throw out an otherwise voluntary confession of an admitted rapist.

Since this decision, courts in the District of Columbia and in some other Federal jurisdictions have been forced to void clearly voluntary confessions made between arrest and before arraignment. Great uncertainty exists at the present time as to the proper interpretation of rule 5 (A) of the Federal Rules of Criminal Procedure, and law enforcement officials are greatly handicapped not only by the uncertainty, but also by the overzealous limitations placed upon their law enforcement activities by the decision.

To clear away this uncertainty, and to restore balance between the rights of the accused and those of society, we have before us H. R. 11477. As approved by the House, this bill would provide that an otherwise admissible confession would not be subject to exclusion "solely because of delay" in arraignment. Furthermore, as an additional protection for the accused, the bill also provides that before questioning a suspect, police must advise him of his right to remain silent and that any statement he makes may be used against him in court.

I strongly favor enactment of the House-approved version of this bill. Not only would it bring certainty where confusion now exists but would allow for effective law enforcement without violating the rights of those accused of criminal acts.

Contrary to the fears expressed by the Supreme Court in the Mallory decision, it would not sanction "third degree" methods of interrogation. It seems to me that the Supreme Court in the Mallory decision had a very vague conception of what are effective and intelligent techniques used by Federal law-enforcement officers in the detection and apprehension of criminals. Chief Judge Bolitha J. Laws of the United States District Court for the District of Columbia, in the case of *U. S.* v. *Boone*, decided on February 25, 1957, stated the following as to what he believed to be effective and intelligent procedures by the police in the District of Columbia:

"It is a matter of common knowledge that certain procedures customarily have been followed by police in the District of Columbia for many years. These procedures have never been questioned. Upon the arrest of a person, he is conducted to one of the police precincts or to the Detective Bureau, where he is 'booked.' In an arrest book, kept by the police, is entered the name, address, color, and nationality of the party arrested, the charge made against him, the name of the arresting officer, and a list of property taken from the prisoner. Information with respect to bond is also recorded. The suspect is searched and a personal history sheet is filled out. The suspect is then fingerprinted and photographed. If the suspect desires to make a statement he is given the opportunity. If not, he is questioned. In cases where an alibi is given, the police often seek to verify the truth of the alibi. Witnesses are summoned if available. If there were eyewitnesses to the crime and there is a question of identity, a lineup is arranged. In order that individuals of a similar description may be obtained for the lineup, the police sometimes find it necessary to send for prisoners confined at other precincts. If identification is made as a result of the lineup, it is the practice of the police to question the suspect further, particularly when his identification clashes with a statement previously given."

Chief Judge Laws further stated, and I quote:

"These procedures by the police in some cases may be completed within a short time. In other cases, they may take a longer time. When completed and the witnesses to go before the committing magistrate are available, the arrested person should be promptly taken before the committing magistrate. If this is not done and the suspect is held solely in order to build up an insufficient case or to afford opportunity to harass him or subject him to continuous questioning or other pressures, the delay is unreasonable and aggravating."

I fully agree with Chief Judge Laws that the procedure and standard outlined by him

seem to be fair and just, and—especially when the arrested person is warned of his right not to speak, as provided by the bill before the Senate—it safeguards individual rights without crippling law enforcement and the administration of justice.

Furthermore, a confession resulting from third-degree methods, or obtained by any means considered involuntary by the trial judge would be suppressed. Also, where a confession were obtained after an extended period, unjustified and unexplained by police officials, it is obvious that such procedure would violate due process and the confession obtained voided on such grounds. Factors other than delay in arraignment would be present in such cases.

On the other hand, in those instances where no evidence of compulsion or third-degree methods is submitted, proof of mere delay in arraignment not contributing to the educement of the confession would not be sufficient to make the confession inadmissible as evidence.

The amendment that is offered by the Senate Judiciary Committee would insert the word "reasonable" before "delay." This language, if enacted, would destroy the purpose of the bill.

It is clear from the Mallory decision that a delay of 7½ hours, between the arrest of the defendant and confession of the crime, was declared to be an unreasonable period of detention and the confession was thrown out by the Supreme Court.

Obviously the Court in the Mallory situation would say the delay was not only unnecessary, but unreasonable. It follows that if the Senate adopts this amendment, the effect will be to simply substitute a different means for courts to arrive at the same conclusion.

The committee in its report suggests that the term "reasonable" has a broader meaning than "unnecessary." It is suggested that the trial judge in determining whether the delay was reasonable could consider "* * * the availability of the committing officer and all the circumstances involved in the particular arrest and arraignment." Yet, these same factors should now be considered in determining whether the delay in arraignment was unnecessary, although it is apparent that the Supreme Court in the Mallory case ignored them. Thus, I fear that the Senate Judiciary Committee version of the bill would simply add to the present confusion.

It has been suggested that the committee amendment is necessary to protect the constitutionality of the statute. The argument is that the House-approved bill sanctions delay in arraignment and is susceptible to an unconstitutional interpretation by the Supreme Court as denying due process. To this argument I can only suggest that an accused might very well be denied due process in violation of this or many other rules of procedure. This would not make the rule subject to criticism on constitutional grounds. Furthermore, as far as the House bill is concerned, it is not new law in the strict sense. It is simply a clarification of the Mallory decision in keeping with the previously accepted interpretation of rule 5 (a).

This interpretation by the Supreme Court of rule 5 (a) was obviously not consonant with the intention of Congress in approving the rule. Judge Alexander Holtzoff of the United States District Court for the District of Columbia, who served as Secretary of the Supreme Court's Advisory Committee on the Federal Rules of Criminal Procedure, said in a letter to the Subcommittee on Improvements in the Federal Criminal Code dated January 21, 1958, that the Advisory Committee, after debating this issue at length, did not contemplate that facts similar to the circumstances in the Mallory case would violate rule 5 (a).

It was the Supreme Court in the Mallory case which has advanced a new theory of law, not Congress in this instance. Thus, as the Supreme Court originally sanctioned rule 5 (A), it is only logical to assume that a clarification would meet with its approval. For these reasons, I do not favor the Judiciary Committee amendment to the bill. I am convinced that the United States Senate will not be clarifying the Mallory decision, or in a broader sense fulfilling its legislative obligation, if the Judiciary Committee amendment is adopted. In essence, the Judiciary Committee amendment specifically injects the "rule of reason" into the statute. Yet this fundamental legal criteria is already present. It must be utilized by the trial judge in rendering his decision. The purpose of the statute is to give him specific guidelines. Or as clear a standard as possible. We do not accomplish this result by substituting the rule of reason in statutory form for such a standard.

Mr. CARROLL. Mr. President, I am glad the Senator from Kentucky [Mr. COOPER] is still in the Chamber, because I think he has raised a very important question. Before I try to discuss some of the points he made, however, I hope I may bring Members of the Senate to realize the long hours spent and the weeks of work done by the distinguished Senator from Wyoming in connection with this important piece of legislation. I am a member of the subcommittee, along with the distinguished Senator from Maryland. We know the prodigious amount of work which the Senator from Wyoming has done, and how he happened to come forward with this particular amendment. It was the result of long, hard study.

There are many lawyers in this body. Like almost every lawyer in this body who has been a judge or a district attorney I am reaching back into my experience to determine the reason for this rule of exclusion. The question may be asked: Why do we not use the same procedures today as were used years ago? Why do we not require confessions merely to be voluntary to be admissible?

What is the reason for the growth and development of this rule of exclusion? I think we may arrive at some explanations without castigating the Supreme Court.

The Supreme Court is caught in a period of political, social, and economic conflict. It has become the target of a series of attacks which emanate from many sources. Unfortunately one of the reasons it is the center of attack is because of its decision in the Mallory case.

Let us examine the history of this decision, and of the bill which the House endorsed, to see whether this body of lawyers on the Supreme Court is so bad.

The opinion in the Mallory case was a unanimous decision of the Supreme Court of the United States. I venture to say that that group of lawyers are as good as any lawyers in this body.

They are not only outstanding lawyers, but men of wide practical experience. They were appointed by three Presidents—Roosevelt, Truman, and Eisenhower. They come from all sections of the country and were selected from both political parties.

Chief Justice Warren was an outstanding Republican prosecutor and attorney general in California as well as a governor of great competence.

Justice Felix Frankfurter was a law professor and dean of Harvard Law School. He is considered one of the great legal theorists and had a famous career as a Government adviser.

Justice Hugo Black, of Alabama, was a Member of this body as was Justice Harold H. Burton, a former Republican Senator from Ohio appointed by President Truman.

Justice Tom Clark, of Texas, has been a district attorney, the head of the criminal division of the Department of Justice and Attorney General.

Justice William O. Douglas, of Washington State, has been a practicing lawyer, a law professor, and a high Government official, having presided over the important Securities and Exchange Commission.

Justice William J. Brennan of New Jersey was a practicing lawyer and a justice of the Supreme Court of New Jersey.

Justice Charles E. Whittaker of Missouri has served on all three levels of the Federal judiciary—as a district judge and judge of the Court of Appeals prior to his appointment to the Supreme Court.

Justice John Marshall Harlan a Rhodes scholar and distinguished member of the New York bar as well as general counsel of the New York Crime Commission.

How could these men of brilliant backgrounds unanimously concur in a decision not well grounded in the best traditions of American law. How could these easterners, westerners, southerners, Republicans, Democrats, liberals, conservatives, scholars, former law-enforcement officials—responsible men all—unanimously agree on a decision which would leave society helpless before criminal terror? How could they, on the other hand, agree in a decision to rip the fabric of constitutional rights fundamental to the American heritage? The answer is simple. They did injustice neither to society at large nor to individual rights. The only problem which has arisen, has grown out of differing interpretation of the lower courts as to the effect of the Mallory rule.

Let us get to the issue of this case. It has been bothering every lawyer. It has been bothering every judge, for years. Let us take a look at it.

First, what is the Mallory rule designed to do? Let me say to the Senator from Kentucky that it is designed to do the very thing he wants it to do. The Mallory rule was designed to say to Federal police officers everywhere, "You may not arrest on suspicion. That is one thing you may not do. Under the Constitution, you may arrest only for probable cause. You may not arrest on suspicion. You may not illegally detain a prisoner to extract a confession from him in order to build a case of probable cause." That is what the Supreme Court of the United States has said.

How did this rule arise? It arose in a murder case in Tennessee in 1942, the McNabb case, involving moonshiners who shot a Treasury agent.

Federal officers have the power of arrest only by reason of statute. The officers involved were Treasury agents.

The statute giving the power of arrest to Treasury officers was first enacted in 1879.

That statute provided that defendants must be arraigned "forthwith." The Supreme Court held, under facts presented on the record, that they were not arraigned forthwith in the McNabb case. This was the beginning of the doctrine. The fruits of illegality were not recognized in the Supreme Court of the United States. Thus, for the first time, the Court established a rule of exclusion with respect to confessions obtained as a result of illegal detention. That is the history.

This stunned the legal profession throughout the country. Never before in history had it been confronted with a rule of exclusion with respect to illegally obtained confessions.

Forty-four years ago, in the Weeks case, after over 100 years of tradition and practice previous to that, the Supreme Court of the United States established the basic Federal evidentiary rule of exclusion.

It said to Federal officers in the Weeks case: "You may not illegally search and seize evidence. You may not break into homes to arrest people. You may not break into homes to get evidence."

How was this rule established? The Court established a sanction upon Federal officers. It said, "If you get evidence by illegal search and seizure, that evidence will be suppressed in the Federal courts." That is the rule today, and it arose as the result of a Supreme Court rule, and not because of a statute. The Supreme Court has the inherent power to establish rules of evidence. That is why, in my opinion, a bill now comes over from the House which seeks to modify rule 5 (a) of the Federal Rules of Criminal Procedure. I prefer not to use vulgar words such as this for the RECORD, but, the plain truth is that the bill which comes from the House would "gut" rule 5 (a). I believe the Supreme Court would hold the House bill to be an unconstitutional attempt to limit the Supreme Court in its power of establishment of rules of evidence.

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

Mr. CARROLL. I yield.

Mr. DOUGLAS. In order to establish the factual basis for the McNabb decision, I want to ask the Senator from Colorado a question about it. Let me make it clear, however, that I do not expressly or by implication charge our courageous and able law-enforcement officials with any general violation of fair procedures because of what is brought to light in some exceptional cases. These police and Federal officials carry a heavy burden of work to protect society from lawless and often dangerous persons. They merit our eternal gratitude. But in some cases they too may err, even from the best motives.

I ask the Senator from Colorado, in the McNabb case, then, is my understanding correct, that when the three east Tennessee mountain boys were arrested, they were sequestered by the arresting agents for 3 days before they were booked before a magistrate?

Mr. CARROLL. The decision shows that 2 brothers were locked in a cell for 14 hours. They were subjected to incessant interrogation for a period of 2 or 3 days. The Court indicates that they were never informed of their rights. There was no prompt arraignment. They were never given the benefit of counsel nor permitted to confer with persons outside the jail.

For the first time, the Supreme Court said that "the Court will not involve itself in illegality by approving confessions taken in violation of constitutional rights."

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

Mr. CARROLL. I am happy to yield.

Mr. DOUGLAS. Is it not a fact that there were eight Justices who concurred in the majority opinion, and, that only Justice Reed dissented?

Mr. CARROLL. To which decision does the Senator refer?

Mr. DOUGLAS. In the McNabb case.

Mr. CARROLL. It is my understanding that Justice Rutledge took no part in the decision.

Mr. DOUGLAS. Justices Harlan F. Stone, Jackson, Roberts, Murphy, Douglas, and Black.

Mr. CARROLL. The Senator is correct.

Mr. DOUGLAS. Is it not important to take into consideration also that immediately following the decision in the McNabb case, just as following the Mallory case, a great hue and cry developed and a bill was introduced in the House of Representatives by the late distinguished Representative Sam Hobbs, which aimed to do precisely what the House bill aims to do at this time, namely, to state that no conviction shall be invalidated by rendering evidence inadmissible because there had been a delay in the arraignment?

Mr. CARROLL. I am very pleased that the distinguished Senator from Illinois has brought out that point. That is precisely what I had hoped to develop in the record.

Mr. DOUGLAS. I am sorry I interrupted.

Mr. CARROLL. No; I am very happy that the Senator from Illinois has brought it out. After the McNabb decision a great hue and cry arose to mitigate the effectiveness of that decision. Attorney General Biddle was in office at the time. As the Senator from Illinois has indicated, a bill was introduced to soften—yes, to destroy the effect of the McNabb decision.

Mr. DOUGLAS. If the Senator will permit me, I should like to read the salient paragraph from the Hobbs bill:

> That no failure to observe the requirement of law as to the time within which a person under arrest must be brought before a magistrate, commissioner, or court shall render inadmissible any evidence that is otherwise admissible.

In other words, the Hobbs bill declared in effect that all previous requirements of law were waived, so far as the time within which a person under arrest would be brought before a judge was concerned, and that there were to be no legal limits to such delay. Is that not true?

Mr. CARROLL. That is exactly correct.

Mr. DOUGLAS. That is approximately the meaning of the pending bill as it came from the House to the Senate; is it not?

Mr. CARROLL. There is no doubt about that in my mind.

The Senator from Illinois has made a very important point. He tells of the events which followed the McNabb decision. That is why I previously adverted to the rule established in the Weeks case 44 years ago, in which the Supreme Court excluded evidence which was acquired by illegal search and seizure.

I now wish to say to the Senator from Kentucky that a recent case contains a very important decision and raises an important distinction in connection with the doctrine of search and seizure. This case, the Eugene Smith case, arose in 1958 in the District of Columbia, and was decided in the United States circuit court of appeals in March 1958. It involves a question of illegal searches and seizures. It pinpoints the essence of the rule of exclusion in cases of illegal searches and seizures. Not every search and seizure is improper, as the Court says in this case. The essential element compelling exclusion is illegality. How is illegality measured? It is measured by the rule of reason.

I think the 1 or 2 lines of the case which I have underscored bear out that point. I quote from the decision:

> Only unreasonable searches and seizures are proscribed by the fourth amendment.

As the Court notes, even the fourth amendment to the Constitution contains the word "unreasonable." The court said further:

> There is no exact formula for determining reasonableness. Each case depends upon its own facts and circumstances.

I would be less than honest if I did not say to the Senator from Kentucky that when I came into the hearings before our subcommittee, and the witnesses came before us, I was taking a strict view about the rule of exclusion. But I began to understand that inflexible rules cannot be established, that rigid standards cannot be established. They cannot be established because the facts and circumstances of each case cannot be fitted into a straitjacket. The latitude of reason is required to accommodate the facts and circumstances of differing cases.

This is what the distinguished Senator from Wyoming told us about the important Trilling case. I must discuss that case for a moment because of the wide differences of opinion among the judges applying the Mallory rule. This is a very interesting case. I read all of its many pages. They read better than any paperback mystery thriller.

A detective in Washington, D. C., was doing his tour of duty in the warehouse district between midnight and 2 o'clock

in the morning. He found two men in an automobile on a dead-end street. They had no business being there. He went up to investigate. There was no evidence upon which the policeman could arrest them. He could not arrest them because there was no probable cause. But, as a police officer, he did have a right to investigate. He did investigate. He got the name of one of the men and put it in his notebook, and let them go.

The next morning, the watchman of the warehouse came to work and found a window broken. The broken window pane was on the inside. Some finger prints were found on it. It happened that the fingerprints belonged to one of the men in the automobile, one of the men whom the policeman had interrogated some 24 hours before.

When a policeman had seen that defendant at the scene of the crime, when the police had his fingerprint taken from the inside of the broken window glass, the police had probable cause to arrest him. They had a right to arrest him, and they did arrest him, at 5:30 in the morning.

It is in such circumstances that the Senator's amendment of reasonableness applies. The police arrested the man at 5:30 in the morning. What sensible man, what sensible rule, what sensible judge, what sensible Supreme Court, would say the man had to be arraigned forthwith? It would be sheer nonsense. If that is the holding of the Mallory decision, the Court had better modify it. We are talking about the rule of reason. We are talking about the arrest of a man at 5:30 in the morning when there is probable cause for his arrest. Does any sensible person in the practice of the law, or does any judge, think that the police will not interrogate such a man? Of course the police will interrogate him. First of all, the police had probable cause to arrest him. Second, the arrest was legal. Up to that point there was no illegal detention—none whatsoever.

Where there is a legal detention, there is a right to interrogate.

At 8:30 in the morning, as a result of the facts which were developed in the case, the man made a voluntary confession before his arraignment. Under all the decisions, that evidence ought to have been admissible. The confession was in fact admissible.

Why do I bring this up? Because of the division in the Court. I shall not mention any names, because names are not important. Some judges take the position that a defendant cannot be asked a single question. In my opinion that is nonsense. If the Mallory rule means that, the Court had better change the rule. I do not believe it means that.

Another group of judges want to go backward. They want to turn the clock back to before the McNabb rule. Some of them even want to turn the clock back on the rule of exclusion in cases of illegal searches and seizures, a rule which has been in effect for 44 years. They want to give the police too much leeway.

Then there is a group which wants to apply the rule of reason.

Let us assume the Senator from Kentucky is a judge in the trial of a case involving a confession obtained during illegal detention. He will agree, as all judges will agree, that the real, basic question is: Was there probable cause for the arrest? If there was probable cause the detention was legal.

But I say to the Senator from Kentucky that when the detention is illegal—and this is the rule of the Supreme Court—the confession goes out. I think it is a good rule.

May I now draw a distinction? The Mallory rule has no application to the States at all, unless it can be applied in some way with the 14th amendment. The real difficulty is that the Mallory decision affects the District of Columbia, which is a metropolitan area having a population of some 800,000, which has common law crimes, but which is functioning under strict Federal rules.

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

Mr. CARROLL. I yield.

Mr. DOUGLAS. May I return to the aftermath of the McNabb decision and the Hobbs bill? Is it not true that following the introduction of the Hobbs bill, a special committee on the Bill of Rights of the American Bar Association made a report on the bill and declared that it would be undesirable?

Mr. CARROLL. That is my understanding.

Mr. DOUGLAS. I read from that report of the bar association:

> We understand the present difficulties of the police and believe that they ought to be lessened by suitable legislation and administrative changes. But whatever the defects of the existing law, there must be some better way for Congress to promote efficient law enforcement than by condoning official lawlessness. Strict observance of some reasonably definite and rather short time limit for the detention of a prisoner after arrest without judicial sanction is vital to personal liberty.

I come now to the main objections of the special committee of the American Bar Association to the Hobbs bill. Will the Senator from Colorado permit me to quote them?

Mr. CARROLL. I shall be very happy to have the Senator from Illinois do so.

Mr. DOUGLAS. I read from page 247 of part I of the House hearings:

> First, it takes away the only existing strong incentive for obedience to the time limits established by Congress without substituting any other effective sanction. The McNabb rule may not be the best sanction, but it is better than no sanction at all. It is all we have now. The bill pulls the teeth from the prompt-production statutes and puts nothing in their place.
>
> Second, the bill offers no adequate solution of the problem of police detention and investigation. It deals with it partially and indirectly. It removes the effective sanction for the rule of speedy production without revising the rule itself. It changes a small portion of the law of police detention without including any provisions to take care of the consequences of this change upon official observance of acts of Congress or upon individual liberties. The bill is like a man carrying a ladder down a crowded street, who swings the short end without looking to see where the long end is going.
>
> Therefore, we request your committee not to recommend the enactment of this bill.

That report was signed by all the members of the committee on the Bill of Rights of the American Bar Association. The committee was headed by Burton W. Musser, a distinguished member of the Utah bar.

In the list of members I find the names of many persons whom I think all of us recognize. For example, there is the name of Mr. Douglas Arant, a member of the Alabama bar.

In the list we also find the following names:

J. A. Gooch, of the Texas bar.

W. E. Morse, of the Mississippi bar.

Monte M. Lemann, a distinguished New Orleans lawyer, of the Louisiana bar.

Lynn U. Stambaugh, of the North Dakota bar. I find that Mr. Stambaugh was national commander of the American Legion in the years 1941 and 1942. Certainly I think he was not in league with the dark forces of disorder.

Mr. CARROLL. I agree with the Senator from Illinois.

Mr. DOUGLAS. I also find in the list the name of Frank B. Ober, of the Maryland bar. In examining his biography, I find that he was chairman of the Maryland Committee on Subversive Activities, in 1948 and 1949, and I believe he was the author of the Ober sedition law, of Maryland, one of the strictest—and, incidentally, I believe one of the vaguest—sedition statutes of the country.

These are some of the men who said the Hobbs bill should not be passed.

In addition, we find in the list the name of Basil O'Connor, the head of the National Foundation on Infantile Paralysis, whose loyalty cannot be questioned.

In the list, we also find the name of George I. Haight, of the Illinois bar, who was one of the most distinguished corporation lawyers in the Midwest, and a leading alumnus of the University of Wisconsin.

So the group was a rather representative one; and it recommended unanimously that the Hobbs bill should not be passed.

Mr. CARROLL. But the Senator from Illinois should understand that the Supreme Court was not then under attack. The Constitution is the same, and the legislation was the same; but the climate has changed.

Mr. DOUGLAS. Is it not true that after that report was made, the present rules of criminal procedure were adopted? They outlaw unnecessary delay. They were adopted after the McNabb case, after the Hobbs bill, and with a full knowledge of the circumstances.

Mr. CARROLL. The Senator from Illinois is correct.

I do not know whether it has been stated for the RECORD how these Federal rules were adopted. They were adopted by a committee called the Advisory Committee on Adoption of Federal Rules of Criminal Procedure. All the members of the Committee were distinguished lawyers; some of them were professors. There were 16 members of the Committee. I ask unanimous consent that the names of the members of the Committee be

printed at this point in the RECORD; and I also ask unanimous consent that the names of the members of the committee who were fighting the Hobbs bill be printed in the RECORD.

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

ADVISORY COMMITTEE ON ADOPTION OF FEDERAL RULES OF CRIMINAL PROCEDURE

Arthur Vanderbilt, Crane Frider, George Dession, John W. Burns, Hugh D. McClellan, Sheldon Glueck, Murray Seasongood, George J. Burke, John G. Waite, Lester Orfield, G. Arron Wongquest, J. A. Seat, George F. Longsdorf, Herbert Weschler, Gordon Dean, John J. Robinson.

COMMITTEE ON BILL OF RIGHTS OF THE AMERICAN BAR ASSOCIATION

Burton W. Musser, chairman, of the Utah bar.
Douglas Arant, of the Alabama bar.
Zechariah Chafee, Jr., of the Rhode Island bar.
J. A. Gooch, of the Texas bar.
George I. Haight, of the Illinois bar.
H. Austin Hauxhurst, of the Ohio bar.
Monte M. Lemann, of the Louisiana bar.
W. E. Morse, of the Mississippi bar.
Frank B. Ober, of the Maryland bar.
Basil O'Connor, of the New York bar.
Maurice Bower Saul, of the Pennsylvania bar.
John McI. Smith, of the Pennsylvania bar.
Lynn U. Stambaugh, of the North Dakota bar.
Lloyd Wright, of the California bar.

Mr. HENNINGS. I wish to thank the Senator from Colorado, who certainly is to be commended and complimented upon his very lawyer-like and scholarly presentation of this problem. All of us are indebted to him; and let me say that he and I discussed this matter many times; we have worked on it—much to my benefit, I may say——

Mr. CARROLL. I wish to say that the Constitutional Rights Subcommittee, headed by the Senator from Missouri [Mr. HENNINGS], conducted lengthy hearings on this issue.

Mr. HENNINGS. We did.

Mr. CARROLL. And we are indebted to him for his very fine work.

Mr. HENNINGS. As the Senator from Colorado knows, we summoned to the hearings members of the bench and members of the bar.

I think one principle which may be laid down without cavil is that a law-enforcement officer is bound by rules. He knows those rules; if he does not know them, he should be advised of them. The fact that officers of the law, in an excess of zeal, at times overstep and transcend the bounds of the law, as laid down in terms of human rights and human freedom, should not result in the hue and cry which were raised after the Mallory case decision, because of what took place with relation to that defendant, and because the court stood firmly upon the law in that decision.

In the gang days, I spent 6 years of my life in a city of approximately 1,000,000 persons, where I served as a trial prosecutor in the felony division. I have tried many homicide cases, robbery cases — including bank-robbery cases—murder cases, rape cases—literally by the hundreds. My case load was approximately 1,500 a year, in the trial division of which I had charge in that city, commencing in 1929, and ending in 1934, when I was elected to the House of Representatives. I have gone before many juries and have asked them to accept statements, as we called them; we did not call them confessions. In many criminal cases, they are extremely important.

Sometimes in murder cases, for example, no persons are left to tell the tale—and especially so in the case of crimes of passion, as they are called in the Latin American countries. Sometimes they are, in our country, called murder in the first degree or murder in the second degree. Sometimes in such cases a defendant makes a full and free statement without duress or coercion or promise or hope of reward or immunity.

But I think one thing is basic and elementary. As I have said, I did 6 years of very hard work as a prosecutor; and, later, I became the district attorney, by election, after I resigned from the House of Representatives. So I spent 8 years of my life in the criminal courts building in a large city, prosecuting.

I certainly would say that the State needs very few advantages that it does not already have. If the State does not have a case, or if the State—through lack of preparation or through excessive zeal or through violation of the rights of an individual, let me say to my learned friend, the Senator from Colorado, cannot make its case, the State does not deserve to win its case.

I must say that, in my experience, we found no difficulty in winning well over 90 percent of the cases brought before us by indictment and by information, in the very rough and desperate days of the late 1920's and the early 1930's.

So I ask my good friend if it is not true that law-enforcement officers and agencies are bound by the same hard and fast rules as is the average, ordinary citizen.

And be it remembered that the professional criminal—the member of an organized gang—is not the man who comes into a police station or police headquarters and willingly signs one of these splendid little statements that the police proffer. Those who sign them generally make a few mistakes; and the police have them make the necessary corrections—and have them make them in their own handwriting—and have them sign each page. I have handled many hundreds of them.

In dealing with these statements the judge usually excludes the jury, and he determines the matter of admissibility.

But to go back to the question—and I ask the indulgence of the Senator from Colorado—I have gone a little far afield in referring to this background material, and I hope to speak fully at a later time.

Mr. CARROLL. I have been very happy to have the Senator from Missouri do so.

Mr. HENNINGS. Is it not true that many persons misunderstand the proper function of a law-enforcement officer?

A law-enforcement officer has no rights that the law does not give him; and he has no right of any kind or color to dominate free men or women of this country, except upon probable cause, and within such bounds and limitations as the law prescribes for his conduct.

Mr. CARROLL. I think the Senator from Missouri has asked a very good question. Previously he asked whether a law-enforcement officer has any more rights than does a private citizen.

Mr. HENNINGS. Except those given him, I add.

Mr. CARROLL. He has more rights, because the people put the mantle of power upon him and give him the right to arrest. But they also establish certain rules in connection with the right to arrest; and, as the able Senator from Missouri has said, no American can be arrested and have his liberty taken away from him except upon probable cause.

That is why we come back to the Mallory decision. The distinguished Senator from Wyoming has explained our purpose very well this morning. We are not trying to take any rights away from anybody. What we are saying to the courts is that, within limited discretion, they should use their common sense and use the rule of reason. But we add that they cannot violate two rules. First, they cannot permit arrests except on probable cause. Second, if there is illegal detention, they must exclude the confession. Those are inviolable rules. They are not going to be modified. One has been the rule since the ratification of the Constitution. The other has been in existence for 15 years. In my opinion, Congress cannot constitutionally modify them.

Under the O'Mahoney amendment, we do not seek to modify these rules, but we seek to give them purpose, in an intelligent fashion, with respect to the facts and circumstances in each case. What is wrong with that?

I know some persons will contend that we should go back to the old practice. They ask, "Why don't we go back to the practice we used to have in some of the States, that is, let the question of whether the confession is voluntary or involuntary be decided by the court below, without limitation on the court?"

This has not been said before in the present debate. It has always been my contention that the Federal police power emanates from statute. The Bill of Rights was a limitation on the powers of the Federal Government. The FBI could not arrest a single person unless Congress created an act in which it empowered the agency to do so. That is true of the Federal Treasury Department and the Federal Park Police and the other Federal agencies. The question is: Do we want all the police officers, including those of the FBI and the other Federal agencies, to have the right to arrest persons on suspicion?

I say it would be a mistake if we gave that impression. Any of the Federal agencies or the Federal police must have probable cause in order to arrest, and they must arraign without unnecessary delay.

What does "unnecessary delay" mean? It does not mean an automatic procedure, a sort of transmission-belt operation. There will be time to take fingerprints and photographs of the person; to take blood tests from the clothing of the

person, if need be; time to do the things necessary to make a proper investigation. There is no constitutional prohibition against investigating a defendant. Nor in my opinion is there any such prohibition contained in the Mallory rule.

I think we have not quite fully developed the matter of the formation of rule 5 (a) of the Federal Rules of Criminal Procedure. This is what really happened after the McNabb case. The case was decided on the Treasury statute of arrest. Congress said to the FBI, "When you arrest a man, arraign him immediately." It said to the Treasury Department, "When you arrest a man, arraign him forthwith." Congress took into consideration all the statutes, in the light of the McNabb case, and provided the words "without unnecessary delay." This then was the basis for the adoption of rule 5 (a).

There have been arguments in the Federal Rules of Criminal Procedure about the meaning of these words by those interested in the question. I think, however, essentially they will agree the language was not placed in the statute to modify the basis of the McNabb decision in 1943. After the McNabb decision, there was the Upshaw case in 1948. In 1944, before the formation of the rule, the Mitchell case was decided. After those cases came the Mallory case.

As the distinguished Senator from Wyoming has pointed out, there is great confusion on the question. One set of judges do not want anything to do with the Mallory rule. Another set thinks the Mallory rule should be given a strict construction. The Senator from Wyoming and I think the latter strains one's common sense.

Actually, there has always been some criticism by lower courts, by the district courts, and by circuit courts all over the country, of the McNabb decision. There has been some criticism because of the rules of criminal procedure. This is because unanimity of opinion among lawyers cannot be obtained. Anyone who knows lawyers knows they are the most contentious people in all society—except Members of Congress. [Laughter.]

My point is that we have been pulling and hauling on the decision. Unfortunately, as the distinguished Senator from Wyoming has said, we have been trying to formulate a rule in one of the worst types of cases—a rape case, not a case involving the Federal police of the type of the FBI or the Treasury police, but of Metropolitan police. These police happen technically to be Federal police. Unfortunately, an attempt has been made to build a rule on that case. I do not blame the court, because the issue came before it. It did not make the case. The case came to the court. But the court tried to formulate a rule in the worst type of case, one which inflamed the public, a case which has resulted in two newspapers in Washington contending against each other.

The truth of the matter is—and I shall follow through on this point—we have received no pressure from any of the States on this bill; the only pressure has been from Washington, D. C. The bill does not affect State law enforcement at this juncture.

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

Mr. CARROLL. Yes; I shall be glad to yield to the Senator from Kentucky. I have used his name several times, in a very friendly fashion, I may add, because I have been impressed by the questions he has raised.

Mr. COOPER. I may say at the outset that, so far as our beliefs or views on the subject are concerned, we are in substantial accord. I should like to ask the Senator a few questions preceding the final question I want to propound to him. I am sure the Senator agrees that the provisions of rule 5 (a) should be observed with respect to a person who has been arrested, whether on warrant or no warrant.

Mr. CARROLL. Not only observed, but preserved.

Mr. COOPER. And that it is the duty of a law enforcement officer to take the accused before a commissioner or an officer without unnecessary delay?

Mr. CARROLL. That is right.

Mr. COOPER. I think that is based upon sound principles, which we have discussed; that is, the necessity that a defendant be not detained without cause and that he have a chance to be apprised of the charges against him.

Mr. CARROLL. That is the very purpose of arraignment.

Mr. COOPER. The defendant has a right to be dismissed, if there is not probable cause.

Mr. CARROLL. The Senator is correct.

Mr. COOPER. If there is probable cause, the defendant may have the right to bail. I hold these rights take precedence over any other claims. They are claims of the individual under the Constitution and the Bill of Rights to have liberty unless probable cause of the commission of a crime can be shown.

Mr. CARROLL. That is basic. I agree. So does the Supreme Court.

Mr. COOPER. The decision is the decision of a court, not the decision of a sheriff, of a marshal, of an FBI agent, or of a police officer, no matter how zealous or how honorable they may be. I do not cast any doubt upon the qualities of police officers.

Mr. CARROLL. I should like to interrupt the Senator from Kentucky to tell him about a case which occurred not long ago in the District of Columbia. There was some criticism of the court in the case, but the testimony of the police officer in the case was to the following effect. The question was asked, "Why did you detain this man?" and the answer was, "Well, I took him down to the police station to get a confession." The police officer no sooner made that statement than the judge threw the whole case out of court. The court did this because the officer made the arrest to establish probable cause.

The Senator has referred to a basic rule, and all judges are supposed to agree on this rule.

Mr. COOPER. I think we all agree that a police officer has no right to detain an individual either to establish the probable cause for his arrest, or to secure facts upon the basis of which the individual may later be convicted.

Mr. CARROLL. I will not agree with the second part of that statement.

Mr. COOPER. I should say, to illegally secure facts upon the basis of which the individual may later be convicted.

Mr. CARROLL. That is correct.

Mr. COOPER. The Court in the Mallory case, when it discussed the fact that there should be no unnecessary delay in taking an accused before a court, of course said there could be necessary delay. The Court did not go into great detail as to what constituted necessary delay, but I think it is pretty easy to conceive of many things which could meet the standard of necessary delay.

My question is—and it is a question I addressed to the distinguished Senator from Wyoming—the amendment which is offered does not refer to "necessary delay" or "unnecessary delay," but refers to "reasonable delay." Is it the Senator's opinion that "reasonable delay" is the same as "necessary delay"?

Mr. CARROLL. Rule 5 (a) is a rule of procedure. That is the rule which says arraignment must be without unnecessary delay. But the rule of procedure relates to arrests and arraignments.

We did not initiate this matter in the Senate. The House brought this matter up. The House tried to change the rules of evidence. What is sought to be done is to turn the clock back, in my opinion, to turn it back before the McNabb case.

I tried to cover this before, and I shall try to be a little more polished about it now. I said, "They pulled the guts out of Rule 5 (a)," but now I say that what they have done is to "polish it off."

We are trying to save some semblance of the rule, with a rule of reason on the question of whether delay is necessary or unnecessary. We would make this a rule of evidence. We think there is a middle ground which can sustain the viewpoint of those people who want to go way back and of another group of people who want to go too far, way out of the ball park. We think we can bring the viewpoints together and focus them to provide a rule of common sense, to give purpose and direction to rule 5 (a) and the doctrine and thinking behind it.

Mr. COOPER. I know that one could be too narrow in his thinking on this matter, and I do not want to be. I think this is a matter which needs to be discussed, because it is basic.

Under the McNabb decision, I think the Senator will agree the Court said, substantially, that if a defendant has been held in custody for an unnecessary delay before arraignment, the statements and confessions which were elicited during that time of illegal detention are inadmissible.

Mr. CARROLL. The Senator is correct.

Mr. COOPER. That is a rule; that a confession cannot be elicited in the period of time when the defendant is being held unnecessarily.

Mr. CARROLL. Illegally.

Mr. COOPER. Illegally. The confession is not admissible in those circumstances.

Now, let us discuss my question. The Senator is changing the words "necessary" and "unnecessary." Is there, in some way, an extension of the time in which a defendant can be held? If so, there would be a change of the rule in the McNabb case.

Mr. CARROLL. I think what we are trying to do is to provide a rule of reason. This is my own opinion. I hope I am correct. The Senator from Wyoming agrees with me, and he is the author of the amendment. This opinion is based upon all of the hearings and the testimony.

I think, as the Senator has so well pointed out, the words "without unnecessary delay" connote that some delay may be necessary. Therefore, what is "necessary"? Only the delay which is necessary is legal. This is the point we want to make.

Let us suppose that my able friend, the Senator from North Carolina [Mr. ERVIN] is the judge of a court, and evidence comes before him which is similar to the evidence in the Trilling case. In that case there was probable cause. The evidence was available. There was an opportunity to commit a crime. The police had the fingerprint. As the police said, they "had it made." The defendant was waiting for arraignment. The police did not need to talk to the defendant any more; they had him "nailed down." But the defendant talked to a sergeant, who had known the family for 20 years, and he confessed to the sergeant. But the detention in that case was not illegal. Therefore, the confession was admissible.

That is what we are trying to say. The trial court could say, "This is a rule of reason." The mere fact that the defendant made the confession does not make it inadmissible. Confessions are inadmissible only when the detention is illegal. That is the basic proposition.

Mr. COOPER. My question is, Why did the Senator not use the words "necessary delay" rather than "reasonable delay."

Mr. CARROLL. It is not shown in the record, but in committee, when the amendment of the distinguished Senator from Wyoming was considered with the word "reasonable," I had my doubts about the matter, as has the able Senator from Kentucky. As a matter of fact, I said, "I want to study this a little while." The Senator from Tennessee [Mr. KEFAUVER] offered the words "reasonably necessary." The Judiciary Committee voted that down. I then offered an amendment containing simply the word "necessary," the very thing the able Senator from Kentucky is suggesting. I thought if I could relate "necessary" to rule 5 (a) the rule of evidence would be more clear, but the committee voted me down.

I see the Senator's point. Based upon long study since that time the logic of the amendment of the able Senator from Wyoming convinced me that we have to do something about the legal situation, the legal "snarl" the courts have gotten themselves into.

If the courts read the record as to our stand on probable cause, with respect to the support of the Supreme Court on illegal restraints, perhaps we can get some sensible rulings as a result. The Supreme Court now has before it a case which has gone up on appeal from the District of Columbia. It is very difficult to clarify the matter. Why is that so? It is so because almost every case arises on its own facts and circumstances. That is why we want to give the trial court some leeway, so that the judge can use his own judgment under well-established rules, so that justice can be done to the defendant and to the public.

Mr. COOPER. Let me ask one further question, and then I shall desist. The Senator has been very kind.

I turn to subsection (b), which provides as follows:

(b) No statement, including a confession, made by an arrested person during an interrogation by a law-enforcement officer shall be admissible unless prior to such interrogation the arrested person had been advised that he is not required to make a statement and that any statement made by him may be used against him.

I recognize the purpose of that subsection. It certainly arises from the best motives, and the intention to advise the defendant of his rights. I raise a practical question, not merely for the purpose of raising a question. Assume a situation such as this: Suppose a Federal law enforcement officer in a rough, isolated country—not the District of Columbia, where one can get to a police station quickly—although officers have not always got there quickly——

Mr. CARROLL. Assume a place in western Texas, or Colorado.

Mr. COOPER. Assume a place in Colorado, or a place in the hill section of my State, where Federal law enforcement officers arrest a person charged with a Federal crime. They might be 15 miles from a commissioner, or 30 miles or 50 miles.

Mr. CARROLL. In my State they might be 250 miles from a commissioner.

Mr. COOPER. It might require 4 or 5 hours to convey the defendant before a commissioner, even if the provisions of section 5 (a) were observed strictly, and there was no unnecessary delay.

Assume that during that long trip the accused should make statements voluntarily about the events surrounding the crime, which either directly or indirectly might bear upon his guilt. Or assume that the Federal law enforcement officers said to the defendant, "John Jones, what were you doing there? Were you there for the purpose of making whisky?" That might be the question in a stilling case. Or they might ask him, "Were you there for the purpose of counterfeiting, or some other purpose?"

That is an interrogation. Then the man voluntarily may say, "Yes; I was there. I went there for the purpose of engaging in the manufacture of whisky without payment of the tax."

He would not say that, but he might say, "I went there to operate a still," or "I went there for the purpose of counterfeiting." He has answered the question. There has been no warning by the officers. That is an interrogation, and the man has made a confession, or at least a statement. Would that be admissible?

Mr. CARROLL. Of course.

Mr. COOPER. Will the Senator tell me why?

Mr. CARROLL. First of all, the propriety of the question depends upon the background. A trial judge determines, first, whether or not the officers had probable cause to arrest the defendant. That is basic. They must have probable cause. They cannot arrest people on a fishing expedition; but if they have probable cause and the arrest is legal, the police are not barred from asking questions. That is the basis of the committee amendment. It establishes a rule of reason.

Mr. COOPER. Subsection (b) provides flatly that no confession made by an arrested person during an interrogation by a law enforcement officer shall be admissible unless certain requirements are met.

Mr. CARROLL. The Senator is talking about subsection (b)?

Mr. COOPER. Yes.

Mr. CARROLL. I think subsection (b) was a sop thrown in by the other body to make the first subsection of the bill more palatable.

Mr. COOPER. It might deny the admissibility of voluntary statements, which today are perfectly admissible.

Mr. CARROLL. I think the Senator has raised a point, but he has raised it through the back door.

Mr. COOPER. No; I raise it directly.

Mr. CARROLL. Actually, what the House of Representatives did——

Mr. COOPER. I am talking about the bill we are about to vote upon.

Mr. CARROLL. I understand. The House sought to establish a sanction against the admission of certain confessions. Anyone who believes that these warnings are now given by the police departments does not know much about practical police work. The only time such a warning is given in normal police work is after an oral confession has been obtained. The warning is given just before the confession is reduced to writing.

Mr. COOPER. I will not delay the Senator longer. My question has not been answered. Subsection (b) applies to any statement, as well as to any form of confession. My question is this: If such a statement or response to an interrogation were made under circumstances which were wholly voluntary on the part of the accused, is it contemplated that under subsection (b) that statement would not be admissible?

Mr. CARROLL. I see the Senator's point.

I have said that subparagraph (b) was a sop. Congress would attempt to establish a sanction of its own, and say, "If you do not warn the defendant, you cannot use the confession." If they can warn a man and use the confession, why cannot the Supreme Court establish a rule of procedure, so as to provide a double sanction?

The Senator is asking the question whether, with this provision in the bill,

a confession or statement made voluntarily would be excluded because the accused was not warned. I do not think that is the intent of the language. In my opinion it is not clear.

Mr. COOPER. That is the express language of the provision.

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

Mr. CARROLL. I yield.

Mr. ERVIN. Let us analyze the meaning of the word "reasonable." Let us assume a hypothetical case. I should like to obtain the Senator's viewpoint on a hypothetical case, with respect to the meaning of the word "reasonable," as used in the Senate committee amendment.

Assume that John Doe is arrested upon a charge of violating a Federal criminal statute. Instead of taking him before a commissioner, the arresting officers place him in jail for 10 days. While he is in jail he is permitted to be visited by his attorney and his family, and no coercion of any kind is practiced upon him, other than such as might be incident to the fact that he is a prisoner.

On the 10th day John Doe says, "I freely and voluntarily confess that I committed the crime for which I have been arrested." That confession would be inadmissible under the Senate committee amendment, would it not, because the delay was certainly unreasonable?

Mr. CARROLL. That is exactly what the amendment is designed to cover. The Senator has stated a hypothetical case. Actually, this is what the Senator said, in effect: John Doe has been arrested. We therefore assume that when the arrest is made under a Federal statute, it is made because there is probable cause.

Mr. ERVIN. I am assuming that there is not sufficient evidence to hold him until he makes a confession.

Mr. CARROLL. The Senator means that there is not enough evidence to hold the man, but he is held illegally for 10 days. Is that what the Senator means?

Mr. ERVIN. Yes; he is held illegally.

Mr. CARROLL. I believe it is clear that, not only under the decisions of the Court, but under the Constitution, that such detention would be a denial of due process, and I think the man would be freed.

Mr. ERVIN. Since the word "reasonable" modifies "delay," instead of "confession," no matter how free or voluntary a confession may be, if the confession is made during the course of an unreasonable delay, it is inadmissible even though it is made in the glare of the noonday sun and in the face of all the inhabitants of the county. Is that correct?

Mr. CARROLL. I do not believe that the Senator from North Carolina really states the rule correctly.

Mr. ERVIN. If that is the effect of the use of the word "reasonable" in modifying the word "delay," instead of "confession," then the word "reasonable" has no place in the bill.

Mr. CARROLL. There are some Senators who agree with the Senator from North Carolina. Some would like to have no legislation passed by Congress in this field. However, we are not confronted with a theory, but with a condition. The House has passed a bill, and the Senate committee has modified it substantially. I would suggest that we get back on the track.

Let us take the case of John Doe. Does any Member of the Senate believe that a Federal agent could go down into a Southern State, under a civil rights statute or under any other statute, and hold a man illegally without probable cause? Under the habeas corpus statute he could be turned loose as soon as anyone could get to him. Does the Senator mean to say that an illegal confession extracted from him could be used against him to build probable cause and to convict him?

That is not what the Court said in the McNabb case. That is not the decision in the Mallory case. That is not what is designed to be done by the O'Mahoney amendment. What we stand for is due process. What we stand for are constitutional rights. The O'Mahoney amendment is a sound amendment.

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

Mr. CARROLL. I yield.

Mr. DOUGLAS. It has been developed that in the McNabb case the east Tennessee mountain boys were detained for 3 days and were subjected to rigorous examination by Federal agents. Then, and only then, were they brought before a judge or commissioner for arraignment.

The decision of the Court held that this was a violation of their constitutional rights. I can see that the Senator from Colorado is getting ready to discuss the facts in the Mallory case. Prior to his doing so, might it not be well to develop the facts in the so-called Upshaw case, as stated in title 335, United States Code, section 410?

Mr. CARROLL. I would be happy to have the Senator do so.

Mr. DOUGLAS. Based on the record—which may not have been accurate—did not the Court conclude that, according to the evidence which had been produced, Upshaw had been illegally detained for at least 30 hours for the purpose of securing a confession?

Mr. CARROLL. That is my understanding of the case.

Mr. DOUGLAS. I should say 30 hours of examination, without allowing him to have the right of counsel or to be warned as to the consequences of his confession.

That was held by the Court to be a violation of his constitutional rights.

Mr. CARROLL. That is exactly right.

Mr. DOUGLAS. Therefore, at first it was 72 hours in the McNabb case that was declared to be excessive. Now in the Upshaw case, 30 hours was declared by the Court to be excessive. In other words, the Supreme Court was closing in on the problem, successively applying some quantitative test.

Mr. CARROLL. That is not exactly right. It is not only a question of time. The Court considers other factors in addition to time. In the McNabb case, however, the amount of time did shock the conscience of the Court. Later on, in the Upshaw case also the time element was important. I do believe the time element is not the only deciding factor.

Let us assume that a man is arrested in western Colorado. It may take 10 or 11 hours to bring that man in to the committing magistrate traveling by automobile.

Mr. DOUGLAS. Time in relation to circumstance is, however, important.

Mr. CARROLL. That is exactly the point. Forty-five minutes may be too long where there is no probable cause to justify the arrest. Such a case occurred, and the Court threw it out. There must be probable cause to arrest. The judge must determine when that illegal detention begins.

Mr. DOUGLAS. Does the Senator wish to develop the facts in the Mallory case, or does he intend to do that later?

Mr. CARROLL. I would be glad to have the Senator from Illinois develop those facts.

Mr. DOUGLAS. The statement of facts in the Supreme Court decision states that Mallory "was arrested between 2 and 2:30 p. m. and was taken, along with his older nephews, also suspects, to police headquarters. At least four officers questioned him there in the presence of other officers for 30 to 45 minutes, beginning the examination by telling him, according to his testimony, that his brother had said that he was the assailant. Petitioner—

That is, Mallory—

> Petitioner strenuously denied his guilt. He spent the rest of the afternoon at headquarters, in the company of the other two suspects and his brother a good part of the time. About 4 p. m. the three suspects were asked to submit to lie-detector tests, and they agreed. The officer in charge of the polygraph machine was not located for almost 2 hours, during which time the suspects received food and drink. The nephews were then examined first. Questioning of petitioner began just after 8 p. m. Only he and the polygraph operator were present in a small room, the door to which was closed.
>
> Following almost an hour and one-half of steady interrogation, he "first stated that he could have done this crime, or that he might have done it. He finally stated that he was responsible. * * *" Not until 10 p. m., after petitioner had repeated his confession to other officers, did the police attempt to reach a United States commissioner for the purpose of arraignment.

Is not one of the significant circumstances in this case that the arrest took place in the District of Columbia, where a police magistrate is readily accessible? If my information is correct, there were magistrates in the upper floors of the very building in which Mallory was being questioned.

Mr. CARROLL. The Senator is absolutely correct.

Mr. DOUGLAS. There were no difficulties therefore connected either with space or the inaccessibility of magistrates, to require prolonged interrogation.

Mr. CARROLL. That is correct. I might read from a paragraph of that decision. It says:

> The scheme for initiating a Federal prosecution is plainly defined. The police may not arrest upon mere suspicion but only

on probable cause. The next step in the proceeding is to arraign the arrested person before a judicial officer as quickly as possible so that he may be advised of his rights and so that the issue of probable cause may be promptly determined.

I understood the Senator from Illinois to read a little while ago that Mallory's brother or nephew had accused Mallory of the crime.

Mr. DOUGLAS. He was alleged to have accused him.

Mr. CARROLL. Prior to his being brought down on suspicion, there was no probable cause. When the charge was leveled against him by his brother or nephew, probable cause arose. From that time on Mallory was in proper legal custody. Then the rule began to function against the police officers

If they began to interrogate unduly, their lawful arrest would ripen into an illegal arrest. After it ripened into an illegal arrest, no confession was admissible against the defendant.

The point I make is that while it is easy to look back in hindsight about the matter, the truth is that Mallory could have been arraigned and apprised of his rights, and the officers could have continued to interrogate him. There is nothing to prevent the police from interrogating after arraignment. But the important thing about an arraignment is that the defendant shall be apprised of his constitutional rights. And when he goes before a commissioner, or a judge, the defendant is advised of his constitutional rights.

An arrested prisoner may be interrogated by the police. He may be examined for fingerprints and bloodstains on his clothing. All during that period of time the police may interrogate him. There is nothing wrong about that. The Court continues:

But he is not to be taken to police headquarters in order to carry out a process of inquiry that lends itself, even if not so designed, to eliciting damaging statements to support the arrest and ultimately his guilt.

In other words, the arrest cannot be made upon suspicion and the person held for illegal periods of time in order to extract confessions to be used to build up probable cause or to put him in the penitentiary. That cannot be done in America.

Mr. DOUGLAS. The Senator means does he not that it should not be done.

Mr. CARROLL. Under the law and under the Constitution, that cannot be done in America, and the police are not permitted to do it.

What is the practice? The real essence of the whole debate, if we can only show it in the RECORD, begins with the McNabb decision.

The Senator from Missouri spoke of his wonderful experience in the field of criminal jurisprudence and of his knowledge gained thereby. We can go back in tradition to determine what illegal practices have occurred. For more than a hundred years before the Weeks case illegal searches and seizures occurred, until the court set up a rule on illegal search and seizure. For more than a hundred years illegally obtained confessions have been introduced until the courts set up a rule in the McNabb case. Now the rule has been formulated in rule 5 (a) of the Federal Rules of Criminal Procedure. I am sure the Senator from Missouri knows what has happened.

Shall we ask the courts to turn the clock back? This is a foolish procedure.

It has taken 44 years to get two-thirds of the States to adopt such a rule as announced in the Weeks case. In many States illegally acquired evidence is still admissible against a defendant. Some day a contrary rule will be established by statute in those States. But it takes a long time. This is only the evolution of a judicial rule. While to some it appears to be harsh in the District of Columbia today, someday it may be generally accepted over the entire country. But it has to be done moderately and modestly. The bill which passed the House would turn the clock back. It would put us back where we were some 15 years ago. The Senate amendment moves forward.

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

Mr. CARROLL. I yield.

Mr. DOUGLAS. The Senator from Colorado is a very modest man, but, as I remember, he was the prosecuting attorney in Denver at one time. Is that not true?

Mr. CARROLL. I may say to the Senator from Illinois that monuments are never built to honor prosecutors. That is why I do not talk about it.

Mr. DOUGLAS. But is it not true that the Senator was the prosecuting attorney?

Mr. CARROLL. Yes.

Mr. DOUGLAS. So the Senator is not speaking on the question merely from an academic viewpoint; he knows what happens when, as frequently it happens, men are arrested and held for protracted periods before they are arraigned.

Mr. CARROLL. That is true.

Mr. DOUGLAS. The Senator has prosecuted a good many such persons, too, has he not?

Mr. CARROLL. That is true.

Mr. DOUGLAS. The Senator has obtained many convictions. But now that he has become a Senator, like Sir Edward Coke, he looks at the situation philosophically. He judges it not from the standpoint of whether convictions will be obtained, but whether the ends of justice will be served—as indeed has has always been his purpose.

Mr. CARROLL. I think that is a fair statement, or conclusion. But it is not only my position. The Senator from Missouri said that when he was a district attorney, his office obtained convictions in more than 90 percent of the cases, and I know he has always been guided by the highest principles of justice.

Every United States attorney will say that in the Federal courts, convictions are obtained in much more than 90 percent of the cases.

I can remember that in my 4-year term as district attorney, convictions were obtained in some 90 percent of the cases. I assure the Senator that I was not defeated for reelection; I simply did not run. Four years, I thought, was enough.

So the charge that this bill does something to damage society is not correct. When I first began my study of the bill, I drafted an amendment to exclude the District of Columbia from the application of rule 5 (a). I originally drafted the amendment because the District of Columbia is a metropolitan area having a population of 800,000. While I am deeply concerned about the expansion of Federal police power, I thought we had better afford some protection to the people in connection with what are called common-law crimes, rape, murder, robbery, larceny, burglarly. It is not quite clear to me yet how we can make so strict an application as is provided in the Supreme Court ruling. Some of my own friends on the circuit courts seem to favor a view which would make it difficult for the police to function. That is why the able Senator from Wyoming proposed the idea of establishing a rule of reason.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. O'MAHONEY. I want to be sure that our minds are fixed firmly upon what is contained in the bill before us, and as the committee reported it to the Senate. I shall read a paragraph from the report and then shall ask the Senator a question based upon this paragraph.

I read from the bottom of page 4 of the committee report:

The committee amendment adding the word "reasonable" before the word "delay" is not to be considered as a finding that such a delay as that in the Mallory case is, in fact, reasonable or unreasonable.

We are not dealing with that question. The report continues:

Such a finding is a matter to be determined upon the individual facts of the individual case by the trial court within the framework of the constitutional guaranties as contained in the Bill of Rights.

Was it not our purpose in the amendment to make certain that we were entertaining no variation from the individual rights as expressed by the Bill of Rights?

Mr. CARROLL. The Senator from Wyoming is perfectly correct. The report states what we stand for and what we seek to provide by the bill. I believe we have covered the situation.

Mr. CHURCH. Mr. President, will the Senator from Colorado yield to me?

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from Colorado yield to the Senator from Idaho?

Mr. CARROLL. I yield.

Mr. CHURCH. I have listened with a great deal of interest to the remarks of the distinguished Senator from Colorado relative to the pending bill. For purposes of the record, I should like to address several questions to him, concerning the matter now before the Senate.

In the first place, is it now true that the ordinary police departments engaged in investigating ordinary, common-law

crimes and in attempting to arrest the guilty parties, normally function on the basis of making arrests on the ground of nothing more than suspicion? I speak now of the police departments in the ordinary law-enforcement cases in the cities of the country.

Mr. CARROLL. That is a very interesting question; and it was raised by one of the judges in a recent decision of the circuit court of appeals.

The question is this: What constitutes an arrest? It is true that in the police departments all over the country, there is no real legal authority to use what they call the open-book charge—that is a booking for investigation on suspicion. Very often in a murder case, a rape case, or a robbery case, the police—acting in connection with common-law crimes—have to move quickly; and sometimes they will gather up a group of people. The police do not actually arrest them, in the sense of charging them with the commission of a crime. But the police detain them, for the purpose of interrogation. That is done because there may be among them an eyewitness to the crime; and there is a statute which provides that a witness can be put in jail, if necessary. That may be shocking news to some persons; nevertheless, such statute exists—for instance, there is such a statute in the District of Columbia.

To deal with the question specifically, the answer is, Yes, the police do arrest, on many occasions, without having what we call the fundamental basis of an arrest—namely, evidence upon which to base a criminal complaint. That is true.

Mr. CHURCH. That is my understanding of the ordinary practice of the police departments in the cities throughout the country.

Apropos of that, will the Senator from Colorado be kind enough to describe to the Senate the Mallory case decision? That is to say, is it not true that the decision in the Mallory case does not affect the ordinary practice of the police departments in the cities of the country, generally, but affects only law enforcement by Federal officers in the Federal courts, and therefore would affect the ordinary criminal-law enforcement in the District of Columbia, which is a Federal city, but would not directly affect the enforcement of the criminal law by police departments in the other cities of the country and in the various States?

Mr. CARROLL. Yes.

Let us put the matter in a somewhat different way. Although the McNabb rule and the Mallory rule are really interpretations of a Federal rule of criminal procedure—now codified in rule 5 (a)—basically, those rules would not affect Oklahoma, Idaho, or Colorado, because they pertain to Federal cases.

It is conceivable that at some time—if there were an abuse of due process, in a case that shocked the conscience of the Federal court—the court might invoke constitutional due process, under the 14th amendment. That is possible. It is also possible, in a very extreme case, that a State court might invoke the fifth amendment. In that connection, I do not refer to Federal fifth amendment; instead, I refer to a State equivalent of the fifth amendment. The very able Senator from Idaho has been conferring with me about this matter, and has been most helpful. As we concluded the other day, it may depend upon the relationship between the 5th amendment and the 14th amendment.

But, basically, this matter applies to police in Federal cases. We should keep that point in mind, and should not be stampeded by the situation in the District of Columbia. After all, we have a larger job to do. We must consider whether we wish to expand the power of the Federal police in the Nation.

Personally, I feel that an evolution is recurring. In view of the McNabb case, the Upshaw case, the Mitchell case, and now the Mallory case we can see the development. I think that situation is confusing to the courts. So I hope the courts will establish a rule of reason. If I am wrong, we shall know about that in approximately 6 months, because a case is now before the Supreme Court.

The Senator from Idaho has asked me why we propose that this bill be passed now. In reply, let me say, in all candor, that we do not need it; but since we are going to get a law, we should get a sensible one. That is why I speak so strongly in support of the O'Mahoney amendment.

Mr. CHURCH. Is it not true that the Mallory case decision—which pertains to a rule of Federal procedure, applicable to Federal courts—nevertheless establishes a rule of evidence, in that the result is to exclude, as probative evidence, a confession that is elicited under facts comparable or similar to the ones which existed in the Mallory case?

Mr. CARROLL. There is no question that the House version of the bill changes the law with reference to the rule of evidence. Rule 5 (a) is a Federal rule of criminal procedure. We are now concerned with a rule of evidence.

Let us follow the reasoning on that point. Let us suppose the judge were to rule that the delay which occurred in a case was reasonable. Remember the O'Mahoney amendment uses the words "reasonable delay." If the delay was reasonable, the confession would be admitted. If the delay was unreasonable—in other words if there was an illegal detention or an unreasonable delay—I think the confession would not be admitted. Therefore, this is a rule of sanction and a rule of evidence.

Mr. CHURCH. I appreciate the helpfulness of the very able Senator from Colorado.

I wish to point out the fact that the decision in the Mallory case is, in effect, one which relates to the rules of evidence, in that it determines under what circumstances a confession will not be admissible in a Federal court.

When we address ourselves to the merits of this question and attempt to determine when a confession ought properly to be admitted in a criminal trial, it seems to me two relevant inquiries to be made are these: (1) has the confession been voluntary and (2) has the confession been coerced—that is to say, has it been obtained under duress? If the trial court can determine either that the confession was involuntary or that the confession was obtained under conditions of duress, then the confession ought not properly to be admitted into evidence.

Mr. CARROLL. That has always been the rule.

Mr. CHURCH. That has always been the rule.

Mr. CARROLL. Yes.

Mr. CHURCH. Let me follow that statement up by asking the Senator from Colorado this question: If a man is arrested, charged with a crime, and then retained for an unreasonable length of time before he is arraigned, is not the passage of an unreasonable length of time itself a form of duress?

Mr. CARROLL. Oh, yes. There is no question about that. It is a fact to be considered.

Mr. CHURCH. And if the time within which the prisoner is held is unreasonable, can it very rationally be considered a form of duress?

Mr. CARROLL. I do not think there is any doubt about it.

Mr. CHURCH. Therefore, I am strongly persuaded that the Senator from Wyoming has performed a service in amending the House bill by including in the bill now pending before the Senate the provision that anyone arrested may not be held an unreasonable length of time prior to being arraigned and then have his confession admitted into evidence. I think the amended form the bill now has taken is in accord with long-established principles of criminal law relative to confessions, and at the same time establishes a rule of reason which will not constitute a handicap or impediment to effective law enforcement in the criminal field. Therefore, I myself am pleased to support the bill as reported by the committee, and think the distinguished Senator from Wyoming has made a great contribution to the bill in adding the language which he has added to it in committee.

Mr. CARROLL. I thank the Senator from Idaho for his very fine questions and his excellent observations on this important proposed legislation, which will be of help not only to the Senate, but also to a court which may at some future date look at the record of this debate as an aid to judicial determination.

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

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

Mr. McNAMARA. I actually do not want to ask the Senator from Colorado a question. I would like time to ask the Senator in charge of the bill some questions.

Mr. CARROLL. I shall be happy to yield the floor, or yield time to the Senator from Michigan, whichever he wishes.

Mr. McNAMARA. I expect to take 5 or 6 minutes to ask questions. The Senator from Illinois [Mr. DOUGLAS] has indicated he would like to have the Senator yield to him.

Mr. CARROLL. Let me conclude, then. I understand that the Senator from Illinois would like the floor.

Mr. DOUGLAS. Mr. President, I should like to ask one question, if I may.

Mr. CARROLL. I yield to the Senator from Illinois.

Mr. DOUGLAS. Thus far we have been discussing the bill as it came from committee, which inserted in the bill the word "reasonable" as an amendment to the bill. But the bill as it came from the House does not have the word "reasonable" in it. I have the bill before me. As it came from the House it read:

> Evidence, including statements and confessions, otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States.

If I can read the English language correctly, it means there can be virtually any degree of delay before arraignment, and that during that time the man arrested can be interrogated, without counsel, without having the advice of an attorney, and without being warned that any testimony he gives may be used against him at his trial. Is that not true?

Mr. CARROLL. That is true. Nevertheless, there would be this reservation which was raised many times in the debate in the other body as an interpretation of what the House meant by the language "delay." Obviously, if a man were illegally detained for 30 days, that circumstance, in itself, would be a fact for the court to consider in determining whether the confession was obtained under duress, influence, or coercion.

Mr. DOUGLAS. But a good deal of delay is permitted under the House bill.

Mr. CARROLL. Oh, yes.

Mr. DOUGLAS. Is it not true that on the floor of the House an effort was made to insert in the bill the word "reasonable," and it was rejected by the House?

Mr. CARROLL. I understand that is so, although I did not read it in the RECORD. That is my information.

Mr. DOUGLAS. If the Senate passes the bill with the word "reasonable" in it, the bill will, of course, go to conference. Does the Senator think there is any prospect that the House, having itself rejected insertion of the word "reasonable," will agree to having that word inserted in its own bill by the Senate?

Mr. CARROLL. I hope the conferees on the part of the House will read the RECORD. Having read the persuasive arguments of the distinguished and able Senator from Wyoming, and following his logic, I hope the House will take the Senate's position. If I should happen to be one of the conferees, and the House conferees did not concur in the Senate position, under no circumstances would I yield to the House position.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me so I may answer the question?

Mr. CARROLL. I yield.

Mr. O'MAHONEY. I have a reasonable degree of reason to believe that the amendment of the Senate Committee on the Judiciary, inserting the word "reasonable" before the word "delay," will be accepted by the House conferees.

Mr. DOUGLAS. My good friend from Colorado hopes that the House conferees will accept the Senate amendment. The Senator from Wyoming says he has a reasonable degree of reason to believe that the House conferees will accept the word "reasonable." I submit that these are very insubstantial things upon which to build a bridge.

Hope is beautiful. It is the last consolation of mankind. But it is not substantial.

One of my fears is that under the very persuasive arguments of the Senator from Wyoming and the extremely capable argument of the Senator from Colorado, we may succumb to their siren song and vote for the bill as it is now, and vote for it in good conscience. Then when the bill comes back from the conference committee, we shall find the word "reasonable" is eliminated.

As the Senator from Colorado has said, that would turn the clock back beyond the Mallory case, beyond the Upshaw case, and beyond the McNabb case, back to the period when overzealous Federal officers could in some cases detain men for unlimited periods of time, and "work them over," so long as there were not physical marks visible upon their bodies. I hope the Senator is correct but I see a seamy basis for expectation.

Mr. O'MAHONEY. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I yield.

Mr. O'MAHONEY. I hope our distinguished colleague from the State of Illinois will have a little faith, a little hope, and a little charity for the Members of this body who will be the conferees upon the measure. I think the hope, the faith, and the charity which he thus would extend to us would be redeemed.

Mr. DOUGLAS. I know the Senator is paraphrasing from the Bible and appealing to faith, hope, and charity—which in certain translations of the Bible are referred to as faith, hope, and love—and that the greatest of these is charity.

The Senator from Illinois is glad to accord either charity or love to his colleague from Wyoming and his colleague from Colorado, but after 10 years in the Congress of the United States I do not want to imperil the liberties of the American people because of naive hopes. I want to have something which is tangibly nailed down to protect individuals against the exceptional but unfair delays.

I may be reproved by the Senator from Wyoming about lack of faith, but I will say, having been bitten a number of times, I have caution. Caution is necessary, as well as hope.

Mr. CARROLL. I will say to the Senator from Illinois, I do not know how we can build this bridge on a substantial basis. I said I expressed a hope. The Senator from Wyoming says we must have faith. I say to the Senator from Illinois, have charity toward me, for perhaps I may be one of the conferees. The Senator from Illinois knows how tenacious I can be.

Mr. DOUGLAS. The Senator from Colorado is a magnificent fellow, a tough fighter, a sturdy defender of civil liberties, and I certainly do not want to be critical of any other Member of this body. But the conferees may be either 3 or 5 in number. If the Senator should be one of the conferees—and I do not believe such a selection is clearly assured—the Senator might still be in the minority on the Senate side. I make no reflection upon other Members in this case. They may just have a different and favorable opinion about the House version of the bill.

Mr. CARROLL. I will say to the Senator from Illinois, if that should be the case and there should be such a minority, we would weep together.

Mr. DOUGLAS. Weeping is not enough. I have wept a great many times, but that is no consolidation for having the liberties of the American people imperiled.

Mr. CARROLL. Can the Senator from Illinois suggest another path or another course which could be taken? If there is one, we will be happy to take it.

Mr. DOUGLAS. There is a very simple path—namely, not to pass any bill at all.

Mr. CARROLL. Does the Senator from Illinois think that is possible, under the circumstances?

Mr. DOUGLAS. We will not know until the roll is called. [Laughter.]

This colloquy may, perhaps, encourage Senators to vote in a given way on the rollcall, whereas otherwise hope might mislead them.

Mr. CARROLL. I suppose I could respond to that statement. I do not really advocate the proposed legislation. The truth of the matter is that personally, perhaps, I would say it would be better if we went home without passing any legislation in this field. As I asked a little earlier, in view of the vote taken in the other body and in view of the sentiment expressed through the corridors and the halls, does the Senator from Illinois have any hope, faith, or charity that intelligence will prevail on this type of legislation?

Mr. DOUGLAS. If we appeal now to hope, I would say there is as much hope that the Senators will see the truth as there is that the Members of the House will see the truth—in fact, more.

Mr. CARROLL. Mr. President, I think we have covered the subject.

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

Mr. CARROLL. I yield to the Senator from New York.

Mr. JAVITS. I think the issue raised by the Senator from Illinois is a very real one, based upon the merits. I think the basis on which the Senator from Colorado has been endeavoring to portray the meaning of the word "reasonable" is very appropriate.

If we pass the bill with language as passed by the House, it is my firm conviction—and I heard the Senator from Colorado express the conviction—such a law would be stricken down by the Court as being unconstitutional. Congress can do some things only within the limitations of the Constitution. I believe that to say delay shall not represent a reason

for rejecting a confession would be a denial of due process of law, and would, in my opinion, be unconstitutional. The courts in all of the cases—the McNabb case, the Mallory case, and all others—have expressly reserved issues of constitutionality. The courts will, if Congress proceeds in a reasonable way, accept the Congressional implementation of a law in order to make it constitutional, but if the Congress should proceed in defiance of the courts, they will not permit the law to stand.

All of us know that if we should remove the element of delay and permit the police to try to use a confession after holding a man for 3 or 4 days in jail, the courts would not permit it. I have no doubt that the Supreme Court would strike down such a law as unconstitutional.

Therefore, with respect to the bill under consideration, as to which the prevailing sentiment may be to pass it without the word "reasonable" in it—which, in my opinion, would be unconstitutional—I believe we really would save the bill by putting "reasonable" in it.

Therefore, I think it is very essential that we be precise as to what we mean by "reasonable." If I remember the cases correctly, what the Senator is attempting to do is articulate a situation in which, although there perhaps is a delay, there will nevertheless not be a sufficient delay, if the courts follow the statute, to nullify the confession.

Under the existing law, under the most strict construction, if there is any delay except the delay which is necessary because a magistrate is not sitting, or the court is closed, or the fellow is too drunk to be arraigned—if there is any unnecessary delay in time, and the time element is what counts, according to the present definition—then the confession could be thrown out.

I think the use of the word "reasonable" will save the bill to a certain extent. That is my own opinion. It is my opinion that the court's rulings are very clear, and that the word "unnecessary" is broad enough in meaning to permit an effort to check a man's story, to determine a man's identity, or to make a man a part of a "lineup." Those are three standard police procedures in this country, and the court determinations would cover those.

Mr. CARROLL. Mr. President, may we have order in the Chamber? I have great difficulty hearing what the Senator from New York is saying.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CARROLL. The Senator from New York is making a very excellent record on these points. I would appreciate it if the Senator would restate the points on police procedure. It is very important that we develop the facts, to help the courts make a determination.

Mr. JAVITS. Mr. President, it is my view that the Court decision in the Mallory case, in defining what is meant by an unnecessary delay, did not include only the thought of time. I believe it included a delay occasioned by what are the normal and constitutional police procedures, which include checking the story of the accused, if he gives an alibi or something else, which can be done quickly; checking to see that the right man is being held, by checking identity; and perhaps even in some cases including the man in the day's "lineup," for an identity check, in order to determine whether the police have the right person as to whom probable cause exists.

Judge Danaher in the Trilling case said almost exactly that. The judge said, "This does not refer simply to time; that was not all the Supreme Court was talking about. The decision included all of those things which make delay reasonable." That is what the judge said.

Let us assume that strict constructionists will construe the Mallory case to turn solely on the issue of time. The word "reasonable," suggested by the distinguished Senator from Wyoming, would therefore help the proponents in that regard, because it would permit the inclusion of the other police procedures, which are not designed to find probable cause, where none exists, by virtue of a confession—that is, where none exists at the time of arrest.

To that extent there might be given to the decision, in the Congressional view, a connotation which would give the most practical applicability, and perhaps induce the courts to say, "If that is what Congress thinks it means, it is all right with us, and it means that."

I will say to the Senator from Colorado I shall deeply appreciate it if he will reply to my statement. If we are reaching a situation where we have a choice as between a statute without the word "reasonable" and no statute at all, I would infinitely prefer no statute at all. Even if the other body insists that it must be their way, and the majority of the Senate votes with them, I might prefer a bill without the word "reasonable," because I think such a law would be stricken down as unconstitutional.

In short, I think we are doing a favor to the people who think there ought to be some legislation, by discussing the matter and laying the basis for an approach of constitutionality by the use of the word "reasonable." We are trying to save the bill. I do not believe that the effort to save the bill is a material one. I believe the court's decision is fully adequate to cover the situation.

I would deeply appreciate it if I could obtain from the Senator from Colorado, who has been working on this bill, and whose contribution has been very important, his view as to certain specific questions. He has made an excellent record. I should like to have his view as to two specific questions.

First, how does the word "reasonable" differ from the word "unnecessary"?

Second, does the Senator believe that, without the word "reasonable" in it, the bill would be constitutional?

Mr. CARROLL. As to the second question, I do not believe that the bill as passed by the House would be held to be constitutional. I think the Supreme Court would strike it down, first, because the Supreme Court has the inherent power to establish rules of evidence, and also for the other reasons assigned by the Senator from New York, I believe it would be held to be unconstitutional.

I agree with the conclusion that we are really doing a favor to those who want the bill passed. The distinguished and able Senator from Wyoming has given of his time, experience, and great knowledge in the law. He has come forward with an amendment which applies the rule of common sense, the rule of reason. It says to the courts, "Get together. Stop quarreling over this decision. Get down to bedrock. Use your common sense. You have 2 or 3 standards. Instead of trying to be doctrinaire about this approach, that approach, or the other approach, you should examine the decisions."

That, in a sense, answers the Senator's first question.

Mr. JAVITS. Yes.

Mr. CARROLL. Actually, I do not believe any legislation is necessary at all. But the Supreme Court must speak a little more plainly so that judges in the lower courts will understand what it is saying.

I am now borrowing the expression of a brilliant young professor who has written a paper soon to be published in the Georgetown Law Journal, Prof. James Hogan. I wish I could read it into the RECORD. Professor Hogan said, that the difficulty with these decisions, from the McNabb case to the Mitchell case, to the Upshaw case, to the Mallory case, is that they have "bewitched" the defendants. They have "bothered" the prosecutors; and they have "bewildered" the judiciary, because they arise from different facts and circumstances.

As I study the question carefully, I believe I know what the Supreme Court is trying to say. But when I talk with one friend of mine on the circuit court of appeals on one side he gives me one view and when I talk to another, he gives me another view. Then I read the decision of still another fine lawyer and fine jurist and find that he is convinced that he has the right idea. Each judge is convinced that he has the right idea. That holds true also of the Federal district courts.

What we are trying to say is, "Gentlemen, read this record. Listen to Senator O'MAHONEY, a distinguished lawyer, and these other legislators who are trying to interpret the will of this body and establish a rule of common sense so you can get back on the track."

We do not desire to interfere with the rule with respect to probable cause. We do not wish to interfere with the rule regarding illegal detentions. We do not wish to eliminate that rule at all. We do not want to allow the police a long period of interrogation which interferes with the rule regarding unreasonable delay.

We say to the judge below, "Use your common sense. Use the rule of reason. Consider the facts and circumstances of each case."

We must have confidence in the judge below. This is a democracy. The judges in the lower courts are working hard and competently. Without intending any offense to the gentlemen who are

the philosophers in the ivory tower, let me say that perhaps the judge below, who has the opportunity to hear the witnesses and consider the evidence, will reach a better decision; but he is limited by the rules established by the Supreme Court.

That is a long way around the barn to answer the Senator's question, but it is not an easy question to answer.

Mr. O'MAHONEY. Mr. President, I should like to add one word in reply to the Senator from New York.

REASONABLE AND UNNECESSARY

The question I have in mind is a query as to what the difference is between "reasonable" and "unnecessary." The difference is this: The words "reasonable" and "unreasonable" go back to the Bill of Rights. The fourth amendment contains a distinct provision against unreasonable searches and seizures.

The words "necessary" and "unnecessary" go back only to the Rules of Criminal Procedure in 1946. I was fearful that if the word "necessary" were used it would raise a question of interpretation.

What is the measure of necessity? The general practice of law throughout the history of our Government and our States is based upon the power of the trial court to determine what is reasonable and what is unreasonable. I felt that there would be less difficulty in interpretation by using the word "reasonable" rather than the other word.

Mr. CARROLL. Mr. President, I thank the Senator from New York for his fine contribution to the RECORD.

I close by thanking the distinguished Senator from Wyoming for all the time and attention he has given to the bill. Only a few weeks ago one would have received the impression that this was a bill which passed the other body by such an overwhelming vote that it would not need much consideration in the Senate.

To me that is the best reason why legislation should not pass this body until it is considered by a committee, and witnesses have been heard, and we have examined the legislative enactments of the other body. By the same token, it should reexamine enactments of this body.

The concept has developed that in the closing days of Congress, when the other body passes an important piece of proposed legislation, it can be considered by a Senate committee in 5 minutes, without holding hearings. That practice should be stopped; and I hope the leadership will stop it.

For example, I am led to believe that there may be some legislation affecting the ancient writ of habeas corpus. That subject has never been considered by this body or any of its committees. We shall be asked to consider a bill which passed through the Judiciary Committee with 5 minutes consideration. It will be said that the legislation should be enacted because the Judicial Conference wants it. Are we a rubberstamp for the Judicial Conference? Does the Judicial Conference do our legislating for us? Or do we conduct our own hearings? Do we call law professors and lawyers and other experts and ourselves determine the effect and validity of the restrictions sought to be imposed on the ancient writ of habeas corpus? I mention this bill only by way of illustration.

Another bill which I am told will come to this body in the closing days of the Congress is H. R. 3. No hearings have been held on that bill in this body. It has never even been approved by the Judiciary Committee.

We are to be asked to pass in this body still another bill, House bill 654. No hearings were held in this body. It seems to me that we should pay some attention to constitutional procedure, as we have done in connection with the Mallory case. The distinguished Senator from Wyoming has given hours and days and weeks of his time in an effort to reach a proper solution. That is the democratic way to legislate. That is the constitutional way to legislate; and I sincerely hope that the Senate will approve the bill as it comes from the Senate Judiciary Committee, under the leadership of the able Senator from Wyoming.

Mr. President, I yield the floor.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 9700) to consolidate into one act all of the laws administered by the Veterans' Administration, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 13247) to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical needs, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BARDEN, Mr. BAILEY, Mr. ELLIOTT, Mr. METCALF, Mr. GWINN, Mr. KEARNS, and Mr. HASKELL were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13549) to increase benefits under the Federal old-age, survivors, and disability insurance system, to improve the actuarial status of the trust funds of such system, and otherwise improve such system to amend the public assistance and maternal and child health and welfare provisions of the Social Security Act; and for other purposes.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 3904. An act for the relief of Nunik Firjanian and Florence Thomasi;

H. R. 6175. An act for the relief of Virginia Hell;

H. R. 6894. An act to amend the Tariff Act of 1930 as it relates to unmanufactured mica and mica films and splittings.

H. R. 8160. An act authorizing a survey of the Tensaw River, Ala., in the interest of navigation and allied purposes;

H. R. 8481. An act to amend title IV of the Agricultural Act of 1956 to provide that the provisions of such title shall apply in Hawaii;

H. R. 8652. An act to rescind the authorization for the Waldo Lake tunnel and regulating works, Willamette River, Oreg.;

H. R. 9239. An act to provide for the construction of an irrigation distribution system and drainage works for restricted Indian lands within the Coachella Valley County Water District in Riverside County, Calif., and for other purposes;

H. R. 9371. An act to provide for the relief of certain members and former members of the Army and the Air Force, and for other purposes;

H. R. 10360. An act to amend title V of the Agricultural Act of 1949, as amended;

H. R. 11630. An act to amend title XV of the Social Security Act to extend the unemployment insurance system to ex-servicemen, and for other purposes;

H. R. 11697. An act to amend the Act of June 29, 1888, relating to the prevention of obstructive and injurious deposits in the harbor of New York, to extend the application of that act to the harbor of Hampton Roads;

H. R. 12489. An act to extend the time for making certain reports under the Highway Revenue Act of 1956 and the Federal-Aid Highway Act of 1956;

H. R. 12494. An act to authorize the Secretary of Agriculture in selling or agreeing to the sale of lands to the State of North Carolina to permit the State to sell or exchange such lands for private purposes;

H. R. 12876. An act to extend title VII of the Public Health Service Act (relating to health research facilities) for 3 years, and for other purposes;

H. R. 13342. An act to provide for a survey of Parish Line Canal, La.;

H. R. 13688. An act to provide airmail and special-delivery postage stamps for Members of the House of Representatives on the basis of regular sessions of Congress, and for other purposes; and

H. J. Res. 585. Joint resolution authorizing and directing the Secretary of the Interior to conduct studies and render a report on service to Santa Clara, San Benito, Santa Cruz, and Monterey Counties from the Central Valley project, California.

## ACHIEVEMENTS OF 85TH CONGRESS IN FIELD OF ATOMIC ENERGY

Mr. JOHNSON of Texas. Mr. President, the distinguished correspondent for Scripps Howard, Marshall McNeil, points out today that one of the outstanding achievements of this Congress has been in the field of atomic energy.

To a considerable extent, this is a tribute to the dedication and the devoted work of the Senator from New Mexico [Mr. ANDERSON], and the other members of the Joint Congressional Atomic Energy Committee.

Thanks to their constant work, Congress has kept abreast of developments in the atomic age. The committee has produced legislation which is both sound and imaginative; prudent and bold.

It has also guided the other committees which have some connection with this field.

I ask unanimous consent that Mr. McNeil's very fine article be printed in the RECORD, as a part of my remarks.

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

[From the Washington News of August 19, 1958]

THE LIST IS LONG—CONGRESS HAS DONE WELL BY ATOM

(By Marshall McNeil)

This is the big year for the atom.

The Congress that is about to quit has done more than any other to advance the atoms-for-peace program, and to strengthen ourselves and our allies with atomic weapons.

Its work in this field will be climaxed when the House, perhaps this week, passes the European Atomic Energy Community (EURATOM) bills the Senate approved yesterday.

Under these, the best United States atomic brains and those of six friendly European nations will collaborate in peaceful research and development. We will help those countries build six large atomic-power reactors, the start of a system which, eventually could relieve oil-poor Europe from dependence on other fuels, including petroleum from the Middle East.

INFORMATION

Congress has approved exchanges of atomic weapons information with Britain and probably later with other friendly countries as they make substantial progress.

Moreover, it has allowed exchanges of information with all NATO allies on how troops can use, and defend against, atomic bombs.

It has given added impetus to the domestic atomic-power program, which dovetails with Euratom and promises increasing business for private concerns in all parts of this new and growing industrial field.

"It has been a great year for the Atomic Energy Committee," said Senator CLINTON ANDERSON, Democrat, of New Mexico, vice chairman of that group.

"With the sponsorship of our committee and the backing of Congress, we have taken steps to move ahead in all fields.

"Then came the remarkable achievement of the *Nautilus* the atomic-powered submarine.

"If the appeals and warnings of the committee of years ago had been heeded," he said, "we probably would be just as far in our lagging program to achieve atomic-powered flight."

ACHIEVEMENTS

These are some of the outstanding achievements of this session affecting both the peaceful and warlike atom:

The exchange of information legislation under which, among other things, we will cooperate with Britain in improving atomic weapons and sell her the atomic engine for her own nuclear-powered sub. This reinstituted our successful wartime atomic partnership with Britain.

Passage of the big Atomic Energy Commission authorization bill. It provided for a $145 million reactor to make more plutonium for use in small weapons, additional basic research in atomic energy, and construction of a big gas-cooled power reactor by the Government if private industry decides it cannot take on the task.

The principle of EURATOM was underwritten, and implemented in part, with the implied obligation further to help it with scientific assistance and money, plus atomic fuel.

Assent was given to fullscale work on a reactor to power a big Navy destroyer.

INSURANCE

Congress also approved a bill to give some insurance protection to universities which operate experimental atomic reactors. It made some technical changes in the basic act, one of which will permit speedier approval of two-way atomic treaties with friendly nations. And it appropriated enough money to get the newly authorized reactors and research programs underway.

In the works in the atomic committee is a big new study which aims at a 5- to 7-year domestic atomic power development program, which includes 21 different types of reactors, to be tested either experimentally or on a large-scale basis.

Finally, the Senate passed a bill giving Rear Adm. Hyman Rickover, father of the atomic submarine, a Congressional medal. The House followed suit later in the day.

## HELPFUL IMPACT OF ANTIRECESSION LEGISLATION

Mr. JOHNSON of Texas. Mr. President, the Washington Star editorially calls attention today to the helpful impact that the antirecession legislation we passed last spring has had upon our economy.

The Star cites the facts and figures which demonstrates the increase in payrolls which can be traced in large degree to the initiative exercised by Congress. The increase is particularly noteworthy in the field of housing legislation.

But undoubtedly the other measures which we passed by bipartisan votes made their contribution, such measures as the bill for the acceleration of public works, the highway program, and others.

Mr. President, I think that Congress has a right to be proud of its record in this respect. There was a problem before the American people and we acted, we acted through our committee chairmen with the support of Members on both sides of the aisle.

It would not do to become complacent over the situation, however. There are still about five million unemployed, despite the increase in income and in payrolls. The situation still calls for vigorous use of the authority which we granted to the administration, and we should not allow ourselves to forget the plight of those who still need jobs.

I ask unanimous consent that the Star editorial be printed in the RECORD as a part of my remarks.

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

BETTER LOOKING FIGURES

The helpful impact of antirecession legislation enacted last spring is reflected in the most important degree thus far in two sets of economic statistics just released by the Commerce and Labor Departments. Both apply to the month of July and offer real encouragement that the most recent business slump actually has recorded its low point and that recovery, even though slow and irregular, is underway.

The Commerce Department announcement dealt with personal income, estimated in July at an annual rate of $354.5 billion—a record high rate for any month and continuing the progress noted since last February's low for the year. The favorable figure reflects pay increases voted to civilian employees of the Federal Government, but does not include the retroactive payments made under the same authorization. More significant as a clue to business conditions, however, was the showing that private industry payrolls for July advanced for the second straight month by about $1 billion on an annual rate basis.

From the Labor Department came the figures that private housing starts in July totaled 107,300, the highest for any month since May 1956, and indicating an annual rate of 1,160,000—likewise the highest in more than 2 years. Liberalization of mortgage insurance programs under jurisdiction of the Federal Housing Administration and the Veterans' Administration was credited with much of this improvement, but the Department also noted that mortgage money in general is becoming more available.

In short, the third quarter appears to have gotten off to a good start. How the overall economy will fare for the complete year may depend most of all on how things go in Detroit in the coming few weeks—on the course of the labor-management negotiations in the automobile industry and the indicated demand for the new cars that will be showing up in early fall.

## DEVELOPMENT OF LAND AND WATER RESOURCES IN TEXAS

Mr. JOHNSON of Texas. Mr. President, between April 1948 and December 1957 the United States Government contributed $440,100,000 to help finance 236 power projects in 46 foreign countries. A total of $97,838,000 was spent in Europe; $164,300,000 in the Far East; $140,200,000 in the Near East and South Asia; $10,500,000 in Latin America.

I think we can be proud of that record. It demonstrates that we are dealing directly with the acute social and economic problems of our time.

But there are also problems of this nature facing us at home. The question of effectively using and developing land and water resources is particularly acute in my home State of Texas.

The Senate has passed legislation authorizing the establishment of a study commission which would be responsible for the preparation of integrated and cooperative investigations, studies, and surveys of land and water resources in seven Texas water basins. I have for some years supported a far-reaching investigation by the Corps of Engineers and the Bureau of Reclamation to determine the current and long-range water supply problems in Texas. We have worked closely with the State Board of Water Engineers to develop a unified program.

The creation of a study commission is the next logical step in meeting these enormous challenges. Complete utilization of land and water resources is essential in developing a sound and permanent economy. Texas is a quarter of a century behind in dealing with this problem. We must catch up, and without further delay.

But we cannot catch up by making any slapdash attempt. The mere spending of money, the waving of the magic appropriations wand, the building of dams just anywhere, will not get the job done. The decisions we make today must stand the test of time, because these decisions are the key to our economic future.

As of March 15, 1958, more than 500 State and local agencies in Texas had been created to deal with water problems in their respective areas. Most of the agencies are active in accordance with their statutory authority. The creation of a study commission would provide for coordinated surveys and plan-

ning. Many flood-control, hydroelectric-power, navigation, irrigation, watershed-protection, water-pollution control, and other water and land resources development projects have been constructed, are under construction, or are being planned.

I emphasize, also, that this study commission is designed to aid and abet present State and local agencies. It does not supplant or infringe on the State Board of Water Engineers or the river authorities concerned. In the work that must be done, it is imperative that the State take the lead. Texas is, and must remain, totally sovereign over its water resources. That is basic in any plan for intensified development. The proposed study commission respects the concept that basic ideas, basic leadership in the field of water, must come from the grassroots, in this case the water authorities. Seven members of the study commission will be residents of the areas under study. The chairman would also be a resident of one of the water basins. There is sufficient Federal representation so that the national interest will be intelligently and effectively represented.

Such a program would not terminate the exhaustive studies that have been made by the Bureau of Reclamation and the Corps of Engineers. These studies are leading to large-scale water-supply projects that are essential to industrial progress.

It is going to require an ocean of water to meet the industrial and municipal needs of Texas in years to come. It will require a world of intelligence to plan for it.

## COMMITTEE REPORT ON H. R. 2—DIVERSION OF GREAT LAKES WATER

Mr. CHAVEZ. Mr. President, from the Committee on Public Works I submit reports——

Mr. PROXMIRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PROXMIRE. I would like to ask the Senator from New Mexico whether one of the reports he is making is on H. R. 2.

Mr. CHAVEZ. One of the reports is on H. R. 2. That is one of the reports.

Mr. PROXMIRE. Under rule VII, part 1, I object.

Mr. DOUGLAS. This is a most unusual and regrettable action by the Senator from Wisconsin. H. R. 2 was passed by the House and has been fully considered and approved by the Committee on Public Works. As the committee's report will make clear, it permits a trial period of 1 year for an additional diversion of 1,000 cubic feet of water per second into the Chicago Waterway system.

We are rapidly approaching the end of the session, and Senators from the lake States are very much opposed to the bill. I am in favor of it. My good friend from Wisconsin apparently does not want to permit the Senate to consider this matter and has made a very technical objection to block its consideration. I should like to ask the Senator on what basis he objects to the report.

Mr. CHAVEZ. Mr. President, I do not wish to impose upon the time of the Senator from Colorado, who is speaking on the Mallory bill. Therefore, I will withdraw my request.

Mr. DOUGLAS. Mr. President, I hope the Senator from New Mexico will——

Mr. CHAVEZ. I will report it.

Mr. DOUGLAS. I should like to point out that, while I like my good friend from Wisconsin very much, in my opinion he has done something which is quite extraordinary, highly technical, and contrary to our common practices and Senate procedures in the rush of the final days of the session. I wish to protest against it. He is trying to prevent the Senate from considering a bill passed by the House of Representatives and approved by a Senate committee. I should like to know on what basis he objects.

Mr. PROXMIRE. I merely wish to say that I am objecting under the rules of the Senate, which give me the right to object. The fact is that reports of committees are supposed to be made during the morning hour. It is clear, therefore, that I am within my right to make the objection. I feel very strongly that H. R. 2 is against the public interest, against the national interest, and overwhelmingly against the interest of my State. The fact is that it is coming before us in the closing days of the session. I have done all I can to appeal to the leadership to schedule the measure for next year, so that there will be some time available for debating the issue. I am justified under the rule in objecting under those circumstances.

Mr. DOUGLAS. Would the Senator from Wisconsin object if the report were filed during the morning hour?

Mr. PROXMIRE. Of course not if the report is in proper order. In that event I would have no right to object during the morning hour.

Mr. CHAVEZ. I see no reason for any objection. I am not asking anyone to vote for the bill or against it. There were plenty of objections even within the committee. I do not know whether it will be considered. However, I believe that after the committee has held extensive hearings on the bill, with opportunity given to the minority members to express their views, that there is nothing irregular about asking the Senate to make the report on the bill. What the Senate does with it is the business of the Senate.

Mr. CASE of South Dakota. I am a little surprised by the objection to the report being made, since the report can be presented during the morning hour, when no objection will lie. I doubt that this is a way to win friends or influence people on behalf of those who may be opposed to the proposed legislation, to take advantage of a technical situation to prevent a report being made, particularly at a time when the Senate is moving toward adjournment. I hope on reconsideration the Senator from Wisconsin will be disposed to withdraw his objection.

Mr. PROXMIRE. In view of the fact that the Senator from South Dakota has mentioned my name, I should like the indulgence of the Senator from Colorado, who holds the floor, to reply to him briefly. The Senator from Illinois has raised a very legitimate and proper point as has the Senator from South Dakota. I am objecting also because the hearings have not been made available. They have not been printed. I secured a copy only recently. They are over 600 pages in length. I am spending my time night and day going over the record. I spent all day Sunday studying the record. I spent until 2 o'clock this morning on my study of the record. I am spending every minute on it I can. I wish to make a proper presentation in detail when the bill comes to the floor of the Senate. The rules of the Senate offer me an opportunity, and I am taking advantage of it.

Mr. McNAMARA. Mr. President, I merely wish to say for the RECORD that the bill passed by the House does not provide for a 1-year trial period. It provided for a 5-year period.

## BUREAUCRACY AT ITS WORST

Mr. BUTLER. Mr. President, on March 10 of this session I introduced Senate bill 3426 which would require that 75 percent of all conversions, alterations, and repairs to naval vessels would be performed in private ship repair yards. The purpose of this bill is to reduce Government competition with private industry in keeping with the recommendations of the Hoover Commission and the announced objectives of the Eisenhower administration. There is no implied intention that the enactment of this bill would undermine or sacrifice the national security or the Nation's defense potential.

In accordance with the standing rules of the Committee on Armed Services, to which S. 3426 was referred, no action could be taken, or consideration scheduled, until the views of the Department of Defense were known. That report was requested on March 14 by my good friend and colleague, Senator RUSSELL, chairman, but not until July 8—almost 4 months later—did the Department of the Navy, acting for the Department of Defense, submit a self-serving document which is notable for its omissions and misleading facts. Obviously, this report was received too late in the session for the Committee on Armed Services to give this matter the exhaustive study which, in my judgment, it deserves.

It is my expectation to reintroduce this bill in the 86th Congress, and so that my colleagues may have some knowledge of the background of my proposal, I request unanimous consent, Mr. President, to have printed in the body of the RECORD at this point my newsletter of August 11, 1958; a letter dated July 8, 1958, from Capt. John S. McCain, Jr., Chief of Legislative Liaison, Department of the Navy; and a detailed analysis of Captain McCain's letter which I have prepared.

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

A WEEKLY NEWSLETTER BY SENATOR JOHN MARSHALL BUTLER—BUREAUCRACY AT ITS WORST

WASHINGTON, August 11, 1958.—The economy of the State of Maryland is sustained by a variety of industries—among them are shipbuilding and ship repairing. Bethlehem-Sparrows Point Shipyards and Maryland Shipbuilding & Drydock Co. are in line to receive significant shipbuilding and conversion contracts from the Maritime Administration, and the resulting impetus to the economy of the port of Baltimore will have a beneficial effect throughout the State. However, from a long-range standpoint, these facilities and others depend, in part, upon awards from the Navy Department for conversion, alteration, and repairs to naval vessels.

But, contrary to the national policy of fostering free enterprise, the Government has closed its eyes to the burgeoning employment, payroll padding, inefficient operations, faulty accounting and excessive costs in the various naval shipyards. Unquestionably, the national security dictates that the Navy must conserve a nucleus of skilled employees and maintain suitable facilities for expansion in times of emergency. However, total employment in all of the naval shipyards today is nearly twice that of private yards. The Norfolk Navy Yard, for example, is characterized by the Navy as an industrial giant, covering 811 acres and capable of drydocking and rendering complete service to the world's largest ships.

Yet, extensive search of material in the Library of Congress, Government documents, periodicals, and other literature, including the files of the Department of the Navy, has failed to show any evidence that there has ever been rendered a unified and systematic account of naval shipyards with respect to their general activities in maintenance and repair. Congressional reports on appropriations sometimes include brief comments on the needs and problems of the Bureau of Ships, which administers the naval shipyards, but do not illuminate the repair functions of these yards.

In an effort to lift this zealously and jealously guarded veil of secrecy, and thereby reduce to minimal proportions Government competition with private industry in this field, I introduced legislation on March 10 which would carry out recommendations of the Hoover Commission. It should be emphasized that this proposal is not intended to eliminate essential Government ship repair facilities. Four months later, on July 8, the Department of the Navy submitted a self-serving report, too late for the Senate Committee on Armed Services to take any action during the present session of the Congress. This deliberate procrastination typifies one of the devices by which Federal agencies can frustrate, and frequently sabotage, desirable and important legislation.

JOHN MARSHALL BUTLER,
*United States Senator.*

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DEPARTMENT OF THE NAVY,
*Washington, D. C., July 8, 1958.*

Honorable RICHARD B. RUSSELL,
*Chairman, Committee on Armed Services, United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Your request for comments on S. 3426, a bill "To require the expenditure of 75 percent of the funds expended for the conversion, alteration, and repair of naval vessels to be expended with private ship repair yards, and for other purposes," has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

S. 3426 would provide that 75 percent of appropriations each fiscal year for the conversion, alteration, and repair of naval vessels, other than such work not ordinarily conducted in shipyards, shall be obligated for expenditure with private ship repair yards. Secondly, the bill would establish a temporary commission of laymen to conduct a thorough and comprehensive investigation, study, and report to the President in not more than 1 year, of the effect upon the private shipbuilding industry of the construction and repair of naval vessels in Government shipyards.

S. 3426 is similar to H. R. 32 and H. R. 3767 of the 1st session, 85th Congress.

The Navy has responded to the need of private yards for additional work by making large-scale assignments of overhaul and repair work, as well as new construction and conversion, to the industry. By its bold and vigorous policy, the Navy has been largely instrumental in preserving the valuable mobilization potential of this industry. In recent years, private yards throughout the country have received a larger dollar volume of naval repair work, as well as construction and conversion, than ever before in peacetime. During fiscal years 1954 through 1957, private yards received a yearly average of over $100 million of Navy repair work. Also, as of January 1, 1958, about 59 percent of the $3,700,000,000 naval ship construction and conversion program was being accomplished in private yards.

The chief mission of the naval shipyards is the overhaul and repair of combatant ships. The American tradition of victory at sea is due, in large measure, to the superb material readiness of the fleet in wartime and peacetime, and this in turn, would not have been possible without the unique support provided by naval shipyards, many of which were established early in the 19th century. S. 3426 would dissipate the capabilities of this naval shipyard complex which is strategically dispersed throughout our coastal areas to provide comprehensive logistics support.

The naval shipyards, because of their organization and operation under direct Navy control, are immediately responsible to fleet requirements. In wartime, especially, this is of paramount importance. Such yards are not subject to strikes and jurisdictional disputes, over which the Navy has little control and which result in loss of timely deliveries. They maintain specialized skills and a diverse inventory of Navy equipment for large combatant ships, particularly ordnance and electronics, which many private yards find it uneconomical to maintain on account of workload fluctuations caused by the uncertainties of competition. In wartime, naval shipyards are engaged chiefly in repairing battle-damaged ships, while private yards specialize in the mass production of new ships. In peacetime, therefore, the major part of new construction is generally awarded to private yards and the major part of Navy repair work is undertaken in naval shipyards, in order to prepare both types of yards for their wartime missions.

The distribution of construction, conversion and repair work between naval shipyards and private yards must be governed by a very flexible policy, subject to revision to meet changing operational and logistics requirements. Subject bill would destroy this flexibility. It would promote the economic well-being of the private ship repair industry but at considerable sacrifice of national security. The 75 percent requirement would cause the closing of several naval shipyards and drastic curtailment in the operations of others, thus seriously impairing the Navy's ability to provide logistics support to the operating forces and to maintain them in an optimum condition of readiness. These responsibilities require that the Navy retain effective authority to control the overhaul and repair, as well as the operation, of its fighting ships. Such authority is well established by tradition and by existing law.

The subject bill would establish a National Commission on Shipbuilding to be composed of members having no connection with the United States Navy or with the private shipbuilding and repair industry. A Commission so constituted could not be expected to formulate any recommendations within the short space of 1 year which would be of any practicable benefit. Further, the bill in the establishment of an arbitrary 75:25 ratio appears to indicate a prejudging of the matter prior to any report and finding by the Commission.

In view of the foregoing, the Department of the Navy, on behalf of the Department of Defense, opposes the enactment of S. 3426.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report on S. 3426 to the Congress.

For the Secretary of the Navy.

Sincerely yours,

JOHN S. MCCAIN, Jr.,
*Captain, USN, Chief of Legislative Liaison.*

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MEMORANDUM PREPARED BY SENATOR JOHN MARSHALL BUTLER IN REGARD TO SENATE BILL 3426

The letter from Capt. McCain pertaining to S. 3426, reflects the general philosophy of most, but not all, naval officers and civilian executives, that is, that naval repairs, in peacetime, should be primarily accomplished by the naval shipyards to prepare them for their wartime missions. This objective, of course, requires the maintenance of a high level of employment in all the naval shipyards. The Navy usually attempts to justify that philosophy by statements to the effect that private ship repair yards do not have competent personnel having the specialized skills in ordnance, electronics, and other specialized installations on combat vessels. This contention, which is of long standing, ignores the fact that many of the combat ships to be repaired were originally constructed in private shipyards, which now are adjudged incompetent to repair their own creations.

Unfortunately, letters of the character of this letter, which comment on proposed legislation, are not always factual, perhaps by inadvertence on the part of both the preparer and the signer.

The shipbuilding industry, as such, has not complained about the assignment of new construction by the Navy to private shipyards. On the contrary, it has repeatedly expressed its appreciation to the Navy for the allocation of substantial new construction work, both auxiliary and combat ships, to private shipyards.

It is quite true that the ship repairing portion of the industry, which consists both of shipbuilding yards having repair facilities and ship repair yards devoted exclusively to that type of work, has received substantial naval repair work, particularly on auxiliaries, but to a limited extent on combat vessels, together with some conversions. The industry is duly appreciative of the work it has received. However, it feels that it could receive substantially more work of this type without the dire results to the naval shipyards predicted in Captain McCain's letter.

Present employment ceilings in the several naval shipyards are maintained at an unduly high level. Thus it is inevitable that work will be assigned to those same naval shipyards in sufficient volume to provide work for those employed there so as to justify their employment. This procedure creates the old problem of the chicken and the egg,

although in this case the employmant seems to come first and then the workload, but it could be that the potential workload envisioned or planned determines the employment ceiling. In any event, the result is the same, too much employment in naval shipyards and too little in private ship repair yards.

This opinion is reinforced by statistics on relative employment in the naval shipyards and private ship repair yards, prewar and postwar. The prewar pattern disappeared with the war and was never established after the war. The private ship repair yards were forced by economic conditions after the war to cut back heavily in employment. The same pressure did not apply to the naval shipyards which did not cut back nearly to the extent that the private yards were forced to cut back. Thus, on a purely relative basis, the postwar employment in the naval shipyards is proportionately much higher than that in the private shipyards. And the prewar ratio has accordingly been relegated by the Navy to a thing of the past.

Captain McCain states that, as of January 1, 1958, about 59 percent of the $3,700,000,000 naval ship construction and conversion program was being accomplished in private yards. The Shipbuilders Council of America is unable to check this figure. Published reports, obtained from member yards in the council as of January 1, 1958, show less than half that dollar volume of naval construction underway in such private yards, even allowing generously for small craft construction which would not be included. The amount of naval new construction in private yards is unquestionably substantial.

Captain McCain also states that, during the fiscal years 1954 through 1957, private yards receive a yearly average of $100 million of Navy repair work. That figure would have more significance if it were also stated as a percentage of total naval repair work. Actually it does not agree with the records of the Shipbuilders Council which show a yearly average of naval repair work for 1954 through 1957 of slightly under $56 million. For the year 1957 the records of the council show slightly under $37 million, based on returns obtained directly from 54 yards. Some smaller yards might account for some additional naval repair work, but it would not be in any substantial amount.

Incidentally the dollar volume of naval repair work in private yards in 1957 is less than 60 percent of the similar volume for 1956 and by far the lowest of any year since the advent of the Korean war in 1951, which had the effect of greatly increasing the naval repair load in private yards for the duration of that war. However, it must be realized that a specific dollar volume of naval repair work in 1957 could purchase not more than one-half of the volume of repairs that could have been purchased with the same dollar volume 10 years earlier, on account of increased costs plus inflation, which decrease purchasing power. For that reason, a direct comparison of dollar volumes in different years is misleading and it must be realized that the actual dollar volume in 1957 is relatively a greatly inflated one.

It is noted that the chief mission of the naval shipyards is the overhaul and repair of combatant ships, and that the superb material readiness of the fleet, in wartime and peacetime, would not have been possible without the unique support provided by naval shipyards. Without attempting to detract in any way from the very proper function of the naval shipyards, which has been well performed, it might be mentioned that the private ship repair yards had no small part in that same operation and even now are considered by the Navy to be a vital element in their mobilization potential.

Captain McCain states that S. 3426 would dissipate the capabilities of this naval shipyard complex, which is strategically dispersed through our coastal areas to provide comprehensive logistics support. This conclusion of Captain McCain's does not necessarily follow. First, it might be pointed out that the private ship repair yards likewise are strategically dispersed throughout our coastal areas and also are competent to provide comprehensive logistics support. Second, an increased allocation of naval repair work to private ship repair yards and the decreased employment in the naval ship repair yards which that would entail (compensated for, of course, by increased employment in the private ship repair yards) would not dissipate the capabilities of the naval shipyard complex. It might even enhance them by permitting better organization of specialized skills and the elimination of much employment of lower caliber.

Whether 75 percent of naval repair work to private ship repair yards is a proper allocation or not I do not know, as I do not know what the present allocation is on a percentage basis. But some increase in allocation certainly could be effected without the closing of several naval shipyards and drastic curtailment in the operations of others.

For example, take a hypothetical naval shipyard with a present employment ceiling of 10,000 men. That yard could be maintained in a well-organized condition with a ceiling of 7,500 men or even 5,000 men or less without dissipating the capabilities of that same naval shipyard, and it would be entirely capable of rapid expansion, as and if required, in the event of national emergency or war. The special skills still would be available, as well as the diverse inventory for large combatant ships.

The private ship repair yards successfully contend with the problem of expansion as and when required constantly. Why cannot the naval shipyards? It certainly would tend toward more efficient and more economic operation in the naval shipyards.

Captain McCain's philosophy that in wartime, naval shipyards are engaged chiefly in repairing battle-damaged ships is indeed interesting. I take no exception to that statement, but I do take exception to its corollary "while private yards specialize in the mass production of new ships." It ignores completely the distinction between private shipbuilding yards and private ship repair yards. Ship repair yards continue to be ship repair yards in wartime, and they also repair battle-damaged ships. At least they did in World War II, and before that in World War I. Private shipbuilding yards by the same token continue to be shipbuilding yards in wartime, building as many ships as possible, not on a mass production basis, as there is no such thing in respect to seagoing ships, but rather on a multiple ship basis. In addition, many so-called emergency yards are created which build large numbers of duplicate ships, also on a multiple ship basis. Mass production, as that term is used in industry in this country applies to a very large number of identical products for sale to the general public, produced in a manufacturing plant on a production line set up. That process is not and cannot be applied to seagoing ships. At least it never has been as yet successfully so applied.

It is just as necessary, from the naval and mobilization point of view, to prepare privately owned ship repair yards for their wartime mission as it is to prepare the naval shipyards for that same mission. It is obvious that, if the privately owned ship repair yards are to accomplish that wartime mission successfully, they must receive work in peacetime of such a character as to enable them to perform properly their wartime mission. The allocation of a greater volume of repair work, particularly on combat vessels, will not necessarily destroy the flexibility which Captain McCain says is necessary, and it certainly will not promote the economic well being of the private ship repair industry at the expense of the national security. On the contrary, if applied with discretion, it will promote both the private ship repair industry and the naval shipyards, and thus the national security.

Whether or not 75 percent or some other percentage of naval repair work be allocated to private ship repair yards, the Navy could, if it would, allocate a substantially higher percentage of naval repair work to private ship repair yards than it now does, whatever that percentage, presently unknown, may turn out to be, without causing the closing of several naval shipyards and drastic curtailment in the operations of others.

To predict such closing and curtailment of operations and the consequent impairment of the Navy's ability to provide logistics support to the operating forces and to maintain them in an optimum condition of readiness, as a result of allocating some greater amount of naval repair work to private ship repair yards is to ignore the facts and realities of the situation.

Actually it will take a positive policy on the part of the Navy to allocate more naval repair work to private ship-repair yards, rather than the present negative policy that it can't be done for fear of dire results, as well as fear of the alleged incompetency of the private ship repair yards. Actually also, the present employment ceilings and workloads in the naval shipyards are as much the result of pressures, political and otherwise, as they are the result of concern for the national security. Any time any reduction in naval shipyard personnel ceilings is attempted, that political pressure makes itself immediately and forcibly felt. Furthermore history shows that Government establishments tend to expand rather than contract, for such is human nature.

Captain McCain comments to the effect that any National Commission such as contemplated by the bill could not be expected to formulate recommendations within the short space of 1 year that would be of any practical benefit. If that is the case, it would be simple to extend the period to 2 years. As to prejudging of the matter prior to any report and finding by the Commission, in the establishment of an arbitrary 75:25 ratio, let the Navy advise what the present percentage is, let the bill be amended to provide a reasonable interim increase and then let the Commission determine whether a permanent increase greater in amount than the interim increase is reasonable and in the national interest, both economicallywise and securitywise.

Some reference is made by Captain McCain to the present policy as having been established by tradition.

It is tradition which must be overcome and a policy must be determined, not on tradition, but on the realities of the mobilization base. The Navy's policy on the mobilization base is not consistent with the Navy's policy on the operation of naval shipyards at the expense of the private ship repair industry. Likewise the Navy's policy on the high-level operation of naval shipyards is not consistent with the findings and recommendations of the Hoover Commission in respect to competition with private industry.

On a collateral point, involving repairs to 43 naval vessels to be transferred from the reserve fleet to friendly nations, President Eisenhower, in a letter of July 14, assured me that he subscribes to the sound proposition that Government must not compete unfairly with private industry. He states that in recent years the relative growth of private shipbuilding yards has been greater than that of the Navy shipbuilding yards which is a direct result of application by the administration of the principle in question.

Here again, in the information which has been furnished to the President, is the confusion that is evident in Captain McCain's letter—a failure to differentiate between shipbuilding yards and ship repair yards. It is the latter which would be involved with respect to the 43 naval vessels in question.

Furthermore, why should there be any growth of Navy shipbuilding yards? That is exactly what the private ship repair industry takes exception to; in fact the industry's efforts made over the years have been directed to curtailment of the present size of the naval shipyards, at least in respect to the employment of personnel and the volume of repair work allocated to such yards.

The President also says he must agree with the Navy that their yards are technically better qualified and more experienced in conversion and repair of combatant ships. The President cannot know this of his own knowledge. He perforce has accepted the Navy's statement to that effect. Private industry does not concede that the naval shipyards are technically better qualified in conversion and repair of combatant ships. The technical qualifications of many of the private yards are of a very high order. If they were not, it must be obvious that the Navy would not allocate to such yards a substantial part of its construction program for new combatant ships. If the naval shipyards are more experienced in conversion and repair of combatant ships, as his letter states, it must be due to the fact that the Navy more or less monopolizes that type of work for its naval shipyards, which it has the power to do. How then can the private ship repair yards be expected to become experienced in the absence of the type of work which they will be called upon to perform in the event of war? What then becomes of the mobilization base upon which the Navy says it will have to rely under war conditions?

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## VICTOR PERLO'S ATTACK ON "PEOPLE'S CAPITALISM."

Mr. BUTLER. Mr. President, the daily conduct of the American people has become grist for the propaganda mills of unfriendly nations. Our slightest transgressions, imprudent actions, irresolute policies, and partisan squabbles have been employed, with considerable impact, to portray the United States in an unfavorable light. Any uncommon or eccentric behavior pattern is depicted as typically American.

Former President Herbert Hoover in his address at the Brussels Fair on July 4 endeavored to correct some of the more glaring misconceptions concerning the American economy which have been fostered so assiduously by the Communists. He said:

> We are often depicted as living under the control of wicked men who exploit our economic life through gigantic trusts and huge corporations. They are supposed to grind the faces of the poor and to exploit other nations. All this ignores the fact that our laws for nearly 70 years have prohibited the existence of trusts and cartels. In few other nations have the fundamentals of fair and open competition been so zealously maintained.
>
> This competition has spurred our industries to adopt every laborsaving device. And to create them, there are more than 5,000 industrial research laboratories that pour out new ideas which become open to all the world.
>
> Insofar as large corporations are concerned, they are the property of millions of our people. The largest of them has more than 1,500,000 individual stockholders, not one of whom owns more than one-thirtieth of 1 percent of the corporation.

Contrary to Communist propaganda, almost everyone, either directly or indirectly, through financial institutions, has an investment in the tools of production in America. Stockholders outnumber employees in many of our leading corporations. What is perhaps of more importance, in our classless society a stockholder and an employee are often one and the same individual. There can be no basic conflict in America between the long term interests of consumers, workers, and the owners of America's free enterprise economy.

The diffusion in stock ownership, as well as the growth in employee participation, has paced our industrial growth.

In July 1957, a survey published by Fortune magazine disclosed that in connection with the 500 largest United States industrial corporations, there were 11,120,904 common-stock holders and 8,793,347 employees.

At the end of 1957, for example, there were 717,746 shareholders in the General Motors Corp., the Nation's largest corporation. This figure includes 130,900 joint tenancy accounts, representing 2 or more persons, and 51,820 institutions and miscellaneous groups. In addition, more than 92,000 General Motors salaried employees are acquiring GM stock through a savings-stock purchase program.

Recent developments in the Middle East make it particularly important that we always present a true picture of the operation of our economy. The American Economic Association is one of America's great professional societies. It publishes the American Economic Review quarterly. Necessarily, only a few of the many important economic studies by America's scholars can be included in any one year.

In discussing editorial policies, the board of editors state in the June 1958 issue:

> The board would hesitate to change its policy of selecting leading articles from those submitted to one of commissioning articles in order to obtain more nontechnical papers or papers of broader interest * * * it believes that the primary emphasis in the four regular issues of the Review should continue to be on the stimulation of fundamental research and the reporting of its results * * * competition for the opportunity of publication in the Review is more likely to result in high quality papers than when articles are commissioned.

In view of the generally accepted facts on the widespread ownership of common stock in America's leading corporations, I was surprised to find that one of the articles selected by the editors of the American Economic Review for the June 1958 issue is entitled "People's Capitalism and Stock Ownership," by Victor Perlo.

This article attempts to undermine the exhibit prepared by the United States Information Agency which has been shown at trade fairs throughout the world to portray our people's capitalism. It states, in effect, that there is no basis for this exhibit.

It is not my purpose to dignify Mr. Perlo's article with a detailed analysis. However, inasmuch as the American Economic Association states that "competition for the opportunity of publication in the Review is more likely to result in high-quality papers than when articles are commissioned," it is important to show that this article can hardly qualify as scholarly research.

For example, in discussing the ownership of stock by employees, Mr. Perlo resorts to a study by Mr. Kimmel prepared in 1952. This data is 6 years old. Mr. Kimmel estimated that only 780,000 employees owned stock in the companies for which they worked.

The absurdity of this figure is revealed by the fact that in the case of the American Telephone & Telegraph Co. more than 250,000 employees own stock in that company. The General Motors 50th anniversary report shows that 92,000 General Motors employees are acquiring stock through the savings-stock purchase program. Furthermore, the Du Pont Co. shows that 60,000 employees are becoming stockholders in that company through participation in its thrift plan. Stockholder-employees in these three companies total more than 400,000. If Mr. Perlo's figures were correct, investor-employees in these 3 companies would account for more than half of all employees owning stock in the companies for which they work in the entire United States. This is, of course, nonsense.

Readily available data may be found in the annual reports of American corporations to show the wide diffusion of stockholders. However, Mr. Perlo attempts to use TNEC studies now more than 20 years old to give the impression that American industry is controlled by only a few families.

In a further attempt to undermine American capitalism, Mr. Perlo attributes to the Standard Oil Co. of New Jersey the following statement:

> Yes, the people own the tools of production. * * * By his own definition, Karl Marx's prophecy has been realized. * * * How odd to find it is here, in the capitalism he reviled, that the promise of the tools has been fulfilled.

The footnote indicates that this quotation may be found in a pamphlet published by the Esso Corp. entitled "The Story of Creative Capital." It so happens that the Story of Creative Capital was not published by the Esso Corp. but by the Du Pont Co. This is an indication of the quality of Mr. Perlo's research.

In addition, Mr. Perlo omitted from the quotation the most important part of the statement. The actual statement read:

> Yes, the people own the tools of production. By his own definition, Karl Marx's prophecy has been realized. How odd a quirk of fate that in Russia, where he is revered, his dream should have been shredded on the jagged shards of "state" bureaucracy. How odd to find that it is here, in the capitalism he reviled, that the promise of the tools has been fulfilled.

In view of Mr. Perlo's admiration for Soviet Russia, it is not odd that he should have doctored the quotation before using it. Perhaps this also accounts for the fact that he made it difficult for anyone to check his alleged scholarly works by using an incorrect reference.

The article is an undisguised attack on American capitalism. Mr. Perlo attempts to prove that the average citizen does not benefit from American free enterprise. He states:

One can search far and not find a real representative of small stockholders among the directors of large corporations, whether a representative is defined as one having an occupation similar to that of the typical small stockholder (small-business man, salaried employee, wage earner), or being an official of an organization of any of these groups.

The fact of the matter is that in America we have a classless society, and most of the officers and directors of America's leading corporations have risen from the ranks; very few of them had personal wealth in their early years.

Obviously, it would be a disservice to the millions of stockholders who have invested their savings in American business to select directors merely because they happen to be small-business men, salaried employees, or wage earners. Directors should be selected solely on the basis of their ability to contribute to the profitable management and direction of a business enterprise.

Mr. President, since students in schools and colleges throughout the world read the American Economic Review, they should know something about Mr. Perlo's background. This will enable them to better appraise his thesis.

Mr. Perlo has written a number of books which have been published by International Publishers, which, as every Senator knows, is the publishing house of the Communist Party in the United States.

He has frequently resorted to the fifth amendment in his appearances before Congressional committees. He was a witness before the Internal Security Subcommittee of the Senate Committee on the Judiciary during the 83d Congress. His views on socialism and capitalism were enlightening.

Mr. President, I ask unanimous consent that excerpts from Mr. Perlo's testimony before our subcommittee may be printed at this point in the RECORD for the benefit of those who will read his article in the American Economic Review.

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

[From hearing before the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate, 83d Cong., 1st sess., on interlocking subversion in Government Departments, May 12, 1953, pt. 7]

INTERLOCKING SUBVERSION IN GOVERNMENT DEPARTMENTS

Mr. MORRIS. Where do you practice your business?

Mr. PERLO. Being an economic consultant?

Mr. MORRIS. Yes.

Mr. PERLO. New York.

Mr. MORRIS. Would you describe generally the nature of your duties at the present time?

Mr. PERLO. I do economic work for various clients.

Mr. MORRIS. Who are some of those clients, Mr. Perlo?

Mr. PERLO. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. MORRIS. You mean if you were to answer that question as to who are your clients, that would incriminate you; not them, you?

Mr. PERLO. I decline to get into a discussion of the reasons for my answer for the same reason.

Mr. MORRIS. And you won't tell this committee anything for its records about the job that you are now carrying on?

Mr. PERLO. That's right, except I'll say that the work I do I consider good work and honest work and on behalf of the American people.

Mr. MORRIS. On behalf of the American people?

Mr. PERLO. Yes.

Mr. MORRIS. Are you presently a member of a Communist espionage ring?

Mr. PERLO. No.

Mr. MORRIS. Are you presently a member of the Communist Party?

Mr. PERLO. I decline to answer that question on the grounds that it might tend to incriminate me and also on the ground that it interferes with my freedom of association.

Mr. MORRIS. Mr. Chairman, will you rule on his invocation of privilege?

The CHAIRMAN. This committee will recognize your right to refuse to answer under the fifth amendment, that it may tend to incriminate you, but we do not believe that your right of association is grounds for refusing to answer.

Mr. MORRIS. Mr. Chairman, in this memorandum of November 1945 which has been referred to several times before, one paragraph reads—and this, Mr. Perlo, is a memorandum which has been described by now Vice President NIXON as a secret memorandum, dated November 25, 1945, dealing with Soviet espionage in the United States prepared by an intelligence agency of this Government, was circulated among several key Government departments and was made available to the President. Mr. NIXON described it as such on January 26, 1950. The pertinent paragraph here, Mr. Chairman, reads:

"The head of the next most important group of Soviet espionage agents with whom Bentley had maintained liaison was Victor Perlo of the War Production Board. Members of this group were introduced to Bentley early in 1944 at the apartment of John Abt, general counsel for the Amalgamated Clothing Workers of America, CIO, in New York City. The individuals in this group include Charles Kramer, an investigator for Senator Kilgore's committee in the United States Senate: Henry Magdoff of the War Production Board; Edward Fitzgerald, formerly of the Treasury Department and then with the War Production Board; Donald Wheeler of the Office of Strategic Services; Mary Price, formerly employed by Walter Lippman in Washington, D. C., and now working for the United Office and Professional Workers of America, CIO, in New York City; Maj. Duncan Lee of William Donovan's law firm in New York City who is also in the Office of Strategic Services."

I would like to ask about those individuals, Mr. Chairman.

The CHAIRMAN. Proceed.

Mr. MORRIS. Were you, in fact, the head of an espionage ring during the war?

Mr. PERLO. I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. MORRIS. Did you know Elizabeth Bentley?

Mr. PERLO. I decline to answer that for the same reason.

Mr. MORRIS. Did you meet with John Abt, Elizabeth Bentley, Charles Kramer, and other individuals in the apartment of John Abt, Central Park West, New York City, during the war, 1944?

Mr. PERLO. Refuse to answer for the same reason.

Mr. MORRIS. Did you know John Abt?

Mr. PERLO. Refuse to answer for the same reason.

Mr. MORRIS. Did you know Charles Kramer?

Mr. PERLO. Refuse to answer for the same reason.

Mr. MORRIS. Did you know Henry Magdoff?

Mr. PERLO. Refuse to answer for the same reason.

Mr. MORRIS. Mr. Chairman, the same reason—

The CHAIRMAN. Let the record show each time the fifth amendment privilege, may tend to incriminate him.

Mr. MORRIS. Do you know Edward Fitzgerald?

Mr. PERLO. Refuse to answer for the same reason.

Mr. MORRIS. Did you know Donald Wheeler?

Mr. PERLO. Refuse to answer for the same reason.

Mr. MORRIS. Did you know Mary Price?

Mr. PERLO. Refuse to answer for the same reason.

Mr. MORRIS. Did you know Major Duncan Lee?

Mr. PERLO. Refuse to answer for the same reason.

Mr. MORRIS. Mr. Chairman, we have had testimony, in addition, before this committee from one Nathaniel Weyl that the witness here today was a member of the Harold Ware cell of the Communist Party meeting in Washington in 1933 and subsequent years.

Mr. Perlo, were you a member of the Harold Ware cell of the Communist Party in 1933 and following years?

Mr. PERLO. I refuse to answer that question for the same reason.

The CHAIRMAN. That it might tend to incriminate you?

Mr. PERLO. Yes.

Mr. MORRIS. Did you meet in meetings of the Harold Ware cell of the Communist Party with Alger Hiss?

Mr. PERLO. The same reason.

Mr. MORRIS. Did you meet in secret meetings of the Communist Party with Donald Hiss?

Mr. PERLO. Same reason.

Mr. MORRIS. Did you meet in secret meetings of the Communist Party with Lee Pressman?

Mr. PERLO. Same reason, decline to answer.

Mr. MORRIS. Do you know Nathaniel Weyl?

Mr. PERLO. Decline to answer on the grounds it might tend to incriminate me.

Senator WELKER. Did you know Harold Ware?

Mr. PERLO. Decline to answer on the grounds it might tend to incriminate me.

Mr. MORRIS. Mr. Chairman, we have also had testimony from Whittaker Chambers to the effect that Mr. Perlo was a member of the Harold Ware cell and was an active Communist agent subsequent to that.

Did you know Whittaker Chambers?

Mr. PERLO. Refuse to answer that question for the same reason, that it might tend to incriminate me.

Mr. MORRIS. And you won't tell us whether you are presently a member of the Communist organization?

Mr. PERLO. That's right.

Mr. MORRIS. Where were you born, Mr. Perlo?

Mr. PERLO. Queens County, N. Y.

Mr. MORRIS. Did you go to Columbia University?

Mr. PERLO. Yes, sir.

Mr. MORRIS. Did you get your bachelor's degree in 1931?

Mr. PERLO. Yes, sir.

Mr. MORRIS. And your graduate degree in 1932?

Mr. PERLO. I guess it must have been 1932. I wasn't sure whether it was 1932 or 1933.

Mr. MORRIS. What degrees do you have?

Mr. PERLO. Bachelor's degree and master's degree.

Mr. MORRIS. Were you a member of the Young Communist League when you were at Columbia?

Mr. PERLO. I refuse to answer that question on the grounds that it might tend to incriminate me and also on the grounds that it interferes with my freedom of association.

The CHAIRMAN. Let the record show that we do not recognize the right to refuse to answer on the grounds of association. His refusal to answer on the fifth amendment privilege, that it might tend to incriminate him, is recognized by this committee.

Mr. MORRIS. Mr. Perlo, when did you first come to Washington to work for the United States Government?

Mr. PERLO. 1933.

Mr. MORRIS. What were the circumstances of your coming to Washington to work for the Government?

Mr. PERLO. The circumstances of my coming to work for the Government in Washington were that the country was in the bottom of the worst depression in our history and 16 million people were walking the streets, and the new administration that was coming in was asking people to come down here and try to work out ways of helping improve the situation and helping alleviate the misery of the people.

Mr. MORRIS. And you undertook to come down to solve some of those problems?

Mr. PERLO. To help in a very modest way to solve some of those problems.

Mr. MORRIS. How did you get your first job in Washington?

Mr. PERLO. I was recommended by one of my professors at the university to some of the officials of the NRA with whom he worked and who asked him to recommend people.

Mr. MORRIS. Is that Professor Hotelling? Is he the one who recommended you?

Mr. PERLO. That's right.

Mr. MORRIS. What was your first job?

Mr. PERLO. Well, to tell you the honest truth, I can't remember all of the details of the job, but the kind of thing I did was attempt to work out measures that would help in the direction of increasing wages and reducing working hours, increasing consumer purchasing power and hence increasing employment and prosperity in our country.

Mr. MORRIS. What agency was this with?

Mr. PERLO. In the NRA.

Mr. MORRIS. What was your first salary?

Mr. PERLO. I think it was $2,300.

Mr. MORRIS. Now, were you a member of the Communist Party at that time?

Mr. PERLO. I refuse to answer that question for the same reasons.

Mr. MORRIS. How long did you stay in the NRA?

Mr. PERLO. Until 1935, at which time the agency folded up because it was declared unconstitutional by the Supreme Court.

Mr. MORRIS. What did you do after that?

Mr. PERLO. I went to another agency——

Mr. MORRIS. What was the other agency?

Mr. PERLO. The Home Owners Loan Corp.

Mr. MORRIS. How did you get a job in the Home Owners Loan Corp.?

Mr. PERLO. I don't remember the exact circumstances any more.

Mr. MORRIS. You don't remember how you got your job in HOLC?

Mr. PERLO. No; I don't remember whether I was called, asked to come by one of the officials there, or whether I asked for the job. This was over 20 years ago.

Mr. MORRIS. Wasn't that a hard thing, to get a job in those days?

Mr. PERLO. Not in Washington in those days for a competent statistician and economist, no. As a matter of fact, there were plenty of times when you had to choose between various jobs because there was quite a demand during much of that period.

Mr. MORRIS. Where did you live during this period, Mr. Perlo?

Mr. PERLO. Where did I live?

Mr. MORRIS. Yes, in Washington. Did you ever live in St. Matthews Court?

Mr. PERLO. Might be. I don't remember any more.

Mr. MORRIS. Henry Collins used to live there. Did you ever live with Henry Collins at St. Matthews Court?

Mr. PERLO. I refuse to answer that question on the ground that it might tend to incriminate me.

The CHAIRMAN. You mean, Mr. Perlo, if you would give us an honest answer to that question, it might tend to incriminate you, where you lived? We recognize your rights under the fifth amendment, but we do not think you ought to abuse those rights before this committee.

Mr. PERLO. Well, Mr. Jenner, my residences are a matter of public record, I believe. I believe they are all on file one place or another. Nevertheless, I sincerely believe that the way this question is put in its connection, I must refuse to answer it on the grounds it might tend to incriminate me.

Mr. MORRIS. You worked with Henry Collins, have you not? That's Henry Collins, Jr.

Mr. PERLO. Will you please explain your question?

The CHAIRMAN. You have worked with Henry Collins, Jr.?

Mr. MORRIS. In various Government agencies.

Mr. PERLO. It might be. I don't recall at the moment.

Mr. MORRIS. Where else did you live in Washington, Mr. Perlo? Did you have many residences in Washington at this period?

Mr. PERLO. I had several residences.

Mr. MORRIS. With whom else did you live in Washington during this period?

Mr. PERLO. With whom else?

Mr. MORRIS. Yes. You shared an apartment with 4 or 5 attorneys down here, did you not, or shared a house with them?

Mr. PERLO. I guess that's so, yes.

Mr. MORRIS. You lived there for a period of at least a year, too, did you not?

Mr. PERLO. No, much shorter period.

Mr. MORRIS. Who were those people, Mr. Perlo? Can you recall?

Mr. PERLO. No; I don't recall.

Senator WELKER. You mean you shared a house with five attorneys and you cannot recall the name of one of them?

Mr. PERLO. Yes; I remember one of them. One of them is Aaron Morouchek.

Mr. MORRIS. He died, did he not? Isn't he dead now?

Mr. PERLO. I don't know. Is he dead?

Mr. MORRIS. Where was this house located?

Mr. PERLO. Somewhere near Dupont Circle.

Senator WELKER. Do you remember the names of any of the others?

Mr. PERLO. I just can't think of any more. If you want me to search my recollection on it further, you can come back to the question later. I'll think about it. I just can't think of that.

Senator WELKER. All right, supposing we do that, Mr. Perlo.

Mr. PERLO. All right.

Mr. MORRIS. What were your duties at the HOLC? Is it your best recollection now that you cannot recollect how you got your job with the HOLC?

Mr. PERLO. Look, if you mean did I fill out an application and get the job, certainly, that's what I did.

Mr. MORRIS. Tell me this: Did anyone in the Communist Party help you get that job?

Mr. PERLO. All my jobs in the Government I obtained on my own initiative and through my normal governmental contacts. Any of the people that I had contact with in connection with getting jobs, I didn't ask them what their politics was.

Mr. MORRIS. How long did you stay with the HOLC?

Mr. PERLO. I stayed with the HOLC for 2 years.

The CHAIRMAN. What type of work did you do there?

Mr. PERLO. Well, my work there was in connection with activities of the HOLC in trying to save the homes of hundreds of thousands of small-home owners who had gotten loaded up with excessive mortgage debt during the 1920's and I worked in the direction of helping to save more of these homes and in combating against the pressures of certain big financial institutions that were attempting to crack down on the loans that HOLC had taken over and convert the United States Government into a big foreclosure agency.

Senator WELKER. Just one question more, Mr. Chairman. You stated a moment ago to Counsel Morris that you didn't ask any person who may have helped you get a job as to his political affiliation. Did you know the political affiliation of anyone who helped you get a job?

Mr. PERLO. Not that I can think of at the moment.

Senator WELKER. Did any Communists recommend you or help you get a job in this agency?

Mr. PERLO. Well, I don't—for one thing, one never knows—look, so far as I specifically know, the answer is "No."

Senator WELKER. Very well.

Mr. MORRIS. Did Lee Pressman ever aid you in transferring from one job to another?

Mr. PERLO. Not that I know of.

Mr. MORRIS. You worked with Harold Posner, did you not, in the NRA?

Mr. PERLO. I think that a man of that name was working there at that time.

Mr. MORRIS. Do you know Harold Posner?

Mr. PERLO. I know him, yes.

Mr. MORRIS. Will you tell us when you first met Harold Posner, P-o-s-n-e-r?

Mr. PERLO. I don't remember.

Mr. MORRIS. When did you last see Harold Posner?

Mr. PERLO. I don't remember.

Mr. MORRIS. What was your next assignment after your HOLC assignment, Mr. Perlo?

Mr. PERLO. Well, it wasn't in the nature of an assignment. I was invited by one of my former bosses at the HOLC——

Mr. MORRIS. Who was he now?

Mr. PERLO. Spurgeon Bell. He had gone to the Brookings Institution to write a book dealing with labor economics. He had been asked by the Brookings Institution to write a book on labor economics and he required an assistant to help with various of the statistical work and with some of the writing of the material, and he asked me to come there to do that, which, of course, was a great opportunity for me to do creative research on a higher level than I had been able to do formerly.

Mr. MORRIS. During the period you worked for the Brookings Institute, were you a member of the Communist Party?

Mr. PERLO. I decline to answer that question for the reasons I mentioned before.

Mr. MORRIS. How long did you stay at the Brookings Institution?

Mr. PERLO. For 2 years, until the book was done.

Mr. MORRIS. Whom did you work with there at the Brookings Institute in connection with that project?

Mr. PERLO. What individuals?

Mr. MORRIS. Yes, what individuals. You did not work alone, did you?

Mr. PERLO. Well, I worked for Spurgeon Bell.

Mr. MORRIS. Just the two of you?

Mr. PERLO. What?

Mr. MORRIS. Just the two of you working on this project?

Mr. PERLO. Most of the time, but there were a couple of other assistants from time to time.

Mr. MORRIS. Who were they?

Mr. PERLO. The other assistants that I can remember are John McClellan and Edward Posniak.

Mr. MORSE. When did you last see Mr. Posniak?

Mr. PERLO. Don't remember.

Mr. MORRIS. When did you first see Mr. Posniak?

Mr. PERLO. Don't remember.

Mr. MORRIS. You have seen him, have you not

Mr. PERLO. He worked on the same project I did; yes.

Mr. MORRIS. Will you tell us something about your association with Mr. Edward Posniak? Do you know where he works now, for instance?

Mr. PERLO. I don't know where he works now; no. I read about him in the papers recently that he was under fire by one of these committees, but I don't know where he works now.

Mr. MORRIS. Have you seen him within the last year?

Mr. PERLO. No.

Mr. MORSE. Did you see him last year?

Mr. PERLO. What?

Mr. MORSE. Did you see him during the last 2 years?

Mr. PERLO. I don't think so. If you go back far enough—I really don't remember when I last saw the man. It's on honest answer, and I do remember that I didn't see him the last year or two. If I did, I wouldn't say definitely that that was the end of the period.

Mr. MORSE. Mr. Chairman, I submit that the witness is not being responsive to that question. As a matter of fact, we are asking for a list of associations with a man who was assistant research clerk with him back in the 1930's and I submit the witness is not giving a responsive answer to that question.

The CHAIRMAN. Mr. Perlo, can you not give the committee a more definite answer in regard to a man that you worked with and with whom you were closely associated?

Mr. PERLO. I think, Mr. Senator and Mr. Counsel, that you are making unreasonable demands. In the course of my work with the Government, I worked with hundreds and hundreds of people and you are saying to me: When did you last see one of those hundreds of people?

Mr. MORRIS. We are not asking you specifically. We are asking you generally, under what circumstances you saw him. He is a man you know well.

Mr. PERLO. I don't know him very well; no. It may be that I last saw him—my best guess as to when I last saw him was somewhere between 8 and 12 years ago.

Mr. MORRIS. And what were the circumstances at that time?

Mr. PERLO. What?

Mr. MORRIS. What were the circumstances under which you saw him?

Mr. PERLO. I don't know. I might have had lunch with him. I might have seen him at a Government office, something of that character.

Mr. MORRIS. In other words, you have had lunch with him on several occasions, but you can't recall whether or not that was the occasion that you last saw him?

The CHAIRMAN. Did he ever come to your home, Mr. Perlo?

Mr. PERLO. I don't remember.

The CHAIRMAN. Did you ever go to his home?

Mr. PERLO. I don't remember, but I did have lunch with him; I remember that.

The CHAIRMAN. Go ahead.

Mr. MORRIS. What did you do after you left Brookings Institution, Mr. Perlo?

Mr. PERLO. I went to the Commerce Department.

Mr. MORSE. What was your assignment in the Department of Commerce?

Mr. PERLO. Well, my assignment at the Department of Commerce was to work on methods for overcoming the 1938–39 depression, to figure out ways of helping to accomplish full employment in this country through more public works and other things in the interests of the people, and to expand foreign trade.

Mr. MORRIS. That has been your motivation all throughout this, according to your testimony today, wanting to improve the economic lot of the United States people and the United States Government?

Mr. PERLO. Absolutely, certainly, but it so happens I am telling you what my assignments were in different agencies and that happened to be the general character of my assignment in the Commerce Department, which I am presenting simply as I can in summary fashion.

Mr. MORRIS. You worked on the Secretary's staff, did you not, at that time?

Mr. PERLO. Well, it was on the Secretary's staff until Senator Taft and some of his associates did a hatchet job on that setup in the Senate on the appropriations and thereafter we were transferred to the Bureau of Foreign and Domestic Commerce.

Mr. MORRIS. When were you on the Secretary's staff? The Secretary at that time was Harry Hopkins, was he not?

Mr. PERLO. I believe he was the Secretary for at least part of the time. Whether he was Secretary all the time I don't remember for sure.

Mr. MORRIS. And it was your job to accumulate the facts and present facts that would be the foundation for basic economic decisions to be made by the Secretary of Commerce? Is that a fair description?

Mr. PERLO. That's right.

Mr. MORRIS. Were you a member of the Communist Party when you held that assignment?

Mr. PERLO. I refuse to answer that question for the same reasons I mentioned earlier.

The CHAIRMAN. You mean an honest answer to that would incriminate you? Were you adviser to the Secretary of Commerce?

Mr. MORRIS. Was he a member of the Communist Party when he held the job?

Senator WELKER. The chairman is correct. Were you an adviser?

The CHAIRMAN. He was on the Secretary of Commerce's staff. You mean to say that would incriminate you?

Mr. PERLO. That wasn't the question as I understood it. Do you want to repeat the question, please?

Mr. MORRIS. Will you repeat the question, Mr. Reporter?

(The record was read by the reporter as follows:

"Were you a member of the Communist Party when you held that assignment?")

Mr. PERLO. And I refuse to answer that question for the reasons I mentioned earlier.

The CHAIRMAN. The fifth amendment, it might tend to incriminate you?

Mr. PERLO. Fifth amendment.

Mr. MORRIS. Willard Thorp was responsible for your hiring; was he not? You know Willard Thorp; do you not?

Mr. PERLO. Yes; I know Willard Thorp.

Mr. MORRIS. Was he instrumental in bringing you into that assignment?

Mr. PERLO. Might have been; not that I particularly know or recollect.

Mr. MORRIS. Do you know a man named Veet Bassie, B-a-s-s-i-e?

Mr. PERLO. Well, he was my boss at one time.

Mr. MORRIS. Do you know a man named Salant, S-a-l-a-n-t?

Mr. PERLO. He was one of my coworkers in the Commerce Department.

Mr. MORRIS. Will you give us a description of your duties in the Department of Commerce at that time?

Mr. PERLO. I'll try to give you an example of the kind of assignments we had. We examined the various things that go to make up the economy, various parts of economic life and different branches of production and finance, and we saw which parts were particularly in bad shape resulting in widespread unemployment that existed at that time, and we tried to work out a scale and kind of public works and other projects, other measures, that would either directly lead to increased employment in these weak industries or indirectly lead to increased employment through increasing the purchasing power of the people.

Mr. MORRIS. You left the Department of Commerce in what year, Mr. Perlo?

Mr. PERLO. Well, toward the end of 1940 my part of the Department of Commerce was transferred bodily to the Defense Agency, Emergency Defense Agency, on account of the fact that the situation had changed from one of depression to one of war in Europe and the danger of our involvement in that war.

Mr. MORRIS. In other words, work which had been primarily research and devoted to the solving of the economic problems of the country was now going to be turned to the problems of war?

Mr. PERLO. To the economic problems of war mobilization in preparation for the defense of the country, that's right.

Mr. MORRIS. And on November 1, 1940, you became the principal economic analyst for the Council of National Defense Advisory Committee?

Mr. PERLO. Well, I assume that the date on the paper you are reading is accurate and so on, but the connotation of it is slightly inaccurate, and I don't believe in boasting——

Mr. MORRIS. I am reading your positions in the Federal service.

Mr. PERLO. But I don't like to boast of how important I was and when it says principal economic something or other it does not mean that I was the principal economic this and that because there were a lot of titles like that and above principal economists there were head economists and so on.

Mr. MORRIS. You tell us exactly what you did at that time. That is what we would like to know in this hearing today, Mr. Perlo.

Mr. PERLO. All right. What I did during that period, the period prior to Pearl Harbor, my work was mainly along two lines: Along the lines of helping to prevent inflation, and to protect the living standards of the people under wartime conditions against war profiteering, and also helping to make easier and more thorough the mobilization for war that was necessary for the defense of the country.

The CHAIRMAN. Mr. Perlo, as I remember it, in 1940, when you went with that agency, there was no evidence of any inflation, was there? Were there not 10 million people unemployed?

Mr. PERLO. Well, I am describing the period between when I went with this agency——

The CHAIRMAN. I thought you went with this agency in November 1940.

Mr. PERLO. Yes, but I said up to Pearl Harbor. For example, early in 1941, there was a big issue on the question of wages and prices in the steel industry. I believe there was a wage increase in the steel industry and there was considerable dispute over the question as to whether the steel prices had to be increased, and one of my assignments was to prepare material on what the economic facts were concerning the ability of the steel companies to absorb the wage increase without a price increase, and the facts showed that the steel companies were making plenty of profits and could easily absorb the wage increase, and I assure you that of course my research was just one of many things that

contributed to such decisions, but to the extent that it helped in keeping stable the price of steel during the war I am very proud of it.

Mr. MORRIS. How did you become associated with the Council of National Defense Advisory Committee?

Mr. PERLO. I told you, because my whole branch of the Commerce Department was bodily transferred in that work.

Mr. MORRIS. In December 1942, 2 years later, you were converted to a war service appointment, were you not?

Mr. PERLO. I don't know.

Mr. MORRIS. Does that——

Mr. PERLO. If the record says so, it must be so. I don't remember.

Mr. MORRIS. And then you were head economist in the Office of Price Administration in the Research Division?

Mr. PERLO. Well, I think that maybe the date is a little bit wrong because I think that this agency was called the OPA long before November 1942. I think it was sometime around Pearl Harbor or even before that it was called the OPA.

Mr. MORRIS. But that was an automatic transfer. You mean you went with the——

Mr. PERLO. That's right.

Mr. MORRIS. The whole function was transferred?

Mr. PERLO. That's right. In all this period, Commerce Department, National Defense, OPA—it was all one job that was just bodily transferred from here to there.

Mr. MORRIS. All during this period that you just described, were you a member of a Communist ring in Washington?

Mr. PERLO. I refuse to answer that question on the grounds of the fifth amendment.

Mr. MORRIS. On February 17, 1943, did you become the head financial economist, salary of $6,500 a year, with the War Production Board in the office of Production Vice Chairman in Washington, D. C.?

Mr. PERLO. If that's the way the record says it. I thought it was called the Office of Progress Reports, but it might have been called the other thing. And again I just want to qualify it, to point out that when you say head financial economist or something like that that this is a title and it doesn't mean I was the head economist of the War Production Board.

Mr. MORRIS. That is why we have you here, Mr. Perlo, in order for you to describe exactly what you did do.

Mr. PERLO. All right.

Mr. MORRIS. Mr. Chairman, I would like to point out here that all during this period Mr. Perlo's salary is increasing. When he entered the Government with the NRA, his salary, according to this, was $2,300. He got a promotion to $2,600, 3 months after he went there. With HOLC, he was getting $2,600, associate economic analyst, after promotion $2,800, after another promotion, $3,100. When he was an expert with the Department of Commerce he was getting $4,000 and it is now 1939. When he was a senior agent in the Commerce Department, Foreign and Domestic Commerce Branch, he was drawing $4,600. Then as principal economic analyst for the council of National Defense Advisory Committee he was drawing $5,600; head economist for the Office of Price Administration, $6,500; and in this last assignment that we have been talking about his salary is $6,500.

Mr. PERLO. I just want to ask, Mr. Morris, is there anything wrong in my having achieved these increases in salary as a result of my advance in work?

Mr. MORRIS. No. That is exactly what we are trying to find out here.

Senator WELKER. I have a couple of questions.

The CHAIRMAN. Senator Welker.

Senator WELKER. We have been talking about your last assignment on the 17th day of February 1943. I wonder if you would be kind enough to give me a sample of your signature please on this blank piece of paper.

(Witness writes signature.)

Senator WELKER. Now, will you do that twice more?

(Witness writes signature.)

Senator WELKER. Thank you. I ask, Mr. Chairman, that this be marked "Exhibit A" and made a part of the record.

The CHAIRMAN. It may be marked "Exhibit A" and made a part of our record.

(The signature referred to was marked "Exhibit A" and is filed in the committee files.)

Senator WELKER. Mr. Perlo, on the 17th day of February 1943, were you a member of the Communist Party?

Mr. PERLO. I refuse to answer that question for the same reasons as earlier.

Senator WELKER. I will ask you, Mr. Perlo, if you did not on the 17th day of February 1943, take an oath and subscribe to an oath before Marie L. Seebold, notary public of the District of Columbia, in which you do solemnly swear that: "I, Victor Perlo, do solemnly swear that I have read and understand the foregoing"—which is section 9 A of Public Law 252 and I will show you this exhibit in just a moment—"that I have read and understand the foregoing; that I do not advocate the overthrow of the Government of the United States by force or violence; that I am not a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am an employee of the Federal Government, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States by force or violence.

"VICTOR PERLO.

"Subscribed and sworn to before me this 17th day of February, A. D., 1943, at Washington, D. C.

"MARIE L. SEEBOLD,
*"Notary Public, District of Columbia.*
"My commission expires January 19, 1947."

Directing your attention to that personnel affidavit, I will ask you whether or not you did take that oath before that notary public?

Mr. PERLO. It's quite probable that I did, and I don't see any reason why I shouldn't.

Senator WELKER. Did you tell the truth when you swore to that affidavit?

Mr. PERLO. Of course I did.

Senator WELKER. Did you then advocate the overthrow of the Government of the United States by force or violence?

Mr. PERLO. Of course not.

Senator WELKER. Were you a member of the Communist Party when you took that oath?

Mr. PERLO. I refuse to answer that question on the grounds that it might tend to incriminate me.

Senator WELKER. And this is your signature on the personnel affidavit?

Mr. PERLO. I suppose so. I dare say it is. It looks like it is.

Senator WELKER. There is not any question in you mind about that, Mr. Perlo, is there?

Mr. PERLO. No, not any serious question about it.

Mr. MORRIS. At that time had you transmitted confidential Government information to a person you knew to be a member of an espionage ring?

Mr. PERLO. Well, I refuse to answer that question on the grounds it might tend to incriminate me.

Senator WELKER. Yet at the same time you took this oath that you did not advocate the overthrow of the Government of the United States by force or violence, and you refuse to answer whether or not you submitted any secret documents of the Government of the United States to an espionage ring operating in Washington, D. C., at that time?

Mr. PERLO. Yes; I refuse to answer that question on grounds that it might tend to incriminate me.

Senator WELKER. I will ask, Mr. Chairman, that the personnel affidavit be marked "Exhibit No. B" and by reference made a part of the record.

The CHAIRMAN. It may.

(The document referred to was marked "Exhibit No. B" and is filed in the committee files.)

Mr. MORRIS. Mr. Perlo, in connection with your job with the OPA, was it your function to prepare data for top executives and prepare material connected with the interdepartmental work of the Office of Price Administration?

Mr. PERLO. I daresay it was. For example, it was one of my jobs to prepare the material, prepare the charts, that were presented to a committee of the Senate in the Senate Office Building the day after Pearl Harbor to demonstrate the need for complete authority to control prices and ration products on account of the country was at war, and I might say that a number of Senators there seemed to require an awful lot of convincing because some of them reflected a business-as-usual attitude.

Mr. MORRIS. Will you give a description of your assignment as head financial economist in the War Production Board?

Mr. PERLO. Yes.

My essential assignment there was—during the early part of my stay at the War Production Board my assignment was to assist in increasing war production, increasing the efficiency of war production, to expose and report those interests who were hampering the increase in war production for reasons of their profits, and I want to read to you a letter to me from Mr. Hyland G. Batcheller who was then Operations Vice Chairman of the War Production Board, dated November 23, 1944, in which he said,

"DEAR MR. PERLO: I indeed appreciate the very excellent work you did on the report on critical programs. The job could not have been done without your help.

"Many thanks."

Mr. MORRIS. You recognize, of course, that nobody on this committee is challenging your efficiency at any time. That is not the issue.

Mr. PERLO. Well, toward the latter part of the war my work was to help prepare for a smooth transition from war production to civilian economy with a minimum of losses to employment and jobs in the transition, and I participated in various projects that were specifically directed to these ends.

Senator WELKER. Who was the man who wrote you this last letter?

Mr. PERLO. What?

Senator WELKER. The letter you just read into the record. What was his name?

Mr. PERLO. Hyland G. Batcheller.

Senator WELKER. Did Mr. Batcheller ever inquire of you as to whether or not you were a member of the Communist Party?

Mr. PERLO. Oh, I doubt it.

Senator WELKER. Do you suppose if you had answered that you were a member of the Communist Party he would have written that letter?

Mr. PERLO. I don't know. This is a completely hypothetical question.

Senator WELKER. Completely hypothetical, but very material.

Mr. PERLO. May I say that the atmosphere then was not the way it is now when "are you or were you ever" has become the $64 question of the day, which is falsely interpreted as a touchstone of everything else, the merits and demerits of every individual and what he does.

Senator WELKER. Very well. Since from that statement I take it it was not so bad to be a Communist, did you ever tell anyone

you were a member of the Communist Party back in those days?

Mr. PERLO. I think, Senator Welker, that is a loaded question, frankly.

Senator WELKER. Is it?

Mr. PERLO. Yes.

Senator WELKER. You told us that now it is very unpopular to be a Communist and it was not so bad back in those days. I want you to tell this committee, did you at any time in those days ever tell anyone that you were a member of the Communist Party?

Mr. PERLO. What I am saying is that I think what you are asking me, that question now, is a loaded question.

Senator WELKER. Will you answer that question now?

It may be loaded; you answer it.

Mr. PERLO. All right. I refuse to answer on grounds that it might tend to incriminate me.

Mr. MORRIS. Is one interpretation of your summary there that you were unmolested in transferring confidential data to members of an espionage ring?

Mr. PERLO. Say that again?

Mr. MORRIS. Is it a fair summary of your statement to say that during this period of time you were unmolested in transferring classified Government information to people you knew to be members of the Soviet spy ring?

Mr. PERLO. No. I want to make absolutely clear that I don't regard my use of the fifth amendment as a basis for any imputation of guilt. The fifth amendment is a protection of the innocent against star chamber proceedings and witch hunts being conducted by this and other committees today, and it isn't generally my opinion; it is the opinion of the leading Boston clergymen and professors who published an advertisement to that effect in the Boston papers the other day.

Mr. MORRIS. Mr. Perlo, you understand that we have in our record evidence, sworn testimony, that you were a member, a leader, of an espionage ring that was carrying on a substantial operation of transferring Government secrets to Soviet agents during the war, and we called you down to give you an opportunity to put a denial into the record and thus far you have refused to put a denial into the record about this very significant and very important evidence.

The CHAIRMAN. I would like the record to show also that this committee is not so much interested in witch hunts as it is in rat hunts.

Senator SMITH. Would you object now to answering the question as to whether or not you were a member of that ring that was transferring Government secrets for the benefit of the espionage of the Russians or the Communists?

Mr. PERLO. Well, I already refused to answer that question on the grounds that it might tend to incriminate me.

Senator SMITH. Then if you are innocent it could not possibly incriminate you, could it? If you answered, no, you had not done that, that would be such a denial that it could not possibly incriminate you; is that not true?

Mr. PERLO. I am not going to go into a discussion as to my specific reason why I claim the privilege on any particular question.

Senator SMITH. You were asked if you had done these things. Of course if you had said, "Yes, I did," that would incriminate you, besides tend to incriminate you, but if you said, "No, that is untrue. I didn't do it," that would not incriminate you, would it?

Mr. PERLO. I don't want to get into a discussion as to what would or what would not incriminate me.

Senator SMITH. A statement of denial by you that you had done these things certainly would not incriminate you, would it?

Mr. PERLO. I don't concede that that is so.

Senator SMITH. If a man is charged with something and he denies it and his denial is the truth, it certainly cannot incriminate him, can it?

Mr. PERLOS I don't want to get into a discussion.

Senator SMITH. I can understand why you would rather not do it, but you are sworn here to tell the truth. Why don't you tell it?

Mr. PERLO. I decline to answer that question for the same reason.

Senator SMITH. And yet you know that the truth would not incriminate you, if you told the truth that would not incriminate you. If you had not done these things and told the truth, it would not incriminate you?

Mr. PERLO. I decline to answer that question for the same reason.

Senator SMITH. When Mr. Morris asked you just now about whether or not you had transferred secret information to an espionage ring, I believe you said you refused to answer that upon the grounds of the fifth amendment and, that it might tend to incriminate you.

Mr. PERLO. Yes.

Senator SMITH. If you had answered that yes, it would not only tend to incriminate you; it would incriminate you, would it not?

Mr. PERLO. I daresay.

Senator SMITH. Do you know that there is a law against that, do you not?

Mr. PERLO. Yes.

Senator SMITH. If you had said that, that would incriminate you right off, would it not?

Mr. PERLO. What?

Senator SMITH. It would go beyond "it might tend" to incriminate you?

Mr. PERLO. I suppose so.

Senator SMITH. So you still refuse to say whether or not you were a party to or did you transfer governmental papers, documents, and secrets, to an espionage ring?

Mr. PERLO. Yes.

Senator SMITH. You refuse to answer that?

Mr. PERLO. Yes.

Mr. MORRIS. Mr. Chairman, I have here a description of this particular witness' assignments with the War Production Board and his salaries. May I just read them into the record and ask him if these are the facts?

The CHAIRMAN. You may proceed.

Mr. MORRIS. After you were head financial economist with the War Production Board, did you become head production progress analyst at $6,500 per annum on May 3, 1943? Does that sound right?

Mr. PERLO. That is possible.

Mr. MORRIS. And then on October 18, 1944, through an intradivision transfer did you become an economist in special studies, still at the rate of $6,500, with the War Production Board in the Bureau of Planning and Statistics Office of the Director? What was your work in the Planning and Statistics Office of the Director?

Mr. PERLO. Well, then, toward the end of the war it became more the preparation for reconversion to civilian production. For example, on assignment I prepared a report that was published as part of a larger work with credit to me for my participation in it, by the Civil Aeronautics Administration showing how the airplane companies could obtain very profitable civilian business by concentrating their energies on the development of cheap and small civil airplanes for personal use instead of concentrating on production of bombers and not go broke for the loss of the bomber orders.

Mr. MORRIS. Who was the director at this time?

Mr. PERLO. Director of what?

Mr. MORRIS. It is the Bureau of Planning and Statistics, Office of the Director, in the War Production Board?

Mr. PERLO. I am not sure. Do you have it on record there?

Mr. MORRIS. You worked there, did you not?

Mr. PERLO. Yes; but I am not sure. There were a couple of directors that I worked for, 2 or 3.

Mr. MORRIS. Who were the directors you worked for?

Mr. PERLO. All right. At the War Production Board as a whole?

Mr. MORRIS. That is right.

Mr. PERLO. I worked for Mr. M. Joseph Mehan, and I think I worked for Thomas Blaisdell, and I think toward the tail end there, there was still another boss, but I am not sure that I remember his name.

Mr. MORRIS. Was your next assignment, then, economist with the Research Coordinating Staff of the War Production Board, Bureau of Program and Statistics, Washington, D. C., at the rate of $6,750?

Mr. PERLO. Must be.

Mr. MORRIS. Thereafter, were you an economist at the rate of $7,437 for the same agency?

Mr. PERLO. Must be.

Mr. MORRIS. And then, subsequent to that, did you transfer over to the Treasury Department?

Mr. PERLO. I transferred over to the Treasury Department; yes.

Mr. MORRIS. Mr. Mandel, do we have any job description in our records that we can put in the record at this time?

Mr. MANDEL. I have here a photostat of an application blank signed by Victor Perlo on January 20, 1943, describing his work in the OPA. This application says as follows:

"Direct work of staff engaged in preparing and analyzing basic data for research division and top executives of OPA. Write policy memorandums for economic adviser; also Mr. Gilbert. Attend interdepartmental committees, including WPB and Planning Committee as an OPA representative."

Reading from the same application in regard to Mr. Perlo's work in the Commerce Department:

"Study and prepare reports on basic economic problems with special emphasis on relationships among major economic factors such as Government spending, taxation, private investment, consumer expenditures, and national income. Also develop techniques for forecasting trends in economic activities."

This is from a United States Civil Service classification sheet for Victor Perlo, Division of Monetary Research:

"Under general supervision to formulate and execute policies, programs, and plans relating to fiscal monetary and economic problems:

"SPECIFIC

"1. To serve as Treasury Department representative on the key interdepartmental committees of the Government dealing with international economic problems:

"(a) to serve as alternate to the Director of Monetary Research on the Executive Committee on Economic Foreign Policy."

Mr. MORRIS. Your next job then was for the Treasury Department; was it not?

Mr. PERLO. Yes.

Mr. MORRIS. International Monetary Fund?

Mr. PERLO. No.

Mr. MORRIS. What was your assignment in the Treasury?

Mr. PERLO. My assignment in the Treasury was primarily to work with the Trade Agreements Committee which was an interdepartmental body charged with the work of attempting to reduce trade barriers under the reciprocal trade program.

Mr. MORRIS. Did you have title of economic analyst at the rate of $7,437.50 per annum, Treasury Department, Division of Monetary Research, in Washington?

Mr. PERLO. Probably so.

Mr. MORRIS. Are you describing the function of that particular assignment in answering that question?

Mr. PERLO. I am describing the main function of that particular assignment. There were various others. I don't remember all the details.

Mr. MORRIS. Did you know Frank Coe at this period of time?

Mr. PERLO. He was my boss part of the time I was at the Treasury Department.

Mr. MORRIS. Did you ever meet at a Communist meeting with Frank Coe?

Mr. PERLO. I decline to answer that question on grounds that it might tend to incriminate me.

Mr. MORRIS. Was Harry Dexter White your superior at this time?

Mr. PERLO. I am not certain of that because I know that he was, I believe, Assistant Secretary of the Treasury shortly before I came there and left either just before I came there or shortly after I came there.

Mr. MORRIS. How about Harold Glasser. What was he doing?

Mr. PERLO. Harold Glasser?

Mr. MORRIS. Harold Glasser.

Mr. PERLO. He was also my superior during a period at the Treasury Department.

Mr. MORRIS. Mr. Mandel, do we have papers in our file showing that Mr. Coe and Mr. White did in fact give rating and aid in the promotion of Mr. Perlo?

Mr. MANDEL. I have here United States Treasury Department personnel recommendation in the name of Victor Perlo which is signed by F. Coe, Bureau of Division head, rating Mr. Perlo and stating, "Character investigation is in progress. Appointment recommended subject to favorable report thereon."

Mr. MORRIS. Several of those records show that Frank Coe gave him an excellent rating, do they not?

Mr. MANDEL. I have here a Treasury Department, Division of Monetary Research, office memo, to Mrs. Hall, which says:

"Mr. Coe has sent the attached note to Mr. White. He asked me to tell you to keep him on ice. Nothing doing now."

This refers to Victor Perlo.

Mr. MORRIS. How about Harold Glasser, Mr. Mandel? Did he give him any excellent ratings?

Mr. MANDEL. I have here an efficiency rating, Board of Efficiency Rating for Victor Perlo, dated as of March 31, 1947, for a period of April 1, 1946, to March 31, 1947. It is signed by Harold Glasser and the rating is excellent.

Mr. MORRIS. Mr. Glasser and Mr. Coe have both appeared before our committee, Mr. Chairman, and both of them refused to say whether or not they are presently members of the Communist ring, on the grounds their answers might incriminate them.

Senator WELKER. Is it not a fact that they also refused to answer whether or not they knew Victor Perlo on the grounds that their answer might tend to incriminate them?

Mr. MORRIS. I believe so, but I would like to check the record to be certain.

Senator SMITH. I might ask this witness whether Mr. Coe is a Communist or not?

Mr. PERLO. I refuse to answer that question on the grounds it might tend to incriminate me.

Senator SMITH. Harold Glasser?

Mr. PERLO. Same reason.

Mr. MORRIS. When did you last see Harold Glasser?

Mr. PERLO. I refuse to answer for the same reason.

Mr. MORRIS. When did you last see Frank Coe?

Mr. PERLO. I refuse to answer for the same reason.

Senator SMITH. Did you see Mr. Glasser about the time he was being examined by this committee recently? Did you know Mr. Glasser was before this committee

Mr. PERLO. No; I didn't know that.

Senator SMITH. You did not know that?

Mr. PERLO. No.

Senator SMITH. Did you see him about a month ago or 2 months ago?

Mr. PERLO. No.

Senator SMITH. Have you not seen him in 2 months then?

Mr. PERLO. That is right.

Mr. MORRIS. Was your last salary with the Government as economic analyst with the Treasury Department at the rate of $8,778 per annum?

Mr. PERLO. Must be if it's in there.

Mr. MORRIS. This is March 28, 1947. Does that square with your recollection?

Mr. PERLO. It's about right.

I assume I wasn't put on that salary at that date because that is about when I left the Treasury.

Mr. MORRIS. That is the salary you had when you resigned?

Mr. PERLO. Yes.

Mr. MORRIS. Do we have a job description of Mr. Perlo's work at the Division of Monetary Research in the Treasury?

Mr. MANDEL. Yes. I was reading from it previously. To continue:

"(a) To serve as alternate to the Director of Monetary Research on the Executive Committee on Economic Foreign Policy. This is the supervisory committee overseeing all interdepartmental work on foreign economic problems. Its representatives include the deputy to the Assistant Secretary of State for Economic Affairs and the Vice Chairman of the United States Tariff Commission.

"To serve as the official Treasury representative on two of the most important subcommittees of the Executive Committee on Economic Foreign Policy. These two subcommittees are (1) on private monopolies and cartels, the membership of which includes an Assistant Attorney General of the Justice Department and the Chief of the Division of Research and Statistics of the Property Custodian, and (2) on trade barriers, the membership of which includes the Chief of the Bureau of Foreign and Domestic Commerce, Commerce Department, and the Commissioner of Labor Statistics, Labor Department. This responsibility will involve familiarity with practically all areas of Treasury policy in the international financial field and its relation to foreign-trade policies of this Government;

"(b) To be responsible for the Treasury Department's conformance with the policies evolved by the Executive Committee on Economic Foreign Policy. In this connection to assume complete responsibility for insuring within the Department policy discussions and decisions necessary for adequate Treasury participation in the work of the Committee; also to be responsible for insuring that the actions decided upon are carried out.

"2. To serve as an adviser and be responsible for recommending actions required in the following fields:

"(a) Aspects of domestic economy in relation to international financial affairs such as the supply of money and its speed of circulation, bank deposits, and lending activity, the volume of private savings and their absorption through domestic investments, production and employment trends in industries with important potential export markets.

"(b) The effects on domestic economy of current international financial developments and the prospective effects of international financial proposals; such as—

"Effects of proposed United States loans to foreign countries on domestic financial stability and economic activity, including the general effects on circulation, prices, and employment; and the specific effects of private banking participation on the volume of outstanding private bank loans, and deposits, the specific effects on individual industries of exports likely to develop from the proposed loans.

"Immediate and long-term effects on the domestic economy of specific changes in exchange rates with individual countries, including the volume of trade with the country concerned, and the volume of trade with other countries which trade both with the United States and with the country concerned.

"Effects of proposed international financial policy agreements on the domestic economy, such as the effects on United States foreign trade and employment of agreements providing for changes in foreign currency controls.

"Effects on the domestic economy of United States private investments abroad, including the effects on the total savings and investment of the economy, the effects of dividend, interest, and capital repayments, the effects of exports and imports resulting from the investments and the returns therefrom on specific domestic industries."

Mr. MORRIS. Mr. Perlo, that was your own description; was it not?

Mr. PERLO. Certainly a whopper of a job description, isn't it?

Mr. MORRIS. Is it your own?

Mr. PERLO. You mean, did I write it?

Mr. MORRIS. Yes.

Mr. PERLO. I don't know.

Mr. MORRIS. Is there anything to indicate that that is Mr. Perlo's own job description in there?

Mr. MANDEL. His signature is not on this document.

Mr. MORRIS. It purports to be his own document; does it not?

Mr. MANDEL. It purports to be his classification sheet.

Mr. MORRIS. Some of these job descriptions are even signed by Mr. Perlo; is that right?

Mr. MANDEL. Yes.

Mr. MORRIS. That particular one is not signed?

Mr. MANDEL. No, sir.

Mr. MORRIS. I wonder if you would offer that to Mr. Perlo to see if that would refresh his recollection or whether he literally submitted that as his own description?

Mr. PERLO. It wouldn't do any good and looking at it wouldn't make me remember.

Mr. MANDEL. This is signed by Mary B. Hall, signature of reviewing officer, F. Coe.

Mr. MORRIS. You worked for the Resources Protection Board, did you not, in conjunction with your work for the War Production Board?

Mr. PERLO. Not that I remember.

Mr. MORRIS. In connection with all this work you described here in Treasury, did you ever transmit any classified material obtained from that job to people who have been named as members of the Soviet espionage ring that we have been talking about today?

Mr. PERLO. Well, I refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. MORRIS. Mr. Perlo, after you left your job in Treasury in March 1947, did you then try to take up work with the Intergovernmental Committee on Refugees?

Mr. PERLO. Yes.

Mr. MORRIS. Will you tell us the circumstances? You did begin to tell us in executive session. Will you tell us the circumstances surrounding your application and your actual transfer to a job with the Intergovernment Committee on Refugees?

Mr. PERLO. Well, the basic circumstances were that with the change in the policy of the Government to a policy of reaction and war preparation, and the Truman doctrine and loyalty problems, they were anxious to get rid of all of the people who served in the New Deal period, such as myself, and I was just as happy to get away from the job where I felt I could no longer make a contribution in the new environment, and consequently, because of both of these reasons, I was looking around for something else to do and in

the course of this looking around, but quite independent of it, I was offered the job of being the treasurer of this Intergovernmental Committee on Refugees which was then located in London and which later became the International Refugee Organization.

Mr. MORRIS. Who offered you the job?

Mr. PERLO. Who offered me the job?

Mr. MORRIS. Yes.

Mr. PERLO. Well, it was discussed with me by officials of the State Department.

Mr. MORRIS. Will you tell us who?

Mr. PERLO. Well, there was one——

Mr. MORRIS. This was an important job. You described it as an important job in executive session.

Mr. PERLO. Yes, it was an important job. I am not belittling it. There was one official who had relations to this particular kind of work and who had conducted negotiations with the Englishman who was the chairman of the board, technical level. I don't remember his name.

Mr. MORRIS. You mean you don't remember the man's name in the State Department?

Mr. PERLO. I don't remember that man's name. I believe he was a professor of some sort.

The other man was General Hilldring who was Assistant Secretary of State, who interviewed me in connection with this job and I believe conducted the final official negotiations.

Mr. MORRIS. General Hilldring was opposed to you in this job; was he not?

Mr. PERLO. No. I don't see how this could have been the case because as I recall I spoke to him before my name was transmitted to the Chairman of the Intergovernmental Committee, the point being that later—I just want to explain that this had nothing to do with being a State Department job. I was not interested in a State Department job, but it was a question of protocol, with being an intergovernmental agency and Chairman of the intergovernmental agency was interested in recommendations from officials of the United States Government.

Mr. MORRIS. Did you speak with Mr. Glasser about this job?

Mr. PERLO. I doubt it.

Mr. MORRIS. You doubt it?

Mr. PERLO. Yes, I doubt it. I don't know whether he was with the Treasury any more at that time. I don't remember.

Mr. MORRIS. Well, there was a question of your loyalty which had arisen at that time, was there not, Mr. Perlo?

Mr. PERLO. Yes.

Mr. MORRIS. Mr. Chairman, I would like to point out that this memorandum that we have been discussing throughout is dated November 1945, and subsequent to that time Mr. Perlo commenced his employment with the Treasury Department, subsequent to the date of that.

Now this job is 2 years later. It takes place at a time 2 years after the memorandum, this other job we are talking about with the International Committee on Refugees, and it is in that background that I asked that last question?

Mr. PERLO. Will you ask me that question again?

Mr. MORRIS. Did someone challenge your loyalty at this time?

Mr. PERLO. Well, I had been told at the Treasury Department that my loyalty check which had been under way for a long period had been negative.

Mr. MORRIS. In other words the check showed that there was nothing disloyal about your record?

Mr. PERLO. No, no, no. I have been told that the loyalty check was unfavorable.

Senator WELKER. Just a moment ago, Mr. Perlo, you stated that due to the loyalty problems and other matters, you felt that you could not make any contribution to the Government of the United States and in fact you were glad to leave Government service; is that correct?

Mr. PERLO. That is absolutely correct.

Senator WELKER. Because they questioned your loyalty you decided that you would be happier some place else?

Mr. PERLO. No; that is not the reason. For example my work in the Trade Agreements Committee, which I considered very good work, was in the direction of removing trade barriers and encouraging peaceful foreign trade. However, the policy of the Government had shifted to the Truman Doctrine and the trade and armaments which made it impossible to do any effective work in the Government for the promotion of peaceful foreign trade and I felt that my continued service in the Government, quite apart from the fact that it was obvious that the Government wanted to get rid of me, that my continued service in the Government would not be a public service any longer.

Senator WELKER. Were you loyal to the Government of the United States all the time you were employed by them.

Mr. PERLO. Yes.

Senator WELKER. You wrote a book in 1951 or caused to be published a book.

You are the author of it, called American Imperialism; is that correct?

Mr. PERLO. Yes; I wrote it and I am very proud of that book.

Senator WELKER. I do not doubt that a bit.

Directing your attention to page 149, and there are many other little paragraphs I would like to read, but we will not have time, you did say this in your book:

"A flood of popular hatred of United States imperialist domination is riding in the Marshall plan countries, threatening to drown the well-laid plans for completing the establishment of control over Europe, to wreck the plot to use Europe as a base for world war III."

Is that correct? Did you write that?

Mr. PERLO. Absolutely.

Senator WELKER. You used some information you acquired from the Government of the United States from your employment in your research?

Mr. PERLO. No, sir.

Senator WELKER. You did not?

Mr. PERLO. No, sir; I used published Government documents. I did not use any confidential information in this book.

Senator WELKER. You caused some of the documents to be published; did you not?

Mr. PERLO. Some of the documents that I used as a source?

Senator WELKER. The Government documents that you used.

Mr. PERLO. Oh, I question that very much. I question whether—I won't say absolutely, because that would require a special survey, but I doubt very much whether there is a single statistic or reference from Government sources used in this book that I had anything personally to do with in the preparation of it.

Senator WELKER. Well, you used Lenin a number of times too for the basis of some of your factual information there.

Mr. PERLO. No; I quoted from Lenin as well as other writers on the subject of imperialism, such as the Englishman, the English economist Tobson, and the American professor Parker T. Moon.

Senator WELKER. You are familiar with the publication on the west coast called the People's World, are you not?

Mr. PERLO. I know of the People's World, and I have seen copies of the People's World.

Senator WELKER. You know it to be a Communist publication on the west coast?

Mr. PERLO. I know it to be a left wing publication on the west coast.

Senator WELKER. Did you see their review that they made of your book, American Imperialism?

Mr. PERLO. No.

Senator WELKER. I will read it to you:

"PERLO BRINGS LENIN ON IMPERIALISM UP TO DATE

"NEW YORK.—A particularly timely volume dealing with the underlying forces at work in the present world crisis is American Imperialism, by Victor Perlo, which International Publishers will publish in February.

"Based on Lenin's analysis of the nature of imperialism made nearly 25 years ago in Imperialism, the Highest Stage of Capitalism, Perlo presents a wealth of current documentation to show precisely how United States imperialism is driving toward world domination today. Drawing heavily upon official Government documents, United Nations statistics, annual reports of large corporations, and business publications, the book reveals the methods by which American monopolies have come to dominate the economic and political life of the vast areas of the world, including Western Europe, as well as the colonial and semicolonial countries.

"How do United States monopolies work with the Government to gain advantages over their British, French, Dutch, and other rivals? Just what means do they use to extract superprofits from colonial and semicolonial countries? How do these same monopolies go about extracting superprofits from the Negro people at home? What effect does monopoly control of the United States economic life have upon the living standards of American workers? These questions are answered specifically and in detail."

Did you ever read that review?

Mr. PERLO. No; I never read that review.

Senator WELKER. It was dated January 2, 1951, page 9, of the People's World, if you care to read it.

Mr. MORRIS. Mr. Mandel, do we have an official citation on the People's World?

Mr. MANDEL. The California Committee on Un-American Activities in its report of 1948 called the Daily People's World "West Coast mouthpiece of the Communist Party."

Mr. MORRIS. Mr. Perlo, did you finally accept this position with the Intergovernmental Committee on Refugees?

Mr. PERLO. Yes; I accepted the position.

Mr. MORRIS. Did you work there?

Mr. PERLO. No.

Mr. MORRIS. What happened?

Mr. PERLO. The State Department wouldn't give me a passport to go to the job.

Mr. MORRIS. And that is the reason you did not take up your appointment?

Mr. PERLO. Yes.

Mr. MORRIS. Did you protest that?

Mr. PERLO. Yes.

Senator WELKER. Do you know why they turned your passport down?

Mr. PERLO. General Hilldring said he spent 3 days trying to find out, and nobody would tell him.

Senator WELKER. I am asking you: Do you know why they turned it down?

Mr. PERLO. No; I don't know.

Senator WELKER. Were you asked whether or not you were a member of the Communist Party in your passport application?

Mr. PERLO. I don't remember what I was asked in the passport application.

Senator WELKER. Had you been asked whether or not you were a member of the Communist Party, what would your answer have been?

Mr. PERLO. I refuse to answer that question on the ground that it might tend to incriminate me.

Senator WELKER. Mr. Perlo, a moment ago you referred to this committee as a group of witch hunters, and I am not going to sit here any more and listen to that kind of dialog from you or anyone else who refuses to answer a simple question: Have you ever been or are you now a member of the Communist

Party? When American boys and the American people are fighting and dying and spending their resources in fighting communism. I think that was very unfair of you to classify any committee as a group of witch hunters.

You have been permitted to come here with your attorney, which is a privilege. You have no right to do that and I think you will admit that you have been treated pretty fair. We have asked you questions. We do not get any enjoyment out of spending hour after hour working down here on this committee. It is a job we have to do and I will say this to you and all like you that as long as American boys are fighting communism, I do not think this committee is engaging in witch hunt, to ask a man whether or not he is a member of the Communist Party.

I want you to know that and you can tell it to any of your contemporaries wherever they may be.

The CHAIRMAN. Particularly might I state a man who came into Government——

Mr. PERLO. May I make a comment?

The CHAIRMAN. Just a moment. You came into Government service years ago at a salary of $2,300. You moved from NRA to the HOLC, to the Commerce Department, to the War Production Board, and to the Treasury Department, always going higher, even advising the Secretary of Commerce, holding key positions, where he could make policy to affect the future of this country, and yet when we ask you a simple question—at that time you were receiving your compensation from the taxpayers of this country—as to whether or not you were a member of the Communist Party, you hide behind the fifth amendment. As Senator Willis Smith pointed out to you, if you would answer the simple question, "No, I was not," you could not incriminate yourself, so I do not think you are fair in coming before this committee calling us witch hunters.

I again refer to the fact that we are looking for people like you who are in here, identified by witnesses as a member of an espionage ring before this committee. We do not call those witches. We call them rats.

Senator WELKER. Let me make this further observation to you, sir. If you think it is unfair for this committee to ask you whether or not you are a Communist or ever have been a Communist, there is not a member of this committee that would not be glad to reverse our positions and have you, Mr. Perlo, ask us representatives of the sovereign States of this Union whether or not we are now or ever have been members of the Communist Party. You will not see any of the Senators hiding behind the fifth amendment. We will gladly and promptly answer you under oath. We are not now nor have we ever been members of the Communist Party. Call that witch hunting if you want. I call it a left-handed smear by you and all like you.

Mr. PERLO. It seems to me that you gentlemen are making your smears in speeches right now.

Senator WELKER. All right, you open up. Go ahead and make yours.

Senator SMITH. Mr. Chairman, may I?

The CHAIRMAN. Senator Smith.

Senator SMITH. Do you want now to retrace your steps and say whether or not you are or ever have been a Communist?

Mr. PERLO. No, sir.

Senator SMITH. You do not want to retrace your steps?

Mr. PERLO. No, sir.

Senator SMITH. Did you ever go to the west coast?

Mr. PERLO. Of America?

Senator SMITH. Yes.

Mr. PERLO. Yes.

Senator SMITH. And while you were over there, did you have any conference with Mr. Al Richmond, the publisher or editor of this People's World, this Communist publication out there?

Mr. PERLO. Don't believe I met him.

Senator SMITH. You are sure you never had any conference with him?

Mr. PERLO. No; I'm not sure.

Senator SMITH. You are not sure? You knew he was a Communist?

Mr. PERLO. I don't know if I did or not. I knew he was a Communist when I read about his being indicted under the Smith Act. I don't know if that happened before I went out to the west coast or not.

Senator SMITH. And you do not know now whether or not at the time you went to the west coast you knew or did not know he was a Communist?

Mr. PERLO. That's right.

Senator SMITH. However, you do know it now?

Mr. PERLO. Yes.

Senator SMITH. Have any of your writings ever been published in this paper or reviewed other than the review read to you a few minutes ago?

Mr. PERLO. I don't have the least idea.

Senator SMITH. Did you read the People's World?

Mr. PERLO. Not regularly.

Senator SMITH. You read it irregularly then?

Mr. PERLO. When I was on the west coast, I saw a few issues of it. That's about the extent of it.

Senator SMITH. And you went to the publication's office while you were there, did you not?

Mr. PERLO. Don't believe I did.

Senator SMITH. Where did you meet Mr. Richmond?

Mr. PERLO. I didn't say I met him. I said I thought I hadn't met him.

Senator SMITH. Did you meet any of his associates in that publication?

Mr. PERLO. I don't know.

Senator SMITH. You do not recall, or you do not know.

Mr. PERLO. I don't know.

Senator SMITH. Or do you deny that you met any of them?

Mr. PERLO. No; I don't deny it. I met a lot of people on the west coast.

Senator SMITH. I understood you did. Did you confer or have any conferences with any Communists while you were on the west coast?

Mr. PERLO. First, I didn't have conferences with people.

Senator SMITH. Well, meetings, whatever you call them. Did you have any meetings or conferences with any Communists on the west coast?

Mr. PERLO. Well, I met people on the west coast.

Senator SMITH. I did not ask you whether you met people. You were bound to meet people. I asked you whether or not you met or had any contact with any Communists while you were on the west coast.

Mr. PERLO. I met people, and I don't know which if any of them were Communists.

Senator SMITH. You do not know whether you met Communists or not, then?

Mr. PERLO. That's right.

Senator SMITH. And you are not willing to say you did not have conferences or meetings with Communists while you were out there, are you? You are not willing to deny it?

Mr. PERLO. Of course not, because if I met with people and didn't know they were Communists——

Senator SMITH. Did you meet with anybody that you knew or had reason to believe they were Communists? Put it that way.

Mr. PERLO. I think you are just repeating the question.

Senator SMITH. No. I am asking you, Did you have any meetings or conferences or whatever you may call them with anyone who was a Communist or that you had reason to believe was a Communist at that time?

Mr. PERLO. Look, in the first place, I didn't have meetings. I gave lectures and people came to my lectures.

Senator SMITH. Did you talk to anyone afterward?

Mr. PERLO. I talked with people.

Senator SMITH. Did you have some conferences with people that came to your lectures afterward?

Mr. PERLO. I didn't have any conferences.

Senator SMITH. You just do not want to call them conferences?

Mr. PERLO. I know what a conference is, and I didn't have any conference.

Senator SMITH. What do you call a conference, then? Let us see if you have the right idea.

Mr. PERLO. My idea of a conference is a business meeting to discuss certain matters of business.

Senator SMITH. A formal meeting, you mean? Is that what you mean?

Mr. PERLO. No; I'm not speaking on formality.

Senator SMITH. Did you have any informal discussions with anybody on the west coast who were either Communist or had reason to believe were Communists?

Mr. PERLO. Look, I talked with many people on the west coast socially and informally, and I don't know about whether or not they are Communists.

Senator SMITH. I am not asking you about all those people you were talking to. I am asking you whether or not you talked to any Communists while you were out there.

Mr. PERLO. I don't know about any of them, whether or not they were Communists.

The CHAIRMAN. Do you know any Communists at all? Are you acquainted with any Communists?

Mr. PERLO. Yes.

Senator SMITH. Did you discuss communism at all while you were on the west coast?

Mr. PERLO. No; I discussed American imperialism on the west coast.

Senator SMITH. You never did even discuss anything about communism on the west coast in the hope it might correct this imperialism that you have been talking about so much?

Mr. PERLO. No. What I discussed was the need for peace and the need for a program of schools instead of airplanes, such as President Eisenhower was talking about a week ago, except that I mean it and I'm for the end of the war in Korea so that we'll have it, and that's the talk I was making on the west coast.

Senator SMITH. You were advocating the stopping of manufacturing of airplanes and munitions and advocating the manufacturing of things that might be used in peaceful pursuits?

Mr. PERLO. Yes.

Senator SMITH. And, at the time you were advocating that, you knew that the fewer airplanes or munitions we manufacture the better opportunity that would give Russia to excel us in the event of war? You realize that, do you not?

Mr. PERLO. No; I don't agree with that interpretation whatsoever.

Senator SMITH. Then you think the fewer airplanes we have and the fewer munitions we have the better off we will be if we have to have a war? Is that your theory?

Mr. PERLO. No. I think that the only danger of war arises from the enormous production of armaments in this country at the present time.

Senator SMITH. Have you ever been to Russia, Mr. Perlo?

Mr. PERLO. No, sir.

Senator SMITH. Do you have any kinspeople living in Russia now?

Mr. PERLO. No, sir; not that I know of.

Senator SMITH. You have not heard from any of them in Russia?

Mr. PERLO. I do not know whether I have any relatives in Russia or not. Period.

Senator SMITH. Did any of your kinspeople come from Russia?

Mr. PERLO. Well, my mother and father came as very young children from Czarist Russia, but the places where they came from—I'm not sure whether they are part of the Soviet Union at the present time or neighboring countries.

Senator SMITH. Do you have acquaintances in Russia now?

Mr. PERLO. Do I have any acquaintances?

Senator SMITH. Acquaintances in Russia.

Mr. MORRIS. Do you know Noel Field?

Mr. PERLO. No; I didn't know Noel Field.

Senator SMITH. You do not want to answer my question as to whether or not you had——

Mr. PERLO. I'm thinking about it, thinking about whether or not I have any acquaintances in Russia.

The CHAIRMAN. Let the record show that the witness is conferring with his counsel before replying to the question after some long hesitation.

Mr. PERLO (after conferring with counsel). Not to the best of my knowledge.

Senator SMITH. Mr. Perlo, at the bottom of page 219 of your book you discuss Mr. William Z. Foster and his, as you say, latest book, Outline Political History of the Americas.

Do you know Mr. Foster?

Mr. PERLO. I refuse to answer that on the ground it might tend to incriminate me.

Senator SMITH. Is he not the chairman or the head of the Communist Party, or was he not, at one time?

Mr. PERLO. Yes; I believe so.

Senator SMITH. He is now, is he not?

Mr PERLO.. I think so. I'm not sure.

Senator SMITH. You read his book, Outline Political History of the Americas, did you not?

Mr. PERLO. Yes.

Senator SMITH. And this is where you were discussing it, on the bottom of page 219 of your book. At the top of page 220 you say, and I quote from your book:

"The very forces which guarantee this result"—that is to say, sound the death knell for the capitalist system everywhere—that is what you said, did you not, on the bottom of page 219? You used those words about sounding the death knell of capitalism?

Mr. PERLO. I quoted from Foster's book in which Foster said that:

"A new world war would deluge humanity in a welter of horrible and needless slaughter, would surely sound the death knell for the capitalist system everywhere."

Senator SMITH. Then I direct your attention to the top of the next page where you say:

"The very forces which guarantee this result strive by all means to avert that war. The U. S. S. R."—that means Soviet Russia, does it not? That is what you meant when you wrote that?

Mr. PERLO. Yes.

Senator SMITH (reading):

"The U. S. S. R., the Peoples Democracies, and China lead this world struggle for peace."

Mr. PERLO. It seems to me that you are cutting short your quotation prematurely and hence you are not getting the full context. To continue:

"The scope of the peace movement was indicated by the 500,000 signatures to the Stockholm petition to outlaw the atomic bomb."

Senator SMITH. I was hoping you would come to that. You know that it has been established the Stockholm petition was circulated by Communists, do you not?

Mr. PERLO. Let me finish. I don't know anything of the sort.

Senator SMITH. Do you not know that the Stockholm peace petition has been demonstrated as Communist-circulated? I do not mean the people who signed it were all Communists, but a lot of them were taken in. However, do you not know that it has been demonstrated that that was inspired by the Communist regime and the advocates of communism?

Mr. PERLO. I know the Stockholm petition was issued by the World Peace Congress meeting in Stockholm, which was a meeting attended by Communists, anti-Communists, by lovers of peace from all countries and of all political points of view. Let me continue with this though.

Senator SMITH. Do you deny that the Stockholm peace petition was inspired by the Communist groups that were trying to get that petition circulated to get the people to sign it and it was Communist originated and Communist inspired?

Mr. PERLO. I say that the Stockholm peace petition was representative of all of those trends in the world, Communist and non-Communists which were interested in preserving peace and preventing atomic slaughter.

Senator SMITH. And that is precisely what the Communists contended, too, that it was for all these purposes.

Mr. PERLO. Are you in favor of war and atomic slaughter?

Senator SMITH. No; I am not. Maybe you are.

Mr. PERLO. No; I am not.

Senator SMITH. The Communists tried to use that organization for their own ends to lull into a sense of security the people in America. Do you not know that that is true?

Mr. PERLO. I don't follow your argument. It doesn't make any sense to me. Here is a petition that calls for peace and the outlawing of the atomic bomb and you say you are for peace and against the use of the atomic bomb and you say that the petition that calls for this is a plot.

Senator SMITH. No; I think you misunderstood the basis of my question. I said that that was used, but the Communists inspired it for the purpose of lulling us, that is to say, America, into a false sense of security with the hope that that would hold up the manufacture of armaments with which to defend ourselves. That is what I meant, and I think you knew what I meant all the time.

Mr. PERLO. I see. In other words, you are asking me: Don't I think that somebody is planning to attack the United States——

Senator SMITH. I was not asking you that.

Mr. PERLO. What are you asking me?

Senator SMITH. I just want to see how much, if anything, you had to do toward the circulation of the Stockholm peace petition for the purpose of lulling America into a false sense of security, which in turn would tend or hope to tend America away from the manufacture of armaments.

Mr. PERLO. What are you asking me?

Senator SMITH. You had nothing to do with the Stockholm peace petition at any time?

Mr. PERLO. Yes; I collected 67 signatures on the Stockholm peace petition.

Senator WELKER. Mr. Chairman, I would like to call to Senator Smith's attention that the witness testified a moment ago if we would quit manufacturing airplanes that would bring peace too.

Senator SMITH. Precisely.

Senator WELKER. I would like the witness to tell that to some veterans of ours over in Korea today. I want to clear this matter up with you——

Mr. PERLO. Where——

Senator WELKER. Just a moment. I want to ask you a question. At the very outset of this testimony in response to a question by committee counsel, Morris, you stated that you had done good work and honest work on behalf of the American people.

As we got into this testimony, you were asked whether or not you had ever been a Communist or were now a Communist. You came back with a shot at this committee that we were witch hunters. Once again, in fairness to you, I want to ask you whether or not you want to reverse the procedures here and want to ask the committee, who are duly elected representatives of sovereign States, as to whether or not any one of us has ever been or is now a member of the Communist Party. If you would like to do that, I would like to take note and answer you right now and not hide behind the fifth amendment.

Mr. PERLO. I'd rather ask you different questions. I am not interested in that.

Senator WELKER. Of course, you are not.

Mr. PERLO. I'm interested, for example, in whether or not you are in favor of ending the war in Korea or reducing the taxes on the people.

Senator WELKER. Who would not be in favor of ending the war in Korea and reducing the taxes on the people as long as we could get an honorable peace, but you and all like you are never going to convince this committee that we are going to be subservient to Communist Russia and take a licking over there while we have lost so many men and injured so many.

The CHAIRMAN. Mr. Perlo, I think this record clearly demonstrates your attitude toward this country and your motives for working in the Government. I particularly apply that to the fact when you refuse to answer simple questions as to whether or not you were a Communist when you were working with all these various divisions of our Government. Senator SMITH brought out a book that you have written and mentioned passages from that book. I would like to ask you this question: What have you done to reduce the war production in U. S. S. R.? You have talked about reducing the war production in this country. What have you advocated toward reducing war production in Russia?

Mr. PERLO. What have I advocated toward reducing war production in Russia?

The CHAIRMAN. Yes.

Mr. PERLO. If you let me answer that question——

The CHAIRMAN. I will let you answer.

Mr. PERLO. The last couple of questions when I got in the middle of them somebody threw another question at me. In the first place, I have no influence on Russian affairs. I live in the United States and my responsibilities are here.

Secondly, I have made studies based on United Nations reports of the comparative armament levels and proportion of armament expenditures in the United States and of the Soviet Union and I can assure you gentlemen that the rate of armament expenditures in our country is approximately three times as big, if not bigger, than that in the Soviet Union.

Senator WELKER. How did you get that information?

Mr. PERLO. From United Nations publications.

Senator WELKER. That was supplied to them by Russia, was it not?

Mr. PERLO. What?

Senator WELKER. The information the United Nations received came from Russia and the satellites?

Mr. PERLO. The information that the United Nations received comes from its various member governments, including the Russian Government and the United States Government.

Senator SMITH. Right there——

Mr. PERLO. I haven't finished my answer.

Senator SMITH. I want to ask you right there——

Mr. PERLO. Why won't you let me finish one question at a time?

Senator SMITH. When you say 3 times as much, do you not know that the average workingman in America has 3 times as much income and 3 times as much liberty and 3 times as much everything else as the Russian worker does?

Mr. PERLO. We could argue about your version of the facts, but that has nothing to do with the question of costing three times as much because it's an elementary matter of economics that the question of costs are determined not only by the rate of wages, but also by the productivity of labor, and as one can see from many American Government publications, and not United Nations publications, the productivity of labor in general is lower in the Soviet Union than it is in the United States, but let me continue with my answer, that not only are armaments production much bigger here, and I might say that our armaments budget is as large as estimates I have seen coming, I have seen in our press in this country, the New York Times and so forth, estimates of the entire national income of the Soviet Union, and not only that, I think you gentlemen know just as well as I do that we happen to be the country that has bases all around the Soviet Union and not vice versa; and, finally, I want to say that I do not advocate only that we reduce our armaments, I advocate that we reduce our armaments and the Soviet Union reduce their armaments at the same time.

Senator SMITH. You think that the Russian system of economy is better than the American system of economy then?

Mr. PERLO. What?

Senator SMITH. Do you think that the Russian system of economy is better than the American system of economy?

Mr. PERLO. Well, the Russian system of economy——

Senator SMITH. I asked you a simple question. Which do you think is preferable, the Russian system of economy, or the American system of economy?

Mr. PERLO. In the long run, socialism is bound to work better than capitalism.

Senator SMITH. You favor then the Russian system over the American system?

Mr. PERLO. No.

Senator SMITH. You do not?

Mr. PERLO. No.

Senator SMITH. What do you mean by that?

Mr. PERLO. Socialism is not the Russian system of economy. Socialism—that's an important distinction.

Senator SMITH. What does U. S. S. R. mean? Does that not mean Soviet Socialist Republic?

Mr. PERLO. Let me answer one question at a time.[1]

Senator SMITH. What does U. S. S. R. mean? What do those letters stand for? Do you know what they stand for?

Mr. PERLO. Sure.

Mr. SMITH. What do they stand for?

Mr. PERLO. Union of Soviet Socialist Republics.

Senator SMITH. And you think that is a system of economy superior to the American system of economy?

Mr. PERLO. I will not accept the implication that when I say I think socialism is superior to capitalism in the long run that I am favoring some Russian system of economy.

Senator SMITH. You do in this book, do you not?

Mr. PERLO. That would be nonsense.

[1] See letter from Mr. Perlo dated July 8, 1953, on p. 451.

Senator SMITH. Do you not in this book?

Mr. PERLO. No, I don't talk about Russia. That book is about America.

Senator SMITH. Who published this book of yours? International Publishers; is that correct?

Mr. PERLO. Yes.

Senator SMITH. Do you know any of the people that are in that organization?

Mr. PERLO. I refuse to answer that on the ground it might incriminate me.

The CHAIRMAN. According to the records, Mr. Mandel, do we not have a citation on the International Publishers? I would like the record to show that.

Mr. MANDEL. International Publishers is cited by Attorney General Francis Biddle as "the Communist Party's publishing house."

The CHAIRMAN. That is right.

Senator SMITH. Do you know that, Mr. Perlo?

Mr. PERLO. I just wanted to come back. You wouldn't let me finish my answer to the previous question you asked before on socialism.

Senator SMITH. I am asking you about this. You have answered about socialism.

Mr. PERLO. I partly answered about that.

Senator SMITH. You can come back to that and make a speech on it if you want to, but do you know that the International Publishers Co. is a Communist organization?

Mr. PERLO. I don't know.

Senator SMITH. You heard that citation read by Mr. Mandel.

Mr. PERLO. What was the citation?

Senator SMITH. You heard the citation read, did you not?

Mr. PERLO. You better read it again.

Mr. MANDEL. International Publishers has been cited by Attorney General Francis Biddle as the Communist Party publishing house.

Senator SMITH. Do you know that?

Mr. PERLO. If you say so, it must be so.

Senator SMITH. Do you know any of the individuals in it?

Mr. PERLO. I refuse to answer on the ground it might incriminate me.

Senator SMITH. Do you know any of the individuals?

Mr. PERLO. At the publishing house?

Senator SMITH. Yes.

Mr. PERLO. I refuse to answer on the ground it might incriminate me.

Senator SMITH. Do you mean to say that you allow your book to be published by an organization that you are ashamed of?

Mr. PERLO. I don't say anything of the sort. I refuse to answer that particular question on the grounds it might tend to incriminate me.

Senator SMITH. That is to say because you know they are Communists? It is a Communist organization?

Mr. PERLO. It isn't anything except I refuse to answer that question on the grounds it might tend to incriminate me.

Senator SMITH. You write a book that you want Americans to read, I presume, and then you have it published by an organization that you are ashamed to say whether or not they are Communists.

Mr. PERLO. I am not ashamed to say anything about it.

Senator SMITH. If this book had been published by one of the other well-known publishing houses in America, you would not have been ashamed of that. Suppose it would have been published by Scribner; you would not have been ashamed of that?

Mr. PERLO. I said I'm not ashamed that it was published by International Publishers. I think it's a good publishing house.

Senator SMITH. You commend it, then?

Mr. PERLO. Yes, sir.

Senator SMITH. One of the reasons you commend it is because they do have the same connections you have, that is to say, with the Communist Party?

Mr. PERLO. I commend the International Publishers because they are a good publishing house and they deal honestly with authors.

Senator SMITH. And you know a good deal about them; else you would not make that statement, would you?

Mr. PERLO. They published this book.

Senator SMITH. How many books of yours have they published?

Mr. PERLO. This is my only book.

Senator SMITH. How many of your books have they published?

Mr. PERLO. This is the only book I ever wrote.

Senator SMITH. I thought maybe you wrote some other books. You investigated them before you had them publish this book?

Mr. PERLO. What do you mean "investigation"?

Senator SMITH. Investigated the publishing house.

Mr. PERLO. I know we have come to the time when everybody is investigating everybody else, but I have never gone in for the investigation business.

Senator SMITH. Why did you pick out the International Publishers Co. to publish your book? Why did you do that?

Mr. MORRIS. Mr. Perlo, you know the head, Alexander Trachtenberg, is a Communist; do you not?

Mr. PERLO. Yes.

Senator SMITH. Why did you have them publish the book?

Mr. PERLO. Let me ask you a question, Senator.

Senator SMITH. I will be glad to answer any of your questions——

Mr. PERLO. Do you think that Scribner's would have published this book?

Senator SMITH. I do not know whether they would have or not.

Mr. PERLO. That's your answer, really.

Senator SMITH. I have no doubt but that they would not publish it.

Senator WELKER. Did you find out whether Scribner's would publish this book? Did you submit it to them?

Mr. PERLO. I didn't submit it to Scribner, but I discussed the project with a couple of publishing houses in America.

Senator SMITH. Who?

Mr. PERLO. I don't remember which ones.

Senator SMITH. And that book just came out the year before last?

Mr. PERLO. 1951, yes.

Senator SMITH. Do you remember with whom you discussed it?

Mr. PERLO. No.

Senator SMITH. You finally decided that you had better have a Communist organization publish that book, or was it because the other companies turned it down?

Mr. PERLO. Look——

Senator SMITH. I am looking all right. I want to hear what you say.

Mr. PERLO. I wrote the book and they decided to publish it.

Senator SMITH. How do you mean that?

Mr. PERLO. International Publishers.

Senator SMITH. What were the two you referred to before?

Mr. PERLO. I don't remember whom I talked to about it. I talked to a couple of them.

Senator SMITH. You mean to sit there and tell us that as to a book published within the last 2 years and that you negotiated with two other publishers before this Communist organization published it and yet you cannot remember whom it was you talked with?

Mr. PERLO. That's right.

Senator SMITH. And that is the only book you have ever written?

Mr. PERLO. Yes. I didn't show the manuscript to anybody. I didn't show the manuscript to any other house, but I talked to—I was introduced to a couple of people in

the publishing field, not the top in their companies——

Senator SMITH. You do not know who they were?

Mr. PERLO. I don't remember.

Senator SMITH. Where were they when you were introduced to them?

Mr. PERLO. Well, I don't know; in offices.

Senator SMITH. Were you in Communist headquarters?

Mr. PERLO. No.

Senator SMITH. Have you ever been in Communist headquarters?

Mr. PERLO. I refuse to answer that on the grounds it might incriminate me.

Senator SMITH. I thought you would. How many other people do you know besides the president of this International Publishers connected with that outfit?

Senator WELKER. A moment ago you refused to answer on the ground it might tend to incriminate you, but Mr. Morris refreshed the witness' memory so he came through on Mr. Trachtenberg. Maybe he will help us a little more.

Mr. MORRIS. Do you know James Allen?

Mr. PERLO. I refuse to answer on the grounds it might tend to incriminate me.

Senator SMITH. Do you know who James Allen is?

Mr. PERLO. He's the author of books.

Senator SMITH. He is a Communist, is he not?

Mr. PERLO. I don't know.

Mr. MORRIS. You know very well that he is, Mr. Perlo.

Mr. PERLO. No, sir.

Mr. MORRIS. Mr. Perlo, in connection with your statement here on page 220, "The U. S. S. R., the Peoples Democracies, and China lead this world struggle for peace," I would like our record to show exactly what countries you mean are leading the struggle for peace. Certainly, the U. S. S. R. is the Soviet Republic. Now, which of the Peoples Democracies?

Mr. PERLO. I want to make clear that this paragraph is referring to all of the forces in the world that are fighting for peace, including not only the Soviet Union, the Peoples Democracy in China, but the peace movement in Western Europe, and in the United States, in Germany, Japan, and in the colonial countries.

Mr. MORRIS. The peace movement is the Communist movement, is it not?

Mr. PERLO. It is not.

Mr. MORRIS. Is the Communist movement in the United States and in Western Germany and in the other countries you have enumerated a force for peace?

Mr. PERLO. I believe it is.

Mr. MORRIS. You say that "the U. S. S. R., the Peoples Democracies, and China lead this world struggle for peace."

Mr. PERLO. Yes.

Mr. MORRIS. Which of the countries in your struggle for peace do you refer to on page 220?

Mr. PERLO. The Peoples Democracies.

Mr. MORRIS. Which of the Peoples Democracies?

Mr. PERLO. The Peoples Democracies of Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and Albania.

Mr. MORRIS. How about North Korea?

Mr. PERLO. I don't know whether that's classified as a Peoples Democracy or not.

Mr. MORRIS. Do you consider the North Korean Government a people's government in the sense that you use it here?

Mr. PERLO. Yes; I do.

The CHAIRMAN. Do you think China is fighting for peace?

Mr. PERLO. Yes; I think so.

The CHAIRMAN. You do not happen to have any sons over in Korea, do you?

Mr. PERLO. No, but if I had sons over in Korea——

The CHAIRMAN. I doubt if you would still think China as fighting for peace if you had a son in Korea.

Mr. PERLO. Yes. All my resentment would be against those who sent my son over to Korea to die in a senseless war 7,000 miles away from here which is directed against China.

Mr. MORRIS. Then in the rest of the sentence you say "and China," and by China I suppose you mean the Peoples Republic of China headed by Mao Tse-tung?

Mr. PERLO. Yes.

The CHAIRMAN. Do you know who invaded South Korea?

Mr. PERLO. Do I know who invaded South Korea?

The CHAIRMAN. Yes; do you know?

Mr. PERLO. Well, I don't know that anybody invaded South Korea. I have seen very powerful evidence indicating the possibility that the shoe was on the other foot.

Senator WELKER. Where did you see that? I want to know, where did you see that powerful evidence?

Mr. PERLO. Where did I see it?

Senator WELKER. Yes.

Mr. PERLO. I saw it in various publications.

Senator WELKER. The Daily Worker?

Mr. PERLO. I may have seen some in the Daily Worker.

Senator WELKER. You did see it then; did you not?

Mr. PERLO. I may have seen it in other newspapers as well.

The CHAIRMAN. Peoples World?

Mr. PERLO. No.

Senator WELKER. Tell us any more.

Mr. PERLO. You want to know some more places where I saw evidence of this?

Senator WELKER. Yes.

Mr. PERLO. I will refer you to one of the best collections on the subject, which is Mr. I. F. Stone's book on the Secret History of the Korean War, but I want to point out that that by no means is the main question, because, regardless of what happened, the Korean war began as a civil war among Koreans, and I hold firmly to the position that regardless of who started it, the United States had no business going in there, and I think you are well aware of the fact that on more than one occasion Senators speaking on the floor of the Senate have pointed out to this effect and have pointed out that the President sent troops to Korea without declaring war, without consulting Congress, and I raise the question whether you think that by the same logic we should send troops and airplanes to fight in Indochina because the Indochinese have attacked the French in Indochina.

Senator WELKER. You believe in the concepts and principles of the United Nations; do you not?

Mr. PERLO. I certainly do.

Senator WELKER. Did we not owe a duty to the United Nations to go to the help of our fellow member over there when he was invaded by force?

Mr. PERLO. The Charter of the United Nations provides against the intervention of the United Nations in the internal affairs of other countries——

Senator WELKER. How about aggression?

Mr. PERLO. I think it is misuse of the charter.

Senator WELKER. How about aggression?

Mr. PERLO. Aggression within the Charter of the United Nations is an attack by one country on another country.

Senator WELKER. Do you not believe that was aggression and attack on one country by another country?

Mr. PERLO. No; it was a civil war within another country, Korea.

Senator WELKER. Do you want to tell us now: Are you or have you ever been a member of the Communist Party?

Mr. PERLO. I refuse to answer for the same reasons.

Mr. BUTLER. Mr. President, in view of Mr. Perlo's statements before the Internal Security Subcommittee, it is not surprising that he would seek to discredit "people's capitalism" throughout the world in a period of great tension. I am not surprised at his writings; they are quite in character. However, I am amazed that the American Economic Review could be used to promote such views. Because of the stated desires of the editors to contribute outstanding articles on economic issues, I am at a loss to understand how Mr. Perlo's manuscript was selected for publication.

## EXPANSION AND IMPROVEMENT OF EDUCATIONAL PROGRAMS

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 13247) to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical needs; and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HILL. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HILL, Mr. MCNAMARA, Mr. YARBOROUGH, Mr. SMITH of New Jersey, and Mr. ALLOTT conferees on the part of the Senate.

## ADMISSIBILITY OF EVIDENCE—STATEMENTS AND CONFESSIONS

The Senate resumed the consideration of the bill (H. R. 11477) to amend chapter 223 of title 18, United States Code, to provide for the admission of certain evidence, and for other purposes.

Mr. HENNINGS. I shall undertake to be reasonably brief and comprehensive in my remarks on the pending bill. A splendid record has been laid down through the efforts of the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Colorado [Mr. CARROLL], the Senator from Illinois [Mr. DOUGLAS], and other Senators, all of whom have contributed to the development of this record.

We have come a long way from the days of the thumbscrew and the rack. In man's progress toward enlightenment and a better society, there has constantly been, since Judge Jeffreys and the bloody assizes in England, and even before that time, a movement which has been as inexorable as it has been inspiring in terms of man's humanity to man: that is the protection of the God-given, inalienable right of the individual man and woman in our society.

As I have said before, both the Senator from Colorado and I have had some experience in the criminal courts. I spent 6 years as a prosecutor, trying cases before juries. Then for a period of 2 years, before I joined the Navy in World War II and after I came out of that war,

I was the district attorney of a city of some 2 million metropolitan population.

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

Mr. HENNINGS. The Senator said something that I wanted to clarify for the benefit of our friend from Colorado. The Senator from Colorado is a splendid lawyer. Coupled with his ability is a kind and good, a big and generous heart, and a soul full of humanity. I wish to refer to what was said in response to a question of the Senator from Illinois, that perhaps the Senator from Colorado had wanted to get convictions all the time because he was in a prosecuting capacity. I do not believe it. I believe he was the sort of prosecutor some of the rest of us wanted to be and the kind we hope we were, who believes that he represents the defendant as well as the State.

I would call him a good prosecutor. The Senator from Colorado said no monuments are built to prosecutors. The people of Colorado thought enough about the Senator from Colorado to send him to the Senate. Perhaps that action is the semblance of a monument to his conduct when he was in office and had enormous power and great responsibility, with every opportunity to abuse that power, sometimes under the aegis of the law. Therefore I do not believe that the Senator was the sort of prosecutor who believes that the ultimate test of success of a prosecutor is the number of convictions he obtains. I never thought that was the test. I doubt that the Senator from Colorado ever thought so.

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

Mr. HENNINGS. I am glad to yield.

Mr. CARROLL. When I made the comment that monuments are not built to prosecutors, I was referring to the old saying that normally people do not care much for policemen or lawyers or prosecutors. Generally speaking, that is true. The Senator from Missouri said that sending me to the Senate was in the nature of building a monument to me. The task of getting to the Senate is monumental. [Laughter.] However, that does not mean that all of us have statues dedicated to our service in this body. Of course, I appreciate the comments of the Senator from Missouri.

Mr. HENNINGS. All monuments are not in the form of statues.

Mr. CARROLL. Exactly. They are in the heart and mind of a man like the Senator from Missouri, who has hope, faith, and charity, as was stated by the Senator from Illinois. I thank the Senator for correcting the RECORD and for directing the attention of the Senator from Illinois to that statement, so that he may be able to correct the RECORD.

Mr. HENNINGS. The Senator from Illinois did not mean to say it in that context. I was fearful that the RECORD might be read to mean the contrary. The Senator from Colorado is not the sort of man who, when invested with authority, would abuse that authority. Nor would he hound people into penitentiaries with manufactured evidence or perjured testimony. Neither would he countenance police brutality, or extract a confession for the sake of building up a record. I wanted to make that perfectly clear.

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

Mr. HENNINGS. I yield.

Mr. DOUGLAS. I am very happy that the Senator from Missouri has paid a deserved tribute to the character of the Senator from Colorado. He is completely correct, of course, in saying that the test of a good prosecutor is not necessarily the number of convictions he obtains.

I remember a case involving Homer Cummings, when he was district attorney in a Connecticut city. Mr. Cummings had obtained an indictment against a man who was about to be convicted. He became convinced however of the man's innocence, and thereupon turned about and had the man acquitted. I always thought that was a noble thing to do.

I know that the Senator from Missouri was one of the best prosecutors in the country. I also know that he, too, placed humanity above conviction.

Mr. HENNINGS. I hope the Senator means criminal conviction, not the other kind.

Mr. DOUGLAS. Yes; criminal conviction. It is not true, however, that the Senator from Missouri obtained convictions in every one of his cases?

Mr. HENNINGS. No, I would not say that.

Mr. DOUGLAS. How many cases did the Senator lose?

Mr. HENNINGS. I did not keep track of them. I tried thousands of cases involving murder, bank robberies, rape, and so forth.

Mr. DOUGLAS. I am sure the Senator did not lose many cases.

Mr. HENNINGS. The Senator is very generous. In prosecuting cases I lost cases that I deserved to lose. The jury brought in verdicts of not guilty in cases in which the juries felt the defendant had not been proven guilty.

Mr. DOUGLAS. Does not the Senator know the ropes in criminal prosecutions, and does he not also know the general practices—and the occasional lapses—of the police?

Mr. HENNINGS. I made something of a study of the subject, because I spent 8 years of my life in the criminal courts buildings of a large city. In that time I had to deal with hundreds of policemen, and, I might add, that most of them were able and conscientious public servants. This was during the gang and prohibition days, from 1929 to 1934, when I was elected to the House of Representatives and left that place. Later I was elected district attorney.

I have always taken an interest in the general field we are discussing, certainly in the matter of prosecution, although I have acted as defense attorney in only a relatively few cases.

Mr. DOUGLAS. The Senator from Missouri does not need my help to be qualified as an expert on this subject. What I was attempting to do in my clumsy way——

Mr. HENNINGS. The Senator has been conducting his examination in a very penetrating manner.

Mr. DOUGLAS. What I was attempting to do is show that the Senator from Missouri speaks from his intimate and protracted acquaintance of the problems of criminal law and the issues involved in connection with the arraignment and obtaining of confessions from defendants.

Mr. HENNINGS. I thank the Senator for developing that thesis. I have learned from some experience. That is true of any prosecutor who prepares his cases and who has an effective law enforcement agency such as a police department or, if it be in rural areas, a sheriff and his staff, or, in the Federal domain, the marshals in the old days, and now the FBI.

I do not believe that a competent prosecutor needs any more help than the law affords to convict those who should be convicted of offenses and transgressions against the law.

Congested dockets have always been a problem. However, this is due in large measure to the fact that according to our Constitution, each defendant is entitled to a trial by a jury of his peers. This can be a slow process. However, I have never been one to believe that the rule should be so changed and so weighted as to give the prosecuting authorities any more than they have to work with.

When a prosecutor rises and has the majesty of the government behind him, and after the marshal has intoned at the opening of the court, "God save the United States and this honorable court," and after he reads the indictment, "The grand jurors, assembled, do say upon their oath that the defendant fired a leaden bullet," and after he concludes the reading by saying, "and did steal and murder," there it is: an indictment voted by a grand jury; and there sits the defendant.

True enough, the prosecutor cannot interrogate him if he does not choose to take the stand. True enough, the prosecutor is bound by certain rules of evidence relating to what may be done as respects the defendant in the court. But I say the same rules apply to a police department that apply to a man schooled and learned in the law and of sufficient capacity to occupy a post of public responsibility which deals with the freedom and, indeed, the lives of those whom he must prosecute under his oath of office.

That is why I say that if a prosecuting attorney or a district attorney in a courtroom refers to the fact that a defendant has not taken the stand, he knows when he does so he has committed outright reversible error. So a Federal police officer knows that if he detains a defendant beyond what is called a necessary delay, and a confession is obtained or if a confession is obtained by coercion, promises of immunity or reward, or threats, the confession is not admissible. If he does not know it, the fault lies not in the Supreme Court of the United States or in the Mallory decision; it lies not in the appellate court nor, indeed, in the trial court. It lies in the enforcement agencies of the Federal Government.

Every prosecutor of cases knows that under his oath of office he is limited, bound, and restricted within the narrow confines of a proper presentation of the evidence. He knows that he may not ask certain questions. For example, he may not ask about previous arrests unless character is made an issue. He may not ask a defendant any question whatsoever unless the defendant elects to take the stand. In many jurisdictions, even if a defendant has taken the stand, the prosecuting attorney may inquire only as to those matters which have been touched upon in direct examination.

The prosecutor may not refer to any juvenile convictions. If a person is being tried for a very serious offense, and if he has had convictions as a juvenile and has served a term in a reformatory, every prosecutor knows that he cannot ask the defendant whether he has served a term in a reformatory or other place of confinement when the defendant was a juvenile.

Those are all things which the members of our profession know, and, certainly, when we were active in the profession, we knew them full well.

As the distinguished Senator from Kentucky, who has made a very substantial contribution to the debate today, has indicated, there may not be any need for the proposed legislation. But I say that the House bill, which I think is most unfortunate in its terms and provisions, would serve only to further confuse the Federal judiciary, especially in the District of Columbia, and that the proposed insertion by the Senate of the word "reasonable," which is the only change, is necessary. I believe it will be interpreted by the court to mean exactly what it says.

I have had a little research done as to whether "reasonable" is a question of fact or of law. I have concluded that what is "reasonable" is a mixed question of fact and law, Mr. President.

I had intended to cover much of the ground which has already been covered this afternoon, so I shall not now unnecessarily detain the Senate. I am advised by Dr. Small, of the Legislative Reference Service of the Library of Congress, that there are no definitive precedents as to treating the word "reasonable" as a question of fact or as a question of law.

In negligence actions, reasonable care is a question of fact for the jury to determine, within certain limits. With reference to unreasonable searches and seizures, the question, obviously, as to what is reasonable becomes a legal one and must be considered and passed upon by the court—by the judge.

The question of compliance with no unnecessary delay, which, as we know, is the present provision in section 5 (a) of the Federal Rules of Criminal Procedure, has always been a question of law, to be passed upon by the judge. As a practical matter, rarely is there any factual dispute, under the Mallory rule provisions, as there can be with reference to the issues of coercion and duress, which bear upon the credibility of a confession.

The judgments made thus far under the Mallory rule involve questions of the legal significance of undisputed facts—hence, questions of law; and these were posed within the authority and purview of the judge of the court.

I have learned to my surprise that in the State of Maryland sometimes the jury passes upon questions of law as well as of fact. So far as I know, Maryland is the only State in the Union where that practice obtains. I heard that, much to my surprise, from no less a person than the Solicitor General of the United States.

Be that as it may, such treatment of reasonable delay is consistent with the term "unreasonable searches and seizures," questions which are always determined by a judge of a court. It would be poor policy, indeed, therefore, to submit the question of reasonable delay to a jury, just as it would be poor policy to submit the question of unreasonable searches and seizures to a jury.

By submitting the question of reasonable delay to a jury, the court would in all probability be assigning to a relatively untrained body of citizens a task which would only tend to confuse them in determining the question of innocence or guilt.

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

Mr. HENNINGS. I yield.

Mr. COOPER. Will the Senator assume a case where a court is asked to pass upon the question perhaps in connection with the admissibility of a confession as to whether there had been unnecessary delay or, conversely, a necessary delay in the time before an accused person was presented to a court for arraignment.

The Senator from Missouri, from his legal knowledge and experience, will, I am sure, agree with me that the court in making a decision, would consider in the light of all the circumstances, whether there had been a reasonable delay or an unreasonable delay.

Mr. HENNINGS. The Senator is entirely correct.

Mr. COOPER. The standard of reasonableness must be applied on such questions, as the facts will differ in every case. Does not the Senator agree with me that the standard is really one of reasonableness under all the circumstances?

Mr. HENNINGS. Precisely; there is no question about it.

Mr. COOPER. Then, that being the fact, I cannot see that the amendment which adds the word "reasonable" adds anything to the law, or to the standards which the court would use in making its determination.

Let us suppose this bill is not passed, and is not enacted into law. In that event, if a defendant were held in detention by a police officer for an unreasonable length of time, and if there were an unnecessary delay before arraignment, and if during that time the accused made some kind of confession, one question the court would have to pass upon, in connection with the question of the admissibility of the confession, would be whether the delay was reasonable, in view of all the circumstances.

So it seems to me that this bill does not add anything. It seems to me that the fault of the bill is—if I may say so; or, at least, the doubt the bill raises in my mind is this: Today, rule 5 (a), which is bottomed upon the Bill of Rights, makes it clear that it is the duty of a police officer, without unnecessary delay, to take the defendant before a court, and that, correspondingly, there is a prohibition against an officer's violating this injunction in order to secure a confession during the period of unnecessary delay. That seems to me to be the holding of the McNabb and Mallory cases, and that it is based on the due process guaranteed by the fourth, fifth, and sixth amendments.

To attempt to change the rule based upon sound and just considerations could only muddy or cast doubt upon these basic principles. It could give the impression that an officer can detain a person longer than I believe a police officer has a right to detain a person under rule 5 (a) of the Bill of Rights. Because I believe in preserving clearly the rights of individuals—their constitutional rights—I will vote for the committee amendment but against the bill.

Mr. HENNINGS. Then may I, in turn, ask the Senator from Kentucky a question? I take it that the Senator from Kentucky draws no substantial distinction—indeed, perhaps he draws no distinction whatever—between the word "reasonable" and the word "necessary."

Mr. COOPER. I do not draw any; that is true—unless it is to extend the power of a law-enforcement officer to detain an accused. I think the bill simply states existing law.

Mr. HENNINGS. I may say to the Senator from Kentucky that a long time ago, not long after this decision was first handed down, I was asked to prepare an article for the Missouri Law Review. With the indulgence of the Senator from Kentucky, I should like to read part of what I wrote in the article about the Mallory case decision. I wrote it before this bill was ever thought of.

The title of the article is "Detention and Confessions: The Mallory Case." It was published in the University of Missouri Law Review in January 1958.

I read now from the article:

*Mallory* v. *United States*,[1] decided by the Supreme Court last year, brought once again into open debate and controversy the so-called NcNabb rule. This rule originated in *McNabb* v. *United States*,[2] decided by the Court in 1943.

In 1940, when the McNabbs were arrested there were two primary statutes requiring Federal officers when making an arrest to take the person before a committing officer. One statute required that the person be taken before the nearest United States commissioner or nearest judicial officer having jurisdiction for a hearing, commitment, or taking bail for trial.[3] The other statute applied only to officers of the Federal Bureau of Investigation. It directed them to take

[1] 354 U. S. 499 (1957).

[2] 318 U. S. 332 (1943).

[3] Act of Aug. 18, 1894, c. 301, 28 Stat. 416, act of May 28, 1896, c. 252, sec. 19, 29 Stat. 184, act of Mar. 2, 1901, c. 814, 31 Stat. 956.

the person arrested before a committing officer immediately.[4] Referring to these two statutes, in the McNabb case, the Court said:

"Legislation such as this, requiring that the police must with reasonable promptness show legal cause for detaining arrested persons, constitutes an important safeguard—not only in assuring protection for the innocent but also in securing conviction of the guilty by methods that commend themselves to a progressive and self-confident society."[5]

The McNabbs—

As was said this morning—

were arrested and questioned extensively for 2 days before the Federal officers obtained from them satisfactory coordinated confessions. It was not until after these confessions were obtained that the McNabbs were taken before a committing officer. The Court held that these confessions were not admissible, using this language:

"Plainly, a conviction resting on evidence secured through such a flagrant disregard of the procedure which Congress has commanded cannot be allowed to stand without making the courts themselves accomplices in willful disobedience of law. Congress has not explictly forbidden the use of evidence so procured. But to permit such evidence to be made the basis of a conviction in the Federal courts would stultify the policy which Congress has enacted into law."[6]

The new rule of evidence was now in effect—a confession obtained before commitment is inadmissible if the arrested person was not taken before a committing officer promptly after his arrest. The confession is inadmissible whether voluntary or involuntary. Where there has been an undue delay, it is no longer necessary to determine this constitutional issue.

Mr. President, I do not have to tell the Senate, which is composed of experienced and seasoned Members, that to hold one who has been arrested in a place of confinement for an extended period of time, and to subject him to what some of us who know sometimes happens in police cells of detention, is likely to result in the unseating of such a person's reason.

I think one important point in this connection is that this could happen to a frail little woman, just as well as it could happen to a full-bodied man. In my experience in dealing with organized gangsters and criminals, and in prosecuting them before juries, they do not walk in, docilely, and say, "Captain, I realize that I have done a terrible thing in knocking over—" as they would say—"this bank. I want to make a full confession. Please have all of it typed; and before it is typed, be sure to put in—because this point was raised the last time I was convicted—that I make this statement of my own free will, without having any violence or coercion used on me, and without any promise or hope of reward. Be sure to get that in, Captain, because I want this confession to stand up; and if you don't put that in, there may be some question about it."

Mr. President, do you think the average person who is brought before a police department would make such a statement? Instead, he is told—and the one who tells it to him speaks very rapidly and very hurriedly, so that the words almost run together: "Do you want to make a statement? If so, do you agree that you make it freely, and of your own free will and volition, without any threat of force, intimidation or coercion, and with the understanding that any statement you make may be used against you at your trial?"

If the person says, "Yes," and does make the statement, then, after the statement is reduced to writing, he is told, "All right; read this statement. Look here—you made a mistake in spelling that word. Correct that mistake right away, and correct it in your own handwriting."

After he makes the correction, he is told, "All right; sign each one of these pages, and sign your name at the end."

After he does that, the officers say to him, "O. K.; come on downstairs and be photographed."

Then he is taken downstairs, and is photographed in the nude. Of course, the pictures are all used very effectively by the prosecution to show the defendant was not beaten by the old rubber-hose technique. Of course, it is said that this method is antediluvian and old fashioned. It is also said that there are experts here and there around the country who still know how to beat a prisoner without leaving marks on him. But to move on—there is another technique far more effective than physical coercion in terms of getting an actual confession or an admission against interest, as it is recognized in the law. That is the psychological impact brought to bear upon any person held in custody.

As has been carefully developed this morning, and I think well discussed, there is a difference in the effect of being locked up for perhaps a half hour in a police cell, without funds or counsel, on an inexperienced person, and on a criminal who never signs anything, and who says "I ain't saying nuthin', Mister. I want my mouthpiece. I ain't saying nuthin', copper." That is the way criminals operate. The persons who need the protection of this provision are, by and large, the novices, the weak, and the oppressed, who may feel the heavy hand of the law upon their shoulder and are asked to "come along with me downtown" or to the nearest precinct station.

As chairman of the Subcommittee on Penitentiaries, I have been in many police detention places. I know what they look like. They are not like the Mayflower Hotel, by any means. In some places they have boards for prisoners to sleep on. The fare is, I would say, scanty, and not a triumph of the culinary art, in any respect. Such persons may be placed next to howling, screaming maniacs, persons in an intoxicated condition, vagrants, and all sorts of derelicts. Then the prisoner is taken upstairs to see the chief or the head of detectives or the arresting officer, and he is told, "Well, Jones your buddy made a statement. He has kicked in. What have you got to say?"

"Well, I don't have anything to say. I don't know anything about this. Could I see a lawyer? Could I see my mother? Could I see my wife?"

"No, you can't see anybody. Take him down till he gets some sense, and then bring him up again. When he wants to talk, we'll talk to him."

So the police bring them up and they bring them down. Some persons are made up of tough fiber and can take that sort of treatment and say nothing. Generally, and most frequently, such persons are those who have been schooled in the penitentiaries of the country. They are the unhappy, the unfortunate, the miserable souls who have spent large portions of their lives in police headquarters, jails, penitentiaries, and courts awaiting trial.

So in the consideration of legislation of this character, I view it as legislation designed to protect not those persons but the weak and those who need help. I never thought some of the gangsters and murderers I sent to the penitentiary needed very much help. They retain the best lawyers. They are able to pay for them. That is their business. They know their rights. They do not make statements. This legislation will not help them one bit for they do not say anything, unless one of them turns on his confederates and decides to "sing," as they say, and turn State's evidence. Then the prosecutor gets evidence. Even then he has a hard time getting a jury to believe the testimony, if it is uncorroborated.

I should like to read again from the article which I submitted, and which was published in the Missouri Law Review before this amendment was suggested:

The McNabb rule is of particular interest to me because I have spent 6 years as assistant circuit attorney and 2 years as circuit attorney in St. Louis. The many complex problems and difficulties of law enforcement are only too well known to me.

That the McNabb rule has caused a certain amount of confusion is shown by the fact that it has been the issue involved in four cases before the Supreme Court in the 14 years of its existence. In 2 of these cases the conviction of the defendant below was reversed by the Supreme Court and in the other 2 the Supreme Court hold that the lower appeal court erroneously applied the rule in reversing the trial court's conviction.

The first of these cases, *United States* v. *Mitchell*,[7] came before the court in 1944. In this case the defendant was arrested and taken to the police station where he confessed within a few minutes. He was then held by the officers without being taken before a committing magistrate for 8 days in an attempt to clear up other similar crimes.

Mr. President, this type of procedure does, unfortunately, still occur in police procedures.

Furthermore, the modern police officer, if he is a good police officer, is also a good psychologist. That weapon is sometimes more effective than are the physical methods we know were used not very long ago in this country, and which still, unhappily, take place in some sections of the country. I make no distinction whatsoever between any geographic sections. At times, it happens everywhere. It happens wherever there is a tyrant armed with a gun and a badge, a man who concludes he is above the law, above the power and authority vested in him by the people as a law enforce-

[4] Act of June 18, 1934, c. 595, 48 Stat. 1008.
[5] 318 U. S. at 343.
[6] Id. at 345.
[7] 322 U. S. 65 (1944).

ment officer, a man who cannot stand authority and who cannot stand power. They are the persons who are dangerous when it comes to the question of obtaining admissions against interest or confessions. If such persons could, they would take you, Mr. President, they would take me, they would take our wives or our daughters, if they needed someone to use to clean up a case, and make things rough and unpleasant until they got a statement.

Most of my experience has been on the prosecuting side, and I do not reflect upon the police department of my own city when I make that statement. I think conditions there are exceedingly good. I do not reflect upon any State or upon any city. In general, police officers are careful to protect the rights of the citizens of their community. Yet, they are charged with the maintenance of law and order, and this is a very difficult job.

I know that bad police practices have not been completely eliminated in this country. Some of the old timers want to adopt new ideas. Many of the old timers were fine police officers, who never did this sort of thing. They have a great record for ability and character. That is why the question of confessions is a very sensitive one. And I think it is so exceedingly important, as the Senator from Colorado has said, as to require, and, indeed, demand, close examination, because it affects the freedom and lives of the people.

This business, if not properly administered, could result in people being unjustly hanged or electrocuted—being put to death under the law—or people being sent to penal institutions for long periods of years. That is why the matter is important. This is not done to please the judges. It is not done to please the prosecutors. It is not done to please the defendants. The primary and ultimate objective of the Mallory decision is justice as we understand it in an enlightened society—justice under law, civilization, progress, and humanity.

In the Mitchell case the court of appeals reversed the trial court's conviction, even though the defendant had been held only for a few minutes before he confessed. The court of appeals applied the McNabb rule excluding the confession because the accused had been illegally detained after the confession was obtained. The Supreme Court reversed the court of appeals and affirmed the trial court's ruling, holding that the confession was admissible. In holding the confession in the Mitchell case admissible, the Court said there was no disclosure induced by illegal detention and no evidence was obtained in violaton of any legal rights, but instead there was the consent to a search of his home, the prompt acknowledgment by an accused of his guilt, and the subsequent ruling apparently of such spontaneous cooperation and confession of guilt. The Court held the confession admissible because it was made prior to the time the detention became illegal, as it later did.

The Federal Rules of Criminal Procedure became effective in 1946, as we know. As we also know, rule 5 (a) of the Federal rules provides that Federal officers must take arrested persons before a committing magistrate "without unnecessary delay." This provision has been the basis for the application of the McNabb rule in subsequent cases.

In 1948, in Upshaw against the United States, which was decided by the Supreme Court, the petitioner was arrested on suspicion without a warrant and confessed to grand larceny 30 hours later. He was not taken before a committing magistrate until after the confession. The court reversed the conviction. The court distinguished the Mitchell case, in which the confession was not the result of illegal detention, and found that in this case the petitioner was detained for 30 hours for the specific purpose of obtaining the confession, as the police lacked sufficient evidence to hold the petitioner at the time he was arrested.

We get down again to that very difficult problem of probable cause at the time of the arrest. In that case Mr. Justice Reed wrote a very complete dissenting opinion in which he maintained that the majority opinion was an extension of the McNabb rule. In his view, the McNabb rule required more than illegal detention; it required a certain amount of psychological coercion which was found in the persistent questioning of the McNabbs and in the refusal of the Government and their agents to accept the original confessions, requiring further questioning until all the confessions were consistent.

We know that is a common police practice also. If one is not satisfied with the first statement he takes another, and keeps on taking statements until the final statement ties in with the other statements he may have or hopes to get.

Under the Upshaw case any confession, Mr. President, obtained during the period after the delay becomes unnecessary, is inadmissible, even if the person is left alone in his cell and makes the confession completely of his own accord. The mere fact that the person sits in a police cell in a police station for a time which is unnecessary is sufficient to exclude the confession, even if the person makes the confession without having a question asked of him, provided that the detention is solely for the purpose of obtaining the confession. Once the detention becomes unnecessary it is illegal and any confession obtained thereafter cannot be admitted.

The next case before the Supreme Court in which the McNabb rule was in issue was the United States against Carignan. The defendant was arrested and promptly committed on a charge of assault with intent to rape. Because of the similarity between this crime and an earlier one which resulted in the murder of the victim, the police questioned the defendant about the earlier crime while he was being legally detained on the other charge. After 2 days of routine questioning the defendant confessed to the murder, and he was then charged with the crime and convicted.

The trial court admitted the confession, but the court of appeals reversed the conviction on the basis of the rule in the McNabb case. The court of appeals held that a confession obtained after days of questioning, while the defendant was being legally held for a completely different crime, was inadmissible because there was an unnecessary delay in commitment for the crime to which the party confessed.

The Supreme Court affirmed the court of appeals' reversal on other grounds, but held that the court of appeals had erroneously applied the McNabb rule. The Supreme Court held that the police could question a person held lawfully, and that a confession so obtained, if voluntary, is admissible even if the confessed crime is not the crime for which the person has been charged.

The McNabb rule applies only in the case where the confession has been obtained after there has been unnecessary delay in taking the accused before a committing officer.

Mr. President, this was the status of the McNabb rule when the celebrated Mallory case came before the Supreme Court last year.

On April 7, 1954, a woman in the District of Columbia went to the basement of the apartment house in which she lived to do her laundry. She ran into difficulty detaching a hose, so she went to the janitor's basement apartment to obtain help. Mallory, who was the half-brother of the janitor and who lived with him, was alone in the apartment, and he detached the hose for her and returned to the apartment. Very shortly thereafter the woman was attacked by a man wearing a mask, a man who had the general features of Mallory, and the janitor's two sons, who also lived with the janitor. The woman had heard no one descend the wooden steps into the basement, which was the only entrance.

Mallory and the janitor's two sons were arrested about 2 p. m. the next day and taken to the police station, where they were all questioned about 30 minutes. At 4 p. m. they were asked to take a lie-detector test, to which they agreed.

Now, let me briefly digress for the benefit of those Senators who are not members of the legal profession and who are not familiar with the rule that the so-called Keeler polygraph, or lie-detector machine, findings or results are not admissible in evidence. They have no legal basis whatsoever. The polygraph, which measures respiration, pulse, blood pressure, and other physical factors, is effectively used by police officers in order to obtain "confessions." The police can say, "You just failed the lie-detector test. Why don't you tell us the truth."

The poor fellow thinks the lie detector means something as an instrument for discovering with unerring accuracy the truth or falsity of what he may or may not be saying. It was invented by a man named Keeler, at the crime laboratory of Northwestern University. However, the results of a lie detector test, whether a defendant passes it or not, are not admissible in any court in the land, so far as I know.

So Mallory was to be given the good old lie detector test, as has been done for years. While he was waiting for the operator to be found, the three were fed, and the two sons were given the test first.

Mallory was given the lie detector test from 8 o'clock until 9:30.

Senators know how the test is conducted. A number of irrelevant questions are asked, such as, "How old are you? Where do you live? Where did you live 10 years ago? Where were you on the night of the crime?" The questions are woven into a mosaic, so that certain of the questions relate to the crime. Other questions relate to the facts in the defendant's past life, or other subjects.

Mallory admitted the crime during the test. Immediately after the test Mallory repeated his confession, and at 10 p. m., some 8 hours after he was arrested, the police attempted to find a commissioner to commit Mallory. The police were unsuccessful in finding a commissioner at that hour. So Mallory repeated his confession to several other officers, and at 10:30 he dictated it to a typist.

That is the old standard procedure, to get them to sit down and dictate a "confession." They are generally helped out to a considerable extent by the officers, who prompt them and put in a few words here and there. Then the "confession" is written up, and it is presented to the defendant and he signs each page, usually making the corrections to which I referred a little while ago, to prove that he really knew what he was doing.

Mallory was brought before a commissioner the morning after, and thereafter committed. I think it is very important to remember that Mallory was held by the police most of the previous afternoon in the vicinity of a number of committing magistrates. Mallory's confession was admitted by the trial court, and he was convicted.

The Supreme Court reversed the conviction. The Court held that the police may not arrest upon mere suspicion, but only on probable cause. That subject has been discussed most capably earlier today, and I think it is well understood.

The question of probable cause relates to an arresting officer having sufficient reason to believe that the defendant may have committed a crime. It is not the old dragnet operation of picking everyone in sight who has ever been arrested or convicted and bringing him in, whether there is any evidence or not, or bringing you or me in if we happen to be on the street at that time, or in a given dwelling house, or happen to be convenient to the arresting officers.

"The short and simple annals of the poor" are ofttimes very sad to contemplate, when we realize that boys who live in poor neighborhoods in the slum areas of this country are often picked up merely because they happen to live there.

The expression is that they are "picked up on suspicion."

Later when a prosecutor goes through his pink cards while he is prosecuting a case, he will find that the defendant has been arrested perhaps 50 times and held for investigation—never charged, and never convicted, but merely arrested.

What does that mean? It means that the police come in and, at one fell swoop, pick up anyone and everyone who happens to be within the range of their operations, or who may, by some token—be it substantial or be it vague and ephemeral—falls within the realm of their attention. It is very easy to pick people up, arrest them, and throw them into jail. The police do not say politely, "My dear young man, you are under arrest. Anything you say may be used against you." I do not know many police who operate that way. There may be some such Chesterfieldian gentleman.

I have great respect for policemen. I know they are greatly abused. I worked with them for 8 long years. They are fine citizens, who take their lives into their hands every time they walk out on an assignment or a beat. However, I do say that when they are picking up you or me or others for possible charging, arrest, or indictment, we are not told all these nice things. We are told to "come along," and we come. If we do not come, we may then be told that we are under arrest, and that we are resisting arrest.

So, in practical operation, these methods are not quite as we may picture them when we sit here and read bills, certain provisions of laws, resolutions, and reports.

Things happen as they do because police officers are people—people with a very vital and difficult job. They are good, bad, and indifferent. The same is true of people who are arrested. And some of these are guilty and some are innocent.

Mr. President, I shall not take much more of the time of the Senate. Much has been said on this subject already, and it has been well developed by capable, learned colleagues of mine on the Committee on the Judiciary, and by others. Back to the Mallory case.

The Supreme Court held that the police may not arrest on mere suspicion, but only on probable cause. The arrested person is not to be taken to police headquarters in order to carry out a process of inquiry. Often the inquiry, even though it may not be so designed, may lead to eliciting damaging statements to support the arrest, and ultimately to support a finding of guilt on the part of the one so arrested.

The Court held that police detention of prisoners beyond the time when a committing magistrate is readily accessible constitutes willful disobedience of law.

The Supreme Court says that when police officers, officers of the law, behave as they did in the Mallory case, they are guilty of willful disobedience of law. Who is to say that there is a law apart for police officers, that they are above the law, that they are not to be held to the same standards and tests that apply to other citizens. Indeed, they derive their right to enforce the law from the source of all law and all justice in this great country of ours, the sovereign people themselves. That is from whence the power springs. That is from where we all hope and believe it will continue to flow, so long as we have our system of administration of the law and justice under a government of law and not a government of men.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. HENNINGS. I am very glad to yield to my distinguished friend the junior Senator from New Jersey.

Mr. CASE of New Jersey. First let me express my thanks, as a Member of this body, for the fine exposition of the entire subject which the Senator has given, with a background of a wealth of experience and great knowledge and understanding.

Mr. HENNINGS. The Senator is very kind. I appreciate his remarks.

Mr. CASE of New Jersey. Does the Senator believe that any of the four cases he has so fully and ably discussed would have been decided differently by the Supreme Court of the United States if the bill as reported by the Committee on the Judiciary had been law at the time, leaving aside the question——

Mr. HENNINGS. No; I do not. I believe that the ruling in the Mallory case was perfectly sound. I believe the Court said what it meant to say. I believe it said it well. I believe that, unhappily, there has been a common misconception of what the Court said, because of the gravity of the nature of the offense, because of the circumstances of the crime, because of the brutality, and because of the fact that Mallory himself was freed.

However, as I said earlier today, when a prosecuting attorney or a district attorney before a jury, in his argument, says "Gentlemen, the defendant, who knows more about what happened in this case than anybody in this courtroom, has not taken the stand to tell you what he knows," that district attorney or prosecuting attorney should be disbarred, and certainly dispossessed of his office, because he knows, when he makes such a statement, that the case will be reversed out of hand. He knows that such statement is improper.

Police officers, by the same token, should know that certain practices are improper, unlawful, illegal, and, as the Supreme Court has said, beyond the law.

Mr. CASE of New Jersey. I thank the Senator from Missouri.

Mr. HENNINGS. I thank the Senator for his inquiry.

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

Mr. HENNINGS. I am glad to yield to the distinguished Senator from North Dakota, a member of the Committee on the Judiciary.

Mr. LANGER. I should like to make one comment. I have listened to every word of the distinguished Senator's speech. It is the best argument that could possibly be made against the bill now pending before the Senate. I have never heard a better argument in any courtroom than I have heard here. I should like to ask the distinguished Senator one question.

Mr. HENNINGS. I shall be glad to try to answer his question.

Mr. LANGER. Does the Senator, a former distinguished prosecuting attorney, know of any case in which a judge, who on one side had the defendant, and,

on the other side, two or three policemen, not take the word of the policemen?

Mr. HENNINGS. I will say to my learned friend that in my experience of 8 years in the criminal courts, right up against the gun, so to speak—not dealing with misdemeanors or traffic violations, but with felonies and nothing else—I cannot recall any case in which the court refused to admit a statement in the nature of an admission against interest or a confession when it was properly supported by police officers and when it had been accepted by the State, after some cross-inquiry. I must say, by the same token, that almost invariably the defendant said it was obtained through coercion and threats.

I cannot recall a case, in my experience, in which the court failed to admit a confession, even though the defendant did say that there had been coercion, even though he did say that he had been held beyond the proper time, and even though many factors and circumstances indicated strong pressures.

I must say that in the 1920's and early 1930's we were dealing with gangsters. The times demanded the practices which were followed. It was rough business. Desperate and determined men fought for their lives and their liberties. They had very fine lawyers who availed themselves of all the resources at their command.

Of course we know that the State does not know what witnesses will be coming through the door. The State must examine each witness and cross-examine him as the State sees him. The State takes no depositions. The defense may take depositions from all the State witnesses. The defendant may see everything except the grand jury transcript. The defendant may see the police reports, and he may take depositions from any witnesses whose names are endorsed on an indictment or an information.

Mr. LANGER. May I ask my distinguished friend one more question?

Mr. HENNINGS. I shall be very glad to try to answer it.

Mr. LANGER. I am not talking about the thirties, and I am not talking about gangsters. I am talking about the average man and woman we deal with in the ordinary course of life. If the amendment of the distinguished Senator from Wyoming is adopted, and the judge is called upon to decide the question of reasonableness, whom is the judge going to believe? Will he believe the man or the woman of ordinary means, or will he believe two or three police officers, who a few minutes ago were eulogized by the distinguished Senator from Missouri, and quite rightly so? The average judge will believe the policemen. If he does, what is the use of having the amendment of the Senator from Wyoming?

Mr. HENNINGS. I should like to say to my distinguished friend from North Dakota that his observation is characteristic of his humane attitude and feeling for his fellow man. As I said at the outset, the purpose of the proposed legislation, and the gravamen of it, is the protection of the weak. We are concerned with the protection of everyone, but principally of those people who cannot afford legal talent, who do not have the money or the experience, who have not a host of friends or resources.

If a Member of the Senate were arrested tonight, he would be surrounded with friends. Nobody would push him around, because he is a Member of the Senate. He would not be put in a cell somewhere down at the end of a long corridor and held incommunicado. They would not do that to a Member of the Senate. That is not right. If they do it to anyone, they should do it to us also. That is not how it works. We are talking about the average person, who is not surrounded by friends.

Mr. LANGER. It works just the opposite.

Mr. HENNINGS. They would say, "You are prominent. You had better get a lawyer and get a bondsman." The police do not take the president of the First National Bank to the captain and say, "Now, come clean, buddy, or we'll take you down and cool you off a little longer until you remember some of the details." They do not say that to him. They say to him, "Mr. Jones, apparently you made a very serious mistake. Perhaps you need a lawyer. Here is the telephone. You should get a bondsman, because you are being charged with manslaughter."

That is not what they usually or normally say to the little fellow. That is not to say that there are not great hearted and human police officers.

I do not say anything in derogation of police officers. I speak somewhat in derogation of the system which we, from time to time, have all observed for many years. We know such things happen. Sometimes they happen, and sometimes they do not happen. I appreciate the Senator's remarks and his observation.

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

Mr. HENNINGS. I am glad to yield to my learned friend, the Senator from Tennessee, a member of the Committee on the Judiciary.

Mr. KEFAUVER. I wish to join in expressing appreciation to the Senator from Missouri for his discussion of the rights of people and the background of the decisions and the proposed legislation we are considering. Likewise I believe the statements by the distinguished Senator from Wyoming, the chairman of the subcommittee, the Senator from Colorado [Mr. CARROLL], and other Senators, have been very helpful and illuminating.

Sometimes when a bad occurrence takes place, the minds of the public are inflamed and aroused over a particular situation. At such times too many people are likely to wonder about the background of our heritage of civil liberties and the protections in the Constitution and decisions of the Supreme Court.

So I think it is well to take the time to develop and restate, as the Senator has done—and as he has done so very eloquently—some of the basic rights which mean so much to us as American citizens. I agree that decision in the McNabb case, which arose in my State of Tennessee, while it was misunderstood by some persons at the time, was a correct decision.

Does the Senator think the bill will be simply a restatement of the present law, or does he think it will add anything to or take anything away from the present decision or decisions of the Supreme Court?

Mr. HENNINGS. My answer to the Senator from Tennessee, who is a member of the Committee on the Judiciary and has heard the discussion on the subject, is that I doubt that it will make any great difference, except that it may serve to clarify the intent of Congress. If "unnecessary delay" is harder for judges to understand than "reasonable," I should say let us use "reasonable."

I myself am not possessed of such a keen intellect as to understand all of the nuances, the fine-drawn distinctions, between "unnecessary delay" and "reasonable delay."

Mr. KEFAUVER. I had planned to offer an amendment to insert the words "reasonably necessary" instead of "reasonable"; but I understand the Senator from Wyoming has said that "reasonable" embraces "necessary," and that they both mean about the same thing. Does the Senator from Missouri think the words "reasonably necessary" would afford a little more protection?

Mr. HENNINGS. What are the preceding words? "Shall not be inadmissible solely because of reasonable delay"?

Mr. KEFAUVER. With my amendment, the language would read:

> Shall not be inadmissible solely because of a reasonably necessary delay in taking an arrested person before a commission.

Mr. HENNINGS. It seems to me that that might be redundant. It is tautological, in that "necessary" is an absolute, is it not?

I should contend that "reasonable" is something which is more flexible. Again, we get into the field of semantics. I think we are all trying to do the same thing.

Mr. KEFAUVER. Is it the Senator's fear that if the bill shall be passed with the words "reasonably necessary," or whatever term might be agreed upon which would mean about the same thing, and which would not change anything in particular, or would not do any harm or good, the difficulty might be that in conference the House might not agree to the Senate version?

Mr. HENNINGS. That, of course, is potentially our great stumbling block as the Senator well knows. We might run into trouble in conference. Does the Senator mean that if we include two words, the House might agree to take one or the other, and that the Senate would have a little better bargaining power?

Mr. KEFAUVER. That was one consideration I had in drafting an amendment.

Mr. HENNINGS. I am speaking from the practical standpoint. What the Senator says may be accurate. I should like to have the Senator in charge of the bill, the Senator from Wyoming, give the Senator's question his consideration.

Mr. KEFAUVER. I have discussed my proposed amendment with the Senator from Wyoming.

Mr. HENNINGS. Provided I do not lose the floor, I shall be happy to yield to the Senator from Wyoming. I have about finished my remarks.

Mr. KEFAUVER. I call the attention of the Senator from Wyoming to my amendment, which I have discussed with him. I have suggested to him that the words "reasonably necessary delay" might be a little more restrictive and might afford some grounds for a possible compromise in conference.

The Senator from Wyoming, as I remember, said he thought "reasonable" meant the same as "reasonably necessary," and that the addition of "necessary" would not be important. Is that still the feeling of the Senator from Wyoming?

Mr. O'MAHONEY. Mr. President, will the Senator from Missouri yield to me, so that I may answer the Senator from Tennessee?

Mr. HENNINGS. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. The discussion today, including the reading of the various decisions, shows quite conclusively, I think, that when lawyers get together, it is difficult to bring to a conclusion a debate over the technicalities of the law. When I say "lawyers," I mean even the lawyers on the courts.

Mr. HENNINGS. May I interrupt the Senator? Surely he does not mean the lawyers who are Members of the Senate Committee on the Judiciary, does he?

Mr. O'MAHONEY. Yes; I include the lawyers in the Senate, too. I refer to lawyers wherever they are. In fact, I believe lawyers like to talk more, even, than professors like to talk—and that is a pretty high record.

Mr. HENNINGS. I am not certain that our friend from Illinois [Mr. DOUGLAS] would agree.

Mr. O'MAHONEY. Oh, no; I once taught law myself. I never attained the professional degree of being entitled to be called a professor.

But, as I was saying to the Senators, these discussions, weighing and distinguishing, distinguishing and weighing, the meaning of words, seem to me to make it very desirable that we should be as simple as possible in the framing of language. One word is better than two words. Brevity is better, almost—I was going to say better, almost, than longevity; but I will not go that far. Brevity is the soul of wit. It is the very heart of getting action.

We are nearing the close of a session. We want the House of Representatives to agree to this amendment which saves the bill, which preserves the basic individual rights, which preserves the intelligent and effective enforcement of the law, which preserves also the right of the individual citizens who compose a community to be protected against felonious crimes of violence. Let us not forget that that is an individual right which is as important as any other right.

The word "reasonable" comes down to us from the very earliest history of the law. It comes to us under our Constitution, from article 4 of the Bill of Rights, as I have said several times during the debate today. There a prohibition of the Bill of Rights goes only to unreasonable searches and seizures, but making possible, therefore, reasonable searches and seizures.

The word "necessary" was not in the domain of legal discussion until rule 5 (a) of the Federal Rules of Criminal Procedure was adopted, which was in 1946. Therefore, in order to avoid an unnecessary argument about tweedledum and tweedledee, I urged in committee that we concentrate on one word, and I said that "reasonable" was a better word than "necessary." The committee agreed. That is the way in which the bill came to the Senate.

I hope the Senator from Tennessee will be content with that decision, because if we are to exercise our responsibility to legislate for the District of Columbia, we must bear in mind that Washington is the only great city in the United States which is wholly within the Federal jurisdiction. I think I have explained to the Senator why the committee adopted the word "reasonable" rather than "necessary."

Mr. KEFAUVER. I understand. I heard the previous explanation of the Senator on the floor and also in committee, to the effect that he thought "reasonable" embraced "necessary."

Mr. O'MAHONEY. Surely.

Mr. KEFAUVER. But many of us fear that if we add only one word and then go to conference with the House of Representatives, no room will be left for any concession.

But if the Senator has surveyed the matter, and believes that the House will go along with this version, that is different.

Mr. O'MAHONEY. I do have that feeling.

Mr. KEFAUVER. I thank the Senator from Wyoming.

Mr. HENNINGS. Mr. President, I shall soon complete my remarks.

The debate today has been rather complete; and many things which I intended to say have been said very well indeed by Senators whose remarks have preceded mine, in connection with debate on various of the points at issue.

I continue to read from my article in the Missouri Law Review:

> The Court held that police detention of persons beyond the time when a committing magistrate is readily accessible constitutes "willful disobedience of law" as found in rule 5 (a) of the Federal Rules of Criminal Procedure.

That means that the police have, according to the Supreme Court of the United States, willfully disobeyed the law. I do not think any Senator would countenance willful disobedience of the law even by the police.

I read further from the article:

> The Court said: "Circumstances may justify a brief delay between arrest and arraignment, as for instance, where the story volunteered by the accused is susceptible of quick verification through third parties. But the delay must not be of a nature to give opportunity for the extraction of a confession." [8] The Court found that it could not sanction the extended delay in this case, resulting in confession, "without subordinating the general rule of prompt arraignment to the discretion of arresting officers in finding exceptional circumstances for its disregard. * * * It is not the function of the police to arrest, as it were, at large and to use an interrogating process at police headquarters in order to determine whom they should charge before a committing magistrate on probable cause." [9]

Another point which I believe might well be discussed, if it has not already been, is that the arraignment which the Supreme Court speaks of in the Mallory case is not the formal pleading of "guilty" or "not guilty" which is historically referred to as the arraignment. This formal pleading by the accused comes later in the procedure after the indictment or information has been filed in the district court and is made before a district judge.

The arraignment referred to in the Mallory case is of another kind and character altogether:

> It is the hearing before a committing officer where the complaint is read to the accused. At this hearing he is informed of his right to counsel and his right to remain silent. The date for a preliminary hearing is also set at this time if the accused does not waive such a hearing.

Of course, an accused may waive his preliminary hearing if he so desires. In that case he is bound over to the trial court, without disposition at that time.

I read further from the article, which I wrote last January:

> The policy behind the statutes requiring promptness in taking an arrested person before a committing officer or, as now required, "without unnecessary delay," has been spelled out by the Court in every case in which the McNabb rule has been applied. For example, in the McNabb case the Court stated:
>
> "This procedural requirement checks resort to those reprehensible practices known as the third degree which, though universally rejected as indefensible, still find their way into use. It aims to avoid all the evil implications of secret interrogation of persons accused of crime." [10]
>
> The McNabb rule with its strict application in the Mallory case is the basis of an open vocal controversy. Police and law enforcement officers of our Nation have a very difficult job.
>
> They shoulder a great responsibility. They have the obligation of maintaining peace and order. They must apprehend those who violate the law and secure evidence for their conviction. It is only natural that they would oppose new procedural rules or extensions of old procedural rules which set limits on their field of operation.

Of course, lawyers do not like to have limits set upon thier field of operations, nor do doctors, nor do Members of Congress; nor do most of those who practice in a given field—professional or otherwise—like to be limited, or like to have their activities restricted or inhibited. I think that is true in almost all fields of human endeavor.

I read further from the article:

> And the courts must seriously consider any innovation which will make the enforcement of our criminal laws more difficult. However, it must be remembered that the primary responsibility of our police and law enforcement agencies is not to obtain convictions, but to see that justice is obtained.

[8] 354 U. S. at 455.

[9] Ibid.

[10] 318 U. S. at 344.

We consider ourselves a civilized nation and therefore we aspire to conduct ourselves in a civilized manner. The Supreme Court has never contended that the McNabb rule was required by the Constitution. It has said that we must have procedural safeguards which not only protect the innocent but which secure convictions of the guilty by methods that commend themselves to a progressive and self-confident society.

We have a society that is not afraid of liberty, that is not afraid of freedom, and is not afraid to be just to all men, whatever their condition or station in life.

I read further from the article:

That arraignment without unnecessary delay is a necessary procedure in a civilized society can easily be seen by a survey of several cases which have come before the Supreme Court. These cases point out how easily unnecessary delay can slip into psychological coercion, thereby rendering a confession involuntary.

In *Haley* v. *Ohio* the defendant, a young boy, was arrested about midnight and questioned at the police station until morning when he confessed. He was then held incommunicado for 2 more days before he was formally charged. The Supreme Court found psychological coercion. In *Melinski* v. *New York* the defendant was held incommunicado for 4 days before arraignment, the first day of which he was kept naked or only half clothed. In *Ward* v. *Texas*, the defendant and several other persons were picked up on suspicion without warrants and were held for several days. During this time the defendant was taken from county to county until he confessed. There are many other such cases.

Many of which I have referred to in my previous remarks of this afternoon.

I continue to read:

In all of them the defendant was picked up by the police and held without formal commitment for some time. During this unnecessary delay in taking the person before a committing official the police, intentionally or otherwise, applied pressures which resulted in an involuntary confession. The seeds of coercion sprout readily in the earth of illegal detention.

Against this background the decision of the Supreme Court in the Mallory case is easily understood. In view of the policy established by Congress by rule 5 (a) and in view of our civilized society, the Supreme Court had to hold that Mallory's confession was inadmissible.

It could not have held otherwise.

In concluding my remarks, I wish to pay tribute to my good friend, a most able, scholarly, and distinguished lawyer, the Senator from the State of Wyoming, and I wish to tell him now I hope nothing I have said in a general review of the cases, and of the practical effects of police detention and what happens after the so-called arrest or during the period of detention, in anywise is to be taken as an indication that I do not think his amendment, to insert the word "reasonable" in the House version, is a very important one, indeed. I urge Members of the Senate to support it.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HENNINGS. I am happy to yield to my friend.

Mr. O'MAHONEY. I wish to thank the Senator most sincerely for the contribution which he has made. Out of the vast experience which he has had as a prosecuting attorney, he has discussed the problems of arrest and arraignment as probably few others could discuss them.

I think he has laid before the Senate, and also before the House—and he was formerly a Member of the House—the basic facts relating to the protection of individual rights of citizens, taken alone, standing by themselves, and the protection of the rights of a community and the members of that community who sometimes are laid open to the attacks of felonious criminals, who must be arrested and convicted.

I think the Senator will agree with me that the Judiciary Committee has brought to the floor of the Senate a bill which will do precisely what Justice Frankfurter said was necessary in his decision in the Mallory case—namely, to protect basic individual rights without hampering intelligent and effective law enforcement. That is all the Senate committee is trying to do. The committee has made no changes that will either punish or deny individuals their rights under the Bill of Rights, nor has the committee done anything which will make it more difficult to protect the rights of a social community against destructive crime.

Mr. HENNINGS. I am honored indeed to be associated with one of the best lawyers of my acquaintance, the distinguished junior Senator from Wyoming.

Mr. O'MAHONEY. The Senator is overgenerous.

Mr. HENNINGS. I mean what I have said, and the Senator from Wyoming knows it. Not only that, but as a member of the Subcommittee on Constitutional Rights, he has ever shown a jealous solicitude for the rights which the Constitution, and which indeed the Lord on high, has given to the individual man or woman upon the face of this earth.

Mr. O'MAHONEY. I thank the Senator.

Mr. HENNINGS. The Senator from Wyoming believes in the importance of people. He believes in government under law. He frowns upon, and indeed despises, tyranny, whether it be official tyranny, or tyranny of a foreign sovereignty. This includes also tyranny by persons within our own borders who are clothed and vested with certain temporal authority and who have the "insolence of office," as I believe Shakespeare wrote in Hamlet's soliloquy.

So again I wish to pay the highest tribute to my friend from Wyoming, and to say to him I believe he has done the Senate and the country a great service in undertaking to unravel this vexatious skein, which has been before us not of our own asking, but as a result of our duties as members of a committee of this body. Again I wish to thank him.

Mr. O'MAHONEY. I thank the Senator from Missouri.

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

Mr. HENNINGS. I shall be glad to yield the floor. I have concluded my remarks. I shall be glad to yield to the Senator from Michigan if he wishes to ask me a question.

Mr. McNAMARA. I would like to ask the Senator in charge of the bill a few questions.

Mr. HENNINGS. Very well. I have yielded the floor.

Mr. McNAMARA. I understood the Senator was going to give me an opportunity to ask a few brief questions of the Senator in charge of the bill before he yielded the floor.

Mr. HENNINGS. I misunderstood. I now understand the Senator wants to interrogate the Senator in charge of the bill through my yielding to him.

Mr. McNAMARA. Yes.

Mr. HENNINGS. For that reason, I should like to retract my yielding the floor, so that I may yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator has yielded for that purpose.

Mr. McNAMARA. I thank the Senator. First I wish to say to him that I have listened to all his remarks with great interest. I recognize his ability in this field. I sit at his feet as he discusses, in an intelligent manner, the vexing problem we have before us.

Mr. HENNINGS. I thank the Senator for his compliments.

Mr. McNAMARA. The same statement applies to the other legal lights in the Senate, such as the Senator from Wyoming, for whom I have great respect and admiration.

Mr. O'MAHONEY. I thank the Senator from Michigan.

Mr. McNAMARA. I shall try to be as brief as I can.

First, I shall read from the last paragraph on page 31 of the Senate report on the bill, which is a quotation from the Mallory case:

The circumstances of this case preclude a holding that arraignment was without unnecessary delay.

I now read the last paragraph of the conclusion by the Supreme Court, which appears on page 32 of the report:

We cannot sanction this extended delay, resulting in confession, without subordinating the general rule of prompt arraignment to the discretion of arresting officers in finding exceptional circumstances for its disregard. In every case where the police resort to interrogation of an arrested person and secure a confession, they may well claim, and quite sincerely, that they were merely trying to check on the information given by him. Against such a claim and the evil potentialities of the practice for which it is urged stands rule 5 (a) as a barrier. Nor is there an escape from the constraint laid upon the police by that rule in that two other suspects were involved for the same crime. Presumably, whomever the police arrest, they must arrest on probable cause. It is not the function of the police to arrest, as it were, at large and to use an interrogating process at police headquarters in order to determine whom they should charge before a committing magistrate on probable cause.

I raise a question, not as an attorney, like the men who are trained and practiced in the law, to whom we have been listening all day long, but as a layman. I should like to ask the Senators who are in charge of the bill and who are members of the committee, what is wrong with the conclusion which has been stated? Why do we need to change a word of it? That is my question.

Mr. O'MAHONEY. There would be no change whatever made in that conclusion by anything in the bill which

the Judiciary Committee has reported to the Senate.

Mr. McNAMARA. Is the Senator saying, in effect, we need no legislation?

Mr. O'MAHONEY. Indeed, I am not.

Mr. McNAMARA. What evidence is there that we need legislation, in view of the conclusion?

Mr. O'MAHONEY. If the Senator had been on the floor——

Mr. McNAMARA. I have been on the floor practically all day.

Mr. O'MAHONEY. I am sure the Senator did not hear the opening discussion about the Trilling case, with respect to the nine members of the Court of Appeals of the District of Columbia.

Mr. McNAMARA. Is that cited in the conclusion?

Mr. O'MAHONEY. Yes.

Mr. McNAMARA. I do not think it is cited in the conclusion.

Mr. O'MAHONEY. That is a later case.

Mr. McNAMARA. Why should we go so far afield?

Mr. O'MAHONEY. That is not going far afield. There was an appeal taken from 3 convictions before 3 judges and 3 juries by a defendant who had confessed. One of the judges said he was compelled against his will, most reluctantly, to vote to reverse the convictions because of his understanding of the Mallory decision.

Mr. McNAMARA. Will the Senator yield at that point, Mr. President?

Mr. O'MAHONEY. I will yield in just a minute. I am answering one question at a time.

Mr. McNAMARA. Very well.

Mr. O'MAHONEY. Therefore, the Committee on the Judiciary has reported to the Senate a bill to clarify the meaning of the decision.

Mr. McNAMARA. Mr. President, will the Senator yield at that point?

Mr. O'MAHONEY. I yield. I am trying to answer the Senator's questions.

Mr. McNAMARA. There have been many cases in the Federal courts in the city of Detroit since the Mallory decision. The judges of Detroit are very scholarly and learned men, as is the judge cited by the Senator, who said that in his opinion those circumstances prevailed. There is nothing in the conclusion of the Supreme Court to warrant that kind of decision. If it were so, the Federal judges in the rest of the country would have to follow the decision. I think it was an erroneous decision on the part of the judge.

Who am I to criticize a judge? I should not do so. I am not trained in the legal field. I should not criticize the judge, but in the light of what is going on in the rest of the country there seems to be no need for change in the conclusions of the Supreme Court.

I will vote against any change of any one word, two words, or any other words.

I thank the Senator.

SEVERAL SENATORS. Vote! Vote!

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 540. An act for the relief of the Board of National Mission of the Presbyterian Church in the United States of America;

S. 552. An act to confer jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Auf der Heide-Aragona, Inc., of West New York, N. J.;

S. 571. An act for the relief of George P. E. Caesar, Jr.;

S. 2001. An act for the relief of AlaLu Duncan Dillard;

S. 2057. An act for the relief of Diana Elaine Greig;

S. 2216. An act for the relief of John C. Walsh;

S. 2955. An act for the relief of Kazuko Young;

S. 3004. An act for the relief of Joanna Strutynska;

S. 3219. An act for the relief of Mrs. Margaret Graham Bonnalie;

S. 3221. An act for the relief of Erika Margaretha Zintl Pearce;

S. 3300. An act for the relief of Jean Andre Paris;

S. 3308. An act for the relief of Itzhak Aronovici;

S. 3357. An act for the relief of Arturo Ernesto Audrain y Campos;

S. 3445. An act for the relief of Teruko K. Jackson;

S. 3509. An act for the relief of Wong Wing Boa;

S. 3547. An act for the relief of Andrejs Pablo Mierkalns;

S. 3607. An act for the relief of Harvey L. Forden;

S. 3640. An act for the relief of Daniel (Nathaniel) Rosenzweig;

S. 3739. An act for the relief of Hermine Elmon Papazian;

S. 3743. An act for the relief of Cynthia Elizabeth Jefferson (Mimi Kurosaka) and Sylvia Elise Jefferson (Junko Tano);

S. 3768. An act for the relief of Hing Man Chau;

S. 3789. An act for the relief of Donald J. Marion;

S. 3801. An act for the relief of Klara Leitner and her daughter, Sylvia Leitner;

S. 3826. An act for the relief of Concettina Iannacchino;

S. 3921. An act for the relief of Peter Tillner;

S. 4020. An act for the relief of Kunio Inouye (Sparkman); and

S. 4081. An act for the relief of Marianne (Sachiko) Fuller.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2888) to provide for registration, reporting, and disclosure of employee welfare and pension benefit plans.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1061) to amend title 10, United States Code, to authorize the Secretary of Defense and the Secretaries of the military departments to settle certain claims for damage to, or loss of, property or personal injury or death, not cognizable under any other law.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4544) for the relief of Louis S. Levenson.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9147) to provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13132) to amend the District of Columbia Teachers' Salary Act of 1955.

## ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 4544) for the relief of Louis S. Levenson, and it was signed by the President pro tempore.

## SENATOR MARTIN OF PENNSYLVANIA

Mr. BYRD. Mr. President, it has been my great privilege and pleasure to be closely associated with Senator EDWARD MARTIN during his service in the United States Senate.

He has been the ranking member of the Senate Finance Committee since January 1957, and a member of the committee since he came to the Senate in January 1947.

I have had an opportunity to observe his great devotion to the responsibilities of his position, both on the Senate Finance Committee and as a Member of the Senate.

His decision to retire from the Senate is a great loss to the country. I shall feel keenly his absence from the Finance Committee, where he has rendered such valuable service for the principles of sound government.

He has never lost an opportunity to vote and to speak in behalf of those things that would preserve the fundamental institutions of our Government, a sound fiscal system and moderate taxes made possible by economical administration of our Nation's business affairs.

Few men have such a long and honorable record of public service. As a general in the military service, he served with great distinction in the Spanish-American War, World War I, and World War II.

As Governor of Pennsylvania, he left behind him a record that has rarely been equaled, and, as United States Senator, his record is one of which any could be justly proud.

I have a great personal affection for him, and no one will miss him more than I. As he voluntarily retires from public life, I wish for him only happiness and contentment.

Certainly he can carry with him a feeling of great satisfaction in the many fine contributions he has made to his State and country.

## ACCEPTANCE OF DECORATIONS BY CERTAIN RETIRED PERSONNEL

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3195) to authorize certain retired personnel of the United States Government to accept and wear decorations, presents, and other things tendered them by certain foreign countries, which were, on page 2, after the line beginning "Johnson, Edwin C." insert:

Richards, James P., January 2, 1957, Spain, Grand Cross Isabella la Catolica. Token of good will. Greece, Cross of Commander of the Royal Order of George I. Token of good will.

On page 3, after the line beginning "Schenck, Hubert G." insert:

Meyer, Clarence E., July 1, 1957, Austria, Great Gold Medal of Honor. Reason for award unknown.

On page 4, after the line beginning "Kemp, Edwin Carl" insert:

Kempter, Charles W., April 30, 1957, Brazil, National Order of the Southern Cross, Degree of Officer.

On page 18, after the line beginning "O901853" insert:

Thompson, Fulton G., O50965, October 31, 1957, Greece, Knight's Order of Phoenix. Reason for award unknown.

Mr. WILEY. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. [Mr. DOUGLAS in the chair]. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

## STUDY COMMISSION ON CERTAIN RIVER BASINS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4021) to establish the United States Study Commission on the Savannah, Altamaha, St. Marys, Apalachicola-Chattahoochee, and Alabama-Coosa River Basins, and intervening areas, which were, on page 2, line 3, strike out "Alabama-Coosa" and insert "Perdido-Escambia"; on page 4, line 17, strike out "Alabama-Coosa" and insert "Perdido-Escambia"; on page 4, line 24, strike out "Alabama-Coosa" and insert "Perdido-Escambia"; on page 10, lines 6 and 7, strike out "Alabama-Coosa" and insert "Perdido-Escambia"; on page 12, line 7, strike out "Alabama-Coosa" and insert "Perdido-Escambia", and to amend the title so as to read "An act to establish the United States Study Commission on the Savannah, Altamaha, St. Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins, and intervening areas."

Mr. RUSSELL. Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

## DISPOSAL OF CERTAIN PROPERTY IN BOULDER CITY AREA—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9147) to provide for the disposal of certain Federal property in the Boulder City area, to provide assistance in the establishment of a municipality incorporated under the laws of Nevada, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today, pp. 18556–18557, CONGRESSIONAL RECORD.)

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

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

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

## ADMISSIBILITY OF EVIDENCE—STATEMENTS AND CONFESSIONS

The Senate resumed the consideration of the bill (H. R. 11477) to amend chapter 223 of title 18, United States Code, to provide for the admission of certain evidence, and for other purposes.

Mr. ERVIN. Mr. President, I want to make a confession, and I hope there will be no effort to exclude it under the Mallory case, under the bill, or under the proposed amendment to the bill.

I want to confess I am guilty of the soft impeachment preferred against lawyers by the able and distinguished senior Senator from Wyoming. Lawyers like to talk, and I am one lawyer who wants to talk. In view of the fact that I have been sitting here for 6 hours, without lunch, for the purpose of proving the truth of my confession, I respectfully hope that any Senators who may wish to ask me any questions will postpone their questions until I have finished a complete statement of my views on this subject.

Most Americans are privileged to enjoy the great blessing which the prophet Micah depicted when he said, "They shall sit every man under his vine and under his fig tree; and none shall make them afraid."

Mr. President, why do most Americans enjoy the right to dwell under their own vine and under their own fig tree with none to molest them or make them afraid? Americans enjoy that right because of the officers of the law, who, on occasion at the risk of their own lives, protect their property against theft, prevent the invasion of their homes by burglars, and protect their lives against potential murderers. These officers of the law do this, I say, often at the hazard of their own lives. Many of the police officers each year make the supreme sacrifice in order that Americans may continue to dwell under their own vine and under their own fig tree with none to molest them or make them afraid. And this they usually do for inadequate salaries.

Despite this fact, Mr. President, I have sat on the floor of the Senate for several hours and listened. If my mind could accept what my ears have heard. I would come to the conclusion that the most undesirable people in the United States today are the officers of the law who, at the risk of their own lives, protect our property and our lives against those who would steal and rob and murder. We are told that society does not need any further protection against criminals, but that criminals need protection against the officers of the law. We are also told that not only do the officers of the law suborn the commission of perjury by extorting false confessions, but that the judges in our trial courts, who are charged with the duty under the law of passing upon the admissibility of those confessions, are mentally incapable in many instances of distinguishing between that which is true and that which is false, and that as a consequence untold numbers of innocent citizens are serving long terms in our penitentiaries.

My experience cannot accept what my ears have heard on that subject. I have come in contact with officers of the law as a trial lawyer for 15 years, as a judge for 15 years, and as a member of the McClellan committee for the past year and a half, which committee has been investigating crime in labor and management relations.

My experience inspires in me an abiding confidence in the officers of the law who are protecting society against criminals.

I think we lose our perspective when we argue that we ought to be more concerned with the protection of criminals than we are with the protection of society.

Frankly, I believe that in recent years enough has been done for those who murder, rape, and rob; and that it is about time for Congress to do something for those who do not wish to be murdered, or raped, or robbed.

It is a popular notion nowadays that when anyone suggests any change in procedure or law, he should be accused of criticizing the Supreme Court. I believe that the Supreme Court made a mistake in both the McNabb and the Mallory case. Indeed sometimes I am inclined to think that the precedent to which some members of the Supreme Court are most faithful is the precedent set by Josh Billings' mule, which "didn't kick according to no rule."

I think that is the trouble with the Mallory case. The Court overlooked one law and incorrectly applied another. I have been a judge myself, and confess that no one ever accused me of being perfect. Judges are like legislators. They make mistakes. Judges with the least experience in trial courts are most likely to make mistakes when they come to deal with rules of evidence.

It is no reflection on the character of the members of the Supreme Court to say that when the Court handed down its decision in the McNabb case, the Court consisted of 9 men, that only 2 of them had ever had any judicial experience worthy of the name before they began their service on the Supreme Court, and

that not one of them had ever had any experience as a judge in a court of general jurisdiction where the admissibility of confessions is ruled upon.

Mr. President, I speak in opposition to the amendment offered by the senior Senator from Wyoming in the committee, and adopted by a majority of the committee. I have nothing but praise for the motives which prompt the great labor of the Senator from Wyoming in connection with this bill. I oppose the amendment, however, because I believe it would fail to cure the defects in the rules of evidence which have resulted from the McNabb and Mallory cases.

Although some Members seem to have overlooked the fact, the main object of criminal laws is the protection of society. Society is served only when we have a system for the administration of justice under which the guilty can be convicted and the innocent can be acquitted.

I thank God that my experience has engendered in my mind the abiding conviction that that object of society is accomplished in the overwhelming majority of all cases tried in all courts of all the States, and the majority of cases tried in all the courts of the United States.

I am foolish enough to believe in clinging to the tried and true landmarks of the past. I do not believe that all the wisdom that exists on earth arrived here in the past 10 or 15 years. I would rather trust rules of evidence fashioned from the experience of generations of men who sat in the trial courts, actively participated in the trial of cases, and observed the conduct and demeanor of witnesses upon the witness stand.

Before the McNabb decision was handed down there was a rule of evidence which was enforced not only in the Federal courts, but in virtually every court of all 48 States of the Union. That rule of evidence is still enforced in virtually every one of the 48 States of which I have any knowledge.

That rule of evidence was very simple. It was as clear as the noonday sun. If 9 judges had occasion to pass on the admissibility of evidence under that rule, the 9 judges would arrive at the same conclusion, and not 9 different conclusions, as in the Trilling case.

That rule of evidence was very simple. It was a rule of substance. It was simply this: A confession which is voluntary is admissible against the person who makes it, and a confession which is involuntary is inadmissible against the person who makes it.

What stronger proof is there of the guilt of a man than his voluntary confession that he is the person who committed the crime? This rule of evidence was applied with skill, judgment, and discretion; and it resulted in the admission of voluntary confessions and the exclusion of involuntary confessions. It was administered by the trial judge. Under this rule, whenever an objection was made to the admission of a confession on the ground that it was extorted by fear, or wrung by the flattery of hope, the trial judge excused the jury and heard the witnesses on both sides give evidence bearing upon the circumstances under which the confession was made. He permitted the defendant to give his testimony in the absence of the jury, without waiving his right not to testify on the merits, but to testify as to the circumstances under which the alleged confession was made, while being protected with respect to disclosures on the merits of the case.

That was a good rule. The result was that it was said that when a man voluntarily confessed his guilt, that was the highest order of proof, but that when a man had had a confession wrung from him by hope of some benefit or by threat of some calamity, it was involuntary and inadmissible. That was a good rule. It was a rule which existed in the Federal courts. It was a rule which existed in the courts of the 48 States of the Nation. It was a rule which had been recognized and enforced thousands upon thousands of times, and it was laid down in hundreds upon hundreds of decisions. It was understood by all the judges who presided over trials in trial courts. It came out of the experience of men who had had actual contact with the actual administration of justice down on the local level, where persons are tried for crime in the trial courts. It was a good rule.

It was recognized in the Federal courts and enforced, in spite of the fact that one of the statutes which was used as a vehicle to alter the rule in the McNabb case had been upon the statute books of this Nation for several generations, and had been held not to exclude any confession voluntarily made, even though there was delay between the arrest and the arraignment.

When the McNabb decision was handed down, it was inconsistent with scores upon scores of previous decisions of Federal courts, holding that voluntary confessions were admissible and that involuntary confessions were inadmissible, and that the question of whether a confession was one or the other was to be determined by the trial judge in the light of all surrounding circumstances, including any circumstance of delay.

It was also recognized that it was for the trial judge to make the determination as to the admissibility of a confession in the first instance, and that his ruling on that question would be sustained on appeal if it was supported by substantial testimony.

In the McNabb case, the Court took the statutes governing the duties of arresting officers and added something to the statutes which Congress had never placed there. The Court said that where a man was not taken by the arresting officer before the nearest United States Commissioner in conformity to the statute, any confession he made would be excluded even though it was free and voluntary in every sense of the term. That was nothing more nor less than judicial legislation. One of those statutes had been in force virtually since the office of United States Marshal was created. The statute directed the marshal to take the person arrested to the nearest commissioner, and had so provided for many years before the McNabb case. And it had been uniformly held by the Federal courts that despite the statute that the only question, when a confession was made, was whether it was voluntary or involuntary.

The McNabb case repudiated the rule of evidence which had existed since the establishment of the Nation.

Then, after that, the Federal rules of criminal procedure became effective. These rules were adopted with the consent of Congress. This was necessary because the power to prescribe rules of procedure and rules of evidence for the Federal district courts is a legislative power, not a judicial power. So these rules were adopted with the consent of Congress. I say that the rules themselves show that it was the will of Congress to repudiate the McNabb case and to go back to the law as it existed before the McNabb case. Congress approved rule 5 (a), which is a rule of procedure. I have been in agreement with all who have spoken on the floor when they said rule 5 (a) is a rule of procedure and not a rule of evidence. However, the Federal rules of criminal procedure do contain a rule of evidence, which tells exactly what kind of rules of evidence the Federal district courts are to follow when they try criminal cases and when they pass upon the admissibility of alleged confessions. It is rule 26. The pertinent part of rule 26 is as follows:

> The admissibility of evidence and the competency and privileges of witnesses shall be governed, except when an act of Congress or these rules otherwise provide, by the principles of the common law as they may be interpreted by the courts of the United States in light of reason and experience.

In other words, rule 26, which became effective between the decision in the McNabb case and the decision in the Mallory case, provided in express terms that, unless Congress—not the court, not some judge—unless Congress had adopted a statute or a rule to the contrary, the question of the admissibility of evidence was to be determined by the principles of the common law. The common law rule is the rule which prevailed before the McNabb case. It provides these things: First, that a confession is admissible if it is voluntary. Second, that a confession is inadmissible if it is involuntary. Third, that the determination of whether a confession is voluntary or involuntary is to be made by the trial judge. Fouth, that the trial judge is to make this determination from all the surrounding circumstances, including any circumstance showing delay. Fifth, that the ruling of the trial judge on this question is to be binding on appeal, if it is supported by substantial evidence.

What is the wisdom of the rule? The evidence of the wisdom of the rule is that it grew out of the experience of the English-speaking race in the administration of justice. It was found by those who were charged with the administration of justice to be most conducive to admitting truth and excluding doubtful testimony.

Furthermore—and this is one thing which those who sit in ivory towers are prone to overlook—the rule recognizes the truth that no one can tell whether a

man is a truthful man by reading his cold, printed testimony. The only reliable guide as to whether a person tells the truth or testifies falsely is observing him in the giving of his testimony. The wisdom of this rule was that it left this matter to the determination of the trial judge who saw the witnesses, heard their testimony, and observed their conduct and demeanor when testifying. That is a very important matter, because the experience of everyone who has any experience in this field teaches him that when we take the testimony of George Washington and the testimony of Ananias, and put them down on a cold record, it is impossible to tell which is the testimony of George Washington and which is the testimony of Ananias.

What did the court do in the Mallory case?

The testimony of the coroner—who I assume was a physician of the District of Columbia—was to the effect that at the time of his confession the accused showed no sign whatever of any physical or psychological coercion. The trial judge found that his confession was voluntary. The case goes up on appeal, and the Supreme Court takes the same action it did in the McNabb case with respect to the statute. It ignored rule 26. It took rule 5 (a), which is supposed to govern the conduct of police officers, and to do that and nothing more in respect to the arrest and arraignment of persons charged with crime, and made a judicial amendment to it. They amended it by holding that any confession made by a person during a period of unnecessary delay between the arrest and arraignment will be excluded no matter how freely it was given, and no matter how truthful it was. In other words, the Court converted a mere rule of procedure relating to arrests and arraignment into a rule of evidence.

That was outside the province of the Supreme Court. When the Court undertakes to make rules of evidence for Federal district courts, it ignores the basic principle that the power to prescribe such rules of evidence is a legislative power vested in Congress. Congress ought to step in and assert its authority.

What has been the result of the Mallory decision? The Court abolished a rule of evidence which the English-speaking race, in the practical administration of justice, has found to be a sound rule. The Court threw it on the scrap heap. What do we have in its place? We have a rule of evidence based upon a holding that the detention of a man between arrest and arraignment for as much as 7½ hours constitutes unnecessary delay, and that any confession he makes during detention is inadmissible no matter how freely and voluntarily he acts in making it.

We do not know whether unnecessary delay is 6 hours, 2¼ hours, 1 hour, or some other length of time. But we know that 7½ hours, under the Mallory decision, is an unnecessary delay.

We had a rule of substance, a rule of reason, a rule of experience; but it has been thrown on the scrap heap, and a rule of thumb has been adopted in its place. No one can tell what the rule of thumb means.

What someone said of Chancellors in Equity seems pertinent. The chancellors were supposed to administer justice according to the length of their feet. But the trouble was that the chancellors had feet of different lengths.

Instead of a rule of certainty, a rule which has been sustained in hundreds and hundreds of decisions, we now have a rule of thumb, which is so confusing, as the able Senator from Wyoming [Mr. O'MAHONEY] has so well pointed out, that it caused 9 judges in the Trilling case to reach 9 different conclusions.

That is bad enough. But there is one thing which is worse. It is the inevitable result of any rule, either a rule using the words "reasonable delay" or the rule in the Mallory case, or any other rule which substitutes artificiality such as mere time for the free will of the accused as a basis to exclude testimony. It is a rule under which those who murder, those who rape, those who rob, and those who counterfeit, and who voluntarily confess their guilt, are permitted to go unwhipped of justice, and are turned loose upon society to repeat their crimes.

After the Mallory decision had been rendered, the man who had confessed his guilt, under circumstances in which the coroner said he showed no signs of physical or psychological coercion, and under circumstances which the trial judge, who I am sure was a conscientious individual, felt were voluntary, was permitted to go unwhipped of justice, after confessing voluntarily his guilt to one of the most serious crimes known to the catalog of crimes. Just a few days after that, I picked up a newspaper and read that the same man was being sought on a charge of burglary.

When artificial rules are used, instead of rules of substance, persons who voluntarily confess their guilt of such crimes as murder, rape, and armed robbery, go scot free unwhipped of justice. They are turned loose on society to repeat their crimes. And society is not getting from Congress the justice to which it is entitled by way of protection against such crimes.

I must object to the word "reasonable" and also to the word "unnecessary." As I understand the position of the Senator from Wyoming, who advocates the insertion of the word "reasonable" before the word "delay," it is that, after all, this is a matter for the determination of the trial judge, in the light of all the circumstances, including the circumstance of delay. I wish I could find repose in that contention. I know that it has always been a rule of law in this country, both in Federal jurisdictions and in State jurisdictions, that the question of the admissibility of evidence must be determined, in the first instance, by the trial judge. But that rule was not permitted to apply in the Mallory case, where the trial judge applied the orthodox law and found the confession to be voluntary, and admitted it as a voluntary confession. When the case reached the Supreme Court on appeals, the Supreme Court excluded the confession on the ground that there had been an unnecessary delay between the arrest and the arraignment.

In so doing, the Supreme Court ignored the rule of law that the admissibility of evidence is to be determined by the trial judge in the first instance. Even if the rule created in the McNabb case had been correct, it should have been the function of the trial judge under the law to make the determination of whether the delay was unnecessary. So the Supreme Court should have reversed the conviction and sent it back to the trial judge, and let the trial judge, who had an opportunity to observe all the witnesses, make the determination whether there had been a necessary or an unnecessary delay.

The objection to "reasonable" is that it can be used as a vehicle by the court to do exactly as it did in the Mallory case and the McNabb case. The appellate court can arrogate to itself the authority to say whether a delay is reasonable or unreasonable in each particular case, notwithstanding the fact that that matter ought to be determined by the trial judge in the light of all the circumstances surrounding the confession.

So I say that we should pass the bill as it came from the House. I agree with the Senator from Wyoming that if we foul up the bill with amendments in the Senate, the bill will be defeated; and the result of the defeat of the bill will be that those who make voluntary confessions of their guilt, when there is an unnecessary delay in the eyes of the trial court or any reviewing court, will go unwhipped of justice until Congress acts to protect society against those who voluntarily confess their guilt.

The bill was passed by the House of Representatives by a substantial majority. The bill was supported in the House, and was drafted in large measure, by two able lawyers, Representative KENNETH B. KEATING, of New York, and Representative EDWIN E. WILLIS, of Louisiana. They have advised me that they think the inclusion of "reasonable" in the bill will virtually destroy the value of the bill. That is my own opinion.

It seems to me that what we should do is to reject the Senate committee amendment and pass the bill in its original form, as it came from the House. Then it will be the law of the land just as soon as the President signs it; and under section (a) of the bill we will have restored to full operation the rule which Congress contemplated the Federal courts would follow when Congress approved rule 26 of the Federal Rules of Criminal Procedure and said that these matters were to be determined by the principles of common law.

During recent years, the rights of criminals have been magnified out of all proper proportion, while the right of society to protection has been ignored. Much has been done for those who murder, rape, and rob. It is time for Congress to do something for those who do not wish to be murdered, raped, or robbed. Let us reject the committee amendment and pass the bill as it came from the House.

Mr. CHURCH. Mr. President, I should like to ask several questions of

the distinguished Senator from North Carolina [Mr. ERVIN] in connection with the address he made a few minutes ago.

First of all, I should like to say that the distinguished Senator from North Carolina has made a very able presentation of the law; and his address reflects his great experience as a lawyer and as a trial judge. I have been very much impressed by what he has had to say; and in certain particulars, I wish to associate myself with his remarks.

Mr. ERVIN. I thank the Senator from Idaho for his very gracious compliment.

Mr. CHURCH. I think the distinguished Senator from North Carolina is quite correct in pointing out that the rules of evidence are made, not hastily, not by a single tribunal, but are made, in the tradition of the common law, over a long period of time, and that they reflect the wisdom of a great many men who have addressed themselves to the question of how to best establish fair and equitable procedures.

I agree with the Senator from North Carolina that simply because the Supreme Court of the United States has made a decision, it does not necessarily follow that the decision is a proper or a wise one, or that the members of the Supreme Court are infallible in the making of decisions. I also agree that if the decision is an erroneous one, the Congress should assert its prerogative to make, in connection with the decisions, whatever corrections the Congress, in its wisdom, believes will best serve the ends of justice.

Furthermore, I should like to say that the definition given this afternoon, here on the floor of the Senate, of the common law rule with respect to the admissibility of confessions is not only an accurate and a complete definition, but it continues to serve the municipal courts and the State courts in almost all parts of the country.

Let me ask the Senator from North Carolina whether I am correct as to that?

Mr. ERVIN. The Senator from Idaho is eminently correct; and I wish to endorse the soundness of his view with respect to the right of Congress to act in this field, notwithstanding the fact that the Court has made a pronouncement—as in the McNabb case and as in the Mallory case—based on the statutes, rather than on the Constitution.

Mr. CHURCH. I should like to state that the common law rule with respect to the admissibility of confessions, as it has been detailed to the Senate this afternoon by the distinguished Senator from North Carolina, is, in my judgment, a sound one, because it rests with the trial judge, and because it makes the test of admissibility the question of whether the confession is a voluntary one. That rule has worked for many, many generations; and it continues to work in the great majority of the courts of the Nation. So I am sorry that the Supreme Court found it necessary to depart from that rule in Federal cases.

However, although I am grieved to disagree with the Court's ruling, having addressed myself at some length to the area, of our agreement, as I have with the distinguished Senator from North Carolina, I feel it incumbent upon me to point out to him that, in view of the fact that in the McNabb case the Supreme Court rendered a decision in which it departed from the common law rule, and in view of the further fact that by its decision in the Mallory case, the Court further limited the admissibility of confessions, we no longer have, in the Federal courts, a situation where the old common law rule is applicable.

Therefore, it seems to me that it has necessarily fallen to the Congress to enact, in statutory form, the rule of evidence applicable in the Federal courts, in view of, or in the wake of, these decisions by the Supreme Court.

Mr. ERVIN. I can agree up to this point with the Senator from Idaho, because I think that is why we are here dealing with this matter. Since the Court would not observe rule 26, and since the Court, in effect, amended rule 5 (a), I believe Congress must step in, and must provide a rule which will protect society, as well as safeguard the rights of the innocent.

Mr. CHURCH. Up to this point, the Senator from North Carolina and I are still in agreement. Perhaps it is now that we may part company.

It seems to me that the pending bill should, then, be considered as an effort on the part of the Congress to adopt a rule of evidence which seems to the Congress to be more sound than the rule of evidence laid down by the Supreme Court in its decision in the Mallory case.

I hasten to add that I believe the decision in the Mallory case—however sound may have been the sentiment within the Court that gave rise to that decision—may well constitute an undue burden upon efficient law enforcement and an impediment which ought not exist.

Mr. ERVIN. The Senator from Idaho is correct as to that, because experience has shown that in many cases persons whose connection with a crime could not be sufficiently established without a confession had to be released, notwithstanding the fact that their confession was voluntary; but the confession was excluded because of the idea of unnecessary delay.

Mr. CHURCH. I have very grave doubts as to the propriety of this decision; and I fear that it might give rise to an unwanted impediment which might make it difficult for the law-enforcement officers to obtain justice in the criminal courts.

For these reasons, I believe it is altogether proper for the Congress to undertake to substitute for the Court's decision in the Mallory case a rule of evidence of its own drafting.

Mr. ERVIN. Yes.

Mr. CHURCH. What concerns me is the rule of evidence which was drafted and passed by the House of Representatives, and sent to the Senate for its approval. I should like to explain the reason why I take that position.

As the bill was passed by the House of Representatives—and the House version of the bill establishes this new rule of evidence to be applicable in the Federal courts—the rule reads as follows:

> (a) Evidence, including statements and confessions, otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States.

I do not believe that rule of evidence, which the House would have the Senate accept—about which the Senator from North Carolina has spoken, this afternoon, with such evident learning—is a good one. I am afraid it is not a good rule of evidence for this reason: The rule states arbitrarily that delay alone shall not render a confession, otherwise admissible, inadmissible in a Federal court.

It seems to me that if the Congress adopts such a rule of evidence, the Congress will be in danger of giving to the law-enforcement agencies of the Federal Government an inducement to engage in the practice of delay, inasmuch as it is quite clear that, under the rule, delay in itself will not render a confession inadmissible.

Mr. ERVIN. Well, Mr. President——

Mr. CHURCH. Mr. President, I should like to finish stating my point, if I may.

Mr. ERVIN. Very well.

Mr. CHURCH. I am afraid that this is a poor rule of evidence, because it affords an inducement in the wrong direction; and I believe that if we establish the rule in the Federal-court procedures, we may very well find that the Federal law-enforcement officers—knowing they are protected by this rule—may tend, not because of a sinister motivation, but simply out of the natural desire to procure convictions, to engage in delay; and therefore we may run the risk of having innocent persons—who sometimes are arrested, even though they are not guilty of the crime with which they are charged—imprisoned for 2, 4, or 6 days before they are released, which would be a practice abhorrent, I believe, to the traditions of our judicial procedures.

Mr. ERVIN. I agree with the Senator from Idaho. That practice is abhorrent to me. But the Mallory decision and the McNabb decision are based on the theory that the supposed sins of the police officers ought to be visited on society, instead of on the police officers themselves.

If Congress is concerned, and if Congress thinks that Federal agents who possess the power to make arrests are abusing the power, by holding persons for an unnecessary length of time between the time of arrest and the time of arraignment, Congress should pass a law to make those acts by police officers criminal offenses, and thus should visit the sins of the guilty parties upon the guilty parties themselves—in this case, upon the policemen—instead of visiting them upon society. I think, however, that abuses of power by officers of the law are comparatively rare.

Mr. CHURCH. I understand the position the Senator from North Carolina has taken, and I honor him for it.

But, Mr. President, as between the Senate committee version of the bill and the House version of the bill, I think the Senate committee version is preferable, in that it inserts the word "reasonable." In inserting the word "reasonable" it seems to me it would take away the inducement that otherwise might be present to practice any delay out of an overzealous desire to procure convictions. On the other hand, the language still protects the right of the individual against undue duress by the police, by providing that an unreasonable delay may be the basis for rendering a confession inadmissible. Therefore, as between the two rules, in my judgment the rule of the committee is the preferable rule to lay down as the rule of procedure in our criminal courts.

Mr. ERVIN. I am frank to state the reason we differ on what is the proper procedure is that one consideration weighs a little heavier with one of us and another consideration weighs a little heavier with the other. In other words, different considerations must be balanced. I agree with the Senator, it is unfortunate there ever is unreasonable delay on the part of police officers, but the trouble with the use of the word "reasonable" is this, and I propound a suppositious case. John Doe is arrested by an FBI agent, or an Alcohol Tax Unit agent, or a narcotics agent, for an alleged violation of a Federal criminal statute. The officer violates rule 5 (a). He does not take John Doe to the commission for what is called a preliminary hearing. Instead of doing that, he puts him in jail. He leaves John Doe in jail for 2 or 3 or 4 or 5 days. Certainly, that is an unreasonable delay.

But suppose John Doe, while he is in jail, has no coercion practiced on him other than that which might be incident to the imprisonment alone. Let us suppose he is freely permitted to be visited by his family and by his lawyer. During the process of this unreasonable detention, he makes a free and voluntary confession of his guilt. He summons the judge, the prosecuting attorney, and his own lawyer, and says, "I am guilty. My conscience prompts me to make this free and voluntary confession, so I can make such amends to society as are proper."

Under the amendment of the committee, which inserts the word "reasonable" in the bill, since the confession was made during a period of unreasonable delay, John Doe goes unwhipped of justice. He can object to the admission of the confession. Under that authority, another voluntarily self-confessed criminal is turned loose on society.

So my construction of the language is that subsection (a), as it passed the House, and in the absence of the committee amendment, merely restores the common-law rule which is recognized by the Congress itself in rule 26, subject to the qualification of subsection (b) that the prisoner must be given a warning.

Mr. CHURCH. I thank the distinguished Senator from North Carolina for permitting me to interrogate him with respect to the excellent address which he has made on the floor of the Senate this afternoon, and to use this opportunity as a vehicle for explaining my own opinions with respect to the bill now pending before the Senate. I wish to add only that unreasonable delay is a form of duress which is one of the grounds for rendering a confession inadmissible. I am afraid the bill in the form in which the Senator from North Carolina advocates it may be an opportunity given by Congress to law-enforcement agents to utilize delay as a means of procuring confessions from innocent people who are arrested.

In this colloquy the Senator from North Carolina has demonstrated again that not only is he ever the lawyer, but he is ever the gentleman.

Mr. ERVIN. I thank the distinguished Senator from Idaho, and commend him for his clear understanding of the problem involved. I think the Senator from Idaho and I are in agreement, except he puts more weight in one place, whereas I put more weight in another place. That is the only reason for any difference between us.

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

Mr. ERVIN. I yield to the distinguished Senator from Louisiana.

Mr. LONG. With regard to the question of reasonableness, can the Senator tell me in just what direction that word is intended to be applied? Is reasonableness directed toward the effect of the delay upon the prisoner, or does it refer to the reason why the delay occurred from the enforcement point of view?

It occurs to me that in the enforcement of a narcotic violation, where agents were trying to catch a ring of dope peddlers, the minute the agents picked up one violator, all the rest would run and take cover. One of the violators would be arraigned to determine whether he was going to plead innocent or guilty. From that moment on, the word would go out among all the others in the ring that the heat was on and one of their members had been caught. For the protection of society it might be well to hold the apprehended person for a few days before he was arraigned, while the officers were still trying to apprehend the others.

Mr. ERVIN. For example, the man might be in a bad state of addiction. It might be well, from the medical standpoint, to hold him a few days. Yet under the Mallory decision, which was nothing but an illogical rule of thumb, the Court held that a 7½-hour delay, regardless of the circumstances, was an unreasonable delay, and the confession had to be excluded, although it was voluntary.

Mr. LONG. It is also possible, is it not, in enforcing our laws against subversive elements, that one person might be apprehended and held for a few days until the law enforcement agents could apprehend the other conspirators against this Nation? Anything the conspirator might have said, even though he might have wanted to confess his guilt and confess what the group was up to, would be inadmissible because he had been held more than 8 hours, or perhaps longer, while the law enforcement officers were apprehending the others who were associated with him in the conspiracy.

Mr. ERVIN. That is true. Many things have been conjured up in this argument. I cannot accept the proposition that a constitutional question is involved, because the fifth amendment has been in the Constitution since 1792, I think. There have been many Federal decisions recognizing the common law rule that voluntary confessions are admissible. Those decisions have been upheld notwithstanding the fifth amendment. So the fifth amendment plays no part in this question.

Mr. LONG. With respect to the proposed change in the law and the reference to delay, I assume that if a person had been held 5 or 6 days, during which time he confessed, the fact that he was held that long in and of itself would not necessarily mean that the delay caused the confession, and that therefore it would be inadmissible. The confession would be inadmissible only if it could be shown that the delay had anything to do with the obtaining of the confession.

Mr. ERVIN. That would be true under the House bill, but under the Mallory decision an unnecessary delay between arrest and arraignment would result in a confession being excluded, even though the prisoner summoned everybody in the community and said, "I freely and voluntarily confess I am guilty of this crime."

Mr. LONG. If I correctly understand the position of the Senator, the Senator feels that the word "reasonable" would retain the Mallory decision?

Mr. ERVIN. It would retain it. It would provide two standards of conduct. As I construe the matter, there would be restored the common law rule and an additional rule would be established. There would be two questions involved. The first question would be, "Was the confession voluntary?" Under the House rule, if one answered the first question in the affirmative the confession would be admissible, provided there was a compliance with subsection (b) about warning.

Secondly, if one answered the first question, "Was the confession voluntary?" in the affirmative, under the amendment with the use of the word "reasonable," one would have to ask a second question, "If the confession was voluntary, did it occur during the course of an unreasonable delay?" If it did, the confession would have to be excluded no matter how freely and voluntarily given.

There would be the building up of another rule of exclusion, which is not based, it seems to me, on the main idea of evidence. The idea of evidence is to elicit truth and to adopt methods which are most apt to elicit truth. That is what the common law provided. Rule 26, which said the common law rules of evidence should apply to the Federal courts in the absence of statutes to the contrary, was based upon the idea that if a confession were voluntary it was calculated to elicit the truth and if it were involuntary it was calculated to elicit falsehood, or at least there was

danger of such occurring. Therefore, the rule was built up.

The present proposal would make the admissibility of evidence depend not on the condition of the mind of the man or the voluntariness or involuntariness of the confession, but upon the reasonableness or unreasonableness of the delay, regardless of whether the delay had anything to do with the confession.

Therefore, I oppose the amendment, because I think it is not proper to go in that direction. The sound thing to do is to go back to the basic rule. We should permit the confession if it is voluntary. We should let the judge determine whether the confession is voluntary, in the light of all the circumstances under which it is made, including the circumstances of the effect of the delay on the individual.

Mr. LONG. What the Senator is saying, in effect, is that a voluntary confession can be a voluntary confession even though there perhaps was an unreasonable delay.

Mr. ERVIN. There is no doubt about it. The courts have held that many times.

Mr. LONG. Of course, that can be completely proved. Is it not conceivable that a man could be put in jail, that he could have the services of a regularly retained attorney, that the attorney could know the man was in jail, that the man could know the attorney knew he was in jail, and nevertheless by choice the lawyer could fail to get a writ of habeas corpus or fail to do anything to get the prisoner out of jail or have him arraigned, and yet, because of a delay exceeding 8 hours, it is conceivable that the delay might result in the turning loose of a rapist, a murderer, or a dope peddler, who should have been convicted.

Mr. ERVIN. That is true, notwithstanding the fact that the delay might have no influence whatever on the mind of the man, and no connection whatever with the confession.

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

Mr. ERVIN. I first wish to make a correction in my remarks. I am informed by my good friend, the present Presiding Officer, the Senator from New Jersey [Mr. CASE] that the Bill of Rights became a part of the Constitution, upon being ratified by the last necessary State, December 15, 1791. If a man can come within 1 year of the truth in dealing with the time between 1791 and 1958, I think he is doing fairly well.

The PRESIDING OFFICER. The Chair thinks so, too.

Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. ERVIN. I yield.

Mr. LAUSCHE. To make certain that the Senator from North Carolina will not be bestowing encomiums upon himself, I should like to subscribe to the thought just expressed by the Senator, that his recollection is excellent.

I should like to explore a thought on this subject. In various States in the Nation there have been decisions holding that evidence obtained in violation of the search and seizure requirements of the Constitution is admissible evidence, and that the aggrieved person, while he cannot complain about the admissibility of the evidence, has vested in him an action in law for damages because of the trespass committed in the unlawful search and seizure.

My query is, Is there any analogy between the reasoning supporting that declaration of law and the reasoning which the Senator from North Carolina advances in support of his theory that the bill passed by the House ought to be passed by the Senate?

Mr. ERVIN. I do not think the bill deals with the question of unlawful searches and seizures. I think the two rules are independent of each other. The rule as to admissibility of voluntary confessions, of course, is a common-law rule which grew up with experience of the English-speaking race in the actual administration of justice. Of course, the provision of the Constitution against unreasonable searches and seizures owes its validity to the constitutional provision itself.

Mr. LAUSCHE. The Senator from North Carolina says that though a confession may be obtained in a period of unreasonable delay, it ought to be admissible in evidence and that the misconduct of the policeman in failing to bring the accused before a commissioner within a reasonable time ought to be held against the policeman and not against society.

Mr. ERVIN. That is correct.

Mr. LAUSCHE. Does that not imply that the accused would have to suffer the damaging impact of the admission of the confession and then be relegated to an action for damages against the policeman because the policeman inordinately delayed in bringing the accused before a commissioner?

Mr. ERVIN. Of course, that would be the man's position. It would be better for the man to be put in that position than for society to have a man who has voluntarily confessed his guilt turned loose upon society in order to chastise the policeman. In other words, instead of chastising the policeman, the Mallory rule and the word "reasonable" would chastise society. I think that is whipping the wrong person. I think that is letting the culprit go and chastising an innocent society.

Mr. LAUSCHE. Is there not a possibility that frequently the purpose of the delay is to harass the accused to the extent that there shall be exacted from him a confession?

Mr. ERVIN. I think the reasoning back of the Mallory case, if the Senator will pardon me, and the reasoning back of the McNabb case, is that if one allows an unreasonable delay a policeman might be tempted to extort an involuntary confession. That reasoning, it seems to me, has about as much validity as the old reasoning that if a man were a party to an action he would be tempted to commit perjury, and in order to forestall the temptation to commit perjury one would not permit him to testify in his own behalf, even though his life might be at stake.

Mr. LAUSCHE. In my thinking, there are two hypotheses which might happen at a time when an unreasonable delay is exercised by a police officer. There may be a purpose to make the accused fatigued, to render him more likely to make a confession. The second might be inadvertence.

Mr. ERVIN. Yes. If the Senator will pardon me, in the first case stated by him the confession is not voluntary. The confession in that case would be involuntary and would be excluded under the House bill and under the common law rule, as I construe it.

The amendment would exclude a confession, no matter how voluntary it was, if there were an unreasonable delay between arrest and arraignment.

In other words, it adopts an artificial standard, and makes another rule of exclusion. I think we ought not to build up additional rules to exclude truth in the courts. I have confidence in the ability of judges to determine whether a confession or statement is voluntary or involuntary under all the circumstances, including the circumstance of delay. I do not believe in giving the circumstance of delay any weight greater than that which the trial judge thinks is justified.

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

Mr. ERVIN. I yield.

Mr. LAUSCHE. There are two hypotheses. The first is inadvertent delay and the second intentional delay, intended to fatigue the accused and thus make him more likely to confess. In the face of two such possibilities, it seems to me that we should resolve the doubt in conformity with the letter and purpose of our Constitution. We should throw every safeguard around the accused, anticipating that occasionally a guilty man may go free, but guaranteeing to the maximum extent that no innocent man shall ever be convicted.

Mr. ERVIN. I do not think the Constitution is involved. It is purely a matter of statute.

The rule which the first subsection, unamended, would bring into play is a rule which prevails in the State of Ohio, I presume. It prevails in North Carolina, and, so far as I know, it prevails in all the other 46 States. I would rather have a rule drawn in that way, to apply in all the States and in all the Federal courts. We had such a rule until the Supreme Court, in the Mallory and McNabb cases, in effect exercised legislative power by creating a new rule of exclusion.

Mr. LAUSCHE. I believe there is need for rectifying the impact of the Mallory decision. The common law rule definitely is that when a person is arrested, he must be brought before a commissioner or magistrate within a reasonable time. The construction placed upon the language in rule 26 seems to me to have been extraordinarily narrow, but I believe that by going to the extent the House has gone, we are likely to create a situation in which an innocent man might be convicted.

Mr. ERVIN. I will say to the Senator that there is always danger of innocent persons being convicted. The only way

to prevent it with certainty would be to provide that there should be no prosecutions of anyone for crime. That would prevent any innocent person from ever being convicted. I do not think the Senator from Ohio or myself would like to abolish criminal prosecutions.

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

Mr. ERVIN. I yield.

Mr. LONG. As I understand, the rule has been that if a confession or admission is a voluntary admission or confession it is admissible. If we have situations in which a person is guilty of murder, rape, dope peddling, or what not, and he voluntarily confesses, that confession should be admissible, because it was a voluntary confession. That is the burden of the Senator's argument, is it not?

Mr. ERVIN. That is correct.

Mr. LONG. What the Senator is objecting to is someone saying that such a confession was not voluntary because there was substantial delay, when it cannot be shown that the delay had anything to do with the confession.

Mr. ERVIN. The Senator is correct.

Mr. LONG. The Senator is saying that if it can be shown that, had it not been for the long delay, the person would never have voluntarily confessed or admitted anything, then, of course, it should be excluded. The Senator is upholding that position, but he is merely saying that there should not be a rule that because there was an unreasonable delay, the delay resulted in an involuntary confession, when there is nothing to show that such would have been the case, and no evidence or testimony to support that theory.

Mr. ERVIN. The Senator is exactly correct. That is borne out by the language of the House bill:

> Evidence, including statements and confessions, otherwise admissible—

They would not be otherwise admissible unless they were voluntary—

> shall not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States.

So the effect of the amendment which would insert the word "reasonable" is that, even though the confession is absolutely free and voluntary, and even though the delay had no effect whatever upon the making of the confession, the mere fact that there was unreasonable delay in taking a man before a commissioner will bar the admission of his voluntary confession of guilt.

Mr. LONG. So, in effect, it is saying, "Here is a man who committed murder. There is no doubt about it. He confessed; and his confession, when it is corroborated, proves that he committed the murder. But he must be turned loose and go scot-free, because society made the mistake of holding him for more than 8 hours."

Mr. ERVIN. Because the policeman did not obey the statute, a self-confessed murderer, rapist, or armed robber, is turned loose on society. In other words, the supposed sins of the policeman are visited upon innocent society.

Mr. LONG. It makes about as much sense as saying that because the policeman worked overtime to apprehend a criminal, the criminal should therefore be turned loose and be permitted to resume his criminal activities.

Mr. ERVIN. The policeman who worked overtime might possibly have picked up the wrong man.

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

Mr. ERVIN. I yield.

Mr. CLARK. My good and delightful friend from Louisiana is entitled to his own view, and his own little laugh; and I am sure that by not pursuing his argument further I shall not create the impression that I agree with him, because I do not.

I think I understood the Senator to say, in answer to a question from the Senator from Ohio, that under this provision a confession, no matter how voluntary, would be excluded if there were unreasonable delay in arraignment.

Mr. ERVIN. Yes; not under the bill, but under the amendment proposed by the committee.

Mr. CLARK. Under the bill as reported from the Senate committee.

Mr. ERVIN. I should say under the bill as the committee recommends that it be passed because the amendment has not yet been adopted.

Mr. CLARK. Under the bill as it comes before us.

Mr. ERVIN. With the recommendation of a majority of the committee. Some of us dissented.

Mr. CLARK. Does my friend believe that there is no connection between the length of time a suspect is kept "pickled" and whether or not he has made a voluntary confession?

Mr. ERVIN. In some cases, yes, and in some cases, no. In some cases the delay might cause an involuntary confession, but in other cases the delay might cause a voluntary confession. A man might sit down with his conscience and think about the misdeed he has committed against society, and he might want to make amends for it. The delay is just as likely to produce a voluntary confession, in my judgment, as it is to produce an involuntary confession. For that reason I think the law should be left as it was, because that would leave the determination of the effect which delay has on a man's mind to the judge who sees the witnesses and has an opportunity to hear the man's story.

Mr. CLARK. Does the Senator believe that prisoners should be promptly arraigned after they are arrested?

Mr. ERVIN. Yes; I believe that prisoners should be promptly arraigned after they are arrested.

Mr. CLARK. Does my friend think it is admissible——

Mr. ERVIN. Also my experience has been that frequently police officers ask questions of people whom they arrest, and that far more innocent people are turned loose as a result of their statements to police officers than are ever implicated by involuntary confessions.

Mr. CLARK. Does my friend think——

Mr. ERVIN. I believe that if the bill is changed from the language of the bill as it came over from the House, it will be a great detriment to innocent people. Officers will be afraid to ask questions. Frequently they turn people loose because they ask questions, and they receive replies from them as to their whereabouts, and so forth. They check on their stories, and find that they could not possibly have been guilty.

It is going to do more injury to innocent people than it will protect innocent people.

Mr. CLARK. Nevertheless, my friend from North Carolina believes in prompt arraignment.

Mr. ERVIN. Yes.

Mr. CLARK. Does my friend think it is appropriate and permissible for the police to proceed to delay an arraignment for the purpose of attempting to obtain a confession, whether voluntary or involuntary?

Mr. ERVIN. It is bad to deny a man any of his legal remedies, in order to obtain an involuntary confession.

Mr. CLARK. The Senator does think, then, that it is not proper to delay arraignment for the purpose of attempting to get a confession from a man?

Mr. ERVIN. Yes.

Mr. CLARK. Then I cannot see how the Senator can oppose the committee amendment to the bill.

Mr. ERVIN. I do not believe in visiting the sins of the guilty on the innocent. If a man, notwithstanding the fact that the policeman holds him unnecessarily long, makes a free and voluntary confession, that confession ought to be admitted in evidence.

Mr. CLARK. Does the Senator think it is appropriate procedure to encourage the police to hold a man after his arrest and before arraignment, in the hope that the police will be able to get a confession out of him, whether voluntary or involuntary, even when they are under a duty to arraign him promptly?

Mr. ERVIN. If the Senator from Pennsylvania is worried about the conduct of police officers, the Senator from Pennsylvania should introduce an amendment which would undertake to amend rule 5 (a) so as to make the offending police officer suffer for his sins. He should do that, instead of adopting as an alternative procedure the theory that a man who makes a confession, no matter how free and voluntarily it may have been made, in which the man confessed to murder or rape or robbery or other serious crime, ought to go unwhipped of justice and turned loose upon society because of a violation of law by a policeman, whose action had no connection with that confession.

Mr. CLARK. During these perilous days the junior Senator from Pennsylvania is worried about a great many things, and I assume that the distinguished Senator from North Carolina is, too. At the moment, the junior Senator from Pennsylvania is not particularly concerned about the police or worried about them. He is deeply concerned with the proper administration of criminal justice under the Constitution and laws of the United States of America. I am sure my friend from North Carolina is, too. I regret that we must have this difference of opinion as to whether

two wrongs make a right. I suspect that my friend is in the unenviable position of advocating the doctrine that the end justifies the means.

Mr. ERVIN. I am standing by the Constitution and the laws of the United States. The rule I advocate was in effect from December 15, 1791, until the McNabb case was handed down in 1943. The law and the Constitution during all that period of time was just exactly as I advocate. It would be the law now except for the fact that the Supreme Court changed all of the previous constructions it had placed on the arrest statute and threw out the window scores of previous sound Federal decisions. I am advocating the kind of law that Congress has said should prevail when, after the McNabb case, it sanctioned and gave approval to the criminal rules of procedure and when it stated in rule 26 that, in the absence of an act of Congress to the contrary, the rule at common law shall prevail. I stand on the position that Congress should be allowed to exercise its legislative power, instead of having that power exercised by the Court.

Mr. CLARK. The Senator has been courteous in yielding to me several times. This is the last time that I shall ask him to yield.

Mr. ERVIN. I am glad to yield to the Senator from Pennsylvania. I regret that on this occasion, despite his brilliant mind he does not entertain the same sound opinion that I do.

Mr. CLARK. It has been my disappointment in that regard that we have a difference of opinion, although perhaps not for the same reason that the Senator has stated. I wonder whether my good friend has looked at the report before us, particularly at page 44. I should like to read a paragraph from the minority views at page 44. I read the second full paragraph on page 44. That paragraph states my view. I should like to ask the Senator whether it does not state his view. If not, why not? I read:

> The problems of arrest and arraignment are difficult and delicate enough without being cluttered up with meaningless statutory verbiage. The law in this area of individual liberties has, since the earliest days of the common law, been largely fashioned by the courts on a case-by-case basis. In this manner, a concept of ordered liberty has been developed which is flexible enough to meet the necessities of justice in a wide variety of instances. I believe that we will serve the Nation best by leaving these matters with all of their attendant difficulties to the courts.

I believe that very deeply. That is why I cannot in good conscience support the bill. I believe that the bill with the committee amendment in it is an infinitely better bill than it was before. I hope the committee amendment will be sustained. If we are to pass a bill in this field, it should be this bill. I should like to ask my friend from North Carolina whether he does not feel that in the long run we would not be better off to go back to the time-honored procedure and not clutter criminal procedure with a great many statutes, but, instead, let the courts work them out on the common law basis, as they have done for so long.

Mr. ERVIN. My answer is that for a period of, perhaps, as much as 400 years the courts, by the case-by-case method, evolved the rule which I defend. The rule is that a voluntary confession should be admitted and an involuntary confession should be excluded. That is a wise rule. It took many generations to evolve it out of the experience of our race in the administration of justice. That would be the law today except that the Court, after having sanctioned scores of Federal decisions conforming to it, suddenly decided in the McNabb case that it would put a different interpretation on an act relating to the duties of the marshal than had been put on it in the past. And then the Court in the Mallory case ignored rule 26, which says that the common law of evidence shall prevail unless Congress passes an act which provides otherwise.

I am jealous of the power of Congress. I believe that the prescribing of new rules of evidence is a legislative function and ought to be exercised by Congress, rather than by the courts.

Mr. CLARK. I take it that the Senator disagrees with the statement of the minority views which I have read.

Mr. ERVIN. No; I do not, because this rule was developed by the case-by-case method. The McNabb case throws away the rule developed by the case-by-case method.

Mr. CLARK. The McNabb case was itself a case which was developing the rule by the case-by-case method.

Mr. ERVIN. The rule had already been developed. The rule was well understood and established. It had been recognized from 1791 to 1943.

Mr. CLARK. Surely the Senator agrees that the common law is a growing institution, that it is not something that lies dormant. What was true in 1790, when we did not have to deal with a situation relating to crimes in big cities, is not necessarily true today.

Mr. ERVIN. The rule was amended by Court decision. It was not done by act of Congress. Congress never put it there.

Mr. CLARK. If the minority views are sound, I hope the Senator will help me defeat the bill in its entirety.

Mr. ERVIN. My difference is that the legislative power is vested in Congress. I say the power to prescribe rules of evidence and rules of procedure for the Federal district court belongs to Congress. I am jealous of the powers of Congress. I do not want it to abdicate its power. I do not believe that the court should usurp that power.

Mr. CLARK. Does the Senator go so far as to say that the rules of criminal procedure should not be changed except by Congress?

Mr. ERVIN. I recognize that the rules of criminal procedure would not be applied if Congress had not approved them.

Mr. CLARK. It is not because Congress had approved them or Congress had not approved them, but because Congress gave that authority to the courts.

Mr. ERVIN. In the first instance; yes. Does the Senator question the soundness of my view that prescribing rules of procedure is a legislative function?

Mr. CLARK. I think it is fundamentally a legislative function; but I think Congress was wise when it, in effect delegated that function to the courts, which have everyday experience with it.

Mr. ERVIN. I disagree with the interpretation of this passage by the Senator. My objection is that when Congress approved rule 26, it said that the common law shall prevail. But the court does not pay any attention to rule 26. I think rule 26 should be followed by the courts.

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## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9822) to provide for holding a White House Conference on Aging to be called by the President of the United States before September 30, 1960, to be planned and conducted by the Secretary of Health, Education, and Welfare with the assistance and cooperation of other departments and agencies represented on the Federal Council on Aging; to assist the several States in conducting similar conferences on aging prior to the White House Conference on Aging; and for related purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9500) to permit certain sales and exchanges of public lands of the Territory of Hawaii to certain persons who suffered a substantial loss of real property by reason of the tidal wave of March 9, 1957.

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## ADMISSIBILITY OF EVIDENCE—STATEMENTS AND CONFESSIONS

The Senate resumed the consideration of the bill (H. R. 11477) to amend chapter 223 of title 18, United States Code, to provide for the admission of certain evidence, and for other purposes.

Mr. JAVITS obtained the floor.

Mr. O'MAHONEY. Mr. President, will the Senator yield, without losing the floor, so that I may suggest the absence of a quorum, and then ask for the yeas and nays on the bill?

Mr. JAVITS. Mr. President, I ask unanimous consent that, without losing the floor, I may yield to the Senator from Wyoming for the purpose he has stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. O'MAHONEY. 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. O'MAHONEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. O'MAHONEY. Mr. President, on the question of agreeing to the committee amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested on the question of agreeing to the committee amendment.

Is there a sufficient second?

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I think it very important that we understand the frame of reference in which we speak today. This is the first of the bills which are seeking to express dissatisfaction with the decisions of the United States Supreme Court.

Mr. O'MAHONEY. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. O'MAHONEY. I wish to disagree with the opening statement the Senator from New York has made.

Mr. JAVITS. Very well.

Mr. O'MAHONEY. The pending bill does not in any respect whatsoever undertake to express disagreement with a decision of the Supreme Court. That is a mistaken assumption.

The only purpose of the bill is to clarify that decision, so it will not be misinterpreted.

Mr. JAVITS. Mr. President, I believe I understood very clearly the Senator from Wyoming; and I believe the RECORD will show that the word I used was not "disagreement" but "dissatisfaction."

I believe it is fair to say, in view of the statement made just now by the Senator from Wyoming, that the pending bill is the first of the bills which seek to express dissatisfaction with the decisions of the United States Supreme Court.

Mr. O'MAHONEY. Mr. President, will the Senator from New York yield further to me?

Mr. JAVITS. Certainly.

Mr. O'MAHONEY. The entire purpose of my opening statement at the beginning of today's session was to show, by the RECORD, that the decisions made by judges outside the Supreme Court were what made the misinterpretations of the language used by the Supreme Court.

I have endeavored to quote from the decision in the Mallory case, to support the position the Judiciary Committee has taken.

Mr. JAVITS. The decision in the Mallory case has been cited far and wide as one of the decisions which has brought about a feeling of unhappiness—I called it dissatisfaction, and I used that word advisedly—with the decisions of the United States Supreme Court. It is said that if it were not for the decision in the Mallory case, the judges of the Circuit Court of Appeals of the District Columbia would have had nothing to misinterpret; and it is said that if it were not for the decision of the Supreme Court in the Mallory case, the Congress would have no reason to deal with this subject, and would not now be considering the pending bill. That statement goes for the other bills—which bear other numbers—which deal with other decisions of the United States Supreme Court.

For some reason or other, in respect to each of these matters, it is deemed desirable to have legislation enacted, rather than to allow the matter to be worked out through the judicial process.

That is what is happening in the present instance. Indeed, it is essential that we understand this frame of reference, because I do not believe we either live in a vacuum or legislate in a vacuum.

Frankly, so far as I, myself, am concerned, when I consider the Senate committee version of the bill, as I interpret it, and as it has been interpreted by the record which other Senators have made today, I believe I would shrug my shoulders and would say, "Well, this is not too critical, one way or another, in terms of the law as it will be worked out in the courts, because the courts will have to pass on this language, just as they have passed on previous language."

Were I not convinced, Mr. President—and I say this with the greatest respect for my colleague, the distinguished Senator from Wyoming [Mr. O'MAHONEY], and I know that this is not in his mind, any more than it is in the mind of the people of the country—that this is but the first bill dealing with dissatisfaction with the decisions of the Supreme Court, and if I did not realize that the record made in connection with this measure will be a great indication to the country, as well as to our colleagues, of how we think about the entire problem raised by various decisions of the United States Supreme Court, I would not make this presentation today.

Hence, I think the debate in connection with the pending measure is far more important than is the text of the measure itself, because the debate on the bill goes to this very fundamental and very important point.

To illustrate that that is so, I call attention to the language of the bill as it was passed by the House of Representatives.

My distinguished colleague, the Senator from North Carolina, [Mr. ERVIN], who is a most distinguished lawyer and judge, himself realizes that when we deal with proposed legislation, we must deal with it in terms of the text used, and we must analyze very carefully the text of the bill.

So I should like to contribute to the RECORD and to the debate my analysis.

As the bill was passed by the other body, it provides, in part:

> (a) Evidence, including statements and confessions, otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States.

In my opinion, that means, in practical effect, that delay, as an element to invalidate a confession—that is to say, delay in arraignment—is, by law, if the law is constitutional, ruled out of consideration by the courts; in short, that the courts in New York or the courts in some other State which has a rule depending on the criterion of whether the confession is voluntary—I refer to the rule which was debated in the Chamber earlier today—would, if this measure were the law in that State, not be able to consider, in connection with the question of whether a confession was voluntary, any delay, in arraignment.

I believe it is very clear that a delay in arraignment can, of itself, make a confession, even though voluntary, inadmissible, even in the absence of any other objectionable circumstance. In other words, suppose there were a delay of 6 months. Obviously, a confession obtained during that period would be invalid and inadmissible, regardless of any other circumstance.

The bill purports to show that a delay in arraignment cannot be used to exclude a confession which otherwise would be admissible.

For that reason, it was my deep conviction, that the bill, as passed by the other body, was unconstitutional, because it denies due process of law; and I believe that my interpretation is a correct one. I submit that my interpretation is a correct one because it is borne out by the language used in the bill as passed by the House of Representatives; for subsection (b) of the bill, as passed by the House, purports to have the arresting officer give the same kind of instruction that is given by the magistrate, inasmuch as the House version of the bill provides that:

> (b) No statement, including a confession, made by an arrested person during an interrogation by a law-enforcement officer shall be admissible unless prior to such interrogation the arrested person had been advised that he is not required to make a statement and that any statement made by him may be used against him.

In short, the bill constitutes an attempt to legislate the extremely novel proposition that the arresting officer shall be the arraigning magistrate.

Therefore, in practical effect, even a good confession could be made bad, if the arresting officer could not prove that he gave to the defendant the notice, and gave it to him in such a way that the defendant could understand it. Thus a hodge-podge would be made of the entire business of confessions.

I think this is a typical illustration of what comes from an effort to monkey with the processes of the courts, which, over the years, have served us very well.

In order to bear out the validity and accuracy of that point, I wish to refer to a statement set forth in the minority views submitted by our colleague and friend, the Senator from North Dakota [Mr. LANGER], as his views appear on page 34 of the Senate report. At that point he makes a very interesting statement which deals with what happened after the McNabb case was decided:

> Congress was besieged with protestations that the McNabb rule was unworkable, that it would hamstring law enforcement, and that it would lead to a breakdown of law and order.

That was 15 years ago.

> As a result of this hue and cry, a bill similar in many respects to the original H. R. 11477—

The bill which came to the Senate from the House—

> was passed by the House of Representatives, although it failed of final enactment—

In this very body.

> In the 15 years which have elapsed since the McNabb decision, none of the dreadful

features ascribed to the decision has come to pass. The Senate at that time rightly declined to tamper with the McNabb decision; I believe that it should exercise the same deliberative restraint with respect to the direct descendant of the McNabb case, the Mallory decision.

When one listens to the arguments made in the Senate, he would think that if the rule of evidence which we are talking about, or the rule of procedure about arraignment, were changed in the way the advocates of the House want it to be changed, there would be no more murders, there would be no more rapes, there would be no more robberies, and that everything would be cured. Why? Because a confession would or would not be admissible? Do Senators seriously think that way?

Does a member of any legislative chamber in this country not always keep in mind, and very freshly in mind, the image of the American lawyer and legislator standing between the individual and the organized power of society, as being the very flower of our civilization? That is what this debate is all about. That is the reason why I and other colleagues are putting ourselves out, at a tremendous expenditure of effort, to protect an individual who cannot protect himself and who can be protected only by the rules of the game.

Let us see if that is true. What kind of people are we talking about?

The Senator from Missouri [Mr. HENNINGS], who spoke this morning very eloquently, and who has carried the battle time and time again in this Chamber for constitutional rights, pointed out we were dealing with people who were literally the least able to protect themselves. For example, this is what the Supreme Court said in the Mallory case, and I refer now to the citation of the Mallory case decision, which is contained in the Senate report on the bill, at the foot of page 31:

> When this inquiry of a 19-year-old lad of limited intelligence produced no confession—

Let me read that again, Mr. President—

> When this inquiry of a 19-year-old lad of limited intelligence produced no confession, the police asked him to submit to a lie-detector test.

That is the character of the defendant involved in the Mallory case. Although I do not have the exact language of the McNabb case before me at this particular moment, it appeared that the defendants therein concerned were persons who had not gone beyond the 3d or 4th grade in school, and who had not been more than 15 or 20 miles away from the place where they were born. They were not the type of hardened criminals who can protect themselves. We know the hardened character, the rapist, the murderer, the one who commits crimes in such a way as to be a constant scourge on society, is not going to say anything. He is very well equipped to keep his mouth shut, because he has been well advised on that subject, and has been through such procedures. So we are dealing with people whom the law is designed to protect, and actually does protect.

What happens in this situation? Why should the police have any right to hold a person without arraigning him promptly? This point has not been argued. Why should the police hold a prisoner for hours or for days without arraigning him? For what reason except to find a case they did not have when they locked him up? Yet the very essence of our law, the thing that distinguishes us from the rule of the French kings who were overthrown in the latter part of the 18th century, is that before a policeman may take a person into custody, he must have probable cause. If he does not have probable cause, he may not take him into custody.

I am sure Members have watched the English moving pictures. I think we are all acquainted with those very entertaining moving pictures in which a police inspector from Scotland Yard has a very charming conversation with a suspect, questions the suspect, sometimes gets a confession. A dramatic situation is contrived where the suspect is trapped, and he has to admit he did it. But in every one of the movies, the arrest has not taken place before the interrogation; it takes place after. In short, the very citadel of the English common law is the understanding that when a person is arrested, there must be a basis for his arrest.

In the same moving pictures—and this is not just drama, but has some basis—we remember the scene of the police inspector inviting the suspect to come to headquarters. The suspect is not arrested. He is not arrested until there is probable cause. Hence, the whole process of criminal law would be distorted if a suspect were taken into custody, and then a case were made against him.

A little scandal on the subject developed right here in the District of Columbia, which I want to call to the attention of residents of the District of Columbia, many of whom have felt very strongly about the Mallory case. What I am about to read is set forth in a rather extensive footnote in the Trilling case in which it appears that in one particular effort to find the person who had committed an assault, the metropolitan police of this city rounded up 90 suspects in a precinctwide dragnet operation—and I am quoting from a footnote in the Trilling case—

> They were seeking 3 stocky young Negroes who had robbed a restaurant and 1 of whom had punched a waitress. The juveniles who were arrested were released to their parents. Sixty-seven of the arrested persons were held overnight at headquarters, all being released the next day when it appeared there was no case against them. Another man, not one of the 90 arrested, was later charged with the crime. Police Chief Robert V. Murray agreed that the roundup had been carried a bit too far, but said that he had issued no written orders to prevent similar roundups, "because every crime must be investigated on its own merits."

I agree that every crime must be investigated on its own merits. Of course, this kind of situation is understandable, but it is nothing to brag about. I do not think there must be the assumption that there has to be an encouragement of holding people before arraignment. The idea that a police officer must be given the power, which the House bill seeks to do, of a committing magistrate is stretching the imagination of the people.

There are many persons of respectability who have had pretty rough experiences with police officers when they were mistaken for persons the police thought they were looking for. They are the best witnesses for the safeguards which we write into this bill.

Mr. President, what happens? A good many of us are active practicing lawyers and former judges. Let us observe exactly what happens in these situations.

As I see the picture, the chronology is about as follows: The fourth amendment to the United States Constitution provides that no warrant for arrest shall be issued except upon "probable cause." The arraignment process, Mr. President, is to determine judicially whether there is probable cause. Therefore, why should the arraignment not be prompt?

Secondly, there is no question that failure to arraign a man without unnecessary delay subjects the public officer to civil suit and possible criminal penalty. That is true. That is true in my State, and it is true in many other States. But the "rub" is that the State pays the damages. Therefore, there is no real restraint upon the police officer unless one adopts some such a rule as is contained in the McNabb and Mallory cases.

I therefore believe, Mr. President, that the Federal rule is an intelligent rule. It is a forward looking rule. It is a modern rule. Many of the States are behind the Federal Government for example, in respect to admitting evidence as to wiretapping, notwithstanding the fact that wiretapping is illegal. The Federal Government does not do that. That is more honor and respect to the Federal Government. The Federal Government should be so much more of a model of decency and justice.

Therefore, I do not believe depressing the standards by the example of what the various State governments might do is directly germane to the fundamental argument of the practical protection to which an accused is entitled.

Mr. President, rule 5 (a) of the Rules of Criminal Procedure, which we are discussing, provides that a person arrested shall be taken without unnecessary delay before an officer for purposes of arraignment. What happens at the arraignment? At the arraignment the commissioner informs the defendant, first, of the complaint against him; second, of his right to retain counsel; third, of his right to a preliminary examination to determine whether there is probable cause to hold him; fourth, that he is not required to make a statement and that any statement made by him may be used against him.

From there on, Mr. President, if the preliminary examination is not waived, the commissioner will hear the evidence, at which time the defendant may cross-examine witnesses and introduce evidence on his own behalf.

Finally, only if the commissioner then finds there is probable cause to believe that the offense has been committed, and that the defendant has committed it, can the defendant be held to answer in the district court. Otherwise the defendant is discharged.

That seems to be a very complete and very honorable pattern of justice. The question is not, Why should this procedure be followed? That is the question the proponents of the bill have been asking all day. Why should this procedure not be followed? What is wrong with it? Why should a procedure designed to protect the rights of the innocent and, indeed, protect the rights of the guilty, in the sense that they are entitled to justice and due process of law, not be followed?

It is said, and I have heard it argued, that the Mallory case lays down a straitjacket. The Mallory case, it is claimed, says that the man was held for 7 or 7½ hours, and that is too long. I do not think even the proponents of the House bill would seriously argue that the Mallory case laid down a 7½ hour rule. That is not the case.

Mr. President, we do not have to guess about the matter. The facts prove the case. Following the decision of the Mallory case, we had a decision again in the matter of Mallory, though not the same man, the case of Milton Mallory against the United States, decided in the Circuit Court of Appeals for the District of Columbia, March 31, 1958. In that case the man was held not 7 hours but 14 hours.

The circuit court of appeals affirmed the conviction on the grounds that the confession was proper, because the court said that there was not an unnecessary delay. Why was that, Mr. President? I read from page 4 of the opinion, which is the majority opinion:

> The only way we see to find unnecessary delay in this case would be to hold (1) that the half-drunken man should have been forthwith arraigned, even though he could not have pleaded intelligently, or (2) that the child's story should not have been checked, or (3) that Mallory must have been arraigned at midnight. Even then, such a holding would have to be made in the face of the facts (a) that no prolonged questioning took place at any time, and (b) that Mallory was warned before he signed a statement. We think neither the decision of the Supreme Court in the Andrew Mallory case, supra, nor any authority requires or justifies a finding of error in this matter. The motion to remand is denied, and the order to show cause dissolved.

The Supreme Court, Mr. President, refused to grant certiorari.

Now we come to the much discussed Trilling case, which has been discussed at great length earlier in the day. The Court, by various divisions of judges sitting en banc, affirmed one of the convictions and reversed the others. We are helped tremendously in the understanding of this case by the judges by the opinion of Judge Danaher. Judge Danaher says, at page 11 of the book of opinions on this subject:

> I do not understand that the Supreme Court has said the mere passage of time is the touchstone as to incompetence of a prisoner's admissions while in custody. Questions are not forbidden but an arrest and conviction are not to depend upon the answers during a period of what may become illegal detention. Thus the rule requires arraignment without unnecessary delay but reasonableness, dependent upon circumstances, is still a factor.

I should like to read those words again because they contain the very word we are discussing—

> but reasonableness, dependent upon circumstances, is still a factor.

Mr. President, it seems to me that is a perfectly sound and proper explanation of the correct situation which we face in respect to the bill and which we face in view of the Mallory case decision. The totality of my view on that is basically as follows:

If the word "reasonable" means the same—and I cannot see how it is properly subject to any other construction—as the word "necessary" in respect of delay, then really we do not need the bill.

On the other hand, if the word "reasonable" adds or subtracts something so far as this matter is concerned, then we do need the bill.

Mr. President, in my opinion the word "reasonable" does not change the factual situation which the court will have to construe, nonetheless. I think in that regard there is no difference as between the use of the two terms.

The only possibility—and I think it is such a remote possibility as not to deserve to be evaluated at all in respect to a bill—which I can see with respect to the word "reasonable" having any additional or different meaning in these matters I have discussed with the Senator from Colorado, with respect to a situation when delay was not the question—that is, when the time element was not the question—but when the question was the action of the police in seeking to check an alibi, or to make sure about an identification of a particular person who was arrested, or to have that person in the lineup for the purpose of identification. The question of the need of the person to be in possession of his faculties when he is arraigned has already been settled by the Milton Mallory case. Obviously, that case made clear if the person is not competent to judge whether he should plead guilty or not guilty or to hear what is being told by the magistrate, a delay in the arraignment will not be a violation of the rule.

Mr. President, it seems to me, in view of that very narrow ground which inheres in the bill which is before the Senate, that the bill is not worth passing. I would not feel justified in voting for the bill, in view of the fact that it is the first bill which expresses dissatisfaction with the Supreme Court. I believe this is the essence of the struggle. Unless there were fundamental and real substance to the bill and a real need, I would feel if I voted for it that I was only lending myself to the fight against the Supreme Court and the raiding of its jurisdiction, as to which this is the first bill.

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

Mr. JAVITS. I yield.

Mr. CARROLL. I think this is why the able Senator from Wyoming asked the Senator from New York to yield at the very outset of this discussion. I think the Senator from Wyoming wanted to make it crystal clear that in offering the amendment in committee, which amendment the committee approved, it was not his intention to express a dissatisfaction with the Supreme Court or with its ruling, but rather he sought to clarify, as the able Senator from New York has just done, the situation with respect to Judge Danaher's decision in the Trilling case.

I appeal to the able Senator from New York not to place in a wrong light the members of the Senate Judiciary Committee who have sought this bridge, who have sought a clarifying word, one which might really bridge the gap. In the Trilling case there were three sets of judges. Personally, I agree with the Senator from New York. When I read the Danaher decision, it occurred to me that it made common sense to me, because it is based upon a reasonable interpretation. We know that from the other decisions in the Trilling case, by able men, able lawyers, and able jurists. They took a different viewpoint.

Returning to the question of dissatisfaction, speaking for myself, I should not like to have the record show—and I know the viewpoint of the Senator from Wyoming and the able Senator from Missouri [Mr. HENNINGS], as well as that of other members of the committee—that they have any desire to express dissatisfaction of the Supreme Court. But, as I said earlier today in the debate, we know what has happened in the other body. The other body voted to "gut" Federal Rule of Procedure 5 (a), which, I agree with the Senator, would be unconstitutional, but that determination would be 2 or 3 years hence. In the meantime there would be confusion in this field.

We are not confronted with a theory. If it were a theory, I would join the Senator from New York immediately; but this is a condition. If we do not meet it, there is no doubt in my mind that there will be a movement in this body to change the Mallory decision.

I do not say that it is not based upon some dissatisfaction and a desire to strike at the Supreme Court, but there are some of us who do not share that dissatisfaction. Therefore we are seeking also not only a rule of reason to apply to all these cases, but also a rule of reason at this time, when there is great unrest all over the country. There is unrest about some of the Supreme Court decisions. I am not saying that it is justified. I am a very practical man. I am a realist. I know that such dissatisfaction exists.

If I may take a minute or two to say why I think there is such unrest, the President of the United States and the Vice President are elective officers. Every Member of this body is an elective officer, and every Member of the

House of Representatives must be elected every 2 years. Political storms and winds are sweeping over the country. Being not inexperienced in the field of politics, we know that when the storms are running high, even Senators—although I doubt whether there are any such in the Chamber at this moment—put their fingers into the wind, and they are swept by political storms.

This is the very point in constitutional history when the Supreme Court must not yield. The Supreme Court is a separate department of the Government. It must not yield to the hue and cry of today, or the next campaign. It looks to the past, looks to the present, and builds for the future.

That is the sort of Supreme Court we want. We are trying to protect that Supreme Court if we can, in this unanimous decision which lays down a rule based upon the traditions of the past and our hopes for the future.

So I think it would be wrong to give the connotation that in any way this amendment is expressing dissatisfaction about the decision of the Supreme Court.

Mr. JAVITS. Mr. President, of course I respect the statement of my colleague from Colorado. I do not believe that he is of the view which he has described. However, I feel that it is fair to say that these political and other winds are blowing, and that there is dissatisfaction with the Supreme Court. I am sure that some, at least, regard this measure as an opening bill on the subject. That was my only comment.

Also, I will say to the Senator from Colorado, and as I said in my opening remarks, that, taking the bill as it stands, I would not feel strongly about it were it not for that frame of reference.

I point out respectfully that, much as I hasten to affirm my conviction as to the sincerity of the Senator from Colorado and that of others who feel as he does, editorial opinion throughout the country on the question of the Supreme Court struggle has inherent in it the Mallory case as one of the elements of that struggle. Every editorial shows it, including those published this morning.

I do not wish it to be taken for 1 second as indicating that I do not believe the Congress has any right to make changes in law if it believes that Supreme Court decisions require that changes be made. I think Congress has every such right. I would be the first and most ardent to affirm it. What is our province is our province; but whether or not we should make a law depends upon what we consider to be the public basis for the necessity for making such a law.

One of the ingredients is a general climate of dissatisfaction with Supreme Court decisions, this one and others. That is why I made that argument. I do not intend to defend every decision of the Supreme Court, or to vote against every bill which seeks to deal with Supreme Court decisions. I have not done so in the past, and I will not do so in the future. Nevertheless, I believe that the present climate is a very important factor in the consideration of such legislation.

Mr. President, I should like to finish the discussion of the question of the use of the words "reasonable" and "necessary" as being, in my opinion, of the same effect, by reference to a very interesting decision by Judge Charles E. Clark, of the Second Circuit Court of Appeals, in 1951, in the case of *United States* v. *Leviton*, (193 Fed. (2d) 848).

This is what Judge Clark says on that very point. It is most interesting that these words should be so pertinent. They were quoted also in the Trilling case.

> We have found no definition of "unnecessary" in the cases helpful enough to close the matter for us here. In truth, we think that the traditional use of such words as "undue," "unreasonable," "convenient," "prompt," etc., is striking proof that each case involving the McNabb rule must needs be decided without resort to a semanticism that obscures the facts out of which it arises.

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

Mr. JAVITS. I yield.

Mr. MORSE. What is the source of the quotation which the Senator has just read?

Mr. JAVITS. It is from the case of United States against Leviton, a decision by the Second Circuit Court of Appeals in 1951.

Mr. MORSE. Will the Senator read the quotation once more?

Mr. JAVITS. I was reading a quotation from a case, United States against Leviton, because it bears particularly on the use of these words. I should like to read it again for the information of the Senator from Orgeon:

> We have found no definition of "unnecessary" in the cases helpful enough for us to close the matter for us here. In truth, we think that the traditional use of such words as "undue," "unreasonable," "convenient," "prompt," etc., is striking proof that each case involving the McNabb rule must needs be decided without resort to a semanticism that obscures the facts out of which it arises.

As I interpret that quotation, I might say to the Senator from Oregon, who inquired, it means that the McNabb rule is based upon the factual finding by the court. Whether the word is "reasonable" or "unnecessary," the court must make pretty much the same factual finding.

Mr. MORSE. Does the Senator believe that the Mallory decision means that if in a given case the delay between arrest and arraignment was 9 hours, the Supreme Court would automatically find that the rights of a defendant had been infringed upon and reverse the conviction, if all the other facts were the same?

Mr. JAVITS. Not at all. I do not believe there is any time element in it, except an unnecessary delay, depending upon the facts.

Mr. MORSE. Therefore, a shorter delay would produce the same answer, if in a given case the delay was 3 hours, instead of 7? In that case the court might find that the conviction might stand, or it might find that the conviction should be reversed.

Mr. JAVITS. Exactly.

Mr. MORSE. Does the Senator believe that the word "reasonable" would change at all the problem facing the court?

Mr. JAVITS. I do not make, I may say to the able Senator from Oregon, what might be considered a metaphysical distinction. With respect to all the other questions I have answered, I have been engaged in advocacy. I wish to convince friends. As to whether it will do more, I am speaking for myself, and I shall vote that way. I do not feel so strongly on it that I would feel my colleagues would be going down the drain on the proposal if they differed from me. That is my point.

Mr. MORSE. Knowing the Senator from New York as I know him, I am convinced that he would not want to engage in a gesture, either.

Mr. JAVITS. No; that is true.

Mr. MORSE. I am sure the Senator from New York would not wish to participate in an action on the floor of the Senate which would cause many people to think that we had done something by putting in this amendment which would change the Supreme Court's decision in the Mallory case. I am waiting to hear some argument in the debate which will convince me that if the law read exactly as it is now proposed to have it read, the United States Supreme Court decision would be one whit different.

Mr. JAVITS. I agree with the Senator——

Mr. MORSE. What does the adding of the word have to do with the Mallory decision? All that the Supreme Court, in effect, said in the Mallory case—not in so many words, but in effect—was that on the basis of the factual bottom of this case the defendant did not get due process. The senior Senator from Oregon is not going to let a semantic storm on the floor of the Senate cause him to vote to attempt indirectly to strike due process out of the Constitution.

Mr. JAVITS. May I say to the Senator from Oregon that there I do have a sense of advocacy in that I really do have a grave concern that if the bill is sent to conference—and that is what will happen if we vote for it—something will happen in conference which may seriously affect us, because there is that fundamental difference between the two Houses.

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

Mr. JAVITS. If I may just finish, I should like to say that there I would feel a very strong conscience about allowing a bill to pass, to wit, the House bill, which I am convinced is not only morally wrong but also unconstitutional.

Mr. MORSE. If the bill goes to conference, the Senator can be assured that the O'Mahoney amendment will come out of the bill, no matter how hard the conferees fight, because that amendment will either come out or there will be no bill.

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

Mr. JAVITS. I yield.

Mr. CARROLL. I do not intend to get into a controversy with my able friend from Oregon. I have great respect for his ability as a lawyer, and great respect for his integrity and courage in a matter of this kind. However, I wish to say to the Senator from Oregon

that the Supreme Court in the Mallory case did not, to use the Senator's expression, find that the case was bottomed on the denial of due process. As a matter of fact, the Court found it was bottomed on a violation of the Federal Rule of Procedure 5 (a).

Mr. MORSE. Yes.

Mr. CARROLL. I also take the position that the Supreme Court, over a period of years, has been slowly evolving—and I agree with the Senator from New York in this—a modern concept of what ought to be the law and what should have been the law a long time ago with reference to one basic question; namely, the question of illegal restraint, which deals with probable cause.

As to the second proposition, I say to the Senator from Oregon, if the Senate adopted the amendment which has been offered by the committee, and if the junior Senator from Colorado were one of the conferees—and he has been led to believe that he might be—and if the Senator from Wyoming were one of the conferees—as I believe he will be—and speaking only for the junior Senator from Colorado, but believing what the situation with reference to the Senator from Wyoming will be, I will say that there can be no modification of the amendment, unless we are willing to take an unconstitutional position.

As the able Senator from New York has said, we cannot give positive assurance, but I can say to Senators that they know how deeply I feel about this issue, and there can be no modification.

As a matter of fact, I have been driven to this position, because I think it is the only reasonable position that I can take. Beyond this we cannot go. I would join the Senator from Oregon in fighting against the bill. I certainly agree with the Senator from Oregon and the Senator from New York in their comments that this is not necessary, except for one thing. The Senator from Oregon has said that he sees no reason for it. There is a reason. There is no doubt in my mind that there is confusion in the circuit court of appeals, at least in the circuit court of appeals here in Washington, and there is also confusion in other areas of the country as a result of the Mallory decision.

Frankly, the more I read the Mallory decision and the facts upon which it is bottomed, I can see why the Supreme Court unanimously set that case aside and reversed the action of the lower court. There is no doubt about that in my mind.

But some judges, as I read the decision, have not yet seen the light. Perhaps after they have read this record, they might find out. I do not say they will, but they might find out that they have gone too far off the deep end in their decisions. That is my hope.

But returning to the question of the conference, if we can retain the Senate committee amendment, it is my sincere belief that we will save any expressed dissatisfaction with the Supreme Court, but we will actually save the decision, which some day in American history will be a landmark for a great modern development of a concept which has been long neglected.



Mr. MORSE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MORSE. I think my colleagues in the Senate know that the Senator from Colorado has a great record as an able prosecutor. He is a brilliant lawyer. I understand his point of view concerning the amendment. I simply disagree with the conclusion he has reached. It is quite true that the Supreme Court in the Mallory case really based its decision on rule 5 (a) of the Federal Rules of Criminal Procedure. But we must consider what that rule seeks to protect. I respectfully submit that that rule has been adopted to implement due process. That is why I say the Mallory case affects the whole matter of due process.

As to the conference, I have no doubt of the position which the Senator from Wyoming and the Senator from Colorado will take. I assume there will be more than two conferees.

Mr. CARROLL. There will be three conferees. Two will control.

Mr. MORSE. There will be more than two conferees. The Senator is suggesting that at best we can expect an impasse with the House, because I do not think there will be any yielding on the House side with respect to this matter.

That is why I think the whole matter ought to be recommitted to committee, and that we take it up next January. In a rather lengthy speech which I intend to give in the wee hours of tomorrow morning, I will make that suggestion.

Mr. JAVITS. Mr. President, I shall conclude very shortly, but first I shall adduce for the Senate some of the organic evidence in the McNabb case, which deals with the question of constitutionality. I think the McNabb case contains a statement which makes it very clear that the House bill will be considered unconstitutional by the Supreme Court. This is a statement which appears on page 18 of the committee report, which incidentally sets forth the McNabb opinion in full. Justice Frankfurter said:

> The complicated process of criminal justice is, therefore, divided into different parts, responsibility for which is separately vested in the various participants upon whom the criminal law relies for its vindication. Legislation such as this, requiring that the police must, with reasonable promptness, show legal cause for detaining arrested persons, constitutes an important safeguard, not only in assuring protection for the innocent, but also in securing conviction of the guilty by methods that commend themselves to a progressive and self-confident society. For this procedural requirement checks resort to those reprehensible practices known as the third degree which, though universally rejected as indefensible, still find their way into use. It aims to avoid all the evil implications of secret interrogation of persons accused of crime. It outlaws easy but self-defeating ways in which brutality is substituted for brains as an instrument of crime detection. A statute carrying such purposes is expressive of a general legislative policy to which courts should not be heedless when appropriate situations call for its application.

It seems to me that we should couple this very clear understanding of the policy of what constitutes due process with the following statements which appear in the McNabb case. The Court said, at page 332 of the opinion, which is reprinted on page 14 of the report:

> It is true, as the petitioners assert, that a conviction in the Federal courts, the foundation of which is evidence obtained in disregard of liberties deemed fundamental by the Constitution, cannot stand.

The Court then cites the cases in which it so acted. The opinion continues:

> And this Court has, on constitutional grounds, set aside convictions, both in the Federal and State courts, which were based upon confessions "secured by protracted and repeated questioning of ignorant and untutored persons, in whose minds the power of officers was greatly magnified," *Lisenba* v. *California*, 314 U. S. 219, 239–40, or "who have been unlawfully held incommunicado without advice of friends or counsel," *Ward* v. *Texas*.

And so forth.

Then the Court said of the McNabb case:

> In the view we take of the case, however, it becomes unnecessary to reach the constitutional issue pressed upon us.

The Court then proceeds with the following argument, which indicates to me that the Court would hold the House bill unconstitutional. I read from page 16 of the report:

> Quite apart from the Constitution, therefore, we are constrained to hold that evidence elicited from the petitioners in the circumstances disclosed here must be excluded. For in their treatment of the petitioners the arresting officers assumed functions which Congress has explicitly denied them. They subjected the accused to the pressures of a procedure which is wholly incompatible with the vital but very restricted duties of the investigating and arresting officers of the Government and which tends to undermine the integrity of the criminal proceeding.

I shall sum up my views, and then I shall yield the floor.

It seems to me, first, that this is a discussion which is being held within the context of the dissatisfaction expressed in many quarters with the decisions of the Supreme Court. I respect completely the views of the Senator from Colorado. I do not feel that these whims have affected his judgment upon the subject, and I understand completely the motives which induce him to support the bill as an effort to arrive at some legislation, in view of the likelihood of the enactment of the bill before us.

But I cannot help feeling that we who feel that dissatisfaction with the decisions of the Supreme Court is the improper basis and the improper atmosphere for legislation upon subjects of this character have any right to mute ourselves in making that argument before the Senate and before the country, because I do believe that in other circumstances, with another frame of reference, we would be very unlikely to consider this bill and the other bills which will follow in a train.

Second, it is my conviction that the use of "reasonable" represents no difference in legal interpretation from the

use of "unnecessary delay," which are the words now in rule 5 (a) of the Federal Rules of Criminal Procedure. The word "reasonable" will, in turn, have to be construed by the lower courts, and then passed upon by the Supreme Court of the United States, in exactly the same way as the words "unnecessary delay." Therefore, I do not see that any change is being effected.

Third, I believe that we will, if we pass the House bill without the inclusion of the word "reasonable," be passing a statute which the Supreme Court will strike down as being unconstitutional, because it rules out the issue of delay in arraignment as a factor in making a confession involuntary, and therefore will be considered by the Supreme Court as unconstitutional.

Fourth, I respectfully submit that in rule 5 (a) the Court has laid down a rule approved by Congress, for that rule was approved by Congress as well, in which it implemented the definition of due process in respect of arraignment, and that that is a reasonable implementation, an implementation in line with modern thinking and with practical experience. It represents a fair balance between the protection of the individual and the protection of society, and that, therefore, we should sustain it rather than reject it.

Finally, I point out that standards of orderly society have always been productive of honorable law enforcement, and that the society which was enforcing laws which were not loaded either way, either against the individual defendant or against society, could enforce them with a clear moral conscience and could rally the most support in the committee for their enforcement.

That is the best sanction, in terms of reducing any rash of crimes of violence which might develop, and that there is no sanction in an effort to deny due process or in an effort to abandon the time-honored practices of a civilized society. Rather, we shall find that repression and violence will breed more crime, rather than less crime.

Mr. CARROLL. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER [Mr. DOUGLAS in the chair]. Does the Senator from New York yield to the Senator from Colorado?

Mr. JAVITS. I yield.

Mr. CARROLL. In my opinion, Mr. President, the able junior Senator from New York [Mr. JAVITS] has made a very great contribution to the debate, not only for the benefit of his colleagues in the Senate, but also for the benefit of the record itself. When the record is reviewed—as I am confident it will be, some day—by the members of the Supreme Court and by the members of other courts which seek to determine the meaning of the word "reasonable," his contribution will be apparent. In the event the committee amendment is agreed to and is enacted into law, with the result that the Senate committee version of the bill displaces the bill as passed by the other body, I believe it will be found that the Senator from New York has made a very substantial and valuable contribution. As I have understood his remarks, he is seeking to apply the rule of reason and, as I understood his previous remarks, he has generally proved the danger of the concept of unnecessary delay, as expressed by one of the judges in the Trilling case.

It seems to me that the sole purpose of the proposed legislation is to make some contribution to giving direction and purpose to rule 5 (a). We can accomplish this purpose by means of setting forth our understanding of the meaning of the rule of reason and our understanding of the definition of unnecessary delay and of reasonable delay. I believe that in that way we can establish a rule of common sense which trial judges will use. We will not try to thwart the purposes of rule 5 (a). On the contrary, our effort is to give it some life and vitality. I believe that was the original purpose of the Supreme Court, 15 years ago.

For 15 years the Supreme Court has been warning about the dangerous effects of the abandonment of the constitutional concept of legal detention. The matter suddenly arose in 1943.

I know the Senator from New York has been on his feet for a long time. Before he takes his seat, I should like to add to the comment he has made, that over a period of more than 100 years there was developed a traditional concept that any evidence, that even though illegally obtained, could be used in evidence in either the Federal courts or in the State courts. That concept continued until in the Weeks case, 44 years ago, the Supreme Court established a rule relating to illegal searches and seizures.

That rule has been in operation for 44 years. Yet today forces are at work attempting to modify that rule. It is thought by some that the rule is too strict, in view of present-day methods of police enforcement. It is thought by some that the rule should be modified, so that evidence obtain by searches illegally made can be admitted against defendants.

That is why I believe we should support the amendment of the Senate committee. It is consistent with the best modern law enforcement methods and with the highest aspirations of American jurisprudence.

I believe we are making a record which will be of help to courts in the future. I desire to express my sincere appreciation to my distinguished colleague, the junior Senator from New York [Mr. JAVITS] for the excellent and extremely helpful statement he has made.

Mr. JAVITS. Mr. President, I am very grateful to my colleague for his very kind remarks about my statement. Although he and I do not agree as regards the vote to be taken on the bill itself, I know that his views in regard to law and justice are entirely like my own.

Today, he has made an eloquent statement in setting forth his own position, which is quite fair and just.

I can only express the hope that in connection with other measures, we may have a similar opportunity to engage in the sort of debate which has occurred today, which I consider to be most helpful to me and most helpful and enlightening to the country.

Mr. CARROLL. Mr. President, if the only alternatives we had were to pass the bill as passed by the House of Representatives—a version of the bill which the Senator from New York has said is unconstitutional—or to agree to the amendment proposed by the Senate committee, as regards the insertion of the word "reasonable," does not the Senator from New York think that under those circumstances it would be advisable for the Senate to agree to the committee amendment?

Mr. JAVITS. Mr. President, that is an entirely hypothetical situation, because I believe that no legislation is better than legislation under the alternatives which face us.

But I say in all candor and frankness, as I have stated many times before, that I intend to vote in support of the committee amendment, because I believe it makes the bill, which otherwise has no content at all in respect to constitutionality, constitutional, and that therefore it is my duty to support the committee amendment.

Mr. CARROLL. I thank the Senator from New York.

Mr. PROXMIRE. Mr. President, I was very highly privileged to be in the Chamber today to hear the number of outstanding speeches which have been made, particularly because of the backgrounds of the Senators who addressed the Senate.

The Senate has heard a very great speech delivered by the distinguished junior Senator from New York [Mr. JAVITS]. I believe it remarkable and significant that a Senator who has been the Attorney General of the biggest State of the Union, a State which has enormously important and serious problems in connection with the execution of the law and the enforcement of the law, would take the position the Senator from New York has taken, namely, a position strongly in support of the freedom and protection of persons detained by law enforcement officers.

Let me say that I also appreciated the privilege and the opportunity I had to hear virtually the entire speech which was delivered by the junior Senator from Colorado [Mr. CARROLL]. He, too, has had the responsibility of enforcing the laws as a prosecuting attorney. It seems to me most significant that a Senator with such a background would insist on adoption of the Senate committee amendment to the version of the bill passed by the House of Representatives.

I was also very glad to have the privilege of hearing the speech delivered by the distinguished senior Senator from Missouri [Mr. HENNINGS]. I desire to secure a copy of the great speech, and to preserve it and treasure it for a long time.

PROMPT ARRAIGNMENTS A BASIC SAFEGUARD

Mr. President, when we discuss the great safeguards built into our criminal law, it is important not to be distracted

by our abhorrence of a particular crime or a particular criminal. There is an understandable tendency to want to punish a man severely for assaults on our society. But history—the great history of Anglo-American law—shows that it is in the interest of every citizen to invoke that punishment by fair and decent methods. The opposite school of thought is the totalitarian doctrine that the means justify the end. That was the Nazi view; that is the Communist view, today. They believe that if a man is suspected of a crime against the state, the thing to do is use the third degree—torture him—until he confesses. That is the quick, easy way to a conviction. But our history has proven that methods such as those brutalize the prosecutor as well as the suspect. When the government uses brutal methods against the criminal, no one is safe. And that lesson of history is written into our Constitution.

With that general truth in mind, Mr. President, I want to point out the importance of arraignment as a step in our criminal procedure. I believe arraignment is crucial to the fairness of the system.

When a man is arrested by Federal agents or by the police in the District of Columbia, he remains in the exclusive custody of those police or agents until he is brought before a magistrate for arraignment. They have no obligation to let his family or his lawyer know where he is. In those circumstances—surrounded by the police, without friends or family, cut off from the outside world—anyone would be beset by fears, susceptible to pressures and promises.

It is because of the dangers inherent in letting the police have complete custody of a suspect that Congress has said over and over again that the suspect must be promptly arraigned. When he is brought before a magistrate, in effect he emerges into the view of the outside world. A formal written record is made of his arrest and the cause of the arrest. He is informed of his rights. He has an opportunity to see a lawyer. And, most important, he gets his first chance to challenge the arrest.

Under our Constitution, the Federal Government may not arrest anyone on mere suspicion. There must be, in the language of the fourth amendment, "probable cause" for believing he has committed a crime. But the arrested man has no chance to challenge the existence of that "probable cause" until he gets before a magistrate. In a totalitarian state, a man may be arrested on suspicion and may be held indefinitely. In a free country, and under our Constitution, he must have an early chance to challenge that arrest, to argue, that there is no legal basis for it.

Congress, as I have said, has passed law after law requiring the prompt arraignment of arrested persons. Those statutes are reflected now in rule 5 (a) of the Rules of Criminal Procedure. It provides that any Federal officer who makes an arrest—

> Shall take the arrested person without unnecessary delay before the nearest available Commissioner or before any other nearby officer empowered to commit persons charged with offenses against the laws of the United States.

Mr. President, the proposed legislation we are debating tonight stems from the contention that recent court decisions have made the police act too hastily in arraigning suspects. But, interestingly enough, the proposed legislation does not make any attempt to change the law requiring prompt arraignment. It does not say, "The police may hold suspects for a week—or 3 days or 2 days or 12 hours—before bringing them before a magistrate." Mr. President, I believe the reason no such bill is before us is that all of us, of both parties, agree on the necessity of prompt arraignment. No one would stand up in this Chamber and propose that police in the United States be allowed to keep a suspect hidden away indefinitely without arraigning him and showing probable cause for his detention.

Instead of changing the prompt arraignment requirement, the legislation as it passed the House of Representatives simply removed the legal method of enforcing that requirement. The bill said, in effect: "The police are still required by law to present their prisoners for arraignment without unnecessary delay. But if they do not, no one can do anything about it."

That is the practical effect of the House bill, Mr. President, because of the difficulties that we all know are involved in assuring proper police methods. How can society enforce the rule of prompt arraignment? Suppose the police violate that law. How can it be enforced? It is an undesirable and impractical idea to prosecute police who deliberately violate the prompt arraignment rule. The arrested man could, conceivably, sue the policeman for violating his rights, but that is an unworkable concept, too. I think any thoughtful person will agree, on reflection, that the one practical method of assuring police compliance with the arraignment law is to make it plain to them that they must obey or else stand in danger of losing convictions.

That is what we are really talking about today, Mr. President—enforcing the suspect's right to prompt arraignment. The House bill did not purport to take the right away. It just removed the enforcement possibility, making it a hollow right.

I believe it is important also to realize that we are not revising some decision handed down by the Supreme Court this year or last year. We are dealing with a rule of law that was laid down in 1943, in the case of *McNabb* v. *United States* (318, U. S. 332), and has been a rightly respected rule since then. The McNabb case dealt with a group of Tennessee bootleggers who were convicted of second-degree murder in the shooting of a Federal alcohol tax officer. They were held for 2 days and subjected to continuous questioning before they confessed. Then, and only then, they were arraigned and told their rights.

The opinion of the Court was delivered by Mr. Justice Frankfurter. Incidentally, for a tribute to the wisdom and judicial demeanor of Mr. Justice Frankfurter, I refer those interested to a tribute delivered on the floor of the Senate last January by the senior Senator from Ohio [Mr. BRICKER].

In the McNabb case Mr. Justice Frankfurter reviewed the various statutes requiring FBI agents and other Federal officers to arraign suspects promptly, and he noted that similar legislation, requiring that arrested persons be promptly taken before a committing authority, appears on the statute books of nearly all the States. Then he said:

> The purpose of this impressively pervasive requirement of criminal procedure is plain. A democratic society, in which respect for the dignity of all men is central, naturally guards against the misuse of the law-enforcement process. Zeal in tracking down crime is not in itself an assurance of soberness of judgment. Disinterestedness in law enforcement does not alone prevent disregard of cherished liberties. Experience has therefore counseled that safeguards must be provided against the dangers of the overzealous as well as the despotic. The lawful instruments of the criminal law cannot be entrusted to a single functionary. The complicated process of criminal justice is therefore divided into different parts, responsibility for which is separately vested in the various participants upon whom the criminal law relies for its vindication: Legislation such as this, requiring that the police must with reasonable promptness show legal cause for detaining arrested persons, constitutes an important safeguard—not only in assuring protection for the innocent but also in securing conviction of the guilty by methods that commend themselves to a progressive and self-confident society. For this procedural requirement checks resort to those reprehensible practices known as the third degree which, though universally rejected as indefensible, still find their way into use. It aims to avoid all the evil implications of secret interrogation of persons accused of crime. It reflects not a sentimental but a sturdy view of law enforcement. It outlaws easy but self-defeating ways in which brutality is substituted for brains as an instrument of crime detection. A statute carrying such purposes is expressive of a general legislative policy to which courts should not be heedless when appropriate situations call for its application.
>
> The circumstances in which the statements admitted in evidence against the petitioners were secured reveal a plain disregard of the duty enjoined by Congress upon Federal-law officers. Freeman and Raymond McNabb were arrested in the middle of the night at their home. Instead of being brought before a United States commissioner or a judicial officer, as the law requires, in order to determine the sufficiency of the justification for their detention, they were put in a barren cell and kept there for 14 hours. For 2 days they were subjected to unremitting questioning by numerous officers. Benjamin's confession was secured by detaining him unlawfully and questioning him continuously for 5 or 6 hours. The McNabbs had to submit to all this without the aid of friends or the benefit of counsel. The record leaves no room for doubt that the questioning of the petitioners took place while they were in the custody of the arresting officers and before any order of commitment was made. Plainly, a conviction resting on evidence secured through such a flagrant disregard of the procedure which Congress has commanded cannot be allowed to stand without making the courts themselves accomplices in willful disobedience of law. Congress has not explicitly forbidden the use of evidence so procured. But to permit such evidence to be made the basis of a conviction in the Federal courts would stultify the policy which Congress has enacted into law.

The opinion concluded:

In holding that the petitioners' admission were improperly received in evidence against them, and that having been based on this evidence their convictions cannot stand, we confine ourselves to our limited function as the court of ultimate review of the standards formulated and applied by Federal courts in the trial of criminal cases. We are not concerned with law enforcement practices except insofar as courts themselves become instruments of law enforcement. We hold only that a decent regard for the duty of courts as agencies of justice and custodians of liberty forbids that men should be convicted upon evidence secured under the circumstances revealed here. In so doing, we respect the policy which underlies Congressional legislation. The history of liberty has largely been the history of observance of procedural safeguards. And the effective administration of criminal justice hardly requires disregard of fair procedures imposed by law.

That is the rule—reaffirmed by a unanimous Supreme Court last year in the Mallory case—that this legislation would affect. The bill as it passed the House would have wiped out the McNabb rule. It would have let the police hold a man indefinitely, subject only to the due process clause in violation of law, and still use any confession they managed to extract from him. Some of the sponsors of the House bill have denied that this was their intent. When they were asked what would happen under their bill if a man were held for a week without arraignment, or a month, they said the courts should certainly reject any confession obtained during so unreasonable a delay. But their bill did not read that way. It opened the way for the police to hold a man indefinitely without fear of losing evidence.

Mr. President, I am sure everyone on this floor can agree that indefinite police detention is abhorrent to our free system of government. It is for that reason that the greatest praise must be given to the Senator from Wyoming for the improvement he has brought about in this legislation. By the insertion of the word "reasonable" in the bill, the Senator has made clear that Congress will not condone extended police detention, with all the opportunities that affords for the third degree and other unfair methods. The bill as reported by the Judiciary Committee, preserves the important principle that the police must not be allowed to benefit from unreasonable and illegal detention of suspects without bringing them before a magistrate for arraignment. But even with the word "reasonable". The bill is not good enough. There should be no unnecessary delays in arraignment.

It is my belief, Mr. President, that we would be wiser to deal with this whole problem some other way than by legislation at this time. Just a few weeks ago the Senate approved legislation permitting the Judicial Conference of the United States to restudy the Rules of Criminal Procedure and recommend changes to the Supreme Court. The President has signed that bill into law. Under its provisions the Judicial Conference will set up committees of judges and prosecutors and lawyers in private practice to study the operation of the criminal rules.

Would it not be preferable, Mr. President, to let such a committee of men interested in the problem, representing all points of view, study the whole arraignment situation and suggest any necessary changes in the rules? It is clear that opinion is divided on this problem, among laymen as well as lawyers and judges. We should not act upon it in haste. We should defer to more considered study by those intimately concerned with the criminal law. And we must always remember those words of Mr. Justice Frankfurter:

The history of liberty has largely been the history of observance of procedural safeguards. And the effective administration of criminal justice hardly requires disregard of fair procedures imposed by law.

Mr. President, once again I should like to reiterate a fact emphasized by the distinguished junior Senator from Colorado, who pointed out that this was a decision of a unanimous Court. Every member of the Court, both the Truman appointees and the Eisenhower appointees, agreed on the Mallory decision.

Mr. President, I oppose the bill. I certainly strongly support the committee amendment. Frankly, whether the committee amendment is in the bill or not I shall vote against the bill.

Mr. President, I yield the floor.

Mr. DIRKSEN. 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. DIRKSEN. Mr. President, I move that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so orderd.

## AMENDMENT OF FEDERAL AIRPORT ACT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3502) to amend the Federal Airport Act in order to extend the time for making grants under the provisions of such act, and for other purposes, which were, on page 1, strike out all after line 9, over through and including "1963" in line 2 on page 2, and insert "$40,000,000 for the fiscal year ending June 30, 1956, and the sum of $60,000,000 for each of the fiscal years ending June 30, 1957, and June 30, 1958, and the sum of $95,000,000 for each of the fiscal years ending June 30, 1959, June 30, 1960, June 30, 1961, June 30, 1962, and June 30, 1963"; on page 2, line 9, strike out "for" and insert "For"; on page 2, strike out lines 14 and 15 down through and including "1963" in line 16, and insert "of $2,500,000 for the fiscal year ending June 30, 1956, and the sum of $3,000,000 for each of the fiscal years ending June 30, 1957, and June 30, 1958, and the sum of $5,000,000 for each of the fiscal years ending June 30, 1959, June 30, 1960, June 30, 1961, June 30, 1962, and June 30, 1963"; on page 2, line 24, after "Islands." insert "Effective on the admission of the State of Alaska into the Union, wherever this act refers to Alaska as a Territory it shall be deemed to refer to the State of Alaska, and the words 'State' and 'States', as used in this act, shall not be construed as including the State of Alaska."; on page 2, strike out line 25 over through and including line 15, on page 3; on page 3, line 16, strike out "SEC. 5." and insert "SEC. 3."; on page 4, line 6, strike out "SEC. 6" and insert "SEC 4."; on page 4, line 12, after "Secretary" insert "of Commerce"; on page 4, line 15, strike out "SEC. 7." and insert "SEC. 5.", and on page 4, line 19, after "Secretary" insert "of Commerce."

Mr. MAGNUSON. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point as a part of my remarks an explanation of the House amendments to the bill, and I move that the Senate concur in the House amendments.

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

HOUSE COMMITTEE AMENDMENTS TO FEDERAL AIRPORT AID BILL (S. 3502)

Substantive amendment: Sections 3 and 4 of the Senate bill were stricken by the House Committee. These sections provide for the obligation of an amount of $75 million during fiscal 1959 as a special emergency fund. The purpose of this fund was to catch up on the backlog of approved airport projects without regard to ordinary State-by-State allocation requirements. However, the bill as amended would still provide for an increase in ordinary obligation authority from the present $63 million to $100 million for fiscal 1959.

Technical Amendments: (1) Sections 1 and 2 have been redrafted to clarify that authority to use unobligated funds for fiscal years 1956, 1957, and 1958 is retained.

(2) An additional sentence was inserted at the end of section 2 in order to assure that money for Alaskan airports would still be obtained from the $5 million "Territorial" fund after Alaska becomes a State.

(3) The phrase "Secretary of Commerce" is substituted for the word "Secretary" in sections 4 and 5 (sections 6 and 7 of the Senate-passed bill) to conform to the language of existing law.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington [Mr. MAGNUSON].

The motion was agreed to.

## AMENDMENT OF INTERCOASTAL SHIPPING ACT, 1933, RELATING TO INCORPORATION OF CONTRACT TERMS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4196) to amend the Intercoastal Shipping Act, 1933 (47 Stat. 1425), as amended, to authorize incorporation of contract terms by reference in short-form documents, which was, on page 2, line 12, strike out "or" where it appears the first time and insert "of."

Mr. MAGNUSON. Mr. President, this bill is in exactly the same form in which it left the Senate. However, it contained a minor clerical error, which the House has corrected. I move that the Senate concur in the House amendment.

The motion was agreed to.

EXTENSION OF BOUNDARIES OF SISKIYOU NATIONAL FOREST, OREG.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4053) to extend the boundaries of the Siskiyou National Forest in the State of Oregon, and for other purposes, which was, to strike out all after the enacting clause and insert:

That the boundaries of the Siskiyou National Forest in the State of Oregon are hereby extended to include sections 31 through 36, township 35 south, range 13 west, Willamette meridian, and to include all lands not presently included within the boundaries thereof in township 35 south, ranges 11 and 12 west and township 34 south, range 11 west, Willamette meridian. Subject to valid and existing claims, all lands of the United States within the area to which such boundaries are extended are hereby made parts of the Siskiyou National Forest and hereafter shall be subject to the laws, rules and regulations relating thereto: *Provided*, That the Secretaries of the Interior and Agriculture are authorized to exchange administrative jurisdiction of lots 4 and 11, section 19, T. 34 S., R. 11 W., Willamette meridian, which are revested Oregon and California Railroad grant lands, and national forest lands in the State of Oregon of approximately equal aggregate value under the provisions of section 2 of the act of June 24, 1954 (68 Stat. 271), and said lots 4 and 11 upon completion of such exchange of jurisdiction, but not before, shall be subject to all provisions of this act.

Mr. NEUBERGER. Mr. President, I should like to explain to the acting majority leader and the acting minority leader that this matter has been cleared with the two policy committees.

Senate bill 4053 comes back from the House of Representatives with an amendment. The bill deals with protection of the scenic resources along the beautiful Lower Rogue River in Oregon, and the extension of the boundaries of the Siskiyou National Forest in the State of Oregon.

Earlier the Senate passed this bill and, after it left the Senate, we became aware that the Department of the Interior believed three of the sections of the bill could be more advantageously handled by the Bureau of Land Management initiating a withdrawal. The House passed the bill striking sections 2, 3, and 4.

With the understanding that the Bureau of Land Management will make a withdrawal protecting the recreational value of the lands along this great and scenic Rogue River from mining, I ask unanimous consent that this bill be adopted.

I would also like to mention that as the bill passed the House, it fully achieves the goals which my able colleague in the House, Congressman CHARLES O. PORTER, started out to obtain. The lower reaches of the Rogue River are noted for their charming and rugged scenery. Through the initiative that Congressman CHARLES O. PORTER has displayed, and because of his wisdom and foresight, we will have an opportunity, through this bill, to assure perpetuation of this grandeur. I would also add in closing that we have had good cooperation from the Department of Agriculture, the Department of the Interior and the Bureau of the Budget in obtaining speedy action on this necessary piece of legislation.

Mr. President, I move that the Senate concur in the House amendment to S. 4053.

The motion was agreed to.

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THE WESTERN HEMISPHERE—SELF-SUFFICIENT—CAN BE DEFENDED—ONE-THIRD LAND AREA, 350 MILLION PEOPLE

Mr. MALONE. Mr. President, I have received a very interesting letter from a constituent of mine in Reno, Nev., proving that many people do read the CONGRESSIONAL RECORD, and keep abreast of the debates on the floor of the Senate.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the letter to which I refer.

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

RENO, NEV., *July 9, 1958.*

Senator GEORGE W. MALONE.

DEAR SENATOR: Thanks for your nice letter of May 6, it was appreciated and since my family and I approve heartily of the stands you have taken on national and international issues, it seems that our humble efforts must be confined to keeping your name and objectives before the voters.

My letter to the Saturday Evening Post was published in part under Letters to the Editor in the current issue of July 12 and was severely deleted. However, they did get in one paragraph which I wanted published. No doubt, the rest of the letter was much too hot for them to handle.

However, good luck to you in your coming campaign and if we can be of any assistance in the ensuing battle, just say the word.

Very truly yours,

WM. J. DOWER.

Mr. MALONE. Mr. President, the letter makes reference to a letter which my constituent, Mr. William J. Dower, wrote to the Saturday Evening Post. Excerpts from the letter were published in the Saturday Evening Post under the heading "Letters to the Editor," on July 12, 1958. Apparently the editor used only a very brief excerpt from the letter from Mr. Dower.

I ask unanimous consent that the excerpt from the letter which appeared in the Saturday Evening Post be printed in the RECORD at this point as a part of my remarks.

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

Dear SIRS: Now the Republicans are gathering some men with intestinal fortitude, like Senator GOLDWATER of Arizona and our own Senator GEORGE W. MALONE of Nevada. If the trend toward men of that caliber continues, my family and I might even be tempted back to the Republican fold.

WM. J. DOWER.

Mr. MALONE. I ask unanimous consent to have the letter which Mr. Dower wrote to the Saturday Evening Post printed in the RECORD in its entirety at this point.

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

*Editor, the Saturday Evening Post:*

DEAR SIR: Our congratulations to you upon the publication of your recent article on Senator BARRY GOLDWATER of Arizona. The catholicity of your articles is probably the major reason for the continued popularity of the Saturday Evening Post, generation after generation.

Is it asking too much to request that you prepare a feature, in the near future, upon the career and accomplishments of our own Senator GEORGE W. MALONE, of Nevada? Men with such courage and foresight deserve national recognition.

Many years ago I was a minor official in the Republican organization of Philadelphia, Pa., until the effluvia of that organization became too much for my delicate stomach, so my family and I became Democrats and later migrated to Nevada. A predominant number of my Philadelphia townsmen must have felt as I did, because the city and State went decidedly Democratic after 75 years or so of Republican rule.

(Now, the Republicans are gathering some men with intestinal fortitude, like Senator GOLDWATER and our own Senator GEORGE W. MALONE of Nevada. If the trend toward men of that caliber continues, my family and I might even be tempted back to the Republican fold.)

Narrow partisan adherence is not the normal American approach to political questions and the individual stand on vital issues is becoming more and more the deciding factor in elections.

Senator MALONE exhibits a rare brand of courage, in espousing such controversial issues as the elimination of give-away programs and the return of tariff controls to the legislative bodies. Time is working on his side and eventually we will hail his prophetic vision.

So many pressure groups seem to have adopted the policy of America last and everybody else first that it is refreshing to find Senator MALONE advocating America first.

Thanks again for your excellent articles.

Very truly yours,

WM. J. DOWER.

SOUTH AMERICA DISCOVERED

Mr. MALONE. Mr. President, it appears that Vice President NIXON and Dr. Milton Eisenhower recently discovered South America. An editorial on this subject was published in the Detroit Times of Wednesday, August 6, 1958. The editorial is entitled "NIXON, Now Dulles." I ask unanimous consent that the editorial be printed in the RECORD at this point as a part of my remarks.

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

NIXON, NOW DULLES

First, Vice President Nixon, then Dr. Milton Eisenhower, and now Secretary of State John Foster Dulles visit and court the good will of Latin America.

It is a strong effort to achieve a hemispherical solidarity which should have been the first item on the American foreign policy.

As Senator GEORGE MALONE has proved by the investigations of his committee, if there were hemispherical unity we could be self-sufficient for raw materials.

During World War II, this country was primarily absorbed in the affairs of Europe. Europe first became the watchword of the Roosevelt administration and was not departed from although we were at war with Japan.

The absorption with European affairs has continued to this day. As a matter of fact, it has been Russian policy to keep us looking

in that one direction, so we would not have time or energy for anything else.

While we were looking, for instance, at the Berlin airlift, Soviet Russia completed the conquest of China for communism.

It is true that even as far back as the Roosevelt administration, a so-called good neighbor policy was developed.

It was invented by Dr. Stanley High, now of the Reader's Digest, and was implemented by Nelson Rockefeller.

The good neighbor policy was designed to warm the hearts of the Latin Americans toward us, but when they saw billions of dollars being poured into Europe and Asia, to former enemies as well as current and former friends, to neutrals as well as allies, to Tito as well as to Adenauer, the Latin Americans reached the conclusion that as long as we were giving it away, we ought to give them some, too.

The Communists in Latin America were not inactive. They especially worked among the intellectuals in the universities, in the press, among the leadership material.

Meanwhile, the end of war and a lessened preparation for war affected economic conditions in Latin America adversely, particularly in the coffee countries, such as Brazil and Colombia.

The United States was blamed for Brazil's enormous surplus of coffee, on the grounds that Americans did not drink enough coffee. Also, we were not using enough copper which adversely affected some Latin American areas.

Soviet Russia entered into that picture under the direction of Mikoyan, who was on hand to buy surplus products, to aid countries with money, experts and all the paraphernalia of capitalistic economic imperialism.

At the present moment, Soviet Russia is flirting with the idea of making a convertible currency out of the ruble, which could mean that a minted Russian gold coin might be put on the market, thus upsetting all financial and commodity markets in the world.

All this concerns the United States vitally.

The tour of Vice President Nixon was designed to achieve good will; the tour of Dr. Milton Eisenhower was a fact-finding expedition, Dr. Eisenhower having already established relationships in those countries. The tour of Secretary Dulles is aimed at deals and results.

Whatever progress is made, it will cost us money—but money better spent than in Yugoslavia or India.

ACCESSIBILITY OF STRATEGIC MATERIALS

Mr. MALONE. With further reference to the editorial, it mentions reports on the Western Hemisphere which were made by the Committee on Interior and Insular Affairs under my direction, as ranking minority member of that committee.

The reports, dealing with the accessibility of strategic and critical materials, were published by the Senate, the first one as Senate Report 1627, in the 83d Congress, which is available, of course, to Members of Congress and to any citizens who care to inquire for it.

The second is Senate Document 83, 84th Congress, a report containing a breakdown of the economic structure of each of the 42 nations and entities of the Southern Hemisphere, showing how they manipulate the price of their money in terms of the dollar for trade advantages.

INVITE ATTENTION TO REPORTS

I respectfully invite the attention of the Vice President and Dr. Milton Eisenhower to those two reports. We said in both those reports that the Western Hemisphere could be made self-sufficient, so far as concerns all the strategic and critical materials necessary for war or peace, and that the Western Hemisphere could be defended from North America.

COOPERATION—NATIONS OF HEMISPHERE

The reports recommended that the nations of the Western Hemisphere cooperate. We did not recommend that billions of dollars be given to any nation in the Western Hemisphere by any other nation in the Western Hemisphere. We recommended cooperation.

I think it will not be very long before the administration and Congress begin once more to take notice of the Western Hemisphere and its self-sufficiency.

It will be noticed from maps and descriptions of the Western Hemisphere that it contains one-third of the land area of the world, and about 350 million people, with plenty of room for 1 billion people without crowding anyone.

RECOMMEND SENATE 1627, 83D CONGRESS, AND SENATE DOCUMENT 83, 84TH CONGRESS

I respectfully recommend these two reports for close study by Members of Congress and any of the administration personnel who may later visit any of the other nations of the Western Hemisphere, in North, Central, or South America.

HOW INDIANS CAN BECOME FULL CITIZENS—A PROUD PEOPLE—STILL PRISONERS OF WAR—A DISGRACE TO A FREE AMERICAN PEOPLE

Mr. President, many years ago we put the Indians on reservations because we were afraid of them, and then promptly forgot them. That treatment of a proud people has been the crime of the ages for 134 years.

Mr. President, I have introduced a bill heretofore in the Senate which would make Indians people with full constitutional rights and privileges.

As the result of the introduction of that bill which was referred to the Committee on Interior and Insular Affairs, we have changed our attitude toward the Indians.

We have freed a few of the tribes, and there is a sympathetic attitude toward freeing the remainder and giving them their lands and reservation and income and best of all their constitutional rights.

If we owe them anything further, we should hold proper hearings to determine the amount, pay it and let them become people, with all the rights of American citizens under the law and under the Constitution.

THE CAPTIVE INDIANS

At the moment, an Indian who has one sixty-fourth Indian blood is practically held captive if he owns anything on a reservation, since if he leaves the reservation, often he loses whatever rights he may have. We had a Vice President at one time by the name of Curtis. We thought he was good enough so that, in the event anything happened to the President, he could be President. When he died, the Indian Bureau settled his estate.

Mr. President, at this time I am again introducing a bill to remove the restrictions on the citizenship of our American Indians, and bring them into equality with other American citizens. I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred, and the bill will be printed in the RECORD.

The bill (S. 4311) to abolish the functions of the Bureau of Indian Affairs of the Department of the Interior, to remove the guardianship over Indians and trusteeship over Indian lands, and to repeal the act of June 18, 1934 (48 Stat. 984), as amended, introduced by Mr. MALONE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs; and ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.,* That within 3 years from the date of the enactment of this act the Secretary of the Interior shall have caused the complete emancipation of the Indians by the removal of guardianship over such Indians, and trusteeship over property both real and personal belonging to individual Indians and recognized tribes, and shall have liquidated all tribal organizations including disposal of their assets. All lands and buildings and appurtenances on any such land whose ownership or inherited rights cannot be determined shall be conveyed to the State in which located.

SEC. 2. (a) On or before June 30, 1961, the moneys to the credit of each Indian on deposit in the Treasury of the United States designated under the title "Individual Indian Moneys" shall be paid to such Indian: *Provided,* That funds belonging to a minor or incompetent person shall be paid to a guardian duly appointed by the court of the State in which such minor or incompetent person is domiciled. No payment shall be made under this subsection until all indebtedness of the individual entitled to such payment to the United States or to any corporation or credit association organized under the act of June 18, 1934 (48 Stat. 984), or to any other tribal organization, shall have been satisfied.

(b) Upon the disposition of the tribal assets of each recognized tribe, the pro rata share of the proceeds of such disposition and any other tribal funds of such tribe shall be paid to each member appearing on the rolls of such tribe as of the date of such payment, except that the shares of members thereof who are minors or incompetent persons shall be disposed of in accordance with the proviso in subsection (a). No payment shall be made under this subsection until all indebtedness of the tribe or member thereof entitled to such payment to the United States or to any corporation or credit association organized under the act of June 18, 1934 (48 Stat. 984), or to any other tribal organization shall have been satisfied.

(c) No payment shall be made under this section until the Comptroller General shall have made a comprehensive audit of the assets and liabilities of each tribe, band, or tribal organization and shall have certified the amounts due each individual Indian from such assets and from funds deposited in the Treasury as "Individual Indian Moneys."

(d) The act entitled "An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes", approved February 12, 1929, as amended (46 Stat. 584), is repealed.

SEC. 3. The act of June 18, 1934 (48 Stat. 984), and the act of June 15, 1935 (49 Stat. 378), supplementary thereto; and the acts of May 1, 1936 (49 Stat. 1250), and June 26, 1936 (49 Stat. 1967), are hereby repealed. The unexpended balance in the revolving fund established pursuant to section 10 of said act of June 18, 1934, shall be covered into the general fund of the Treasury. The unexpended balances on the date of enactment of this act of funds advanced to corporations created pursuant to the said act of June 18, 1934, from such revolving loan fund, together with interest due thereon, shall be collected by the Secretary of the Interior at the earliest practicable date and shall be deposited in the Treasury as miscellaneous receipts. The Secretary of the Interior, on behalf of the United States, shall acquire the assets and assume the liabilities of such corporations, and shall proceed to liquidate them at the earliest practicable date.

SEC. 4. (a) Upon the appropriation by the Congress of an amount equal to the fair market value, as determined by the board of liquidation established under section 6, of any tribal lands of any tribe of Indians and the placing of such amount to the credit of such tribe for distribution to its members in accordance with section 2, the United States shall take title to such lands. Lands acquired by the United States under this section shall be held, administered, or disposed of in the same manner as other public lands.

(b) All school and agency buildings and property now under the jurisdiction of the Bureau of Indian Affairs shall, at the request of the State in which located, be conveyed to such State for public use and such property as is not conveyed to a State shall be offered for sale to the highest bidder, the proceeds therefrom to be deposited in the Treasury as miscellaneous receipts.

SEC. 5. (a) Effective July 1, 1961, all Indian irrigation projects now administered by the Bureau of Indian Affairs shall be transferred to, and shall be administered by, the Bureau of Reclamation in accordance with the provisions of the reclamation laws.

(b) All records and property (including office equipment, contracts, agreements, and leases) and all personnel used primarily in the administration of such projects, are hereby transferred to the Bureau of Reclamation for use under the provisions of subsection (a): *Provided,* That any of the personnel of the Bureau of Indian Affairs transferred by this section found by the Commissioner of Reclamation to be in excess of the personnel necessary for the efficient administration of the functions so transferred shall be retransferred under existing law to other vacant positions if any in the Government service.

(c) The unexpended balances of appropriations, allocations, or other funds (including repayments), heretofore or hereafter made available for carrying out such projects, shall be transferred to the Bureau of Reclamation and shall be available for such purposes, subject to any conditions and limitations (including obligations chargeable to such appropriations, allocations, or other funds) that existed prior to such transfer.

SEC. 6. There is hereby established a Board of Liquidation consisting of the Attorney General, the Secretary of the Treasury, the Director of the Bureau of the Budget, and the Administrator of General Services. It shall be the duty of the Board to cause an appraisal to be made of all tribal lands and otherwise to advise and assist the Secretary of the Interior in liquidating the assets of Indian tribal organizations under this act. Such personnel as may be required by the Board shall be detailed from the offices of each of the above members, the salaries and expenses thereof to be paid from funds to be appropriated therefor. Members of the Board shall serve without additional compensation.

SEC. 7. (a) All restrictions on the alienation and encumbrance of lands, interests in lands, or other property of individual Indians are hereby removed, and the Secretary of the Interior is authorized and directed to issue unrestricted patents in fee to the holders of such lands or interests therein.

(b) In any case in which an allottee of lands on any Indian reservation has died, or hereafter dies prior to the issuance of a patent in fee as provided in subsection (a), without having made a will disposing of such allotment, and such allotment has not been partitioned, or the proceeds from the sale thereof distributed, among the heirs of such allottee, the Secretary of the Interior, within 1 year after the date of enactment of this act, shall cause such allotment to be partitioned among the heirs, or if such partition is not practicable because of the number of heirs or the nature of the property, shall cause such allotment to be sold and the proceeds distributed among the heirs in accordance with the laws of the State in which such lands are located. Priority in the purchase of any lands sold under this subsection shall be given, first, to the heirs of the deceased allottee; and, second, to other members of the tribe of which the deceased allottee was a member.

SEC. 8. All laws of the United States providing for the punishment of offenses committed by or against Indians, which would not be punishable by the United States if committed by or against persons other than Indians, or providing for the punishment of offenses committed on Indian reservations, which would not be punishable by the United States if committed elsewhere than on an Indian reservation, are hereby repealed.

SEC. 9. Such records of the Bureau of Indian Affairs as may be determined to be of current or future value shall be placed in the custody of the Archivist of the United States and shall be made available for public inspection upon reasonable request therefor.

SEC. 10. The Secretary of the Interior shall complete and transmit to the Congress not later than July 1, 1959, a list showing all provisions of treaties entered into with Indian tribes, which in the opinion of the Secretary are still in effect.

SEC. 11. The Secretary of the Interior shall transmit to the Congress on or before January 15 of each year a report of the progress made in carrying out the provisions of this act.

SEC. 12. (a) Upon application by or on behalf of any needy person who (1) is of 50 percent or more Indian blood, (2) is a member of a recognized Indian tribe, (3) has attained age 50, and (4) is without substantial income or property, the Secretary of the Interior shall pay to such person the sum of $50 per month so long as the need therefor continues.

(b) There are hereby authorized to be appropriated such sums as may be necessary to make the payments authorized by this section.

(c) The Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this section.

Mr. MALONE. Mr. President, almost singlehandedly I have fought this battle since 1949. During the time since I first introduced this bill on October 17, 1949, much has happened which has borne out the value of the original contention that Indians ought to have the same rights as other citizens and that the activities of the Bureau of Indian Affairs, together with Congressional neglect, have kept them from obtaining these rights long after they were fully qualified to exercise them.

A TYPICAL BUREAU

Mr. President, it will be found on investigation that there are almost as many employees of the Indian Bureau as there are full-blooded Indians, not including the Navahos in Arizona. It is a typical bureau, created by the Government.

When we create a bureau for a special purpose and forget it for a few years, and then come back, we do not recognize our handiwork. It has grown out of all proportion to the job assigned to it.

PRISONERS OF WAR

Soon after the creation of the Indian Bureau, in about 1824, the Indians were put on reservations because we were afraid of them, and then we promptly forgot about them. Then the Indian Bureau began to grow. More attention was paid to the creation of a very tightly knit Bureau, so that the Indians could not move without the consent of someone in Washington, with agents all over the United States, than was paid to the Indians assigned to the Bureau.

FULL CITIZENSHIP—NOT A PIECEMEAL JOB

Congress has made attempts to accomplish the objectives which I set forth but always on a piecemeal basis. But, while the worthy motivation for this legislation has at least been partially helpful in reaching the goal of complete freedom for the American Indian, I shall not rest content until the total job is done.

I refer first to House Concurrent Resolution 108 in which the members of the Senate and House unanimously endorsed (1953) the principle of full citizenship for the Indians. As a result of this resolution Congress enacted laws releasing from Federal control the Alabama and Coushatta Indians of Texas, the Klamath, Modoc and Yahooskin Band of Snakes of Oregon, the tribes of western Oregon or Grand Ronde and Siltez, the Menominee Tribe of Wisconsin, and certain tribes of Utah (Shivwits, Kanosh, Koosharem and Indian Peaks bands of Paiutes and the mixed-blood Utes of Uintah and Ouray). However, in spite of the apparent progress represented by this legislation there remain a number of tribes mentioned in House Concurrent Resolution 108 which have not been granted full citizenship—Potawatomi and allied tribes of Nebraska and Kansas Indians of California, Seminole of Florida, Chippewa of Turtle Mountain, N. Dak., and the Flathead tribe of Montana.

And while we are on the topic I might call attention to the pitiful inadequacy of Congressional action in response to the testimony of William Zimmerman, acting commissioner and speaking for the Indian Bureau, in 1947 that the tribes could be divided into groups ready at that time for immediate freedom, those ready within 10 years and those ready at an indefinite time.

Of the 10 tribes mentioned in group I, ready for immediate freedom in 1947, only two, Klamath and Menominee, have been acted on by Congress. Of the 19

groups mentioned in group II, only one, the Quapaw jurisdiction, has been acted on in part—Wyandotte, Peoria, and Ottawa. It would be supposed that by 1958 the groups scheduled for full freedom in 1947 within 10 years would all have been acted upon.

I mention these tedious details only to remind you of the endless prospect of piecemeal legislation that is involved in the present method of setting Indians free in bands and small groups, some of them hardly more than a few families at most. Congress has already balked on the endless procession of private bills involved in fee patent legislation. How much more so will it find irksome the endless horizons involved in separate laws for every tiny fragment of an Indian tribe. This is definitely not the way to achieve anything notable in the cause of full Indian citizenship, unless one sets one's sights in terms of the centuries to come. Moreover, troubles of every sort have beset our action on a piecemeal basis in those isolated cases hitherto acted on by Congress. In the case of the Klamath, for example, where every prospect would indicate the desirability of immediate Indian freedom and where Congress has taken action toward this end, the objective has not yet been attained. Only by action across the board, as envisaged in my bill, will the problem be adequately dealt with.

STATE SERVICE APPLICABLE

I refer now to a second piece of legislation which, with worthy motivation, has only partially succeeded in freeing the Indian. This was the act of August 5, 1954—sixty-eighth United States Statutes at Large, page 674—by which the Indian health services were transferred on July 1, 1955, from the Bureau of Indian Affairs to the newly created Department of Health, Education, and Public Welfare. This was definitely a step in the direction of treating Indians like other American citizens, a policy which I have been advocating for years. In spite of the opposition to this transfer, it has now developed that Indians are receiving the more adequate health care they need, as American citizens rather than as Indians.

This again illustrates the value of the principle of treating Indians as American citizens rather than through a special Government agency designed to keep them separate and apart as Indians on reservations. The same principle is applicable to all the other service programs now conducted by the Indian Bureau. Services rendered to Indians as Indians must cease. Rather we should provide services for Indians along with those provided for any other citizen.

Public Law 280 of the 83rd Congress operated to confer, as of the enactment date—August 15, 1953—civil and criminal jurisdiction on all Indian reservations in California, Minnesota—except Red Lake—Nebraska, all of Oregon—except Warm Springs—and Wisconsin—except Menominee, which later petitioned to be admitted also. This law also gave consent to other States—Arizona, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Washington—to amend their present State constitutions so as to permit State jurisdiction over civil and criminal matters on Indian reservations. It also permitted other States to acquire jurisdiction over these matters, at such time and in such manner as they might elect, by affirmative legislative action. Here again the move was in the direction of Indian rights as citizens. But it did not solve the problem of the denial of Indian constitutional rights as citizens.

Still other legislation was enacted in the 83rd Congress, Public Laws 277 and 281, which repealed discriminations in the Federal statutes regarding the use or possession by, or sale and possession of, intoxicants and firearms to Indians. All of this helps, but it does not remove the basic restrictions on Indian constitutional rights relating to property and person.

GOVERNMENT OFFICIALS AND PRIVATE ORGANIZATIONS WORK TO REFUSE INDIANS THEIR FREEDOM

In the field of Indian affairs, the Bureau of Indian Affairs has been organized to assist in the acculturation of our Indian population, and private organizations and individuals interested in the problems of our Indians. In times past I have charged both sides with planning to continue our Indians as wards and retain them on reservations as museum pieces. This seems inconsistent due to the difference of opinion between the two groups themselves. Actually, if you dissect this, the differences of opinion and policy are easily explained. While the Bureau of Indian Affairs officials must give lip service to the established policy, it is against human nature for an individual deliberately and carefully to work himself out of a job. There are more than 10,000 employees in this one Bureau, and should all the Indians be set free, their careers would be destroyed. Therefore, what termination talk we do hear is closely allied with the officials' age and remaining years for retirement.

PROBLEMS CREATED

If Bureau activities were decentralized throughout the various Government bureaus doing that type of work, this would cease to be a problem. The private organizations and individuals are in somewhat the same position. If there were no Indian problem, there would be no need for the organizations or the many sad articles in current magazines and periodicals. If officers of private organizations or individuals active in the field were to solve the problem, they, too, would destroy their career.

Individuals do not join organizations until such time as they see a need for such action. Therefore, the organizations must constantly have problems on hand. Thus, we find that the organizations, while having the same goals as the Bureau, cannot afford to agree with Bureau policy. If they did, Indian tribes and individuals would see no need to join or act in conjunction with them.

Another interesting facet is that individuals writing articles on the Indian situation can in almost every instance be placed in one category. In the great majority of cases, the authors repeat the policy of the most active organizations, even to coined words. For such an extensive subject as this, there do not seem to be any shades of opinion outside of Government circles. It begins to assume proportions of an obvious dissemination of materials and information from one source, and presenting one point of view. Unfortunately, many times an attempt is made to place it on a plane of "are you for or against Indians?" similar to the old question "When did you stop beating your wife?"

MUCH UNRELIABLE PUBLIC INFORMATION

In the field of disseminating information on the American Indian, there is a wide difference in the operation of the Bureau of Indian Affairs and that of private organizations. The Bureau of Indian Affairs supplies some historical materials, but is sadly lacking in current statistical data, and accurate information concerning the current status of most tribes. If Congress itself cannot obtain from the Bureau accurate statistics concerning Indian land, population, income, and the like, how, then, can an average citizen? On the other hand, the private organizations flood individuals and church groups with all kinds of material representing the American Indian as a subject of pity, a victim of starvation, and an uneducated, ignorant individual who should receive all our sympathy. This is an insult to the thousands of American Indian businessmen, ranchers, doctors of philosophy, servicemen, mechanics, government workers, and trained craftsmen who compose a majority of the Indian population.

NO AVERAGE INDIAN OR AMERICAN CITIZEN

Admittedly, it is difficult to define the average Indian, because per capita assets range from $18 to more than $300,000, while reservations range in area from 1 acre to over 15 million acres, and annual incomes range from a few hundred dollars to well above $5,000. However, neither the private organizations nor the Bureau officials come forth with termination plans for the wealthy and acculturated Indian groups, to set them free of all restrictions that are now holding them back. Indeed, it is a rare occasion when mention is made of such groups. The situation has become so confused to the general population, and they have been so thoroughly propagandized, that constituents write to their Congressmen asking where they can send food packages to Indians.

Recently many statements have been made declaring the American Indian to be the poorest, unhealthiest, and most uneducated racial minority group in the United States. Such a statement is indeed terrible on its face, but never is there any substantiating data offered. The belief has now become so widespread that no one asks for documentation. Therefore, the private organizations continue to make such unsupported statements and to disseminate their inaccurate materials throughout the United States; and civic and religious groups become a propaganda tool in the hands of such experts. The Bureau of Indian Affairs provides silent service to the organizations by holding back the diffusion of adequate materials and in-

formation to combat the perpetuation of the myth that the Indian's worst enemy is the United States Government.

CONSTANTLY IRRITATED

In this day and age the American Indian is kept constantly "riled up" about some new "problem" every day, and is told that some strange, unnamed, unknown creatures are gathered in the darkness waiting to grab his land and property. This does not help the Indian. Negative actions never will. Instead of propounding a solid program of termination over a period of years, the organizations keep the Indians entangled in minor problems, while their full rights are being withheld. It is time the general population and our Indians realize that "brain washing" is being used to give them a distorted, false picture which is intended to keep them separated from their just rights and from mixing with the rest of the population on a nonsegregated basis.

THE ELASTICITY OF INDIAN BUREAU DEFINITIONS OF INDIAN

The Bureau of Indian Affairs has for many years been gaining more and more control over more and more people of Indian descent by sublimely ignoring court decisions made by the highest courts in the land. During the 49th Congress, the Dawes, or General Allotment Act—24th Statutes at large, page 388—was passed. Under the Dawes Act an allotment of land from the public domain could be made to any Indian living away from his tribe. In attempting to enforce section 4 of this act, individual Indians found that the courts were making the definition of an Indian the most important consideration in deciding their cases. Section 4 reads:

SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or Executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided.

The most important case concerning the Dawes Act coming before the courts was *Keith* v. *U. S. et al.* (Aug. 24, 1899, 8 Okla. 446. 58 P. 507). An application for allotment was made on behalf of a child having a white father and an Indian mother. The application was refused by the Government, on the ground that the individual was not an Indian. A lower court heard the case, and decided the child was not an Indian pursuant to the Dawes Act; this decision was upheld by the Oklahoma Supreme Court. Since then, several cases have been heard on the subject; but the decision in the Keith case has never been overruled.

In Ex Parte Reynolds (1879 Fed. Cas. No. 11719), an action was brought under a criminal statute containing no definition of "Choctaw Indian." Again the court held that the common-law rule and the rule of the law of nations, partus sequitur patrem—namely, that the offspring follow the condition of the father—applied to this particular case.

Two other cases applying the same general rule are *Halbert* v. *United States* ((1931), 283 U. S. 753), in which the Supreme Court stated the general rule as follows:

The children of a marriage between an Indian woman and a white man usually take the status of the father; but if the wife retains her tribal membership and the children are born in the tribal environment and there reared by her, with the husband failing to discharge his duties to them, they take the status of the mother.

And *Smith* v. *Bonifer* (C. C. D. Oreg. (1907), 154 Fed. 883), affirmed 166 Fed. 846, as follows:

The rule sustained by the weight of authority is that the status of half-breed Indians, the offspring of an Indian woman married to white person, follows the condition of the father. To this there is an exception which obtains where the mother remains with her tribe, retaining the nurture of the children, when abandoned by the husband and father.

Despite such specific rulings, the Bureau of Indian Affairs, in its drive to gather more and more people under its jurisdiction, has used its own interpretations. An eminent authority describes the Bureau policy as follows:

The Department (of Interior) holds that the quantum of Indian blood possessed by an applicant should not determine his right to an allotment, but that when the applicant is recognized by the laws and usages of an Indian tribe as a member thereof, or is entitled to be so recognized, he has a right to settle upon public land and have the same allotted to him (35 Land Dec. 549). Under this ruling, the children of a white man and an Indian woman are entitled to allotments (*Re Breuninger* (42 Land Dec. 489; 44 Land Dec. 520)). And there is no doubt that if a white man becomes a recognized member of an Indian tribe or is entitled to be so recognized, he would therefore be entitled to an Indian allotment (Thomas J. Tydings: Rights of Indians on Public Lands, 1917, 23 Case and Comment, p. 743).

A study I had made of the Department's interpretation concludes:

We have failed, however, to find any Court decision reaching such extreme conclusions.

These interpretations by the Interior Department not only stretch the general definition of "Indian," as stated by the courts, but declare that a person without any Indian blood is entitled to be considered an Indian. Thus, we see how an agency of the Federal Government can become a malignant growth forever eating away at more and more of our population.

Can we afford to allow such a complete and wanton disregard of our laws by officials?

Can we allow such officials, who are supposed to be Government servants, not only to segregate our Indians and select the laws applicable to them, but also to set themselves up as another specialized group, subject to no law of the land, but making their own law in the form of interpretation and regulation? The average Indian objects to such actions when taken against him personally, but he does not have a large staff of lawyers at his beck and call, as does the Bureau of Indian Affairs. Rather than hack away over the years at the tentacles of the Bureau's "little dictators," the enactment of my bill will by one action, reduce them to their proper stature, and the Indian will again be free.

RESTRICTIONS NOW IMPOSED ON WARD INDIANS

Perhaps the main reason why the Indian is in the fix he is today is that the remainder of our citizens do not know about it. If the rest of the general population knew that Indians were subjected to restrictions which violated their rights as citizens, all our citizens would be in favor of abolishing the Indian Bureau at once, without further delay.

Restrictions on Indians differ from reservation to reservation, and depend upon the tribal constitution, Bureau of Indian Affairs regulations, and other factors. The restrictions referred to, therefore, do not apply on all reservations. However, every reservation imposes some restrictions—some much more restrictive than others—on the individual Indian.

Let us consider an Indian, John Doe, living on Reservation X. He is subject to powers of restriction which affect no other citizen. He has no right to legal counsel in cases before the tribal court. In fact, no lawyer is admitted to practice before such a court. The judges of tribal courts are untrained men with no knowledge of law, as we understand it in the modern world.

The affairs of Indians on Reservation X are run by the Government. Permission to do things which other citizens do freely must be secured from the tribal council. Much of the land is held in a communal system as tribal land, from which assignments for use are made to privileged members of the tribe.

If the Indian John Doe wants to lease his land to others he must do so through the Superintendent. If he wants to sell or exchange his land, he must obtain the consent of the Superintendent. He cannot obtain his share of an estate by direct inheritance, because all heirship land is wrapped up in legal technicalities. He may not be able to leave his property to his children, because it reverts to the tribe.

The Indian, John Doe, is under Federal supervision for any of the ten major crimes which may be committed on the reservation. A tribal code of law and order often regulates the punishment and treatment of other offenses. This tribal code of law and order is modeled on a pattern prescribed under title 25 of the Code of Federal Regulation, subchapter B, entitled "Law and Order."

The Indian, John Doe, finds himself and family listed on a tribal census roll. This means that until his name is removed, he is subjected to all the special restrictions which the tribal council may choose to impose on him. He is not a free agent, and he finds more and more of his time and his money being absorbed by the tribe.

If he visits another tribe, he is subject to restrictions imposed on Indians in that jurisdiction. One of the principal restrictions imposed on him are the many forms of redtape draped about him in huge festoons, which hamper him from doing anything without special permission. In a word, he cannot extricate himself from the multitude of laws and regulations which enshroud both his person and his property. He is the prisoner of circumstances beyond his control.

The denial to Indians of rights which should appertain to all citizens of the United States is a serious matter. We certainly cannot get along indefinitely with part of our American citizens free and others not free. That would be a case of a house divided against itself. It is in the interests of both justice and necessity that Indians have the same rights that other citizens do. I submit that the absence of these rights for some citizens will, in the long run, be extremely detrimental to all citizens.

TREATED AS INFERIOR

The average citizen, as contrasted with the Indian on a reservation, has the rights of trial by jury, full right to legal counsel in court, the right to sell his land or lease it at his own will. He is a participant in local civic or minor civil divisions, such as a township. He may bequeath property to his heirs, may inherit property without having it tied up by governmental redtape as to agreement between the heirs, and in general he enjoys all of the rights of American citizens guaranteed him by the Bill of Rights and the Federal Constitution. He is, therefore, a full citizen because he is in full possession of the rights guaranteed him as a citizen. By contrast, Indian John Doe on reservation X is a second class citizen because he is denied the rights which are guranteed him in the Federal Constitution and the Bill of Rights.

In fact, the Indian John Doe of today on reservation X is treated almost exactly as the painted savage with headdress and feathers was treated over a hundred years ago. He is treated as a person under guardianship, unable to behave as a civilized human being, and not granted the full rights of citizenship. The rights are in the Federal Constitution and Bill of Rights, but he is denied their exercise through the existence of the Bureau of Indian Affairs, an organization whose only function was to carry out the provisions of treaties negotiated with aboriginal Indian tribes still living in a primitive state of existence. If the Indian Bureau were removed from the scene, there would be no obstacle to the full exercise by Indian John Doe of his rights as a citizen of the United States. The Indian Bureau can be removed from the scene only by a process of curtailment of its activities through cutting down on its appropriations until it ceases to function.

The Indian John Doe, never having exercised the rights of full citizenship is not aware that they exist, and does not complain or protest at their violation. It is, therefore, suggested that the American Bar Association would be eminently qualified to look into this situation on a factual and legal basis to determine if the Indians on reservations are receiving all the benefits of the Bill of Rights exactly as other citizens do. Such a study should not be based on the presumption that these people are Indians, and therefore different. Much rather it should be approached from the factual point that they are citizens of the United States, and should therefore have the same benefits of the Bill of Rights exactly like the rest of the citizens.

CONTRAST OF TREATMENT

The great contrast between being an Indian and being a full citizen might be graphically portrayed by means of two sides of a ledger. On one side let us put illustrative facts about the status of many ward Indians. On the other let us put all the corresponding facts about being a full citizen:

A. A WARD INDIAN

I. Is subject to a hierarchy of special Federal officials as follows:

(a) The Great White Father, i. e., the President of the United States.

(b) The Secretary of the Interior.

(c) The Commissioner of Indian Affairs.

(d) The area director.

(e) The Superintendent of the local Indian Agency.

(f) The tribal council officials or governing body of the tribe.

II. Pays no taxes on land and hence cannot support schools or other local civic facilities.

III. Holds land communally as member of a tribe and/or in trust allotment under the local agency superintendent and cannot sell his land without approval.

IV. Is subject to the civil and criminal jurisdiction of the Indian Bureau either directly, as in the Court of Indian Offenses, or indirectly through the tribal court, code of law and order, and tribal police.

V. Has his money tied up in tribal trust funds deposited in the United States Treasury and must pay interest to the Indian Bureau to borrow his own money.

VI. Is subject to various discriminatory laws enacted by Congress relating solely to Indians.

VII. Is dependent upon the Indian Bureau for services such as education (directly or through State contract), roads, reclamation, irrigation, forest and range management, land management, inheritance of property and devise, etc.

B. A FULL CITIZEN

I. Is a citizen of the United States, of the individual State; and is a resident of county, minor civil division, or a municipality.

II. Pays taxes on land and supports public schools and other local facilities as needed.

III. Holds lands individually and is perfectly free to buy and sell land as he sees fit.

IV. Is subject to the civil and criminal jurisdiction of the State, county, etc., and the Federal Government. Not completely subjected to any one bureau.

V. Is free to deposit and use his money freely and does not pay interest to borrow his own money.

VI. Is not subject to discriminatory laws applying to members of one class of citizens.

VII. Is not subject to a single Federal agency like the Indian Bureau for facilities which can be supplied by State, county, or local private agencies.

RESTRICTIONS REMOVED

The restrictions imposed on ward Indians can be removed in a very simple manner. Under section 8 of the bill I am introducing, the people concerned cease to be Indians in the eyes of the Federal Government and assume their rightful position as citizens of the United States. The assumption of civil and criminal jurisdiction over the former Indians by the several States will require no special legislation or modification of State constitutions. For the Indians referred to in these laws will be nonexistent, and in their place will be good American citizens exercising the rights of full American citizenship and unrestricted by a Federal bureau telling them what to do.

THE INDIAN BUREAU CANNOT WORK ITSELF OUT OF A JOB

The Indian Bureau dates its origin back over a hundred years. It was originally created as a device for regulating trade with the Indians and for supervision over the relations between the white people and the Indians at a time when the latter was still in a very primitive and barbarous condition. Its creation dates back to a time when Indians were not citizens of this country, had no part in its public life, and were considered as outside of the pale of civilized man.

The function of the Indian Bureau was to carry out the provisions of Indian treaties and to make accessible to the Indians the advantages of civilization. The assumption was made that once the Indians were given these advantages, they would adopt the ways of living characteristic of civilized man and would thereby qualify for all the rights and duties of other natives of this country.

ONE HUNDRED YEARS OF MISMANAGEMENT

But where are we today, well over a hundred years after the Indian Bureau was organized and set up to civilize the Indian? Should not we by this time have accomplished the task of imparting the ways of civilization to the Indian? Has not the Indian been given the advantages which appertain to the higher plane of living for many years now? I am sorry to say that we are still operating on the same old basis as that on which we operated over a hundred years ago. We have fallen into a rut in our thinking about Indians, and still see the red man with paint and feathers, dancing the war dance around the council fire, and as requiring the same supervision and guardianship as he required when the frontier was in full swing.

There has grown up a huge vested interest dedicated to the proposition that the Indian Bureau must continue to supervise the Indians for a long, long time in order that they may be given the advantages of civilization. This vested interest is wedded to the most contradictory of ideas—the notion; namely, that the Indian, although a citizen with voting rights and the right to hold office, should remain a ward of the Government and must have his property controlled for him and his person controlled through special regulations issued by the Indian Bureau. Since when is a citizen of a particular race a ward of the Government, unable to handle his own affairs? Is this form of discrimina-

tion not contrary to the rights of citizenship as we have always envisaged them?

Now, it is obvious that the Indian Bureau cannot of itself abolish its own existence. No; this must be done by Congress which has the power over these matters. Why, then, should Congress put off any longer the task which is plainly before it? This task is to abolish the wardship status of Indians by abolishing the agency which implements the wardship relation.

In a family where the parents make things too easy for the children, the latter never feel the need to get out and make their own living. Where children are brought up with a guardian who will take care of them all of their lives, they have no need to learn the value of a dollar by earning one. No; they are sheltered so long that they become unfit to live an independent life of their own. The guardianship function, originally necessary in order to insure the survival of the Indian becomes a hindrance to his full maturation and the proper attainment of the adult status.

What should have happened is that the Indian Bureau would gradually remove the supervisory functions from the lives of the American Indian people as they gradually assumed more and more of the civilized ways of living. But what should have happened and what did happen are two quite different things. Permit me the time to enumerate just a few of the things that happened which pointed away from the full citizenship of the Indians.

THE WHEELER HOWARD ACT

In 1934 a small group of willful men were able to secure passage of the so-called Wheeler-Howard Act—48th Statutes at Large, page 984—which is also called the Indian Reorganization Act. This act permitted the organization of Indian tribes as corporate bodies, with provision for subsidy by loans from the Federal Government to set them up in business. Now, this type of development was unprecedented in American history. What if we had set up similar governmental provisions to organize the Germans in the United States, the Irish, the Italians, and other ethnic groups? Senators can see that this would be contrary to every principle on which our Government was founded. We do not as a rule set people up in business by law because they happen to belong to a particular racial group.

Let me at this juncture remind Senators of another thing. Setting people up in business costs money, and since the Wheeler-Howard Act was passed we have seen an increase in costs of Indian Affairs which staggers the imagination—$52 million per year in 1934 to approximately $160 million for 1958. What are we doing with all this money if the Indians are not making any progress toward freedom-from-hardship status?

Today the Indian Bureau is administering the property of Indians who are to all intents and purposes as civilized as anyone in the United States. In some instances the Indians actually hold property on their own while also holding property in trust under the Indian Bureau supervision. How ridiculous can the situation get? Yet, we still struggle along with a heavy burden imposed on the taxpayer to support a bureau in the Government solely designated with the function of administering the Indian's affairs.

I feel no need to spell out the details of how the Government can get rid of this tremendous bureaucracy dedicated to the civilization of the Indians. But I say this, the proper course of procedure in Indian Affairs would have been to decrease the appropriations year by year, not increase them. If a 10 percent cut over the existing budget for say 1958 were imposed year by year it would not be long before the means of administering the Indian's affairs for him would vanish from our midst. After all, this thing has been going on so long that only a drastic cut in appropriations can accomplish anything toward removing the Government guardianship. Before the Wheeler-Howard Act Indian appropriations were on the decrease. After the passage of that act appropriations began to rise steadily and with the exception of World War II years have risen at an increasing rate ever since.

The fact that the Indians are still not able to handle their own affairs after 100 years places the blame on the agency administering them. Other people in this country handle their own affairs very ably without the interference or supervision of any Government agency based on their being racially different from the majority. We can only point to the Indian Bureau and say that here is the reason why Indians cannot handle their own affairs today.

My bill provides for the repeal of the Act of June 16, 1934—48th Statutes at Large, page 984—as amended, the so-called Wheeler-Howard Act or Indian Reorganization Act. The reason for repealing this act is that it made possible the present corruption which exists among tribal officials. The Indians have always had the right to organize themselves as tribes and nobody has ever taken this right away from them. What the Wheeler-Howard Act did was to lend Indian Bureau sanction to the organization of tribal councils which acted as puppets to carry out Indian Bureau purposes. Through organizing the Indians into officially recognized tribes, the Indian Bureau was able to avoid some of the onus of responsibility for tribal rolls, tribal courts and other disagreeable duties. Where chicanery was discovered it could be laid at the doors of corrupt tribal councils.

COMMUTATION OF TREATIES WILL ASSIST IN BRINGING ABOUT INDIAN FREEDOM

At the time Indian treaties were signed the Federal Government was contracting with a people who were neither assimilated nor acculturated to the non-Indian way of life. The terms of the treaties were tailored to fit an unusual situation, and people of a different world than ours. Today, we are not dealing with "Indians" in the same meaning of the word, but rather fellow citizens having the voting privileges, representation in Congress and many of the same responsibilities as other citizens, although not all the rights of other citizens. It has become increasingly difficult to work with these people under the terms of treaties representing them as something different from the rest of the population. We cannot continue to treat them as a segregated group without full rights and benefits, but must recognize the fact that thousands of our Indians are working the 40-hour week, driving cars, purchasing on budgets, and facing the same problems as the rest of our population. The peculiar wardship status of the American Indian with its distasteful and undemocratic paternalistic trappings is an outgrowth of the Indian treaties. The imposition of restrictions of inoperable, outdated, and impossible-to-fulfill agreements with the "savage" Indian of bygone days on our modern-day person of Indian descent has produced a farce. We should face the facts and commutate all Indian Treaties. This would be a step in the direction of destroying archaic regulation acting as anchors around the neck of this patriotic and important minority group. Let us put an end to the shame of discriminatory legislation setting aside a group from their fellow citizens because they belong to the Indian race.

LIST OF TREATIES

I have included in my bill the necessary language to produce a list of those treaties which will take Federal action for commutation. My reasons for this are first, many treaty provisions are now inoperable and impossible to fulfill; second, the treaties themselves serve as official segregation of a racial group from the rights granted their fellow-citizens; third, all presumed violations of treaty provisions by the Federal Government are now being settled before the Indian Claims Commission; and, fourth, this action will be the first step in doing away with the tangled rules, regulations, laws and treaties applying to this small segment of our population which are becoming more complicated by the day.

OUTMODED REGULATIONS

Each year more and more treaty provisions become inoperable and impossible to fulfill: Such provisions as $40 a month for a blacksmith to repair the hunter's guns, when the young men of the tribe are serving in the Army, Navy, Marine Corps, and Air Force of our country. Or the Choctaw Treaty which calls for $20 per year for each member of a light horseman corps to compel individuals to pay their debts, and remove undesirables from the Choctaw Nation, unless they had a permit from the agent. Needless to say, light horsemen cannot be hired for $20 a year, nor does an individual need a permit because the Choctaw Nation does not exist as a geographical area and I assume there is no need for horsemen to force individuals to pay their bills.

Another ridiculous provision of a treaty still being carried out is the distribution of cloth to an Indian tribe. Originally, each member drew a few yards as his share, while at the present time the individual share is nothing more than a ribbon worth about 50 cents. Other treaties still in effect call

for an annual payment of a few cents per capita. It costs the Federal Government much more to do the necessary paper work, keeping current addresses, birth records and so forth, than the disbursement in such cases.

The Federal Government today provides far more services to our Indian population than the terms called for by any treaty. If this country had strictly adhered to the terms of each treaty, the American Indian would be an object of pity. The extensive free medical care given our Indian population is not a treaty obligation, but a gratuitous service provided by the Federal Government because the Indian needed such care. Other programs such as industrial development, relocation, revolving loan funds, cattle repayment programs, and so forth, are not treaty obligations of the Government, and were freely provided.

SECOND-CLASS CITIZENS

Treaties today stand as monuments to official segregation and legislation by race. No other racial group in the United States has similar restrictions imposed upon them by their ancestors and the Federal Government. So long as treaties exist, the Indian will find himself separated from his fellow citizens by an insurmountable barrier. Despite the fact that American Indians would like to assume their proper place in this society, we are, by special laws and treaties, imposing a "second-class" citizenship upon him against his wishes. An indication of how ridiculous continuation of treaties may be appears in the following quotes. An article in the Wall Street Journal of August 28, 1956 described an Indian chief as:

> Sitting on the sun porch of a brown and white home in a pine grove, * * * the tribe's bronzed crew-cut chief who drives a '56 Cadillac instead of riding a war pony and wears a red and yellow Hawaiian sport shirt resplendent with dancing hula girls.

The New York Times, in an article on July 18, 1954, described a meeting of Indian chiefs in this way:

> Chiefs of the Onondagas, Mohawks, Oneidas, Cayugas, Tuscaroras, and Senecas, some wearing headdresses and full Indian attire, others in business suits motored here in new automobiles and settled down to a long parley.

Are these the uncivilized, nomadic, warlike peoples we signed treaties with? Of course not, no more than we are the wandering scouts, trappers, and adventurers our ancestors were. These people do not want to be treated as children.

CONGRESS PROVIDED DAY IN COURT

The Congress, attempting to provide all Indian bands, tribes, and groups their day in court, organized the Indian Claims Commission for this purpose. Our Indians have therefore had 5 years time in which they could file any and all claims having to do with treaty violations. This action, in itself, acts to commutate all treaties. The conscience of our people can rest at ease, we are not violating our honor, we have paid for whatever the Indian gave us, and in any case where there is dissatisfaction, the Indian has been given recourse to the courts.

Will we, 100 years from now, in a rocket age still be attempting to interpret these treaties? Can we be traveling to the moon—the Indian too—and still be fumbling around and telling our people of Indian descent that they cannot yet care for themselves? If they are not prepared to step into society today after over 100 years of wardship, another hundred years will not do it. Will they still be considered as people on war ponies, hunting buffalo? I say let them be freed from their treaty fetters, that they can take their rightful place in our society.

The mere existence of treaties implies that those modern day Indians with whom we associate are not real citizens, but in a class unto themselves. This is the only instance in which a racial minority group is officially segregated in the laws of our Federal Government, and kept from assuming the full responsibilities and benefits of citizenship. Discrimination begins with the feeling that certain groups are "inferior" or "different." Existing treaties with their distinct terminology continue to segregate this important element of our population as being foreign and somewhat less than civilized. They also serve as a fulcrum to separate Indians out as objects of discrimination.

Commutation of treaties will be the first productive step taken to help the Indians through the impenetrable morass of regulations, interpretations, laws, and treaties that have been their cross to bear for generations.

DUE RIGHTS UNDER CONSTITUTION

The only way that we can effectively begin to give the Indian his due rights under the Constitution, is to commutate all treaties. Today, the only persons deriving any benefit from them, are the few individuals and organizations that specialize in the creation of Indian problems. It is sources such as these, that presume to speak for the Indian—as though he cannot speak for himself—that use treaties to tie Indians to the past. Although they scream treaty whenever nothing else is attracting attention, there is never a word about the millions of dollars gratuitously expended upon maintenance of a Bureau to regulate our Indian population.

I say, unfetter them, set them free, let them partake of the blessed freedoms guaranteed by our Constitution. Do not keep them entangled in words, regulations, paper, and redtape. Let them fill the great gap in our Nation's population left for those who have not to this day attained the freedoms guaranteed to us all. As Dr. Lindquist said—Indian Treaty Making, page 438:

> To hold them in the grip of a treaty made generations ago is indeed a dead hand laid upon their future.

CLOSING DOWN THE INDIAN BUREAU WITHIN 3 YEARS IS THE MOST CONSTRUCTIVE STEP WE CAN TAKE

As I have tried to point out, the implementation of House Concurrent Resolution 108 has been sadly deficient. Only a few Indian groups have actually been affected by any legislation and these are mostly small and unimportant. Action on the tribes listed by the Acting Commissioner of Indian Affairs, William Zimmerman, in 1947, as ready for immediate freedom from Federal supervision within 10 years, has been disappointing and almost negligible.

Lip service has been rendered to the principle of Indian freedom by the Indian Bureau. For instance, in 1956, during the 84th Congress, the Bureau recommended that the Wyandotte, Peoria, and Ottawa Tribes of Quapaw jurisdiction in Oklahoma be removed from its supervision and this was done by Congress. These three tiny tribes represent only a few of the many which had been mentioned as ready for their freedom in 1947 by the Indian Bureau itself. This illustrates what I have said many times previously, that you cannot ask an agency to abolish itself.

The responsibility for achieving the intent of House Concurrent Resolution 108 again devolves upon Congress. Reports have been asked for some tribes, hearings have been held on some, no action has been taken on others. Clearly the way to get nothing done at all is to let the present situation dwindle down into a futile quest for action on a piecemeal basis for each individual Indian tribe and band. The Indian Bureau has almost completely sidestepped the issue posed by House Concurrent Resolution 108 apparently hoping that Congress might forget about it. However, the bill I am introducing today will not allow any further continuance of this type of foot dragging. It is now time that we act decisively and comprehensively on the problem of the denial of constitutional rights to our Indian fellow citizens which I have here presented.

SECURITY BENEFIT

In my way of thinking the needy Indians over 50 years of half blood and more should be qualified for at least a minimum social-security benefit of $50 per month. The sole requirement for receiving this benefit would be membership in some recognized tribe. In this way the small residuum of services performed by the Indian Bureau may, in the future be handled by the Federal and the State authorities concerned with retirement and unemployment benefits for all citizens.

A PROUD PEOPLE

The greatest harm that was ever done to a proud people was to put the Indians on a reservation 125 years ago and promptly forget about them. The reservation Indians are still prisoners of war.

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## POLITICAL ACTIVITIES BY LABOR LEADERS

Mr. CURTIS. Mr. President, on August 1, as shown on page 15838 of the RECORD for that date, I spoke on the part which labor bosses are playing in politics, and I spoke in particular of James L. McDevitt, national director of the AFL–CIO committee on political education.

Mr. McDevitt wrote me a letter complaining of my remarks.

As a matter of fairness to Mr. McDevitt, I ask unanimous consent to have printed in the RECORD at this point Mr.

McDevitt's letter to me, together with my reply.

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

WASHINGTON, D. C., *August 13, 1958.*

Hon. CARL T. CURTIS,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR: I have just read the CONGRESSIONAL RECORD, Senate, of August 1, in which you insert a statement referring to my appearance before the McClellan committee with respect to a publication entitled "The Pennsylvania Federationist," a yearly publication that had been in existence in Pennsylvania for over 40 years. In your statement there are some very serious charges that are not supported by any evidence of factual material.

No. 1. Our committee on political education has never in one single campaign over its history had available the tremendous sums of political money you speak about. This can be checked by the reports we file with the Clerk of the House of Representatives with which you are thoroughly familiar.

No. 2. You make reference to my appearance on May 6, before the committee, and I quote, "He, too, played the part of a completely innocent man who had been wronged by his associates." Let me assure you Senator, there has never been in the history of my career, any action either as a member or an officer of our movement of which I have ever been ashamed. My membership dates back to the year 1916, and I have been an officer in one capacity or another since 1923. When you infer the things you have in this article, it seems to me that you are stooping pretty low to obtain political propaganda. However strong your desire may be for that kind of material, I would think that your conscience would suggest that you might do serious harm to another's reputation without justification.

No. 3. You state that I hired a Mr. Lapensohn in the year of 1946 to solicit advertisements for the Pennsylvania Federationist. Again you are incorrect. Mr. Lapensohn was engaged by the executive council of the Pennsylvania Federation of Labor under contract.

No. 4. You say that Mr. Lapensohn continued until 1953, and "during this time, it turned out, he and his associates were shaking down employers to the tune of thousands of dollars—promising them labor peace if they advertised" in the book in question. During the time I was present at the hearing, I do not recall any one of the four employers that appeared, with the exception of one, making any reference to "shake downs." The one exception was a gravel contractor in New Jersey who said that he paid one of Mr. Lapensohn's agents a cash fee to have his plant remain on a nonunion basis. But I can assure you that I have no evidence of any "shake down" practices carried out in Pennsylvania by Mr. Lapensohn from 1946 until November 1951 when I left the Pennsylvania Federation on a leave of absence.

No. 5. You make reference to an incident in 1947 in which it was alleged that Mr. Lapensohn had 2 associates that were indicted for a violation of law but, and I quote your words, "Lapensohn's contract was renewed year after year until 1953." Senator, once again you have not given the facts. The two men in question were convicted of having violated the Hobbs Act, but Mr. Lapensohn was not included in that charge as the records of your committee indicate. You will recall that I mentioned at the time, that while my memory was not clear at the moment the question was asked, I did believe that our attorney had advised us, when I asked what action should be taken in the matter, that Mr. Lapensohn was not involved in the violation, therefore I was without proper grounds to cancel his contract.

No. 6. You make reference to hundreds of letters bearing my signature being sent out without any knowledge. I do not know whether or not there were more letters than were presented to me at the committee session as those dispatched by Mr. Lapensohn. You will recall that there were only two such letters presented to me for identification.

Now with respect to your final political statement when you say, and I quote, "I submit that a man who admittedly is not qualified to recognize a swindle when it is being perpetrated by one of his own lieutenants * * *" Again I repeat, there is no evidence that a swindle occurred during the time that I was president of the Pennsylvania Federation of Labor. Further, there is no evidence that Mr. Lapensohn ever had a lieutenancy relationship to the writer, but rather that of a contractor.

Once again, Senator, I note you take advantage of the CONGRESSIONAL RECORD with another political statement that has no basis of fact. You continued to say that I am "* * * not qualified to pick and choose the Senators and Representatives for whom organized labor will be expected to vote." You know that statement bears no evidence of truth. We have never attempted to pick Senatorial or Congressional candidates for our members. It seems to me this is quite clear to everyone in the political field. The only authorized endorsements that may be made in behalf of or in opposition to a candidate for those offices, are by the respective city and State organizations after they have called a special conference or convention of all unions involved.

In view of these facts, Senator, I sincerely believe a statement of retraction by you would be in order.

Very truly yours,

JAMES L. MCDEVITT,
*National Director,*
*Committee on Political Education,*
*AFL–CIO.*

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UNITED STATES SENATE,
COMMITTEE ON RULES
AND ADMINISTRATION,
*August 18, 1958.*

Mr. JAMES L. MCDEVITT,
*National Director, AFL–CIO Committee on Political Education, Washington, D. C.*

DEAR MR. MCDEVITT: I am in receipt of your letter of August 13, 1958. After having carefully reread my statement of August 1, 1958, as it appeared on page 15838 of the CONGRESSIONAL RECORD, I am at a loss to understand why you believe a statement of retraction by me is in order.

In the first place, you take exception to my charge that the labor bosses are going to spend over $3 million in the coming elections. You say: "Our committee on political education has never in one single campaign over its history had available the tremendous sums of political money you speak about. This can be checked by the reports we file with the Clerk of the House of Representatives * * *."

Nowhere in my statement did I say that the AFL–CIO committee on political education would be the sole disburser of this amount of money. If you will reread my statement you will note that I said the "labor bosses," not COPE.

Rest assured that I am thoroughly familiar with the reports filed with the Clerk of the House of Representatives as required by the Corrupt Practices Act. However, I am not naive enough to suppose that these figures represent an accurate picture of the entire amounts spent for political purposes by the labor bosses. Actually, they are only the visible part of the iceberg.

When it is taken into consideration that labor unions and their political auxiliaries are required to report only those funds directly contributed to political candidates or their duly authorized committees, but not the many other funds spent for political purposes, I must conclude that I was extremely conservative in my estimate.

The other funds of which I speak include the money spent for special editions of labor newspapers which are nothing less than political posters for candidates the labor bosses have endorsed; money spent for special organizers at $20 per day for 30 days prior to national elections; money spent for special radio and television programs plugging for labor-endorsed candidates (which the UAW freely admitted was being done in Michigan); etc., etc., etc.

Since the labor bosses are required to report only a small portion ($1,078,852 in the 1956 campaign) of the funds which they spend for political purposes, it would seem that the burden of the proof rests with you to show that this amount will not be spent in the forthcoming campaign.

With respect to your second complaint, I must say that my criticism of you is mild indeed compared to the intemperate language you use in assailing me. Permit me to say that I have never "stooped low" to obtain political propaganda, as you infer. I have only presented facts and interpreted circumstantial evidence on its relative merits. If, in doing this, I have offended the sensibilities of another, then the blame must be placed on the incriminating facts and evidence.

Concerning your third complaint, you accuse me of being incorrect in saying that you hired Mr. Lapensohn in 1946.

In the statement which you, yourself, prepared and caused to be inserted in the transcript of the hearings, you said: "He [Lapensohn] was retained by me on behalf of the federation after an inquiry by me into his character, reputation, and ability. Reports I received concerning Mr. Lapensohn were good. During the period from 1946 to 1953 I had no reason to suspect that Mr. Lapensohn might be conducting himself in an improper manner, with respect to the obtaining of advertisements for the yearbook." (This is contained on pages 10866 and 10867 of part 28 of the hearings.)

Now, the dictionary definition of the word "retain" is, among other things, "to employ, as with a lawyer, by paying a retainer; or to hire." Therefore, if you meant to convey a different relationship existent between you and Mr. Lapensohn, surely I cannot be blamed for your poor choice of words.

In the fourth complaint you made about my statement, you are upset because I accused Lapensohn of "shaking down" employers. You infer that there is little evidence to support this claim. Again I refer you to part 28 of the hearings—page 10873.

Senator CHURCH, who was not quite sure what the facts were concerning Mr. Lapensohn and the Pennsylvania Federationist, asked for clarification. Mr. Kennedy, the chief counsel, proceeded to brief him. But, before doing so, he addressed this specific remark to you, Mr. McDevitt: "If you know any further facts, Mr. McDevitt, you correct me." Then he proceeded to explain the matter in the following words: "Senator, Mr. Lapensohn was operating the Pennsylvania Federationist. One of the things that he did was to hire Mr. Goldberg and Mr. 'Turk' Daniels as solicitors for him. They would go around to some of the producers and then tell them that if they took an ad or made these payments they would no longer have trouble with local 929 of the Teamsters Union, which was the union that had control over the produce dealers. Beyond that, a group of the produce dealers had gotten together and wanted to erect a

new building. * * * He went to them and said that in order to build the building and have it effective, they would have to have good labor relations, and if they each got together and paid him $250, which would be a total of around $36,000, if each of them paid the $250, they would not have difficulties with local 929."

Now, Mr. McDevitt, that is Mr. Kennedy's explanation to Senator CHURCH concerning Mr. Lapensohn's activities. Any reasonable man must conclude that it is a most vivid account of a shakedown. When he made it he specifically asked you to correct him if you so desired. You said absolutely nothing. Therefore, it comes with poor grace for you at this late date to deplore my use of the term "shakedown" in describing Mr. Lapensohn's activities while in the employment of the federation over which you presided.

In your fifth complaint you accused me of not giving the facts when I said that Mr. Lapensohn's contract was renewed year after year until 1953. You, yourself, stated in your prepared statement that "In 1946, Mr. Lapensohn was engaged by the Pennsylvania State Federation to secure advertisements for its yearbook, and he continued this undertaking until the year 1953." Are you suggesting that your own testimony is unreliable and that a Senator who repeats the information therein contained is guilty of prevarication?

You go on in the fifth complaint to mention that Lapensohn was not convicted of having violated the law as were his two associates. This is exactly what I said in my statement. However, I told the whole story and pointed out that he escaped indictment not because it was proved that he was innocent, but by fleeing the jurisdiction as Congressional records will show.

In complaint No. 6, you are disturbed because I stated that hundreds of letters had been sent out and that you testified that they were sent out without your knowledge. And you inferred that there were only 2 or 3 of these letters. On pages 10871 and 10872 of the hearings, Mr. Kennedy said: "Hundreds and hundreds of these letters went out. * * *" and asked you if you had any knowledge of it. You replied: "I did not have knowledge of it, Mr. Kennedy; no." In view of these facts, Mr. McDevitt, I fail to understand your concern.

Then you claim that there was no evidence that a swindle occurred during the time that you were president of the Pennsylvania Federation of Labor. Going back to the dictionary, the definition of a swindle is "To obtain money or property from one by fraud or deceit; to cheat or defraud." The activities of Mr. Lapensohn during the time you were president of the federation as outlined by Mr. Kennedy and unchallenged by you before the McClellan committee, fit that description, Mr. McDevitt. And that is a fact which cannot be wished away with pious protests such as those contained in your letter to me.

Finally, you accuse me of lying when I charge that because of your poor showing before the McClellan committee you are not qualified to pick and choose Senators and Representatives for whom organized labor will be expected to vote. You intimate that the candidates chosen for endorsement by National COPE are chosen democratically by the local units and only then do you give them the endorsement of National COPE.

I am wondering if this is the policy you were enunciating when (as reported in Human Events, a national publication, the last week in July) you said, at a regional meeting of local union officials in New England at Hartford, Conn., July 19, 1956, the following: "We are driving to see that every so-called labor leader speaks for what is best for the movement and not what is best for him. We are going to get the labor leaders who differ publicly with the position on candidates and issues already established by the labor movement. Such differings (hurt) the cause. These so-called labor leaders that differ wtih the movement will be uncovered. We plan to, and we will, publicly and among the rank-and-file, brand them as traitors. That's what they are—traitors—and that's what they will be called—traitors. We are warning you now, and we are warning all in the future: Do not differ with the movement with respect to issues or candidates. We will not stand for it."

It would seem, in view of all the foregoing, that what is in order, Mr. McDevitt, is not a retraction by me, but an immediate apology from you.

Sincerely,

CARL T. CURTIS,
*United States Senator.*

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## CIVIL DEFENSE NEEDS

Mr. CURTIS. Mr. President, it is my purpose to briefly discuss the civil defense needs and program in the hope that my remarks will be of some help when the Congress reconvenes.

There are those who feel that any talk of what should be done in time of war is unwise from a propaganda standpoint. That line of thinking is most dangerous. Somebody must give attention to these matters. The Congress has a primary responsibility in it.

It need not be argued that the next all-out war will be total war with millions of casualties, destruction of facilities and the like, which will instantly bring about a condition of great chaos. Up to now we have placed the responsibility for handling such an emergency upon our civil defense agency, which is now called the Office of Defense and Civilian Mobilization.

I have a great respect for the people who make up our civil defense program. Those that I know are devoted, patriotic people. The point I wish to make is that this job, if it ever becomes necessary to perform it, is one so great that it will require additional help. We will need many disciplined units that will know what to do and have the ability to perform it.

My suggestion is that we utilize our reservists in civil defense. Millions of men and women who are no longer in the active service possess the training, the skills, and the know-how, and the understanding to render a great service at a time of all-out war. These reservists, whether they be Air Force, Army, Navy or Marine, should be unified and assigned the major responsibility for civil defense.

Mr. President, there are many arguments in favor of such a move. The reservists want something to do. Many of them receive some pay or expect some retirement benefits. In other words, the cost of maintaining the Reserves is already here. Many reservists, who are well trained, feel that they are wasting their time and the Government's money attending some class now being given in the Reserve program. Let us reverse the situation and permit that reservist to earn his credits by teaching a class. He might be an individual who could instruct the civil defense forces, including other reservists, in the problems of water supply, food supply, public health or police methods, or the other problems that will arise. In our Reserves we have a reservoir of individuals trained in the various things needed by such a program. We will find experts and specialists in transportation, communications, engineering, food supply, first aid and medicine, electrical and gas system, and similar skills. It should also be borne in mind that many of these reservists have lived under discipline and they know how to discipline others. Many of them have experienced actual warfare conditions.

Mr. President, one of Nebraska's outstanding physicians and surgeons, Dr. Donald W. Kingsley, of Hastings, Nebr., a reservist, has spent a great deal of time and thought on this very problem. He has discussed it with his colleagues. He has presented his ideas to the reservists and military authorities. He has taken it up with the American Medical Association. Mr. President, I would like to incorporate in my remarks at this point a memorandum prepared by Dr. Kingsley on this very subject.

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

Since the last world war and the development of the atomic bomb, there has been expounded from our various military, political, and civil leaders many concepts of the next war. Boiling these various concepts down, the following conclusions are reasonable and conform to expressed opinions of nationally recognized representatives of Army, Navy, Air Force, biological and chemical, public health, and civil components:

(1) The war as such will be total war, no discrimination being made between civilians, armed force personnel, age, or sex.

(2) The war will be won or lost in the first few days and the blow delivered by both the attacker and the attacked will be aimed at destroying the capacity of the enemy to make war. It is agreed that the main targets will be our greatest population centers and our Strategic Air Force bases and our basic industry.

(3) It is felt that the attacker will utilize all weapons which will make the first blow a final one so that the attacked nation will be in such a condition that further resistance by him in days, months, or years will be improbable.

(4) The weapons, as of now, are adequate to achieve this result and consist of atomic bombs, toxic agents, and biological agents.

(5) Recent studies have estimated that damage in the United States, from such an attack, may be 50 million casualties. This figure would be increased or decreased if additional targets were or were not added to the attacker's plan.

(6) It is felt that with a blow of this nature very few of our offensive units would be left or be capable of effective aggressive warfare after the first 2 or 3 days and that what remained of the Armed Forces would probably best be utilized in bringing some order out of the chaos left from the attack.

(7) The responsibility for national survival, following the attack, has apparently been placed upon the civil defense authority. The necessity for civil defense is no longer questioned, but the means to carry it out and the manner in which it is being carried out is totally inadequate to the anticipated demand. In some few areas of the United States, communities are fairly well organized, but in the great majority of communities, no effective organization is present. Fundamentally, this has been because: (a) civil defense does not have the auhority to create and maintain disciplined units capable of tasks which will be demanded of them; (b)

it has neither the manpower or the money necessary to create such an organization.

(8) The reserved Armed Forces comprise many millions of individuals. There were more than 12 million individuals in World War II and since that time additional millions, which have a military obligation, have been added to this figure. As of today, our Reserves are made up of units of the various services which attend periodic meetings, where they are given instructions, most of which are of an obsolete nature as far as warfare is concerned, and much of it is lectures, discussions, and various displays, which add little to the effectiveness of the defense of our country. Most of the men attending Reserve meetings faithfully, either receive some pay or will receive pay after retirement. I have talked to very few individuals in the Reserves over a period of many years, who felt that their time was well spent and with many who felt their time was a total loss. The men and women, who are in this vast Reserve group, include individuals who are specialists in transportation, communication, food supply, public health and personal services and all other talents which may be needed in an effective civil defense organization.

(9) It is my suggestion that the various talents inherent in our Reserve structure be utilized as a civil-defense organization. If such is done, it will provide the country with a disciplined skeletal organization which can react immediately on call in time of emergency. Until such time of emergency occurs, it can effectively use its talent in bringing to the people of this country the various knowledges which they must have if we are to survive as a nation after a major atomic blow. To bring this about will necessitate a combining of civil defense and military functions in such a manner that civilian law will exist until martial law is needed. This transition should be liquid enough so that immediate response on demand would result. I recognize that this means that negotiations of a delicate nature by higher authorities would be necessary before this could be accomplished, but no adequate organization can be perfected unless definite authority for the needed discipline can be obtained. It is suggested that the various Armed Forces pool their Reserves except for personnel which might be needed during initial combat effort, have mutual meetings instead of the 3 or 4 separate Reserve meetings and that definite duties be assigned to various talented Reserve individuals for the purpose of educating the public. For instance, instead of giving one credit point for attending a Reserve meeting, an individual could be given one credit point for a lecture on transportation, or on police methods, or on first aid, or on sanitation, and so forth to various civil groups. Under such a system it should not be longer than a few years until our own people, including our children, would be well versed on individual survival methods necessitated by a major catastrophe.

(10) One further argument, which should be a powerful one, is that this entire program could be carried out without the additional expenditure of funds, as the organization to do it is already in being. Surely at a time when the financial burden is so great, every effort should be utilized by our Government to eliminate expense.

Mr. CURTIS. Mr. President, some weeks ago I discussed this matter with the very distinguished Senator from South Carolina [Mr. THURMOND], and also with Col. John Carlton, director of the Reserve Officers Association; and Major Manchester, the editor of their magazine. There was also present Col. Joseph L. Chabot, Assistant Secretary of Manpower in charge of Reserve affairs in the Pentagon.

Since that time, several individuals have expressed themselves in favor of this idea. I am happy to report that the Reserve officers of the United States, at their 32d annual convention at Atlantic City, N. J., on June 27, 1958, passed a resolution recommending that this matter be studied and considered. Mr. President, I ask unanimous consent that this resolution appear at this point in my remarks.

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

UTILIZATION OF THE SKILLS AND EXPERIENCES OF RESERVISTS IN THE FIELD OF CIVIL DEFENSE

Whereas the newly created Office of Defense and Civilian Mobilization with its greatly enlarged area of responsibilities will welcome the skills and experience of both active and retired officers of the Reserve components to successfully assist in furthering its most important program, and

Whereas a period of emergency would present a problem of immediate and pressing military responsibility: Now, therefore, be it

*Resolved, by the Reserve Officers Association of the United States, at its 32d annual convention in session assembled at Atlantic City, N. J., this 27th day of June 1958,* That we urge that a joint study be made by this Association and the National Guard Association in cooperation with the Department of Defense and the Office of Defense and Civilian Mobilization, and such other agencies as may appropriately join in this study, of ways and means to employ, under such conditions as may be found feasible, the skills and experience of both standby and Active and Retired Reserve officers of the reserve components in formulating a practical plan for civil defense.

Mr. CURTIS. Mr. President, it is my sincere hope that the appropriate committees of the Senate and the House, and the appropriate individuals in the executive branch, will give this matter consideration to the end that we will be able to utilize the great potential of our Reserve forces in our problems of civil defense.

I wish to read a letter from Frank W. Barton, secretary of the council of defense of the American Medical Association:

AMERICAN MEDICAL ASSOCIATION,
*Chicago, Ill., August 18, 1958.*

The Honorable CARL T. CURTIS,
*United States Senate,*
*Washington, D. C.*

DEAR SENATOR CURTIS: At the suggestion of Dr. Cyrus Maxwell, of the Washington office of the American Medical Association, I am writing to acquaint you with some of the activities of the association with respect to civil defense.

The concept of what today is the council on national defense of the American Medical Association had its inception in December 1945. At that time, the AMA house of delegates appointed a committee to study the experience of medical officers during World War II and formulate policies for recommendation, expressing the views of the medical profession in planning for the overall needs and proper utilization of medical resources and skills of the Nation in any national emergency.

The council on national defense is one of nine standing committees of the board of trustees. The council's authority and responsibility, in the broadest terms, pertain to (1) military medical affairs, and (2) civil defense matters.

The medical profession naturally views civil defense from the standpoint of the medical and health care of the civilian population under disaster conditions. The American Medical Association has expressed the conviction that it should concentrate its efforts on the medical and health aspects of civil defense. The council's committee on civil defense has been primarily concerned with problems in this category, such as emergency medical and health service; the organization and training of professional personnel for the management and care of mass casualties; and the provision of adequate medical supplies, equipment, and facilities.

The council's activities in the field of medical disaster preparedness include assistance to State and Federal civil defense authorities, as well as the Department of Defense, the Army, Navy, Air Force, and the United States Public Health Service, with medical and health problems and acts as a liaison with allied health agencies regarding personnel, facilities, and materials needed in time of war or national emergency. In sponsoring an educational program on the medical aspects of civil defense, the council helps physicians to prepare themselves for the management and care of mass casualties which would result from an atomic, biological, or chemical attack. The council collects, prepares, and distributes general and technical information in this field for both civilian and military use. The council maintains close and constant liaison with the Office of Civil and Defense Mobilization (formerly Federal Civil Defense Administration) and often works with established relief agencies such as the American National Red Cross and industrial groups in planning disaster-relief programs. Governmental agencies, medical and hospital societies, allied medical and health organizations, and local disaster-relief groups contact the council for information, advice, and assistance. The council carries on a continuing educational program to alert the profession at large to change in international situations with the accompanying medical implications. The council has felt strongly that it is incumbent upon the medical profession to exert forceful and dynamic leadership in the civil-defense program at National, State, and local levels.

At the national level statements have been presented on several occasions, on behalf of the association, before Senate and House committees concerning the need for an adequate national civil defense program. Appropriations Committees of the Congress have been requested to approve funds for the stockpiling of drugs, medical supplies, and equipment. The association believes that a strong civil defense requires positive action by the Federal Government with emphasis on increased Federal leadership and direction. It believes that civil defense is an integral part of national defense and that the Federal Government has a direct responsibility.

At the urging of the council, civil defense or emergency medical service committees have been established in all 48 of the State medical associations and Hawaii. In addition to educating individual physicians in their responsibilities, the Council assists State groups in medical civil defense planning and programing. These committees with their plans have been effective in coping with the numerous natural disasters which have occurred throughout our country in recent years. For instance, hurricane Audrey in Louisiana and the hurricane in Vicksburg are two examples.

A few of the other more important accomplishments of the council and its committee are briefly reported as follows:

1. There has been under consideration the need for a change in the concept of the role of military reserve units in the event this country is subjected to nuclear attack. The council recommended that the military departments be requested to assist and actively participate in medical civil defense matters

by including appropriate projects in their training programs, reserve affairs, and educational projects. Such activities are now being incorporated in the military programs and the role of the Armed Forces in civil defense operations is receiving attention and study.

2. Representatives of the Council served on a joint committee of national and health organizations which recommended a critical analysis and field test of the FCDA 200-bed emergency civil defense hospital unit. In 1956, two separate field tests were conducted by the Army medical service personnel at Fort Meade, Md., and Fort Sam Houston, Tex., with observers from 17 national medical and health groups acting as analysis teams. Following these tests, a number of recommendations were made by the joint committee concerning medical supplies and other items to be included in the units and instructional material on how the hospital units should be set up, staffed, and operated.

3. Following a request from the Federal Civil Defense Administration, the AMA board of trustees, on Febraury 9, 1957, authorized the Council to proceed with a research and study program to establish criteria for the provision of medical care of the surviving population, casualty and noncasualty, in the event of enemy attack on this Nation. The development of a plan for the care of the surviving population and the problem of public health and environmental sanitation that will be present in the event of enemy attack on this Nation is a tremendous project involving many varied and complex problems. A special commission was established to conduct the study project. The commission expects to complete the project in November 1958, in accordance with the terms and conditions as outlined in the basic contract.

4. Since 1953, the Council has sponsored a yearly national medical civil defense conference. These conferences, attended chiefly by physicians from every State, are devoted to medical civil defense topics which are discussed by outstanding experts.

The Council also sponsors a county medical society civil defense conference each year. These conferences are designed to help local medical and health personnel plan their work in civil defense and disaster situations.

5. The Council has published, since 1951, a Civil Defense Review which is distributed bimonthly to more than 1,750 persons and groups. Two booklets entitled "Medical Aspects of Civil Defense" and "Medical Planning for Civil Defense" have been published by the Council, as well as a bibliography of the medical aspects of civil defense. The Council publishes and distributes the proceedings of its annual conferences and, from time to time, furnishes articles, reports, and editorials for the Journal of the AMA and other health publications.

The Council is encouraged by the increased interest and activities to medical civil defense preparedness, in spite of the fact that much more remains to be done. That progress is being made in the various cooperative programs and plans of the Federal agencies and professional associations is gratifying. In the past 2 years, the Congress has given serious attention to strengthening the civil defense program through hearings and legislation to provide greater authority, responsibility, and participation in civil defense at the Federal level.

On behalf of the Council, I want to express our sincere appreciation for the time and serious effort you and your colleagues are devoting to this national problem. Your interest in the work of the American Medical Association in medical civil defense activities is most welcome.

Most sincerely,

FRANK W. BARTON,
*Secretary, Council on National Defense.*

## ADMISSIBILITY OF EVIDENCE—STATEMENTS AND CONFESSIONS

The Senate resumed the consideration of the bill (H. R. 11477) to amend chapter 223 of title 18, United States Code, to provide for the admission of certain evidence, and for other purposes.

Mr. DIRKSEN. Mr. President, the Senate has been debating the so-called Mallory matter for the 9½ hours. So far as I know, only one speech and a few very brief written matters have intervened during the discussion of the Mallory matter. Therefore, actually the Senate has devoted a great deal of time to a discussion of the issue in the Mallory case and the proposed legislation before us.

I believe that for the purpose of the RECORD I ought to make it clear that we are dealing with a House bill, not a Senate bill. The bill passed the House on July 2, 1958. I thought at least it might be advisable for the average reader of the CONGRESSIONAL RECORD to know that the essential facts in the case might be brought together in one place.

Frankly, after some 9½ hours or 10 hours of discussion it must seriously tax the patience of the people who read the CONGRESSIONAL RECORD to determine just what the Mallory matter is all about.

Therefore I start with the fact that the bill before us stems from the Mallory case, arising in the Nation's Capital. The House bill passed on July 2, 1958. It came to the Senate in the form of a House bill. It comes to the Senate from its committee with an amendment consisting of only one word. That word is the word "reasonable." It has been included by the Senate Committee on the Judiciary on page 1 in line 11. To summarize some of the discussion which has taken place today, the basic purposes of the Constitution of the United States are to safeguard the rights of the people and to safeguard the rights of individuals. Those purposes are recited in the Bill of Rights and elsewhere in that document. The Founding Fathers having done so, and having fashioned in words the rights which inure to citizens of this country, it becomes necessary to give those rights practical application when they are placed in jeopardy.

In 1940 Congress passed an act under which we empowered the Supreme Court to prescribe rules for the application of those rights. The Supreme Court issued its order on the 3d of February 1941. In that order there is contained the so-called rule 5, dealing with restrictions upon arresting officers. The appropriate language there is:

> A person who has been arrested shall be taken before the nearest available commissioner—

And this is the important language and the nub of the controversy before us—

> without unnecessary delay.

Actually that has been the procedure since 1940. While it had been challenged on some occasions, it was not challenged seriously until the Mallory case. That case arose in 1954, and came to trial in 1955.

Since that time the appellate court in the Nation's Capital had decided the Trilling case, which I believe has added somewhat to the confusion. However, those who read the RECORD ought to know what the facts in the Mallory case were.

On the 7th of April, 1954, at the hour of approximately 6 p. m., here in the Nation's Capital, the crime of rape was committed. On the following day, the 8th of April, at approximately 2 or 2:30 in the afternoon, the authorities apprehended 4 suspects. One was Mallory, and two of the others were Mallory's nephews. They were questioned by four officers for some time. After the questioning, they were asked to take the so-called polygraph or lie-detector test. It took 2 hours to find the operator of the polygraph. So it is necessary to add 2 hours to the time that the suspects were questioned before being arraigned before the Federal Commissioner. Then there was another hour and a half of questioning. Finally there came the confession, and that confession was repeated to the officers.

At 10 o'clock at night the officers were still seeking a commissioner. That was 7½ hours after Mallory had been apprehended. In the meantime, no commissioner appearing, they gave Mallory a physical examination. Finally, he was confronted by the victim of the alleged crime and members of the sex squad. Then there was further questioning by three officers for a period of time. It was roughly 11:30 o'clock at night on April 8, 1955, when Mallory finally dictated his confession. Therefore, according to the clock, actually a period of about 9 hours elapsed from the time of his apprehension until he was taken before a commissioner.

The trial was deferred for a period of a year. There were the usual confusions and complexities which attend such a trial. At long last, Mallory was tried. The confession which he had dictated was introduced in evidence. He was found guilty, and the death sentence was imposed.

The case finally went to the Supreme Court of the United States. The finding of the Court becomes the basis of what is proposed to be done by Congress.

I should point out, of course, that the Mallory case was not disposed of by the Supreme Court. It was remanded for further action. That is where we get into real difficulty, because obviously the victim in the case did not want to go through the agonizing experience of another trial. I suppose that was rather persuasive upon the Federal authorities in reaching a decision not to press for another trial in the case.

The salient facts found by the Supreme Court in the case were substantially these. First, there were committing magistrates available, even though it was difficult for the authorities to find one, before whom they could have brought Mallory and arraigned him for the preliminary examination, if necessary. That was one of the essential findings. Second, evidently Mallory was not informed of his right to counsel and his right to a preliminary examination, as

set out in the rules of procedure, or to keep silent, if he were so disposed. Third, he was not informed that the testimony could be used against him if he did make a statement.

In addition, I believe it was found that he was not arraigned until after he made the confession in the case. The problem which was presented to the Supreme Court can be rationalized by the clock if one wishes to do so, ignoring all the circumstances. The question was whether there was unnecessary delay in finally bringing him before a commissioner for arraignment and examination. Rule 5, which is designed for the protection of people who are apprehended and charged, deals with proceedings before a Federal commissioner. It provides:

An officer making an arrest under a warrant issued upon a complaint or any person making an arrest without a warrant shall take the arrested person, without unnecessary delay, before the nearest available commissioner or before any other nearby officer empowered to commit persons charged with offenses against the laws of the United States.

There is the language: "without unnecessary delay."

The question was whether or not there was unnecessary delay in bringing Mallory to arraignment; and if so, whether it amounted to prejudicial error which justified the Supreme Court in remanding the case for further proceedings.

In the pending bill we intend to deal with it. We hope to deal with it. The House dealt with it first. I read only the first part of paragraph (a) of the House bill. Mind you, now, we are dealing with procedure, and the admissibiilty of evidence, statements, and confessions. The House bill reads:

Evidence, including statements and confessions, otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States.

So the House of Representatives, in approving the bill on July 2, 1958, has only said that statements and confessions, otherwise admissible, shall not be inadmissible solely because of delay in taking an arrested person before a commissioner.

The Senate Committee on the Judiciary considered the question, and a number of suggestions were made. One member of the committee thought perhaps we ought to write into the bill the phrase "unnecessary delay." Another member of the committee thought we should write into the bill "reasonable and necessary delay."

But, at long last, knowing, of course, of the intense interest in the bill, the committee, by a rather substantial vote, agreed that if the bill were to be reported to the Senate there must be some modification of the House bill. As a result, the committee agreed upon the inclusion of one word, and that is the whole Senate amendment—the word "reasonable."

So as the Senate version of the bill reads today—paraphrasing—statements, confessions, and evidence otherwise admissible, will not be inadmissible in court solely because of a reasonable delay in taking an arrested person before a commissioner. That, then, is the nub of the whole controversy. It is up to the Senate to compare the two versions.

The present rule uses the words "without unnecesary delay." Some court finally has to interpret, from the facts and circumstances, what "unnecessary delay" means. We propose to say "reasonable delay."

What is "reasonable delay"? All we have to do is to look in Webster's dictionary to find all the synonyms. It could be moderate delay. It could be a just delay. It could be a fair delay. It could be an equitable delay. But certainly words in rules of procedure and words in statutes have absolutely no meaning except as they are finally interpreted by attorneys and interpreted by courts.

So the House version does not contain the word "reasonable." The Senate version does contain the word "reasonable."

When we vote, very soon, the question will be on agreeing to the committee amendment. A vote of "nay" would excise the word "reasonable." That is the nub of the question which is at present before us.

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

Mr. DIRKSEN. I yield.

Mr. THYE. What does the law now specify as to the length of time which may elapse between the arrest and the actual filing of charges against a person?

Mr. DIRKSEN. The language I just read is a part of rule 5 of the Federal Rules of Criminal Procedure. It is entitled "Proceedings Before the Commissioner." It reads:

(a) Appearance before the Commissioner. An officer making an arrest under a warrant issued upon a complaint or any person making an arrest without a warrant shall take the arrested person without unnecessary delay before the nearest available commissioner or before any other nearby officer empowered to commit persons charged with offenses against the laws of the United States.

What is "unnecessary delay"? It is an unrequired delay. It is a needless delay. It is a nonessential delay. But those are simply words, and the human mind must finally make an interpretation.

Mr. THYE. Does this rule apply only within the District of Columbia, or does it include any other court of the United States?

Mr. DIRKSEN. We are dealing now with the general code, even though this is a case which arose in the District of Columbia.

Mr. THYE. Would it apply to similar situations in San Francisco, Portland, or any other city?

Mr. DIRKSEN. Yes. There is confusion as a result of the so-called Trilling case. Frankly, unless one follows it very closely, it is difficult to understand. The decision was handed down by the United States Court of Appeals for the District of Columbia circuit as recently as April 17, 1958. I think anyone not familiar with the case would be terribly confused about it, even as I am confused about it. In the opinion we read:

Circuit Judges Danaher—

Who once was a Member of this body—

and Burger vote to affirm the conviction on count 3 in No. 13069 and to reverse the other convictions. Judge Danaher files an opinion in which Judge Burger joins. Judge Burger files a separate concurring opinion. Circuit Judges Prettyman, Wilbur K. Miller, and Bastian concur in part I of Judge Danaher's opinion.

Chief Judge Edgerton and Circuit Judges Bazelon, Fahy, and Washington vote to reverse all the convictions. Judge Bazelon files an opinion in which Judge Edgerton joins. Judges Fahy and Washington file a statement.

Circuit Judges Prettyman, Wilbur K. Miller, and Bastian vote to affirm all the convictions. Judge Prettyman files an opinion in which Judges Miller and Bastian join.

There was a joinder of three appeals before nine judges. It offers a great deal of difficulty. We are now trying to resolve the confusion.

My only point in adding to this record, because of the very brilliant discussions on the floor of the Senate this afternoon, is to summarize the essential facts in one place and to point up, in very simple terms, what I consider the issue to be. This case has been discussed on the front pages and in the editorial columns of newspapers for a long time.

Some persons, including students in high schools and colleges, will read these very learned, scholarly dissertations on the Senate floor, and they may ask, "What are the facts in the Mallory case?" I wanted to be certain that there were enough facts in the case so that the time factor would come to their attention as a predicate for the finding by the Supreme Court of the United States.

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

Mr. DIRKSEN. I yield.

Mr. THYE. The Senator is endeavoring to be so specific that even attorneys will not disagree, is he not?

Mr. DIRKSEN. My friend from Minnesota is by all odds the greatest optimist I ever saw.

Mr. THYE. As a layman, and not a lawyer, I have listened to the arguments on this question by the distinguished lawyers who serve in this body. So help me, I do not know how we are going to write anything on which lawyers will not disagree.

Judge Warren E. Burger, who is one of the judges to whom the Senator referred, is one of the most able lawyers whose acquaintance it has been my privilege to make. Certainly Judge Danaher, who served in this body, likewise is an able, scholarly lawyer. I have listened to Senators on both sides of the aisle who are lawyers. As one who is not qualified in the judicial field, but who has tried to apply common sense from one step to the next in the debate, it seems to me that we must be very specific if we are to keep lawyers from disagreeing at some future time on such a question as is involved in the Mallory case, because it was, without question, the circumstances involved in that case which made

it impossible for the authorities to file a specific charge against the man within a specified period of time.

Mr. DIRKSEN. I must say to the Senator from Minnesota that I am afraid to venture into that field, because I promised I would discuss only a few essentials of the case, and then I hoped we might proceed to a vote.

Being a lawyer, I am not insensible of the fact that lawyers can get into a legal rut, so to speak, and there is difficulty in getting them out. I do not wish to invite a long discussion such as we had this afternoon.

I often think of a very distinguished member of the bar in my State who passed away. The legal fraternity attended the last rites in a body. One of them was late, however; and when he came into the church, shortly after the minister had begun his eulogium, he sat down in a vacant seat, nudged his fellow member of the bar, and said, "Where are we in the sermon?" His friend replied, "The minister has just opened up for the defense." [Laughter.]

So, when one goes too far afield, he gets into difficulty. I had no such purpose when I added these few brief comments to the discussion of today. I merely wished to be sure that the facts in the Mallory case were before any reader of the RECORD. I am sure, then, that the discussions may be just a little more intelligible.

So, Mr. President, at this time I shall yield the floor, because I think that in connection with its consideration of this measure today, the Senate has been up the hill and down again.

I recognize full well the divergence of opinion in regard to the proposed inclusion of the word "reasonable" in the House version of the bill. But that is an issue for this very distinguished body to resolve.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. THURMOND in the chair). The Senator from Wyoming will state it.

Mr. O'MAHONEY. Mr. President, is not the pending question on agreeing to the committee amendment, which provides for the insertion, on page 1 of the bill, in line 11, before the word "delay", of the word "reasonable"; and is it not a fact that on that question, the yeas and nays have been ordered?

The PRESIDING OFFICER. The Senator from Wyoming is correct.

Mr. O'MAHONEY. Mr. President, I understand that the Senator from North Carolina [Mr. ERVIN] desires to make a few brief remarks in support of his contention that the committee amendment should be rejected. I know he will make a good explanation of his point of view, although I hope it will fall upon deaf ears.

If the Senator from North Carolina desires to take advantage of the present opportunity to speak, I yield the floor.

Mr. ERVIN. Mr. President, I should like to have an opportunity to speak; but I prefer to speak after a quorum call is had, so that more ears will be present, to hear what I have to say. I should like to speak for approximately 2 minutes; and then I believe it would be fair to permit the distinguished Senator from Wyoming [Mr. O'MAHONEY] to speak for approximately the same length of time.

Mr. O'MAHONEY. Then, Mr. President, I suggest the absence of a quorum.

Mr. DIRKSEN. Mr. President, will the Senator withhold that suggestion for a moment?

Mr. O'MAHONEY. Yes.

Mr. DIRKSEN. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. I understand that the first vote to be taken will be on the question of agreeing to the Senate committee amendment, which proposes that the word "reasonable" be inserted on page 1, in line 11, before the word "delay", in the bill as passed by the House. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. O'MAHONEY. Mr. President, at this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. KNOWLAND. Mr. President, at the request of one Member of the Senate, I must object to the request, and must ask for a live quorum.

The PRESIDING OFFICER. Objection is heard; and the clerk will resume the call of the roll.

The Chief Clerk resumed the call of the roll.

Mr. O'MAHONEY. Mr. President, I now understand that it will be agreeable to have the further call of the roll dispensed with. Therefore, I now ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ERVIN. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I promise the Senate that I shall not long detain it.

I feel very keenly that the committee amendment—which proposes the insertion of the word "reasonable" before the word "delay," on page 1, in line 11, of the House version of the bill—would, if agreed to, produce a very unreasonable consequence.

The bill arises from the decisions of the Supreme Court in the Mallory case and the McNabb case. In those decisions the Supreme Court repudiated a rule of law which had been in force in the Federal courts since the very foundation of the Government—namely—that when a person voluntarily confesses his guilt, his confession is admissible in evidence.

By its decisions in the Mallory case and the McNabb case, the Supreme Court repudiated that rule, and stated that, no matter how voluntary a confession may be, if it is made during a period of unnecessary delay between the time of the arrest and the time of the arraignment, the confession will be excluded from evidence.

Mr. President, in opposing adoption of the committee amendment, I merely wish to have a return made to a substantial rule of law—namely, that voluntary confessions are admissible in evidence, and that involuntary confessions are inadmissible in evidence. That is the rule of law in the 48 States of the Union; and it was the rule of law in the Federal courts, from the time of the foundation of the Nation down to the decision of the Supreme Court in the McNabb case, in 1943.

Mr. CASE of South Dakota. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I do not know whether, under the agreement, I have authority to yield.

Mr. CASE of South Dakota. My question will be very brief.

Mr. ERVIN. Very well; I yield.

Mr. CASE of South Dakota. Will the Senator from North Carolina concede that if the arraignment were long delayed, a confession obtained during that period might not be voluntary?

Mr. ERVIN. I concede that; but I say that we should return to the old law—namely, that the question of whether the confession is voluntary or is involuntary is to be determined by the trial judge in the light of all the surrounding circumstances, including the circumstance of any delay.

I repeat that the bill as passed by the House of Representatives was sponsored in the House of Representatives by two of the finest Members of the House; namely, Representative KEATING, of New York, and Representative WILLIS, of Louisiana; and both of them share my opinion that the proposed inclusion of the word "reasonable" before the word "delay", on page 1, in line 11, of the bill as passed by the House—in other words, I refer to the amendment proposed by the Senate committee—would destroy the value of the bill, and would result in what now is happening under the Mallory case decision—namely, permitting persons who confess that they are guilty of murder, rape, robbery, or other crimes to go unwhipped by justice.

So, Mr. President, I ask the Senate to reject the committee amendment.

Mr. O'MAHONEY. Mr. President, in response to the Senator from North Carolina, for whom I have the greatest admiration, and who served as a judge of North Carolina for many years before he came to the Senate, let me say that what is overlooked is that the McNabb case was decided by the Supreme Court in 1943. Rule 5 (a) of the Rules of Criminal Procedure was adopted in 1946. So, it was in 1946 that the Supreme Court, with the authority of Congress, drafted the rule requiring arraignment to follow arrest without unnecessary delay, 3 years after the McNabb case.

If the Senate were to pass the bill without the word "reasonable" in it, it would pass an unconstitutional bill, because it would be interpreted as authorizing prolonged delay for the purpose of extorting confessions. We must avoid that danger if we are to protect both in-

dividual rights and the right of the public to effective and intelligent law enforcement.

I want to make it clear that the Mallory decision does not fix any particular time within which arraignments must take place. There is no Federal law which fixes such time. There are cases on which the Supreme Court passed in which the delay between arrest and arraignment was only a few hours, but in which the arresting officers testified that in such cases they took the prisoners to the jail for the purpose of extracting confessions. An involuntary confession is a violation of the Bill of Rights, because the Bill of Rights states that no man may be compelled to testify against himself. So, the Committee on the Judiciary, by a very large vote, adopted the amendment relating to reasonable delay because it wished to apply the rule of reason, which comes down to us from the ancient law, and which comes down to this jurisdiction from the Bill of Rights. The fourth amendment provides that an individual shall not be subjected to unreasonable searches and seizures.

The use of the word "reasonable" is the application of the same rule, because every case which comes to court stands on its own facts.

I hope the Senate will support the committee amendment. The committee amendment makes the bill an effective protection of individual rights and of society against crime. I hope the committee amendment will be adopted.

SEVERAL SENATORS. Vote! Vote!

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. CLARK. Am I correct in understanding that a "yea" vote means a vote in support of the committee to leave the word "reasonable" in the bill?

The PRESIDING OFFICER. That is correct. A "yea" vote is a vote in support of the committee amendment. A "nay" vote is a vote against the committee amendment.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MORSE. I do not intend to speak at any length at this time on the bill. I shall discuss the Mallory case and the Mallory legislation after the Senate takes action on the amendment. I shall vote against the amendment because I do not think any amendment is needed. The Senator from Wyoming, who is one of the most able lawyers I know, has just given a very clear exposition as to what transpired after the McNabb case. After all, let us not forget, as the Senator from Wyoming pointed out, that it was the Congress of the United States which authorized the Supreme Court to exercise its rulemaking powers in connection with formulating rules of procedure, which gave rise, really, to the rule which was applied in the Mallory case.

So we are dealing, after all, with rule 5. I do not think anything could be accomplished by further prolonged discussion as to the reasons for rule 5. But as I said earlier this afternoon, and now repeat, in my judgment rule 5 implements due process in relation to specific cases such as the Mallory case. When one finishes his analysis of the Mallory case, I do not think he can escape the conclusion that, in effect, the Court, by applying rule 5, applied the due process clause of the Constitution to a specific body of operative facts in a given case.

Mr. President, when I think it is not necessary in any way to interfere with the judicial process in order to do justice to the American people, I do not propose, as a legislator, to touch it, because our judicial system is pretty precious to the preservation of our liberties. I happen to believe that the Congress is not in as good a position to exercise judgment in relation to a matter which deals with the judicial process as is our court. It happens to be my opinion that the amendment offered by the committee really adds nothing to the Mallory case. In my judgment, the Supreme Court will still have the duty in a given case to decide whether or not, on the basis of the facts of that case, a defendant was accorded due process. I do not care how one couches the question; I think that is at the bottom of this whole issue.

I do not propose tonight to vote for any language which could conceivably be interpreted as an attempt to narrow due process. I shall always do what I can, so long as I am in the Senate, to protect the prerogatives of the Court in this field. In my judgment, the Court, even if the Senate adopted the amendment, would have the same issue before it in a given case which it had in the Mallory case. Therefore it seems to me, as I interpret the effect of the amendment, that we are only making a gesture; and I shall vote against any language which I believe would in fact, be surplusage, so far as its legal effects are concerned, because any delay which is found by the Court, in fact, to infringe upon due process is a delay which calls upon the Court to reverse a conviction.

So I shall vote against the amendment on that basis, and then, for reasons I shall give at some length later, I shall vote against the bill.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, which is to insert the word "reasonable" before the word "delay" on page 1, line 11 of the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. GREEN], the Senator from Florida [Mr. HOLLAND], the Senator from Montana [Mr. MURRAY], the Senator from Florida [Mr. SMATHERS], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], the Senator from Delaware [Mr. FREAR], and the Senator from Montana [Mr. MURRAY] would each vote "nay."

On this vote the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Georgia [Mr. TALMADGE]. If present and voting the Senator from New Mexico [Mr. CHAVEZ] would vote "yea" and the Senator from Georgia [Mr. TALMADGE] would vote "nay."

The Senator from Rhode Island [Mr. GREEN] is paired with the Senator from Florida [Mr. HOLLAND]. If present and voting the Senator from Rhode Island [Mr. GREEN] would vote "yea" and the Senator from Florida [Mr. HOLLAND] would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Ohio [Mr. BRICKER] and the Senator from New Hampshire [Mr. COTTON] are absent on official business.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. IVES], and the Senator from Maine [Mr. PAYNE] are necessarily absent.

The Senator from Vermont [Mr. FLANDERS] is absent because of illness in his family.

If present and voting, the Senator from Ohio [Mr. BRICKER] would vote "nay."

On this vote, the Senator from Maine [Mr. PAYNE] is paired with the Senator from New Hampshire [Mr. COTTON]. If present and voting, the Senator from Maine would vote "yea," and the Senator from New Hampshire would vote "nay."

The result was announced—yeas 41, nays 39, as follows:

YEAS—41

| | | |
|---|---|---|
| Aiken | Hoblitzell | Neuberger |
| Anderson | Humphrey | O'Mahoney |
| Barrett | Jackson | Pastore |
| Bible | Javits | Potter |
| Carroll | Johnson, Tex. | Proxmire |
| Case, N. J. | Kefauver | Purtell |
| Case, S. Dak. | Kennedy | Revercomb |
| Church | Kuchel | Saltonstall |
| Clark | Lausche | Smith, Maine |
| Cooper | Magnuson | Smith, N. J. |
| Dirksen | Malone | Symington |
| Douglas | McNamara | Wiley |
| Hayden | Monroney | Yarborough |
| Hennings | Morton | |

NAYS—39

| | | |
|---|---|---|
| Allott | Hickenlooper | McClellan |
| Beall | Hill | Morse |
| Bennett | Hruska | Mundt |
| Bush | Jenner | Robertson |
| Butler | Johnston, S. C. | Russell |
| Byrd | Jordan | Schoeppel |
| Capehart | Kerr | Sparkman |
| Curtis | Knowland | Stennis |
| Dworshak | Langer | Thurmond |
| Eastland | Long | Thye |
| Ervin | Mansfield | Watkins |
| Fulbright | Martin, Iowa | Williams |
| Goldwater | Martin, Pa. | Young |

NOT VOTING—16

| | | |
|---|---|---|
| Bricker | Flanders | Murray |
| Bridges | Frear | Payne |
| Carlson | Gore | Smathers |
| Chavez | Green | Talmadge |
| Cotton | Holland | |
| Ellender | Ives | |

So the committee amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I do not wish to detain the Senate much longer. The Senate has been discussing the subject for a long time. However, I send forward a simple amendment and I shall ask for a yea-and-nay vote on it. I shall not speak for more than 3 minutes on the amendment. I regret to say that my handwriting is not the best in the world. I shall read the amendment. I offer it in behalf of myself and the able and distinguished Senator from Maryland [Mr. BUTLER]. My amendment reads:

After the period at the end of line 2, on page 2, it is proposed to add the following:

The trial judge shall determine from the surrounding circumstances whether the delay is reasonable, and his determination shall be binding upon appellate courts if it is supported by substantial evidence.

Mr. President, the amendment is very simple. It provides, in effect, that in determining the question whether the delay is reasonable or unreasonable within the purview of the first subsection, as amended, the trial judge shall determine that question from all the circumstances, including the circumstance, of course, of delay, along with the other circumstances. The trial judge sees the witnesses on the stand. He can observe their conduct and demeanor. He can tell whether a witness is an Ananias or a George Washington. It puts the responsibility where the law has put it. I ask the Senate to adopt the amendment.

Mr. O'MAHONEY. Mr. President, I hope the amendment will be defeated. The committee in its report stated that the bill goes as far as we can go in this matter. On page 4 there appears the following paragraph:

The committee amendment adding the word "reasonable" before the word "delay" is not to be considered as a finding that such a delay as that in the Mallory case is in fact reasonable or unreasonable. Such a finding is a matter to be determined on the individual facts of the individual case by the trial court within the framework of the constitutional guaranties as contained in the Bill of Rights.

By that statement the committee has fully protected the rights of the individuals accused and the rights of the complainant. There is no need for an amendment which might open up, and could easily open up, the whole ramifications of an attempt to take away the right to appeal from the trial court to the appellate courts. I hope the amendment will be defeated.

Mr. ERVIN. Mr. President, the Senator from Pennsylvania [Mr. CLARK] wishes to make a speech on the amendment, but first I should like to ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). Is the request sufficiently seconded?

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I shall not detain the Senate. We have had a pretty long day, and it is time to quit. I hope the Senate will defeat the amendment in spite of my great respect for the distinguished Senator from North Carolina. This is no way to legislate in the Senate, at 20 minutes to 10 o'clock at night, after a long day of debate. We should not call up an amendment which has not been printed, and which has never been presented to the committee, on which no one has been able to testify, and on which no indication of the position of the committee has been given.

It is an amendment which, in addition to these shortcomings, attempts, in what I regret to state appears to be quite inartistic language, despite my great respect for the Senator from North Carolina as a draftsman, to remove from the appellate courts of the Federal judicial system—and that means the courts of appeal and the Supreme Court—an adequate review of the finding as to whether delay in arraignment of a person has been reasonable or unreasonable.

It is true that there is a catch clause at the end of the amendment which provides that if there is no substantial evidence to support the finding of the trial judge, the appellate courts may review the judge's decision in that respect.

I think we would make a great mistake here, late at night, if we were to adopt the amendment, without adequate consideration of it, without the amendment even having been printed and made available to Senators, and in that way alter the basic Federal law which controls Federal criminal procedure.

Mr. LAUSCHE. Mr. President, it would be a serious error in our approach to this problem to change the historic law in our country. It has always been the concept of justice in the United States that the ultimate decision shall not be made by a single man presiding at a trial. Our concept of justice is, in the main, that there shall be three tribunals which shall pass upon questions of law: The trial judge, the intermediate court, and the highest Court in the land.

It would be a serious mistake tonight to say anew that one man's word shall be final. I am not one who is willing to attribute infallibility even to a judge. Judges are human. They are subject to error. I believe that the historic precedent of the right of appeal should be continued. To abolish it would be to make a serious mistake.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina [Mr. ERVIN]. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. GREEN], the Senator Florida [Mr. HOLLAND], the Senator from Montana [Mr. MURRAY], the Senator from Florida [Mr. SMATHERS], and the Senator from Georgia [Mr. TALMADGE], are absent on official business.

I further announce that if present and voting, the Senator from Rhode Island [Mr. GREEN] would vote "nay."

On this vote the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Florida [Mr. HOLLAND]. If present and voting the Senator from New Mexico [Mr. CHAVEZ] would vote "nay" and the Senator from Florida [Mr. HOLLAND] would vote "yea."

The Senator from Delaware [Mr. FREAR] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting the Senator from Delaware [Mr. FREAR] would vote "nay" and the Senator from Louisiana [Mr. ELLENDER] would vote "yea."

On this vote the Senator from Montana [Mr. MURRAY] has a pair with the Senator from Georgia [Mr. TALMADGE]. If present and voting the Senator from Montana [Mr. MURRAY] would vote "nay" and the Senator from Georgia [Mr. TALMADGE] would vote "yea."

Mr. DIRKSEN. I announce that the Senator from Ohio [Mr. BRICKER] and the Senator from New Hampshire [Mr. COTTON] are absent on official business.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. IVES], and the Senator from Maine [Mr. PAYNE] are necessarily absent.

The Senator from Vermont [Mr. FLANDERS] is absent because of illness in his family.

If present and voting the Senator from Maine [Mr. PAYNE] would vote "nay."

On this vote, the Senator from Ohio [Mr. BRICKER] is paired with the Senator from New Hampshire [Mr. COTTON]. If present and voting, the Senator from Ohio would vote "yea," and the Senator from New Hampshire would vote "nay."

The result was announced—yeas 18, nays 62, as follows:

YEAS—18

| | | |
|---|---|---|
| Butler | Jenner | Russell |
| Byrd | Johnston, S. C. | Schoeppel |
| Eastland | Jordan | Sparkman |
| Ervin | Long | Stennis |
| Fulbright | Mundt | Thurmond |
| Hill | Robertson | Young |

NAYS—62

| | | |
|---|---|---|
| Aiken | Hennings | McNamara |
| Allott | Hickenlooper | Monroney |
| Anderson | Hoblitzell | Morse |
| Barrett | Hruska | Morton |
| Beall | Humphrey | Neuberger |
| Bennett | Jackson | O'Mahoney |
| Bible | Javits | Pastore |
| Bush | Johnson, Tex. | Potter |
| Capehart | Kefauver | Proxmire |
| Carroll | Kennedy | Purtell |
| Case, N. J. | Kerr | Revercomb |
| Case, S. Dak. | Knowland | Saltonstall |
| Church | Kuchel | Smith, Maine |
| Clark | Langer | Smith, N. J. |
| Cooper | Lausche | Symington |
| Curtis | Magnuson | Thye |
| Dirksen | Malone | Watkins |
| Douglas | Mansfield | Wiley |
| Dworshak | Martin, Iowa | Williams |
| Goldwater | Martin, Pa. | Yarborough |
| Hayden | McClellan | |

NOT VOTING—16

| | | |
|---|---|---|
| Bricker | Flanders | Murray |
| Bridges | Frear | Payne |
| Carlson | Gore | Smathers |
| Chavez | Green | Talmadge |
| Cotton | Holland | |
| Ellender | Ives | |

So Mr. ERVIN's amendment was rejected.

Mr. CLARK. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CARROLL. I move to lay that motion on the table.

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

the Senator from Colorado to lay on the table the motion to reconsider. (Putting the question.) The motion to lay on the table is agreed to.

Mr. GOLDWATER. Mr. President, a division.

The PRESIDING OFFICER. The Chair has already announced the result.

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Louisiana will state it.

Mr. LONG. Is it not customary for the Presiding Officer to invite Senators who are opposed to the motion to state their objection, or at least to vote "No"?

The PRESIDING OFFICER. The Chair thinks that was done.

Mr. ERVIN. Mr. President——

The Chair recognizes the Senator from North Carolina.

Mr. ERVIN. Mr. President, all of us were trying to dispose of the last amendment without lengthy debate. Therefore, I am afraid that some of the remarks made might be incorrectly construed to indicate that I was trying to do something which had no place in rhyme or reason.

I simply want to say that my amendment, so far as appellate review was concerned, was much milder than the Federal law on the subject which existed from the foundation of our Nation down to 1943, when it was set aside by the McNabb case.

I shall read into the RECORD an analysis of the rule as it was clearly stated in the case of LaMoore against United States reported in 180 Federal (2d) 49.

> In determining whether a confession or a self-incrimination statement is voluntary or involuntary, trial court is necessarily vested with a very large discretion, which will not be disturbed on appeal unless a clear abuse thereof is shown. *La Moore* v. *United States* [C. A. Alaska 1950, 180 F. 2d 49].

So my amendment, so far as appellate review is concerned, was much milder than the law which prevailed before the McNabb case, and was in entire harmony with the law as it now prevails in every one of the 48 States of which I have any knowledge.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MORSE. Mr. President, I offer an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, beginning at line 3, it is proposed to strike out down through line 8, and insert in lieu thereof the following subsection:

> (b) Chapter 203 of title 18, United States Code, is amended by adding the following new section:
>
> "3061. Caution to accused persons
>
> "(A) No officer or employee of the United States or of the District of Columbia shall interrogate, or request any statement, from any person accused or suspected of an offense, without first informing him of the nature of the offense of which he is accused or suspected, that he does not have to make any statement, that he has the right to consult with privately retained legal counsel, and that any statement made by him may be used in evidence in a criminal prosecution.
>
> "(B) No statement taken in violation of subsection (A) hereof shall be admissible in any court of the United States or of the District of Columbia."

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

Mr. MORSE. I yield.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the passage of the bill, so that all Senators may be on notice.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I assure the Senate that I shall endeavor to cover this very important amendment as briefly as I can; but I urge the Senate to give very serious consideration to the amendment, because it represents a great amount of work, not only on my part, but also on the part of lawyers of standing in this country, who believe that the approach of the amendment will strengthen law enforcement on the part of any law enforcement agency which really wishes to follow the American concepts of due process.

There is nothing in my amendment which is not historic, common law procedure at the birthplace of American justice, namely, Great Britain. I have written into the amendment a procedure which has been tested by the centuries for the protection of individual rights and liberties.

I recognize that at 10 o'clock at night on a day in the last week of the session of Congress prior to adjournment, one would have to be a greater optimist than I am—and I am quite an optimist—to expect this amendment to receive the careful deliberation and study which, in my judgment, the United States Senate ought to give to it.

I have refrained from debating at length all day long, in the interest of expediting the steps in the procedure for handling this issue. That was the desire of the Senator from Illinois [Mr. DOUGLAS], who really is my floor leader on this bill. Also, I have done so in order to accommodate the majority leader. But we are dealing with a subject with which I have lived for years, so far as my own professional work is concerned.

I believe that if any legislation whatever is to be enacted with any relationship at all to the Mallory case decision, it should be proposed legislation such as that set forth in my amendment, because in that event I believe we would clear up much misunderstanding which exists in the country in regard to police practices, and we would assure the people that there will be a practice of carrying out the meaning of due process.

Mr. President, let me refer for a moment to the decision of the Supreme Court in the Mallory case. The Court said:

> We cannot sanction this extended delay, resulting in confession, without subordinating the general rule of prompt arraignment to the discretion of arresting officers in finding exceptional circumstances for its disregard. In every case where the police resort to interrogation of an arrested person and secure a confession, they may well claim, and quite sincerely, that they were merely trying to check on the information given by him. Against such a claim and the evil potentialities of the practice for which it is urged stands rule 5 (a) as a barrier. Nor is there an escape from the constraint laid upon the police by that rule in that two other suspects were involved for the same crime. Presumably, whomever the police arrest they must arrest on "probable cause." It is not the function of the police to arrest, as it were, at large and to use an interrogating process at police headquarters in order to determine whom they should charge before a committing magistrate on "probable cause."

I should like to repeat the last sentence of that historic Supreme Court decision; and I plead with my colleagues to ponder its meaning, because inherent in it is a great protection for every person in this land. The Court said:

> It is not the function of the police to arrest, as it were, at large and to use an interrogating process at police headquarters in order to determine whom they should charge before a committing magistrate on "probable cause."

Mr. President, on February 1 of this year, when I introduced, in the form of Senate bill 3325, the amendment, which now is before the Senate—and, Mr. President, I shall not now review that speech; but later I shall ask unanimous consent to have it printed in the RECORD at the conclusion of the remarks I make tonight; I shall make that request in the interest of saving time—I tried to review for the Senate the history of the development of this great principle of procedural law, as it occurred in England, and I tried to show how it was developed in order to prevent tyrannical police.

Some may ask, "Do you think the police in this country are tyrannical?" I do not, Mr. President. I have a very high regard for the police. But I also know that many ugly chapters, by way of police abuses, have been written in the history of the administration of criminal justice in this country. From the very beginning of this Government, an effort was made to protect the people from police abuses. That was done because the Founding Fathers had learned what star chamber proceedings can do and what a lack of safeguards and procedural protections from an arbitrary police system can do to the liberty of the individual.

In my judgment, we do not strengthen the police system by supporting the kind of procedure which apparently is sought by the proponents of the bill, who, in effect, seek to modify the Mallory case decision in such a way that there would not be the protection which the Supreme Court laid down in that decision.

Mr. President, we must be on guard against police abuses.

For a long time in the past, our country has found it necessary to have investigations made of the administration of criminal justice. Such investigations have been called crime surveys, crime studies, or crime reports. The people have come to realize that if the police are not kept under reasonable check, they will adopt shortcuts which will violate precious rights of free men and women.

So I state that in my opinion the decision in the Mallory case is a great one for which every American should be thankful.

The decision in the Mallory case in no way violates, in my belief, the safety of the American people; but, to the contrary, the restatement of a basic principle, by procedural guaranty, as set forth in the Mallory case decision, should be hailed by the Congress, rather than attacked, as has been done for weeks and months.

At the outset of this speech, I should make clear that I consider legislation to modify or reverse the Supreme Court's decision in the case of Mallory against the United States to be unwise, undesirable, and unnecessary. I believe there are two principal motivations behind the drive for enactment of legislation to deal with the decision in the Mallory case. I could be wrong; but I believe that one principal driving force is to be found in the disaffection of some for recent Supreme Court decisions. The other driving forces comes from the wish of some enforcement officers to be able much more easily and simply to obtain convictions by means of confessions.

Of course, the operation of a police department would be much easier if a dragnet were stretched and were used to drag in a number of persons, and if various devices were then used in an effort to develop probable cause. But that is what the Supreme Court struck at in its decision in the Mallory case.

This afternoon, one of my colleagues—it was the distinguished Senator from New York [Mr. JAVITS], a former Attorney General of the State of New York, and a keen student of the administration of criminal justice—stated that, not so long ago, in the District of Columbia a dragnet was stretched, after an assault had been committed on a woman. As one of the District court judges told me, the only thing the police had to go on was a statement that the assailant was supposed to be a short, stocky Negro.

Approximately 90 short, stocky Negroes were arrested, and were held in jail. Some of them were held in jail many hours. But the police did not find probable cause against a single one who was caught in the dragnet. Nevertheless, person after person was held for hours, without arraignment. Mr. President, that was a clear case of abuse by the police, and it should not be countenanced in the Capital of the Nation.

But there is no denying the fact that in recent months such an abuse was practiced by the police force of the District of Columbia. Under the decision in the Mallory case, such third-degree methods cannot be exercised. So the American people should watch out for their precious liberties, if they countenance such police abuses.

I do not know what is the cause of all the excitement in connection with the Mallory case decision. Mr. President, what is wrong with the Mallory case decision? What is wrong with the principle that it is not the function of the police to arrest, as it were, at large, and to use at police headquarters an interrogating process, in order to try to determine whom the police should charge before a committing magistrate, on probable cause? What is wrong with that principle of procedure?

Of course, in view of our station in life—when we move in the circles in which we move, like so many millions who never have been in a night court, and do not have the slightest conception of police processes in this country—it is easy for us to say, "We must let the police have what they want."

I favor giving the police the procedures they need to carry out the law within the spirit and intent of Anglo-Saxon justice. But I say most respectfully that many of the arguments I have heard in regard to the decision in the Mallory case cannot be reconciled with the protections of Anglo-Saxon justice.

If we begin to whittle away to a slight degree at these great procedural rights, before we know it we shall have whittled away not just a little of the protections, but so many of them that we shall have destroyed some of our basic procedural safeguards.

In the early days of the Republic, the people fought against the procedural abuses by the British Crown. I do not propose in my time to be a party to receding from the great safeguards which the constitutional fathers won for us.

In my judgment, that is all the Supreme Court underwrote in the Mallory case. If Congress is to insist upon taking some legislative action on the Mallory decision; if it is true that this wave has so gripped the Congress of the United States that Members feel they cannot go home without saying they enacted some legislation affecting the United States Supreme Court, then let us strengthen the procedures which protect due process in this country, rather than weaken them. Let us strengthen the Mallory decision, rather than weaken it.

Mr. President, I assure the Senate that I am strongly in support of the Federal Criminal Code. Therefore, I hope Senators will give serious consideration to the amendment I have sent to the desk.

I know when a speech is made such as I am making in the Senate tonight, there is always the temptation on the part of those who want to misrepresent to say, "Yes, the senior Senator from Oregon stood on the floor of the Senate and tried to defend the conduct of a rapist." Mr. President, I am talking about procedural guaranties. When a fair procedure is provided, do not forget, Mr. President, it does not make one whit of difference before the Mistress of Justice whether the person is innocent or guilty. Basic in Anglo-Saxon law is the premise that fair procedure shall be applied to the guilty as well as to the innocent.

That is why we sometimes talk pretty platitudinously about the uniform application of justice. Sometimes I wonder if we really mean it. I sometimes wonder if we really mean it when we get into the kind of debate which has developed in the Congress of the United States over the Mallory case.

In this improvement for the Federal Criminal Code, I do not seek to make it easier for the Federal police and prosecutors to obtain convictions by confession; I seek to improve their practices of law enforcement in keeping with the spirit of the national Bill of Rights, which, in the final analysis, must always govern their actions.

Mr. President, since I have been alluding to the bill which I introduced last February, I now ask unanimous consent that the speech I made in support of the bill be inserted in the RECORD at the close of my remarks, so that I shall not have to review further the discussion of procedure I presented to the Senate on that day. I ask that it be included at the conclusion of my remarks. It will be found in the CONGRESSIONAL RECORD for Friday, February 21, 1958, starting at page 2551.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, I turn now to H. R. 11477 and other bills of a similar tenor which have been introduced to repeal the McNabb-Mallory rule, and which are, in my opinion, highly dangerous and wholly unnecessary pieces of legislation. They are dangerous bills because they eat away at meaningful safeguards erected to protect all members of the public. They are dangerous because they are, in effect, a green light to Federal law enforcement officers to break the law of arrest and arraignment. They are unnecessary bills because no real need has been demonstrated that Federal law enforcement officers cannot operate effectively within the limitations of the present law. Outside the District of Columbia, the impact of the McNabb-Mallory rule is barely noticed.

These bills would reverse a rule of evidence which has been followed by our Federal courts for 15 years. In the celebrated case of *McNabb* v. *United States* (318 U. S. 332 (1943)), the Supreme Court enunciated a salutary doctrine that confessions obtained from prisoners during periods of illegal detention were inadmissible in evidence. In applying the exclusionary rule of evidence to confessions taken during periods of illegal detention, the Supreme Court was following sound and well-established precedent which excludes from use in Federal courts other types of evidence which are unlawfully obtained. It was against this background of case law that the present Federal Rules of Criminal Procedure were drafted, and drafted with Congressional sanction. Do not forget, it was the Congress of the United States that authorized the Supreme Court to exercise the rulemaking power, and rightly so; and, as the Senator from Illinois [Mr. DOUGLAS] has just whispered to me, it did so after the McNabb decision—after the "terrible" McNabb decision about which we have heard so much in this historic debate.

The Congress itself authorized the Supreme Court to draft rules of procedure, and out of that authorization came rule 5 (a), which is basic to the Mallory decision; and, as I stated earlier this afternoon, if one looks behind the veil, he will see the body of due process in this rule.

One cannot read the Mallory decision, the McNabb decision, and all the other great cases of the Supreme Court deal-

ing with procedural safeguards without recognizing that they are based on due process. These are the procedural instrumentalities for effectuating due process guarantees in this country. So when one says to me, "The words 'due process' are not found in the Mallory case," I simply say, "Look behind the framework or the veil of the Mallory case."

As I stated, it was after the McNabb case that these procedural rules were drafted. The case of *United States* v. *Mallory* (354 U. S. 449 (1957)), merely applied to the present rules the same interpretation which the McNabb case gave to their statutuory precedessors. Were courts required to admit illegally obtained evidence, the courts would then become partners with the police in violation of the law. I note that after the McNabb decision was handed down, a hue and cry arose from Federal law enforcement officers, particularly in the District of Columbia, similar to the one which we are hearing now. We were told then, as we are being told now, that the Supreme Court was coddling criminals, that effective law enforcement was being hamstrung, that the police were being handcuffed. Dire predictions were made that there would be a breakdown of law and order. In the 15 years which have elapsed since the McNabb decision, these predictions have not been borne out. Law enforcement, either in the District of Columbia or elsewhere, has not broken down, nor has it been materially hampered. However, the rights of citizens in our Federal courts are still secure.

The charge has been widely circulated that confessions should not be thrown out because of mere technicalities. I do not consider the right to be free from arbitrary arrest and detention a mere technicality. The requirement of probable cause for an arrest—some concrete evidentiary link between the crime committed and the person arrested—is embedded in the common law and into the fourth amendment of the United States Constitution, as well as in the Federal Rules of Criminal Procedure.

I do not know how this issue can be dramatized so that the American people will see it before it is too late; but sooner or later tonight—and I am going to make it as soon as I can—you, Mr. President, will walk out of this building. Let us assume you walk down Constitution Avenue. Living in a free society, confident that you are protected from an arbitrary policeman's coming up to you and placing his hand on your shoulder and taking you into custody without probable cause. That is a precious protection. You and I enjoy it, Mr. President. But the sad fact is that there are too many cases in which many of our fellow citizens do not always enjoy such protection. The sad fact is that if one comes from the so-called lower stratum, he may have been out of work. He may have developed some bad habits of drinking. He may have associated with some bad people. The police are aware of his background. A crime is committed. There is not the slightest bit of evidence that he is associated with it. But the sad fact is that too many police departments in this country still—and it has happened recently in the District of Columbia—will reach over, put a hand on his shoulder, drag him into a police station, and hold him for hours, without probable cause.

It is no probable cause, Mr. President, when one is an habitual drunkard. It is no probable cause when one is a dope addict. What pity we should have for such wrecks of human beings. The ideal of the Anglo-Saxon justice is that they, too, shall be protected procedurally from capricious, arbitrary discretion of a police department which is looking for shortcuts to probable cause.

While I have digressed on this point, Mr. President, I shall add to it a related phenomenon. It is also true that when we deal with human wrecks, emotionally unbalanced people, people such as the defendant in the Mallory case, as depicted in the evidence we find that, they often are on the psychological borderline between stability and instability, mentally and psychologically. Those who know psychiatry and psychology know that the power of suggestion, stirred up by fear, strangely twists their minds. The sad fact is that time and time again confessions are obtained from absolutely innocent people, from unstable people, by unwarranted detentions in police stations.

That is why we have this safeguard that one must be taken forthwith before a magistrate, without unnecessary delay.

We have not changed the law one iota, Mr. President, by the amendment adopted tonight by a vote of 41 to 39. I am willing to risk whatever reputation I may have as a lawyer on the prediction that the Supreme Court, in the first case which comes before it—if the amendment becomes the law and we can get a decision on the point—will rule the amendment added nothing to the bill, so far as a legal fact is concerned, because the nine men who sit in that majestic temple of justice not so far away from where I am speaking, under the Constitution, have the duty of protecting us with regard to due process.

We cannot limit due process by legislation. We cannot change due process. Those who wish to change due process should present an amendment to the Constitution, to see how many votes they will get in this country.

That is why I voted against the amendment, Mr. President. I think we went through an empty gesture. I think we passed nothing, so far as legal effect is concerned, with respect to the constitutional duty of the court to see to it that until the Constitution is amended every American citizen is guaranteed procedural due process. That is basic.

It is difficult, at 10:27 at night, to obtain consideration of the important procedural safeguard for which I am pleading, but I do not intend to let the Senate proceed to a vote until I have made the record for future reference with respect to this point.

Going back to my manuscript, I say: If this clear prerequisite to arrest were followed in all instances by law-enforcement officers, their problem under the McNabb-Mallory rule would be ended. They would have sufficient evidence on hand for an arraignment. When a newspaper reports that in the past 6 months 16 confessed criminals in the District of Columbia were not prosecuted because of the requirements of this rule, what it is really saying is that the Washington police have violated the law 16 times in obtaining confessions. That is nothing to be proud about and it is nothing for the Congress to underwrite. It is something we ought to seek to change.

If any public agency should be subject to criticism for such occurrences, it should not be the agency which commands observance of constitutional guarantees, but rather the agency which flaunts them; in these instances, the police department.

Rule 5 (a) of the Federal Rules of Criminal Procedure, requiring arraignment without unnecessary delay after arrest, does not impose an undue burden upon careful policemen. There are any number of legitimate reasons which would justify delay between arrest and arraignment. The accused may be inebriated or in need of medical attention. The committing magistrate may not be immediately available. Rule 5 (a) and the McNabb-Mallory rule forbid an arrest for the purpose of obtaining a confession. It places the burden upon the police of obtaining the probable cause justification for the arrest prior to making the arrest and not afterwards.

I want to stress that over, and over, and over again, Mr. President, because it goes to the heart of the controversy. What the Supreme Court has said is, "You cannot arrest until you have probable cause. You must not arrest in order to find probable cause."

In this connection it should be noted that even if the bills presently before the Congress should become law, the requirement of arraignment without unnecessary delay after arrest would still remain. A clarification of the phrase "without unnecessary delay" which the police are seeking would not be forthcoming. All that would be changed is the sole effective remedy for violating the requirement. As such, the bills would be a green light to the police to ignore rule 5 (a). The Congress would be placing itself in an untenable position by permitting, if not encouraging, violations of its mandate.

The exact application of the phrase "without unnecessary delay" lies at the heart of the law-enforcement problem. This phrase allows more latitude between arrest and arraignment than the former Federal statutes which required arraignments immediately or forthwith after an arrest. What constitutes an unnecessary delay in that critical portion of any criminal case between arrest and arraignment depends upon the facts and circumstances of each case. Congress is in no position to lay down flat rules which accommodate the individual necessities of each case. Only the courts, on a case-by-case basis, are able to fashion a body of law with sufficient flexibility to do justice to both the public and the accused in this matter. For that reason, I firmly believe that the working out of any clarification of the McNabb-Mallory rule should be left to the courts who created it.

The reason that an arrangment is of such critical significance in the processing of any criminal case is that, at an arraignment, conducted by a judicial officer, an accused must be advised of the charge against him, of his right to counsel, and of his right to remain silent.

Why should the defendant not have the same right in a police station? Why should we require the right at an arraignment but not in the police station? All my amendment would do, in effect, would be to require the same right at the police station. That is the British practice. It is the practice in some jurisdictions in this country. I would make it the clear Federal practice, Mr. President. What is wrong with it? What is wrong with protecting the accused, who presumably has been arrested for probable cause, by the same protection at the police station which he has before a committee magistrate? He is in the police station alone. He does not have a friend with him. He is frightened. He may have a very bad conscience, because of many other things he has done. But, speaking hypothetically, let us assume he did not commit the offense for which he was arrested.

We have that precious liberty, supposedly, in this country, which protects the innocent from being sent to jail. Why not give the accused the benefit of the safeguards set out in my amendment? Let no one tell me that we cannot administer criminal justice fully with those protections. Do not tell me that we can justify drawing lines of demarcation in American society between and among classes of citizens. Do not tell me it is all right to follow one set of procedures for those in one group, but to ignore them and to use time-consuming third degree methods, which stir up all the fears in unstable persons, in the case of persons who are less fortunately situated than Senators. All I say, Mr. President, is that the same safeguards ought to exist in the police station as exist before the committing magistrate.

I shall repeat a previous sentence:

The reason that an arraignment is of such critical significance in the processing of any criminal case is that, at an arraignment, conducted by a judicial officer, an accused must be advised of the charge against him, of his right to counsel, and of his right to remain silent.

Until this stage of the proceedings, a suspect may well be in ignorance of his rights and of the specific crime of which he is accused. A hardened criminal, habituated to the atmosphere of a police station, is usually capable of protecting his own interests without any warnings. A person seized by the police for the first time may well succumb to the new and frightening situation in which he finds himself and damage himself beyond repair.

THE INADEQUATE WARNING PROVISION OF H. R. 11477

Having taken away the substantial protection of such an accused, afforded by the exclusionary rule of the Mallory case, H. R. 11477 would provide a substitute in the form of a warning requirement by police officers prior to making an interrogation. The protection afforded by this warning provision is unsubstantial and illusory. In many instances, it can be rendered meaningless. For example under H. R. 11477 an accused could be informed of his right to remain silent, and of the possible use of any statement as evidence at the time he is being arrested.

However, his interrogation might take place later on, or in relays, by different officers, of different rank. It might occur in a number of different places over an extended period of time. As a result, an ignorant or uninformed accused could easily be led to believe that the right of silence applies only at the outset of an interrogation with reference only to the arresting officer. Or the warning could be given in such a cursory manner as to be easily forgotten during the course of the interrogation.

Let me digress for a moment to point out that we are dealing not only with the class of people I have described, those who have developed very unfortunate habits and who are human wrecks, but that we are also dealing with the mentally retarded, with persons who do not have our I. Q., with persons who are not only ignorant, but who do not have the mental grasp of a situation. They are human beings. We do not say, under Anglo-Saxon justice, that fair procedure is only for the bright, and that we can use arbitrary and capricious methods against the ignorant. No, we say—and we boast about it in theory and ideal, and I am pleading here tonight that we stand for it in practice also—that there shall be a uniform application of justice.

Mr. President, I want the person of low mentality to have the procedural guaranty my amendment gives to him at the police station. In fact, as I pointed out to the committee, I would even go so far, in this modern society, as to require that a telephone be placed at his disposal. I do not believe he should ever be there alone. I do not believe that he should be denied access to friends and family and lawyer. I do not believe that to enforce justice in this country we must stack the cards against the accused at the time of the arrest. Neither do I believe we should support a procedure which tends to make a police department lazy. A hardworking and efficient police department can find the probable cause without such abuse of procedures as the United States Supreme Court held against in the Mallory case.

My amendment, S. 3325, contains a warning provision modeled after the equitable and workable warning contained in article 31 of the Uniform Code of Military Justice. Like article 31, S. 3325 imposes an affirmative obligation to warn upon each and every interrogating officer at every stage of the questioning. Only in such a manner can the warning be of any substantial benefit.

I wish some of my colleagues in the Senate who served with me on the Committee on Armed Services a few years ago, when we had before us the Code of Military Justice, would recall for the Senate the position some of them took with me at that time, as the record of the Committee on Armed Services will show, when we stood for this protection in court-martial cases in military arrests. Are we to have one law for the armed services and another law for civilians?

Mr. President, the guaranties in my amendment exist in American military justice. What is wrong with having my amendment exist in Federal procedures in regard to Federal law enforcement officers?

The senior Senator from Oregon is not talking tonight about a professor's theory. The senior Senator from Oregon is talking tonight about a procedural guaranty which has proven its value throughout the centuries of Anglo-Saxon law, and a procedure which exists today in American military justice. I merely want the people who get arrested during the night, while we slumber, and are hauled into a police station in the District of Columbia to have the right to get in touch with friends and family and lawyer before being subjected to long cross-examination for many hours by the police.

The warning provision of H. R. 11477 is illusory in that it applies only to arrested persons. A person who is questioned on a street corner or in another public place need not be warned. A person who voluntarily comes to police headquarters without being arrested need not be warned. This loophole in the warning provision is wide enough to make it practically useless.

S. 3325 provides that accused must be advised of his right to remain silent and of the possible use in evidence of any statement which is made. However, it goes beyond the provision of H. R. 11477 to require that an accused be likewise told of his right to counsel and of the charge which is being made against him. Requiring the police to provide this additional information is no real burden upon them. It can be conveyed at the same time the other portions of the warning are given. Only when an accused is in possession of such information is he as fully apprised of the situation in which he finds himself as he is following an arraignment.

POSTARRAIGNMENT CONFESSIONS

The McNabb-Mallory rule does not prohibit postarraignment confessions from being admitted into evidence. Following an arraignment, an accused is just as available for questioning as he is at any prior time. He may be admitted to bail. Frequently, he is in pretrial confinement. In any event, the police may still interrogate him. However, having been warned of his rights and having had an opportunity to consult with counsel, the likelihood of obtaining a damaging admission is greatly reduced. It is clear that it is not merely the opportunity for questioning that the police seek; it is the opportunity for the questioning of an uninformed accused which they desire. If constitutional guaranties are to have any practical significance, this latter occasion should be eliminated.

THE INCONSISTENCY OF H. R. 11477

In this connection, it should be noted that the theory behind section (a) of H. R. 11477, repealing the McNabb-Mallory rule, and the theory behind section (b) of the bill, requiring the limited warning by police officers, are entirely in-

consistent. The backers of H. R. 11477 are saying on the one hand that the rule of evidentiary exclusion is bad and should not apply to confessions obtained during periods of illegal detention. On the other hand, they are saying that the rule of evidentiary exclusion is sound and should be applied where warning provisions are not observed. The basis of the rule of exclusion is that the courts should not participate in illegal police activities by admitting tainted evidence. I see no reason why courts should be permitted to admit one type of tainted evidence but forbidden to admit another type.

MALLORY RULE NOT A DETERRENT TO CONVICTIONS

Despite the fact that the McNabb-Mallory rule has been a matter of public controversy for more than a year, the Department of Justice and the chief legal officer of the United States have not seen fit to endorse any clear and unequivocal modification of the rule. This omission indicates that the Federal law enforcement officials do not regard the rule as a significant deterrent to obtaining convictions in Federal courts. Over 25,000 criminal prosecutions have been commenced in Federal courts outside the District of Columbia since the rendition of the Mallory decision.

Twenty-five thousand prosecutions. Has American criminal justice broken down? Have the police been handicapped in these cases? Has injustice been done? The answer is "No." That is why I am at such a loss to understand this drive in the closing days of the session to pass something against the Supreme Court.

The McNabb-Mallory rule has excluded confessions in less than a half dozen of these cases. Clearly the rule has brought no crisis to law enforcement outside the District of Columbia. Yet the bills before the subcommittee are applicable to Federal courts all over the United States.

Judicial scrutiny of police activities in the District of Columbia should be particularly thorough. When residents of any other large metropolitan communities are aggrieved at the activities of their police departments, they have a legitimate political remedy. They can vote to obtain a city administration to run the police department to their liking. Such a remedy is not available to the voteless residents of the District of Columbia. When Washingtonians have a grievance against their city administration, their only significant remedy is a judicial one. The McNabb-Mallory rule provides such a remedy, limited though it may be, in cases of illegal police activity.

In conclusion, I should like to state that this subcommittee has before it not merely a series of bills but a series of problems, all intimately bound up with each other.

These problems deal not only with the limited area of rules of evidence, but also relate to broader problems of the constitutional freedom from arbitrary arrest and detention. I believe that the Supreme Court has struck the proper balance between the rights of the public and the rights of the accused in these critical areas of personal liberty. I oppose any legislation which will upset that balance.

I plead with conservatives and liberals tonight in the Senate: Do not make the mistake which I fear is about to be made. Do not proceed to impose a Congressional sanction, I respectfully say, without consideration of how it will operate, because I am satisfied that the overwhelming majority of the Members of the Senate have not had the time to study the record of the hearings or to listen to the testimony of some of the witnesses before two subcommittees of the Senate, who pleaded that no such legislation be passed.

If I had made a longer speech—and at one time in the parliamentary consideration in connection with this matter it was planned that I would make a longer speech—I would have read at length the testimony of great legal scholars, including the testimony of Professor Hogan, of a great law school of this District, who gave one of the keenest analyses of the constitutional problems which are involved in this great issue.

My confidence in my colleagues in the Senate is such that I am satisfied that if they had the time to become students of this problem before they voted, they would support the senior Senator from Oregon. I am sure of one thing: I have on my side in this argument a background of precedents, a background of authority, and a background of great decisions in American and British law which call out to the Senate of the United States: "Don't, don't, don't pass a bill which raises any question as to guaranteeing the procedural protection which the Supreme Court of the United States in the great Mallory case underwrote again—not for the first time in our history, but again—and called to the attention of the American people the precious right of procedural protection against arbitrary arrest and police abuse."

Senators have heard me say it before, but it certainly must be repeated tonight: We have no substantive rights beyond our procedural rights in American justice. We are dealing tonight with a question of procedural protection.

I submit my amendment. It provides, in effect, Mr. President, that you and I and 170 million persons like us, if we ever find ourselves in a position in which the arresting arm of the Federal Government rests on our shoulder and takes us to the police station, we will have the right to be advised as to the reasons for our arrest; the right to be advised that we do not have to make a statement; the right to be warned that anything we say will be used against us; the right to the benefit of counsel; yes, the right to call up friend and family and say, "I am in a jam. I am in trouble. I am at the police station. Come down."

What is wrong with that? Do we want to sacrifice that right? Do we want to underwrite the sacrifice of it? That is the issue. I leave the Senate with the issue, and submit my amendment.

EXHIBIT 1

CONSTITUTIONAL RIGHTS OF ACCUSED PERSONS

Mr. MORSE. Mr. President, I have three matters I should like to discuss briefly today. The first is in relation to a bill I shall shortly send to the desk for introduction out of order, and for appropriate reference. It deals with the subject matter of constitutional rights of accused persons, a subject I have discussed before.

Mr. President, I wish to pay my respects to the United States Supreme Court, and thank God for it, because in these days, when hysteria so frequently stalks our country, it has become too common a practice to engage in attacks upon the United States Supreme Court and individual Justices because they live up to the sanctity of their robes and carry out their constitutional duty of rendering decisions in accordance with the Constitution as they interpret that Constitution on the basis of their legal research.

I would point out to the American people, Mr. President, that there is a growing tendency within the Congress of the United States to set up Congress as a super Supreme Court—to attempt to overrule decisions of the United States Supreme Court by the indirection of legislation rather than by constitutional amendment—which bodes ill for the future of this constitutional system of ours unless the tendency is stopped. The place to stop it is in the Congress.

As one studies the constitutional history of this country, one will find there have been similar patterns in the past. My reading and research cause me to believe that probably at no other time—unless it was in the period of the War Between the States, and the period of Reconstruction that followed—has there been such a sustained insidious attack upon the judicial system of this country.

I would have every free man and woman in this country recognize that in the last analysis their enjoyment of freedom is dependent upon an independent judiciary.

There have been some great landmark decisions of the United States Supreme Court in recent years, comparable to that great decision of Marbury against Madison, which established the authority of the Supreme Court to exercise the sublime duty of declaring the constitutionality of statutes, thereby protecting the rights of free Americans under the Constitution.

I am one Senator, Mr. President, who wants the RECORD to show that I intend to be no party to what I consider to be the none-too-subtle drive which is on in America, and which finds itself manifested too frequently in the Halls of Congress to undermine the great citadel of constitutional freedom in this country which is in that great pillared building just across the park from where I now speak.

That does not mean, Mr. President, that as a lawyer I necessarily find myself in agreement with every decision of the Supreme Court. But it is the Court of last resort, and when it speaks on a great constitutional question it is my judgment that it should be followed, unless the people under the processes contained within the Constitution itself decide to modify a constitutional right by constitutional amendment.

This afternoon we listened to a very able reading of Washington's Farewell Address, a reading by the distinguished Senator from Idaho [Mr. CHURCH]. We could well reflect, Mr. President, upon the comments made in that Farewell Address by the first President of the United States relative to the procedures which ought to be followed if one seeks to change the Constitution of the United States. It should be done by the amendment process.

It behooves the Members of Congress to give great thought to what I consider to be

this insidious movement abroad in the land to undermine the Constitution. I not only thank God for the Court and the judicial process which the Court symbolizes, administers, and carries out in the interest of the freedom of the American people, but I also thank God, Mr. President, for the brilliance of mind and the dedication to human freedom of the individual members of the Court.

I have just finished reading a book recently off the press, written by Justice Douglas, entitled "The Rights of the People." I would, Mr. President, that every American would read the book. Surely there are parts in the book as to which each one of us might have a reservation of point of view, or an outright disagreement. But the book, in my opinion, is a monumental work by way of a restatement of the precious individual rights of Americans. There is a great need, in my opinion, for long reflection upon those rights so brilliantly set forth and discussed by Justice Douglas in this most notable book.

I have made these comments by way of introduction to a brief discussion of the bill which I shall introduce this afternoon, because these days one cannot pick up the daily press, at least in Washington, without reading about the Mallory case.

WASHINGTON POST EDITORIAL ON MALLORY CASE

I have been known to criticize the local press from time to time in my speeches in the Senate, but I have always tried to be fair when I feel the press has done a great educational job on some issue. In the hope that I will not cause a heart attack down in the editorial rooms of the Washington Post and Times Herald with this compliment, I want to compliment the editorial staff of the Washington Post and Times Herald for what I think has been a very objective presentation of the issues in the Mallory case.

I think it is too bad, however, that so much misunderstanding seems to have developed among some of my colleagues in the Congress with regard to the Mallory case. I suspect that the misunderstanding would have been less if more of my colleagues had read the case, because the Mallory case involves a very precious right of anyone who is arrested.

ARREST AND PRIVATE RIGHTS

There is always a temptation—and there seems to be a growing attitude on the part of many people—to believe that arrest destroys the presumption of innocence, or that arrest now in some way, somehow, so far as the public forum is concerned—although that is not true of the courtroom forum—places the burden on the arrested party to establish his innocence.

Of course, the warnings I am uttering here today relate to simply a repetition of other cycles in our history when waves of public opinion have seemed to give support to demagoguery, and have seemed to indicate a willingness on the part of a stampeding public to grind under foot individual rights; but, Mr. President, fortunately for personal liberty in this country, there have always been those who have refused to go with the mob, who have stood out and raised at least a few warning flags, a few danger signals, and who have uttered a few protestations against threats of individual liberty.

I ask Senators to keep in mind the fact that the Mallory decision was based upon rule 5 of the Federal Rules of Criminal Procedure, but at its base it involves due process of law as a constitutional concept.

PRESERVING DUE PROCESS

It is about this concept of due process of law that I wish to speak this afternoon as I introduce the bill. The basic constitutional rights guaranteed to accused persons in the Federal Bill of Rights do not mean very much unless they can be invoked at the earliest appropriate time. Due process of law means just that. It is not a mere legalistic phrase confined to the subsequent criminal trial; it properly applies as early as necessary in the proceedings—that is, when a person is detained by law-enforcement officers and is questioned.

Due process of law attaches to the person the moment the law officer lays his hand on him and subjects him to arrest. Due process of law is not a legal protection that applies sometime subsequent to arrest; it applies immediately. I would have Senators read the Mallory case from the standpoint of that constitutional guaranty. It is at the point of arrest that the individual's basic rights should be made clear to him.

RIGHTS DECLARED BY BILL

He should be told the charge against him, that he has a right not to make any statement, and that he has a right to have legal counsel present while he is questioned. With such a safeguard, with enforcement features, the problem of improperly obtained confessions would be reduced to a minimum.

We all believe that British constables always warn persons whom they suspect of the commission of crime that "You are cautioned that anything you say may be used against you." The Uniform Code of Military Justice provides for a similar admonition. Unfortunately, the practice is not now followed as a matter of established procedure by our police and other law officers.

Therefore I am today introducing a bill, for appropriate reference, to establish this practice by statutory law for all Federal enforcement officers. I am introducing the bill so that it may be considered along with those relating to the Mallory case. Its enactment would go a long way toward solving the situation in cases like Mallory, of detention for an improper length of time. Therefore the bill can be regarded as a substitute for the Mallory bills, or at least a necessary amendment.

Mr. President, I ask unanimous consent that the bill be appropriately referred, and that it may be printed in full at this point in the RECORD.

The PRESIDING OFFICER (Mr. MUNDT in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3325) to amend chapters 203 and 223 of title 18, United States Code, to insure greater protection for the constitutional rights of accused persons, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

"*Be it enacted, etc.*, That (a) chapter 203 of title 18, United States Code, is amended by inserting immediately following section 3060 of such chapter a new section to be designated as section 3061 and to read as follows:

"'SEC. 3061. Caution to accused persons

"'No officer or employee of the United States Government or of the municipal government of the District of Columbia shall interrogate, or request any statement including a confession from, a person accused or suspected of an offense, without first informing him—

"'(a) of the nature of the offense;

"'(b) that he does not have to make any statement regarding the offense of which he is accused or suspected;

"'(c) that he has the right to have legal counsel present at all times while he is being questioned or is making any statement; and

"'(d) that any statement made by him may be used as evidence against him in a criminal prosecution.'

"(b) The analysis of chapter 203 of title 18, United States Code, is amended by adding at the end thereof a new item as follows:

"'SEC. 3061. Caution to accused persons.'

"SEC. 2. (a) Chapter 223 of title 18, United States Code, is amended by inserting immediately following section 3500 of such chapter a new section to be designated as section 3501 and to read as follows:

"'SEC. 3501. Admissibility of statements

"'No statement, including a confession of guilt, shall be admissible in evidence in a criminal prosecution in any district court of the United States or in the municipal court for the District of Columbia until there is established proof that the provisions of section 3061 of this title have been complied with.'

"(b) The analysis of chapter 223 of title 18, United States Code, is amended by adding at the end thereof a new item as follows:

"'SEC. 3501. Admissibility of statements.'"

Mr. LANGER. Mr. President, I wish to commend the distinguished senior Senator from Oregon for introducing the bill. As the former chairman of the Committee on the Judiciary, I have been aghast at some newspaper comments and pamphlets which have been issued in attacking the Supreme Court of the United States. Personally, I have every confidence in that Court. I wish the Senate to know that I have as much confidence in the distinguished senior Senator from Oregon.

When I was chairman of the Committee on the Judiciary, and we discovered that military prisoners were receiving much longer sentences for crimes they had committed than persons who had committed similar crimes and who had been sentenced in the criminal courts of the country, it was the distinguished senior Senator from Oregon who came before the committee and acquainted us with the results of an investigation he had made. The result was that the sentences of those convicted in military courts were substantially reduced. As a consequence, all over America the word went forth that people would be treated with uniform justice.

Although some of the sentences were not reduced as much as the Senator from North Dakota would have desired, nevertheless, I wish to pay tribute to the distinguished service of the Senator from Oregon; he did so much to bring the matter to the attention of the people of the United States.

Not only that, Mr. President, but in supporting the bill introduced by the distinguished Senator from Oregon, I wish to say that I know of several cases—and I refer particularly to some in New York—in which people were arrested who could not even hire a lawyer because lawyers were afraid of being contaminated if they took those cases, particularly because of what the newspapers might say about them.

I believe, with the distinguished Senator from Oregon, that when a man is arrested he should have a right to counsel. By counsel I mean a man who is versed in the law, not, as in one case, when a person arrested for a particularly heinous crime went to nearly 30 lawyers, only to have each one of them refuse to take the case. The result was that he had finally to hire two lawyers whose only practice had been in real estate, and who had never tried a criminal case in their lives.

I believe the distinguished Senator from Oregon will agree with me that due process of law means that when a man is arrested, he is not only entitled to counsel, but that he is entitled to counsel well versed in the law, so that he may have adequate protection under the Constitution of the United States.

Mr. MORSE. I thank the Senator from North Dakota for his very generous comments about the senior Senator from Oregon. I should like to say for the RECORD that the Senator is a very precious treasure of mine, because he is a biased friend. I do not know of anything more precious than a biased friend. I want him to know, however, that I have considered it a great honor to serve with him in the Senate, as we have fought shoulder to shoulder many times in support of what I considered to be sound liberal causes promoting the general welfare of the people of this country.

I remember very well his distinguished service as chairman of the Committee on the Judiciary of the Senate. It is a great chapter in the history of the Committee on the Judiciary. The remarkable things that were done under Senator LANGER's chairmanship sought to strengthen the great principles of individual freedom and rights, all encompassed in what we are referring to here this afternoon as the procedure on which due process of law rests in the Constitution of the United States.

His comments cause me to say that long before I entered politics I had done a considerable amount of professional work in the field of crime investigation in this country. I directed, for the Department of Justice, a 2-year study in the field of criminal law administration, which resulted in a 5-volume work. In the course of that study, we ran into a great many examples of third-degree methods practiced by the police.

POLICE METHODS

It is always a ticklish thing when one talks about abuses that develop in police methods in this country, because there are always those who seek to give the impression that a person is not in favor of strict enforcement if he undertakes to criticize the police.

Mr. President, it is because I am in favor of strict law enforcement, and it is because I believe that justice should prevail, that throughout my professional career I have raised my voice and pointed my pen many times against police practices that jeopardize individual liberty.

THE EFFECT OF FEAR

Third-degree methods can take many forms. Even now occasionally there may be an outbreak in a police department of so-called physical third-degree methods. Whether the methods take the form of the rubber hose or the fist or the boot, or the form of the penetrating light shone for long hours into the face of the accused, or whether they take more subtle forms, the very essence of the third-degree method is to prey on the instinctive reaction of a human being when it takes the form of fear, because a frightened man or woman is not in a very good position to exercise his or her powers of rationality.

The frightened man or woman victimizes himself or herself time and time again. The frightened man or woman very frequently, as the cases by the scores in American jurisprudence point out, admit wrongdoing when, in fact, they are innocent. Frequently, out of fear, unexplainable in many of these instances by the psychologist, they implicate others who, in fact, are innocent.

One of the reasons for the development of these concepts of due process of law; one of the reasons why we sought to modify the star-chamber proceedings of the British Crown; one of the reasons why, in the birth of this Republic, there was given to the individual the protection for which I am pleading again this afternoon, was that it had always been recognized that an individual harassed by fear was an individual whose testimony at that time was likely to be most unreliable.

With all the individual differences that exist among people, the time element itself can become a third-degree technique. The holding of the individual in the police station wtihout access to counsel or family or friends; all of the physical surrounding of the setting; the inflection of voices; the facial expressions of police and prosecutor—all of these have terrifying effects on some individuals. The very environment becomes steeped in a third-degree atmosphere, without a fist being applied, a boot kicked, or a rubber hose administered.

In essence, that is the heart and soul of the Mallory case. In essence, the Supreme Court, thank God, has said: "You cannot take an accused and hold him for an unreasonable period of time without violating his rights of freedom." Yet there are those who apparently think it will help in the enforcement of the criminal law to give the police an unchecked power in respect to the time element. Forgetting the individual for the moment, let me point out that when such a practice as that develops, and it becomes well known that such advantages are being taken of persons accused of crime, sooner or later 12 men or women true, sitting in a jury box, will begin to manifest their reactions to that sort of enforcement technique.

EFFECT ON JURIES

This leads me to comment on another problem which I have observed in the crime investigations I have conducted. Unless we protect the precious right of freedom in the administration of criminal justice, juries will take the law into their own hands. I do not condone that or sanction it, but that is what will happen. They will refuse to convict, not because they have a question as to the guilt of the individual, but because the law-enforcement officers have violated what the juries consider to be fair play, in that there has been a violation of precious individual rights.

So I say to those who are so anxious to reverse the Mallory case: "You will make a great mistake. If you do not maintain checks upon police departments consonant with due process of law, you will only increase the problems of law enforcement, and not decrease them, because these precious rights have been found to be true and sound throughout the history of our Republic." One has only to read the Douglas book to know whereof I speak.

All my bill says, in effect, is: "Interrogate or arrest him; but you are required, when you detain him, to notify him of his rights. You are required to notify him that he is entitled to the benefit of counsel. You are required to notify him that anything he says can be used against him, and he is not under any obligation to say anything."

The last point is quite important. Let me say by way of a generality, subject to all the limitations of a generality, that confessions forced out of an arrested person are usually the technique of a lazy police department and a slovenly district attorney. Under our system of criminal justice, we have a right to have a police department so efficient and a district attorney so able that it is not necessary to browbeat a confession out of an accused.

I am familiar with the point of view on the other side of the question, namely, that to catch crooks it is sometimes necessary to use techniques which are not particularly acceptable in the drawing room or around the tea table. But I repudiate that concept. In my judgment, we can never afford, in the United States, on the ground of enforcement expediency, to endanger and risk the individual rights of a citizen so sorely won in the history of our Republic.

All I seek to do in my bill is to guarantee to free men and women in the United States that they will be given the basic protections which I think are essential if due process is to be carried out in the administration of criminal justice.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE].

Mr. MANSFIELD. 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. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. O'MAHONEY. Mr. President, I hope the amendment will not be agreed to. It is too late in the session. It is too late in the day. It is too late for those who hope to have the bill passed. This amendment will operate against an agreement in conference.

I do not want to see the bill fail because I think Congress owes an obligation to the people of the United States to pass clarifying legislation.

I am chairman of the Subcommittee on Improvements in the Federal Criminal Code of the Committee on the Judiciary. We shall be back at work in the next session. I shall be very happy to give full hearings to the Senator from Oregon on his proposal. But this is not the time to adopt it. I hope the amendment will be rejected.

Mr. NEUBERGER. Mr. President, I have not spoken today on the bill. I intend to speak for only 1 minute tonight. I should like to state why I support the amendment of my colleague, the senior Senator from Oregon.

Some years ago my wife and I were in a very remote outpost in the Canadian sub-Arctic. We were eating whitefish in a small cafe near Lake Athabaska. While we were eating, we noticed, at a table nearby, a very unkempt, rather suspicious-looking individual.

After about 10 or 15 minutes, a constable of the famous Royal Canadian Mounted Police came into the little eating establishment. He walked over to the individual and put his hand on the man's shoulder. I can remember the incident as though it were yesterday.

The man looked up at the constable, somewhat in fear.

The mounted policeman asked, "Are you so and so?"

The man nodded in assent. Then the mounted policeman spoke these words. I remember them very clearly, and I think I still recall the constable's name. He said:

> I am Constable Metkovich, of Her Majesty's Royal Canadian Mounted Police. I arrest you in the name of the Crown. I warn you that anything you say may be taken down in writing and used against you in court.

I have always remembered that because I have never heard such words spoken in the United States, although I have seen quite a number of persons arrested.

Only recently, I examined the statistics on crimes committed in Canada and crimes committed in the United States. The United States has an infinitely higher crime rate than does Canada; and the crime rate in our country unfortunately is rising every year.

That Royal Canadian Mounted policeman spoke those words from the Canadian Criminal Code. Later, I asked him about it; and he said he had never arrested anyone without speaking those words. He also said that he had rarely arrested an Indian or an Eskimo without speaking those words; and that if he arrested an Indian or an Eskimo who did not speak English, he had tried to have an interpreter speak those words to them, before he, the Royal Canadian Mounted policeman, would arrest them.

Mr. President, for some of those reasons, I support the amendment submitted by my colleague [Mr. MORSE].

Mr. MORSE. I appreciate very much those words of my colleague.

Mr. President, I close by saying that it is never too late to protect the procedural rights of the American people; and that is the purpose of my amendment, which, in the form of Senate bill 3325, has been before the Senate committee since February 21 of this year.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The question is on agreeing to the amendment submitted by the Senator from Oregon [Mr. MORSE].

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Florida [Mr. HOLLAND], the Senator from Montana [Mr. MURRAY], the Senator from Florida [Mr. SMATHERS], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I further announce that if present and voting, the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Florida [Mr. HOLLAND], the Senator from Montana [Mr. MURRAY], and the Senator from Georgia [Mr. TALMADGE] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Ohio [Mr. BRICKER] and the Senator from New Hampshire [Mr. COTTON] are absent on official business.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. IVES], and the Senator from Maine [Mr. PAYNE] are necessarily absent.

The Senator from Vermont [Mr. FLANDERS] is absent because of illness in his family.

The Senator from New Jersey [Mr. SMITH] is detained on official business.

If present and voting, the Senator from Ohio [Mr. BRICKER], the Senator from New Hampshire [Mr. COTTON], the Senator from Maine [Mr. PAYNE], and the Senator from New Jersey [Mr. SMITH] would each vote "nay."

The result was announced—yeas 13, nays 64, as follows:

YEAS—13

| | | |
|---|---|---|
| Case, N. J. | Langer | Pastore |
| Cooper | Magnuson | Proxmire |
| Douglas | McNamara | Revercomb |
| Kefauver | Morse | |
| Kennedy | Neuberger | |

NAYS—64

| | | |
|---|---|---|
| Aiken | Hennings | Monroney |
| Allott | Hickenlooper | Morton |
| Anderson | Hill | Mundt |
| Barrett | Hoblitzell | O'Mahoney |
| Beall | Hruska | Potter |
| Bennett | Humphrey | Purtell |
| Bible | Jackson | Russell |
| Bush | Javits | Saltonstall |
| Butler | Jenner | Schoeppel |
| Capehart | Johnson, Tex. | Smith, Maine |
| Carroll | Johnston, S. C. | Sparkman |
| Case, S. Dak. | Jordan | Stennis |
| Church | Kerr | Symington |
| Clark | Knowland | Thurmond |
| Curtis | Kuchel | Thye |
| Dirksen | Lausche | Watkins |
| Dworshak | Long | Wiley |
| Eastland | Malone | Williams |
| Ellender | Mansfield | Yarborough |
| Ervin | Martin, Iowa | Young |
| Fulbright | Martin, Pa. | |
| Goldwater | McClellan | |

NOT VOTING—19

| | | |
|---|---|---|
| Bricker | Frear | Payne |
| Bridges | Gore | Robertson |
| Byrd | Green | Smathers |
| Carlson | Hayden | Smith, N. J. |
| Chavez | Holland | Talmadge |
| Cotton | Ives | |
| Flanders | Murray | |

So Mr. MORSE's amendment was rejected.

Mr. O'MAHONEY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Wyoming to reconsider.

The motion to lay on the table 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 amendment and the third reading of the bill.

The amendment was 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?

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senators from Florida [Mr. HOLLAND and Mr. SMATHERS], the Senator from Montana [Mr. MURRAY], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I further announce that if present, and voting, the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senators from Florida [Mr. HOLLAND and Mr. SMATHERS], the Senator from Montana [Mr. MURRAY], and the Senator from Georgia [Mr. TALMADGE] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Ohio [Mr. BRICKER] and the Senator from New Hampshire [Mr. COTTON] are absent on official business.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. IVES], and the Senator from Maine [Mr. PAYNE] are necessarily absent.

The Senator from Vermont [Mr. FLANDERS] is absent because of illness in his family.

The Senator from New Jersey [Mr. SMITH] is detained on official business.

If present, and voting, the Senator from Ohio [Mr. BRICKER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from New York [Mr. IVES], and the Senator from Maine [Mr. PAYNE] would each vote "yea."

On this vote, the Senator from New Hampshire [Mr. COTTON] is paired with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from New Jersey would vote "nay."

The result was announced—yeas 65, nays 12, as follows:

YEAS—65

| | | |
|---|---|---|
| Aiken | Hickenlooper | Morton |
| Allott | Hill | Mundt |
| Anderson | Hoblitzell | O'Mahoney |
| Barrett | Hruska | Pastore |
| Beall | Jackson | Potter |
| Bennett | Jenner | Purtell |
| Bible | Johnson, Tex. | Revercomb |
| Bush | Johnston, S. C. | Russell |
| Capehart | Jordan | Saltonstall |
| Carroll | Kefauver | Schoeppel |
| Case, N. J. | Kennedy | Smith, Maine |
| Case, S. Dak. | Kerr | Sparkman |
| Church | Knowland | Stennis |
| Curtis | Kuchel | Symington |
| Dirksen | Lausche | Thurmond |
| Dworshak | Long | Thye |
| Eastland | Malone | Watkins |
| Ellender | Mansfield | Wiley |
| Ervin | Martin, Iowa | Williams |
| Fulbright | Martin, Pa. | Yarborough |
| Goldwater | McClellan | Young |
| Hennings | Monroney | |

NAYS—12

| | | |
|---|---|---|
| Butler | Humphrey | McNamara |
| Clark | Javits | Morse |
| Cooper | Langer | Neuberger |
| Douglas | Magnuson | Proxmire |

NOT VOTING—19

| | | |
|---|---|---|
| Bricker | Frear | Payne |
| Bridges | Gore | Robertson |
| Byrd | Green | Smathers |
| Carlson | Hayden | Smith, N. J. |
| Chavez | Holland | Talmadge |
| Cotton | Ives | |
| Flanders | Murray | |

So the bill (H. R. 11477) was passed.

Mr. O'MAHONEY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion made by the Senator from Wyoming to reconsider the vote.

The motion to lay on the table was agreed to.

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

The motion was agreed to; and the Presiding Officer appointed Mr. O'MAHONEY, Mr. EASTLAND, Mr. CARROLL, Mr. WILEY, and Mr. DIRKSEN conferees on the part of the Senate.

## PROVISION OF NOTICE OF APPEAL FOR INTERLOCUTORY RELIEF AGAINST ORDERS OF CERTAIN ADMINISTRATIVE AGENCIES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2500, H. R. 6789, and after the clerk states the bill by title, I should like to make a brief announcement.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 6789) to provide for reasonable notice of applications to United States courts of appeals for interlocutory relief against the orders of certain administrative agencies.

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

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

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Indiana [Mr. JENNER].

Mr. JENNER. Mr. President, I offer an amendment to the pending bill.

The PRESIDING OFFICER. The amendment of the Senator from Indiana will be stated.

The CHIEF CLERK. It is proposed, at the end of the bill, to add a new section, as follows:

That (a) chapter 81 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1258. Limitation on appellate jurisdiction of the Supreme Court.

"Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall have no jurisdiction to review, either by appeal, writ of certiorari, or otherwise, any case where there is drawn into question the validity of any law, rule, or regulation of any State, or of any board of bar examiners, or similar body, or of any action or proceeding taken pursuant to any such law, rule, or regulation pertaining to the admission of persons to the practice of law within such State."

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"1258. Limitation on the appellate jurisdiction of the Supreme Court."

SEC. 2. Section 102 of the Revised Statutes, approved June 22, 1938 (52 Stat. 942; 2 U. S. C. 192), is amended by changing the period at the end thereof to a colon and adding the following provision: *"Provided,* That for the purposes of this section any question shall be deemed pertinent unless timely objection is made thereto on the ground that such question lacks pertinency, or when such objection is made, if such question is ruled pertinent by the body conducting the hearing; and on any question of pertinency, the ruling of the presiding officer shall stand as the ruling of the body unless reversed by the body on appeal."

SEC. 3. (a) That chapter 115 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 2392. Enforcement of State statutes

"Except to the extent specifically provided by any statute hereafter enacted by the Congress, the enactment of (a) any provision of law contained in this chapter or in chapter 37, 67, or 105 of this title, (b) the Subversive Activities Control Act of 1950, (c) the Communist Control Act of 1954, or (d) any other Act of the Congress heretofore or hereafter enacted which prescribes any criminal penalty for any act of subversion or sedition against the Government of the United States or any State of the United States, shall not prevent the enforcement in the courts of any State of any statute of such State prescribing any criminal penalty for any act, attempt, or conspiracy to commit sedition against such State or the United States, or to overthrow the Government of such State or the Government of the United States.

"As used in this section, the term 'State' includes any State of the United States, the Territory of Alaska, the Territory of Hawaii, and the Commonwealth of Puerto Rico."

(b) The analysis of chapter 115 of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"2392. Enforcement of State statutes."

SEC. 4. (a) The Congress finds that the distinction made by the Supreme Court of the United States in Yates against United States, Schneiderman against United States, and so forth, between advocacy of the forcible overthrow of the Government as an incitement to action and advocacy of such overthrow as mere abstract doctrine is, as Mr. Justice Harlan characterized it, "subtle and difficult to grasp"; that the construction put upon section 2385 of title 18 of the United States Code by the Supreme Court is one never intended by the Congress; that such construction is impractical of application, and infuses into this criminal statute a degree of uncertainty and unclarity which is highly undesirable; and that legislative action to clarify and make certain the intent of this criminal statute is therefore required.

(b) The first paragraph of section 2385 of title 18 of the United States Code is amended so as to read:

"Without regard to the immediate probable effect of such action, whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the Government of the United States or the government of any State, Territory, District or possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or".

(c) Section 2385 of title 18 of the United States Code is amended by inserting therein, immediately after the first paragraph thereof, the following new paragraph:

"Whoever, with intent to cause the overthrow or destruction of any such government, in any way or by any means advocates, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying any such government by force or violence; or".

(d) Section 2385 of title 18 of the United States Code is amended by adding at the end thereof the following new paragraph:

"As used in this section, the term 'organize' with respect to any society, group, or assembly of persons, includes encouraging recruitment or the recruiting of new or additional members, and the forming, regrouping, or expansion of new or existing units, clubs, classes, or sections of such society, group, or assembly of persons."

Amend the title so as to read: "A bill to limit the appellate jurisdiction of the Supreme Court in certain cases, and for other purposes."

Mr. JOHNSON of Texas. Mr. President, I have discussed the amendment with the proponents thereof, the authors, the Senator from Indiana [Mr. JENNER], the Senator from Maryland [Mr. BUTLER], and other Senators interested in the amendment. I am informed the proponents expect to take an hour or two in proposing the amendment tomorrow, and I hope the opponents will not consume more than that, after which we expect to take up the motion by the Senator from Missouri [Mr. HENNINGS] to table. I should like all Members to be on notice, that the Senate will convene at 11 o'clock in the morning and we will have a morning hour. We anticipate a vote on the Jenner-Butler bill proposal tomorrow some 2 or 3 hours after debate commences. I ask unanimous consent that it be in order to ask for the yeas and nays on the motion to table the amendment, notwithstanding the fact that the motion has not yet been made.

The PRESIDING OFFICER. Without objection, so ordered. Are there sufficient seconds?

The yeas and nays were ordered.

Mr. JENNER. As I understand, the yeas and nays are ordered on the bill or any motion, too.

Mr. JOHNSON of Texas. Mr. President, I would like it understood that is on the motion to table also, as I announced.

The PRESIDING OFFICER. Is there a sufficient number?

The yeas and nays were ordered.

## LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I wish to inform the Senate there will be no further business transacted tonight, so each Member of the Senate will be protected, although we expect a couple of speeches.

Mr. President, we have planned to have a call of the calendar following the morning hour. We expect to take a few minutes, but I want the calendar committees to be on notice that following the morning hour there will be a call of new bills on the calendar.

## PROVISION OF NOTICE OF APPEAL FOR INTERLOCUTORY RELIEF AGAINST ORDERS OF CERTAIN ADMINISTRATIVE AGENCIES

The Senate resumed the consideration of the bill (H. R. 6789) to provide for reasonable notice of applications to the United States courts of appeals for interlocutory relief against the orders of certain administrative agencies.

Mr. JENNER. Mr. President, I recently cut a radio tape giving a brief story of the whys and wherefores of Senate bill 2646, limiting the appellate jurisdiction of the Supreme Court. I am going to ask that the entire tape be printed in the body of the RECORD as a part of my remarks.

I have set it out in the form of question and answer, which I think will make quite plain to the Members of the Senate the whys and wherefores of Senate bill 2646.

For example, the question is asked:

Senator JENNER, to start the ball rolling, will you tell us the story of how Senate bill 2646 came into existence? Wasn't it characterized by the Washington Post as a "sneak attack" on the United States Supreme Court?

My answer was:

Yes, the Washington Post called it a sneak attack. Here is what happened. I sneaked into the Senate Chamber last August and made a sneaky 2-hour speech to introduce S. 2646. Mimeographed copies of this speech were sneaked up to the press gallery and sneakly passed out to the correspondents who were sneaking around up there.

Someone sneaked over to the Government Printing Office and had the speech reproduced in the sneaky CONGRESSIONAL RECORD. The sneaks who operated the sneaky nationwide radio program, Meet the Press, invited me to appear on that program and I sneaked over to their studio one night and talked about the bill. I also sneaked out to South Bend, Ind., to appear on the Manion forum, another nationwide program, and talked about the bill there.

The next question was:

In other words, there was no sneak attack at all. What was done to let the people participate in consideration of this bill?

My answer was:

Chairman EASTLAND, of the Judiciary Committee, issued notices to the press that public hearings would be held. These notices and invitations to testify were sent all over the United States. As a result, witnesses from all over the United States came to Washington to testify at the hearings, which went on for 10 days. A great many other persons wrote letters to the committee.

Mr. President, I ask unanimous consent that the remainder of the radio tape transcription be printed in the RECORD as a part of my remarks.

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

Question. Did you get a "yes" vote or a "no" vote from the people?

Answer. We got an overwhelming "yes" vote. Even before the bill was amended to meet certain criticism, mail was running 15 to 1 in favor of it.

Question. Wasn't the bill also discussed at great length in editorials, newspaper and magazine articles, and radio and TV programs?

Answer. It certainly was. A Justice of the Supreme Court even went so far as to appear on one of these programs, which tried to marshal public opinion against the bill.

Question. Do you believe this attempt to turn public opinion against the bill has succeeded?

Answer. No. Senator EASTLAND made a comprehensive address in support of S. 2646 on July 10. His mail is running at the rate of 30 to 1 in favor of it.

Question. Senator, you spoke of the original bill. Does that mean that the present version of S. 2646 is a different document from the one you introduced a year ago?

Answer. Yes. As I just pointed out, the first draft has been almost completely rewritten, in order to satisfy the original critics.

Question. Have they been satisfied?

Answer. They don't seem to have been. They are still using the same arguments against the bill that they used in 1957.

Question. Well, let's go back to 1957, then. Why did you introduce S. 2646?

Answer. I introduced it because the majority decisions of the United States Supreme Court had just about demolished the defenses which the people themselves had set up in the Territories, the States, and in Washington to protect themselves against Communist subversion. It was up to Congress either to act or to acquiesce.

Question. In your judgment, was there any change in the Court's attitude during the 1958 term?

Answer. I will let the President of the United States answer that question. On Monday, July 7, the President sent a special message to Congress asking us to pass legislation immediately, to undo the latest havoc wrought by the Court. Only 2 weeks earlier, the Court had handed down decisions which limited the traditional authority of the Secretary of State to issue passports. As a result of these decisions, Communist conspirators are being dispatched abroad on treasonous errands. The President said, "I wish to emphasize the urgency of the legislation I have recommended. Each day and week that passes without it exposes us to great danger."

Question. How does the Communist Party feel about the Court's decisions?

Answer. Communists in the United States and also in Russia have publicly rejoiced. They said the Court delivered a "triple-barreled attack" on the American security program. They said: "Victory is indeed sweet." They said the Court had given the party "new opportunities" and "new grounds to fight from."

Question. Which Communist said that the majority of the United States Supreme Court had given his party "new opportunities"?

Answer. That was said by Eugene Dennis, general secretary of the party, in a report to his national executive committee on June 21, 1957.

Question. Is that the same Eugene Dennis who went to jail after being convicted of seeking to overthrow the Government of the United States by force and violence?

Answer. Yes, that is the same Eugene Dennis.

Question. Now tell us the philosophy behind your original bill.

Answer. The Constitution of the United States says that the Supreme Court of the United States shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Under my original bill, Congress would have deprived the Court of appellate jurisdiction in five categories of cases.

Question. Why did you select those categories?

Answer. In the Konigsberg and Schware decisions, the Court had opened the way for secret Communists to become lawyers. In the Slochower decision, it had opened the way for secret Communists to obtain positions on school and college faculties. In the Watkins decision, it crippled the functions of Congressional committees, which have the responsibility to investigate Communists. In Cole against Young it opened the way for secret Communists to get on Federal payrolls, so long as they did not occupy so-called sensitive positions. In the Nelson decision, it wiped out State laws against subversion. My original bill touched those 5 areas.

Question. What happened to your original bill?

Answer. It was amended, after an extended series of hearings and full consideration by the entire Judiciary Committee of the Senate.

Question. Who proposed these amendments?

Answer. They were proposed by Senator BUTLER, of Maryland. I want to emphasize that I am entirely in agreement with them.

Question. Will you explain them to us?

Answer. Well to begin with, they eliminate the provision to remove the Court's appellate jurisdiction, in 4 of the 5 original categories. Under the amended bill, Congress only restricts the Court's appellate jurisdiction in matters involving admission to practice of law in the States.

Question. As a matter of fact, didn't the Court itself once declare it had no appellate jurisdiction in that area?

Answer. Yes. In Selling against Radford, decided in 1917, Chief Justice White said that the appellate power in cases like this was "a power which we do not possess."

Question. But the present Supreme Court thinks it does possess this power, does it not?

Answer. The Court has usurped the power, and used it to force admission of secret Communists to the practice of law in State courts.

Question. Now tell us about the rest of the amended bill.

Answer. Section 2 would permit a Congressional committee to determine the pertinency of any question it put to a witness. This section is necessary, because in the Watkins decision, the Court said that a witness had to have assurance the question was pertinent, before he could be required to answer it. Section 2 will not let a committee operate outside its jurisdiction, but it will let a committee control its own investigation so long as it stays within its jurisdiction.

Question. How about section 3?

Answer. That would restore the enforceability of anti-subversive laws in 42 States, Alaska and Hawaii, which were put out of business by the Nelson decision.

Question. How about section 4?

Answer. That would put the Smith Act back into business. As you know, the Smith Act, passed in 1940, is the law which was used to jail Communist leaders who advocated the overthrow of our Government by force and violence. The Court's decision in the Yates case opened the jail doors for them, and made a "shambles out of the Smith Act," to use the words of Federal Circuit Judge Richard H. Chambers of California. Section 4 clarifies the language in an effort to prevent the Court from making a shambles of the act in future prosecutions.

Question. Senator JENNER, isn't it true to say that the opposition to S. 2646 is based on the charge that the Court decisions you object to have been restoring civil liberties, that had been damaged by all this anti-Communist activity of recent years?

Answer. That is what they say, yes.

Question. Do you agree with that?

Answer. I will answer that question by telling what happened one Red Monday a few weeks ago. That was the day an American farmer named Henry Kissinger asked the Supreme Court to defend his civil rights to farm his own land with his own sweat and sell the products of the land in his own way. He had been deprived of that right by Federal law and penalized when he tried to exercise it. He asked the Supreme Court for a chance to be heard. The Court would not hear him. On the same day it turned him down, the Court also refused to hear the cases of 49 other Americans. But also on that day, it set aside the conviction of one Harry Sacher, whom I described on the floor of the Senate as "chief of that group of Communist hecklers-at-the-bar who spent so many months trying to break the spirit of Judge Medina

and thus create a mistrial in the Smith Act prosecution of 11 top Communist leaders."

Question. The point you are making there, then, is that the Court majority is more solicitous for the civil rights of Communists than it is for the civil rights of ordinary Americans, is that correct?

Answer. That is exactly my point. And I would carry it much further. Those who attempted to discredit my bill as a "sneak attack," those who have demanded further hearings on the bill, those who have used every device of publicity to oppose it, also have been represented as champions of civil liberties. But they, too, seem more solicitous of the civil rights of Communists than they are of the civil rights of ordinary Americans.

Question. What do you mean by that?

Answer. I mean the American people have the right to get this bill out on the Senate floor. The people have overwhelmingly approved the bill. It has received full, open consideration in the Senate Judiciary Committee. The Judiciary Committee voted 10 to 5 in favor of it. But it has been held off the floor.

Question. Do you think your bill will pass if it comes to a vote?

Answer. I feel sure of it. This bill does not do everything possible to restore our defenses against communism; but it does some important things, and they are things we can do now. I think the Senate will approve the bill by a substantial majority if they get a chance to vote on it.

## ORDER FOR SENATE TO CONVENE AT 11 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow, it convene at 11 a. m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE MINORITY LEADER OF THE SENATE

Mr. WILEY. Mr. President, in today's Washington Evening Star there appeared an editorial under the heading "The Minority Leader," which concerns our colleague, the senior Senator from California [Mr. KNOWLAND].

So that all Members of the Senate may read it, I ask unanimous consent that it be printed in the body of the RECORD.

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

[From the Washington Evening Star of August 19, 1958]

THE MINORITY LEADER

When the 85th Congress adjourns it is assured now that its legislative record will be considered a good and constructive one. The credit may be widely distributed, in both branches and on both sides of the party aisle. But because he is retiring, at least temporarily, from the Washington scene, it is appropriate that a special tribute be paid the Senate minority leader, California's WILLIAM F. KNOWLAND.

Mr. KNOWLAND was a major in the United States Army in France when he was appointed, in 1945, to replace the late Senator Hiram Johnson. In 1946, the California voters endorsed this appointment and in 1952 they returned Mr. KNOWLAND to the Senate by the largest vote ever cast for any candidate in that State. He is running now for Governor, but the shifting complexion of California politics has made him the underdog in a race against Democratic Attorney General Pat Brown. With time for campaigning growing short, it is typical of Mr. KNOWLAND's sense of conscience and duty that he has placed his responsibilities as minority leader ahead of his personal political fortunes to remain here until adjournment.

Mr. KNOWLAND's Senate career has not been free of strife, in and out of his party. Once a youthful rival of the late Senator Taft for Republican leadership, he was chosen by Mr. Taft personally as the latter's successor. "Nobody can push him around," Mr. Taft said in explaining the choice. It is true that nobody has pushed Mr. KNOWLAND around. At times he has differed with his own party's administration, and often with the opposition. But it was significant and not surprising that spokesmen of both parties rose in the Senate last June, on Mr. KNOWLAND's 50th birthday, to speak in warmest terms of "his integrity, his convictions, and his courage." Mr. KNOWLAND has demonstrated them all in what he considered the best interests of his country—above party or person. He will leave the Senate with the unqualified respect of those who have served with him, and of those who have observed his service.

## FEDERAL AID TO EDUCATION

Mr. JENNER. Mr. President, I am proud to read to the Senate of the United States the following letter from Wilbur Young, State superintendent of public instruction for the State of Indiana.

Superintendent Young says:

Hon. WILLIAM E. JENNER.

DEAR BILL: The enclosed clippings, from Indianapolis newspapers which are separately owned, correctly mirror the feeling of the people of Indiana regarding the pending education bill. The Times article ran last night. The Star article is today, just a few hours later.

Although the scholarship provision is a subterfuge and a joke, the worst feature of the pending legislation is that it opens the door very wide to permit Federal bureaucrats to enter every classroom in the United States.

When Washington can dictate classroom equipment management, teacher training, curriculum content, then the United States Commissioner of Education gets as much power over America's schoolchildren as Khrushchev has in Red Russia.

I am sure you will do everything you can to defeat this legislation. Should it become a law, I hope the record shows 2 Republican Senators and 9 Republican Representatives voting against the "Trojan horse," nefarious Federal aid to education bill.

Sincerely yours,

WILBUR YOUNG,
*State Superintendent of Public Instruction.*

I ask unanimous consent to have printed at this point in the debate the editorials from the Indianapolis Star and the Indianapolis Times.

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

[From the Indianapolis Star of August 16, 1958]

INDIANA STANDS ALONE

Three cheers for Indiana's Senator BILL JENNER.

Before the Senate passed its aid-to-education bill, he got into it an amendment which exempts Indiana from the bill's nefarious benefits.

We are grateful to the other Members of the Senate for accepting the Jenner amendment. We hope the Senate-House conference committee does not get cold feet and take the amendment out.

The exclusion of Indiana from the functions of this bill is for the good of Indiana. It could be for the ultimate good of the Nation. It sets the example that States do not have to tag meekly along while the Federal bureaucratic monster takes over all the functions of Government. It provides an interesting example by means of which to check the actual effects of a major Federal-aid program.

When the chips were down, the Senate followed the lead of the House by virtually abandoning the pretense that this is a scholarship program. The Senate didn't quite give up the pretense completely, as the House did. The Senate retained a huge number of college scholarships, but cut them down to $250 a year. This is ridiculous. For any bright student who is really prevented by lack of money from going to college, $250 a year is only a drop in the bucket. As an ameliorating feature, the Senate like the House also retained a large loan program for college students. The operation of this program will depend on the willingness of college and university officials to participate in the creation of substantial debts to be carried by students after graduation.

As with the scholarship program, the need for a Government loan program is shown to be largely non-existent, at least in Indiana. Besides the loan programs already available at almost all colleges and universities, there now are available to Hoosiers at least two major loan programs, operated by private lending institutions, by which payment for the costs of college education can be spread over 6 to 8 years.

For the rest, the Senate bill like the House bill essentially provides an entry for the Federal Government into the support and direction of the public school education. This will be accomplished through grants for purchase of equipment for federally specified uses, grants for institutes and fellowships for teacher training, and grants for federally supervised programs of student counseling and guidance.

Indiana is well out of such a program. We hope the Republicans of the Indiana delegation in the House will see to it that Indiana stays out.

[From the Indianapolis Times of August 16, 1958]

NICE GOING, BILL

When the huge Federal aid to science education bill came up before the United States Senate this week, Senator WILLIAM E. JENNER of Indiana made a gesture that probably will be recalled in Capitol Hill cloakrooms for many a day.

He said, in effect, "deal us out." That from a Senator representing a State which, like all the other States, could expect to receive sundry millions (of its own money) in so-called benefits of this new Federal spending, probably left some of Senator JENNER's colleagues reeling. Here at home, it is regarded merely as being consistent. Since both Senator JENNER and Governor Harold Handley, his political friend and protege, have on occasions been accused of inconsistency with respect to Federal aid it would seem that this gesture of the Senator's is highly timely.

The bill, as it passed the Senate and will go to joint conference of House-Senate, would spend $1.3 billion on all sorts of things from schoolroom construction to some 23,000 Federal scholarships worth $250 a year for bright students, and loans up to $750 depending on "need." Indiana, however, doesn't need such help—and that's what BILL JENNER told the Senate when he proposed a special amendment to cut Indiana out of the program.

"We don't want Federal help," Senator JENNER said. "We don't need Federal help, and you can't afford to give Federal help."

He cited the recent chamber of commerce survey which located only 53 Indiana students as possibly needing college scholarship aid.

Other States can't afford it, we can't afford it, and we don't think future generations would thank us for the tax debt thus piled up to saddle American education with Federal do-gooder theories.

Mr. JENNER. Mr. President, the State of Indiana does not want the Federal Government to give hand-outs to its students, to set the standards of "ability" by mechanical nation-wide tests, to subsidize its private schools and colleges, to pay part of the expense of the proper school expenditures of Indiana, to set standards for school administration and, to have the right to enter every school building in the State to enforce its standards.

If the Federal Government favors progressive education, and the people of Indiana are trying to harden and strengthen their educational system, who is going to win, if we are on the Federal dole?

The people of Indiana do not like the idea of paying for this new give-away without getting any return.

Of course not. But we cannot bastardize our schools to get back part of our tax payments.

If we have to pay, we will do so rather than to violate our responsibility to the young people of our State and the scholarly standards of American intellectual life.

But I do not believe it is necessary for the States to pay for grants programs of which they disapprove.

I am introducing at this point a bill to provide that wherever a State elects not to take part in a program of payments to its citizens, its share will be returned by the Federal Treasury to the State, to be spent as the State legislature directs. I ask that the bill be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4315) to authorize the legislatures of the several States to determine whether such States shall participate in programs providing for Federal grants to such States or their inhabitants, introduced by Mr. JENNER, was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. JENNER. Mr. President, the people of Indiana think it is time somebody stood up in Congress and said Americans are tired of both handouts and taxes.

We believe the people of other States are ready and willing to throw off the Federal yoke.

We call upon all other States which do not want Federal domination to refuse to take the handouts from Washington.

In that way the position of the Federal Treasury can be improved at least slightly.

The State of Indiana led the way in resisting attempts by the social security administrators to keep secret the State's expenditures for public relief.

Our State legislature passed a bill to make relief rolls public documents which could be inspected by any responsible persons.

Then the Federal Government told our State welfare officials they must disobey their State law, or have $20 million deducted from the refunds out of their own taxes.

Congress passed the amendment I introduced, forbidding the Social Security Administration to withhold funds from State welfare officials who opened their relief rolls in accordance with State legislative mandates.

Now nearly every State in the Union has followed the lead of Indiana, and made available to responsible people the records of relief spending.

Imagine how tight this net of Federal controls is woven when we had to get an amendment through Congress permitting State officials to obey their own State laws without having their money withheld by Federal welfare officials as a punishment for their misbehavior.

Does anybody seriously think the Federal education officials will not increase their power and their arrogance, as their budgets grow?

Indiana was likewise the first industrial State to pass a law permitting the workers of the State to get jobs without the permission of union officials and ending the compulsory payment of dues to union treasuries.

Indiana is used to leading.

Indiana is ready to take the lead in preventing the Federal octopus from twisting its tentacles about the schools of our State.

If other States follow our example, we shall be proud and happy; if they do not wish to safeguard their schools, then Indiana will stand alone.

I hope word can be gotten out to the people of this country how sickening is the misinformation about this bill.

The Senator from South Carolina asked the Senator from Michigan:

Is it not true that this bill, although it purports to be a bill for the purpose of promoting the national defense, is, in actuality, a Federal aid to education bill?

The Senator from Michigan replied:

I believe the bill provides general Federal aid to education.

We have witnessed many attempts to wrap the flag about tired spending bills which did not have a thing to recommend them. But this is the worst bit of "patrioteering" I think I have ever seen.

Let us remind ourselves of Samuel Johnson's statement that patriotism is the last refuge of a scoundrel.

If the education bill cannot stand inspection, let us not hide its weaknesses and its hidden tyrannies in the folds of the Star-Spangled Banner.

The Senator from South Carolina [Mr. THURMOND] also asked the Senator from Michigan:

Under the bill a student could pursue studies in social welfare, automobile driving, flower arrangement, horse breeding, or tap dancing, is that not correct?

The Senator from Michigan said:

That is not correct.

But I can find nothing in the bill which bars use of the funds for any such educational purpose, and the Senator from Michigan refuses to specify where in the bill such limitations could be found.

All the talk about mathematics and science is the commercial to get the public to buy the product.

There is another hidden twist in this bill which should be brought out into the light.

One of the most curious provisions in the bill is title VIII, which is supposed to help train our people in foreign languages.

Section 801 (A) says that funds for language development may provide for instruction in such fields as history, political science, linguistics, economics, sociology, geography, anthropology.

But that is not all. The Commissioner shall give priority to contracts for the Middle East, Africa, or Asia—including the Soviet Union.

This is a beautiful plan for deluging our schools with courses on Soviet institutions and filling up the remaining time with information about the uncommitted areas of Asia and Africa which are the darlings of our State Department.

Thus even the sections of the bill which seem at first sight to be most closely connected with defense turn out, on inspection, to be more educational "boondoggling."

The people of Indiana believe our students should get much less propagandizing about the might and achievements of the Soviet Union and a great deal more solid instruction in American history, American government, and the American economic system.

Section 801 (B) provides that the Commissioner may also give stipends to individuals for such advance training, providing the students will be available for teaching, or for such other service of a public nature as may be permitted in the regulations of the Commissioner.

Here is Federal regulation of the recipients of these subsidies.

Section 802 permits the Commissioner to develop specialized material for use in such language culture centers.

This puts the Federal Government in the textbook business.

I will spare Senators a statement of what I think about title IX for putting the Federal Government into the middle of educational television, radio, and motion pictures.

I merely invite attention to the fact that the Commissioner has authority to make grants to public or nonprofit private agencies, and also contracts with private agencies which may be profit-making.

Is that the pipeline to the Hollywood moving picture producers? We know that the Federal Government used subsidies and other indirect powers to guide the moving picture industry and other mass mediums, during the days of the OWI. This is a bigger and better OWI.

I will mention that section 931 says the Commissioner may provide advice,

counsel, and so forth to increase the quality or depth or broaden the scope of our educational programs.

That is a very nice name for more Government propaganda on how much better the Federal Government does things than the States do.

I have already mentioned the pernicious implications of the sections for testing and guidance.

I will not repeat the overwhelming arguments against any new Federal spending in the dangerous state of the national finances today.

But I wish to point out, in closing, how powerful is the lobby of the organized educationists which is determined to have Federal aid and Federal regulation of our schools systems, with the sky the limit on what we spend.

These organized lobbies of educationists are already at work sending out their telegrams demanding repeal of my amendment.

These lobbies stand completely discredited as the sponsors of the statistics on shortage of classrooms, shortage of State funds, and other propaganda which were the mainstay of the federalizers until the sputniks went up, and they saw their chance to wrap their idol in the American flag.

Indiana is not influenced by these lobbies. Our school officials, our teachers, our parents, our taxpayers and our press all know well how completely they are committed to federalization and big spending, no matter how much red ink it takes.

I repeat, Mr. President, the people of Indiana want our State protected against federalization of our schools under the guise of national defense.

We hope the people of other States will join. If not, Indiana is proud to stand alone.

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## THE INTERPARLIAMENTARY UNION CONFERENCE AT RIO DE JANEIRO

Mr. CASE of South Dakota. Mr. President, the Senate was represented at the recent conference of the Interparliamentary Union, which was held at Rio de Janeiro, Brazil, from July 24 to August 1, inclusive. The delegates were named by the Vice President of the United States, pursuant to a provision in the appropriation bill dealing with the State Department, which we passed last year. It was my privilege to be one of the delegates so named and to participate in the conference. The members of the delegation and other Members of the Senate have said they felt there should be a report made to the Senate of the proceedings at the conference, and our participation in it. Owing to the fact that the return from Rio de Janeiro came during these last few weeks of the session, with the heavy schedule we have had for the consideration of proposed legislation each day, it has seemed impracticable heretofore to present that report.

I may say to the attachés and employees of the Senate that I shall make this report as brief as I can. I shall try to make it comprehensive as possible, so that the report may be in the RECORD for Senators and others who may be interested to read it.

I may say to the few Senators who are on the floor at this late hour that I do not anticipate saying anything which requires their presence on the floor. I shall not make any controversial statements. I shall be happy to yield for questioning if Senators care to ask any questions. However, I am not flattering myself that at this late hour, shortly before 12 midnight, I shall evoke much comment.

Yet, Mr. President, because the Interparliamentary Union is an organization of many years standing, and because the conference at Rio de Janeiro came at the the time it did, because it developed unusual interest on the part of the delegates there, and because, in my opinion, it deserves further consideration in the Senate as we come to the time of the meeting, which will be held in Warsaw, Poland, some attention should be given to what transpired this year, and some record should be made of it, with the thought that the leadership of the Senate on both sides of the aisle will probably wish, in my opinion, to give special consideration to early consideration and preparation for our participation in that coming conference.

The conference this year came only a few days after the landing of our troops in Lebanon in connection with the Middle East crisis. Behind all the debate and behind the meetings of committees there was the feeling on the part of the delegates that the position taken by the various parliamentary representatives was a reflection of the position of the governments of the respective countries represented. There was the feeling that as we move toward the meeting in Warsaw, Poland, next year, the first interparliamentary meeting which will be held behind the Iron Curtain since World War II, unusual significance will be attached to it.

The Interparliamentary Union is not as well known, perhaps, as its long history deserves. It was started in 1882, as the result of the feeling among members of parliamentary bodies on the Continent of Europe that international understanding could be improved by the holding of meetings from time to time of delegates from their parliamentary bodies. They have not been held every year, as is evidenced by the fact that the conference at Rio de Janeiro was the 47th conference, although the history of the Interparliamentary Union runs back to 1882. In its long history, the Interparliamentary Union has made recommendations on many subjects which have marked an advance in international understanding and in international relationships. It takes pride in the fact that its recommendation led to the establishment of the International Court of Justice at The Hague. That was one of the landmarks in its development. Further, it is proud that it recommended the formation of some organizations, such as the League of Nations, and, later, the organization which came to be known as the United Nations Organization.

This is a unique international gathering, in which the representatives are not representatives of the executive or the administrative branches of the Government, but representatives of parliamentary bodies. Every delegate there had a constituency. Every delegate there was elected or selected in some manner to represent a constituency. So the statements that were made, and the points of view that were expressed, were largely of elected officials, and, in every case, the expressions of persons who had constituencies at home.

The United States delegation was composed of the following persons from the House of Representatives: HENRY TALLE, of Iowa; HALE BOGGS, of Louisiana; KENNETH KEATING, of New York; W. ROBERT POAGE, of Texas; CATHERINE ST. GEORGE, of New York; ANTONI N. SADLAK, of Connecticut; and MICHAEL A. FEIGHAN, of Ohio. The representation from the Senate consisted of the following Senators, who had been named by the Vice President on the nominations of the majority and minority: ALLEN FREAR, of Delaware; MIKE MONRONEY, of Oklahoma; FRANCIS CASE, of South Dakota; JOHN HOBLITZELL, of West Virginia; and Judge Homer Ferguson, of Michigan, who was a former president of one conference of the Interparliamentary Union, and therefore an honorary member.

The wives of the United States delegates and officers who were present were Mrs. Feighan, Mrs. Boggs, Mrs. Sadlak, Mrs. Poage, Mrs. Monroney, Mrs. Case, Mrs. Hoblitzell, Mrs. Dunham, and Mrs. Galloway.

I mention the ladies because it is one of the traditions of the Interparliamentary Union that the wives of the delegates should be present so far as possible. There were several women delegates, including Mrs. ST. GEORGE of our own delegation, and there were other women delegates from other parliamentary bodies. The women had their own functions, which lent much to the character of the conference and to the exchange of ideas between the delegates, and I believe made a real contribution to the understanding that such gatherings achieve.

In that connection, the United States delegation followed the tradition of holding a reception one evening during the conference, to which the delegates from other countries were invited, those in this hemisphere, and those of the countries with which we have been associated in ideals.

In addition, we invited the entire membership of the Polish delegation, since Poland will be the host country next year, and also the heads of the delegations of the other countries.

In addition to the Members of Congress and their wives, we invited some officials who were most helpful and useful to the delegation.

There was Dr. Franklin Dunham, who holds an important position in the Department of Health, Education, and Welfare, and who has been Secretary General for the Interparliamentary Union group for several years.

Also, Dr. George B. Galloway was present as secretary of the delegation. Dr. Galloway, as Senators know, is a valued member of the staff of the Library of Congress, and is an expert in legislation and in the history of parliamentary bodies. He had much to do with the formulation of the Legislative Reorganization Act. He was a valuable counselor, as was Dr. Dunham, by reason of his experience and his long acquaintance with the operation of the Interparliamentary Union.

In addition, we had the clerical and secretarial assistance of Miss Christine Gallagher and Miss Jane Case, who handled the details of arranging for the meeting, prepared the invitations, wrote the speeches, and did other secretarial work.

Mr. Carl Marcy, chief of staff of the Senate Committee on Foreign Relations, and Mr. Zim, of the United States Information Service, were also with us and were most helpful because of their knowledge of the international treaties and international agreements of one sort or another.

From now on I shall seek to cover the proceedings by insertions. While there will be several of them, and they may be at some length, I should have no objection if the manager of the CONGRESSIONAL RECORD wishes to take my entire remarks and note that they were made at this time, and make the entire insertion of my remarks, together with the other insertions, in the CONGRESSIONAL RECORD for the following day.

Mr. President, I ask unanimous consent that that may be done, because it may facilitate the work of the Government Printing Office and the delivery of the RECORD.

Mr. BIBLE. Mr. President, I am certain there would be no objection to that type of procedure. I certainly have no objection to that type of request.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that it may be noted in the proceedings for today that I have made this report at this time, but that the text of my report and the insertions which may go into it may appear in the CONGRESSIONAL RECORD for the following day, as a means of conserving time for the Government Printing Office tonight, and perhaps some clerical work on the part of some of the members of the staff.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CASE of South Dakota. Mr. President, at this point I ask unanimous consent to have printed in the RECORD the names of the countries which were represented, together with the individuals from those countries who served as vice presidents.

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

UNION INTERPARLEMENTAIRE—VICE PRESIDENTS OF THE 47TH CONFERENCE, RIO DE JANEIRO, 1958

Allemagne (République féderale d'), Dr. Gerstenmaier.
Amérique (Etats-Unis d'), M. Talle.
Argentine, M. Weidmann.
Australie, M. Hamilton.
Autriche, M. Stürgkh.
Birmanie, U. Yu Saing.
Brésil, M. Juracy Magalhães.
Bulgarie, M. Kosovsky.
Ceylan, M. Wijesinghe.
Chili, M. Galleguillos.
Danemark, M. Andersen.
Espagne, M. Fraga Iribarne.
France, M. Finjoz.
Ghana, M. J. E. Appiah.
Grande-Bretagne, Sir Col. Stoddart-Scott.
Haïti, M. Belizaire.
Hongrie, M. Rónai.
Indonésie, Mme. Supeni.
Iran, M. Matine-Daftary.
Irlande, M. Liam Cosgrave.
Israël, M. Hacohen.
Italie M. Macrelli.
Japon. M. Nanjo.
Laos, M. Tiao Souvennarath.
Liberia, M. Tolbert.
Luxembourg, M. Grégoire.
Norvège, M. Finn Moe.
Pakistan, M. Abdul Wahab Khan.
Panama, M. Aleman.
Paraguay, M. Cameron.
Pays-Bas (Netherlands), M. van der Goes van Naters.
Pérou, M. Arca-Parró.
Philippines, M. Primicias.
Pologne, M. Wende.
Roumanie, M. Vasilichi.
Soudan, M. Zarroug.
Suède, M. Sandler.
Suisse, M. Boerlin.
Tchécoslovaquie, M. Krofta.
Thaïlande, M. Prasit Chullakes.
Tunisie, M. Perjari Ben Hadj Amar.
Turquie, M. Erkan.
U. R. S. S., M. Volkov
Viet-Nam, M. Pham-van-Nhu.
Yougoslavie, M. Bebler.

Mr. CASE of South Dakota. Mr. President, the names of the countries appear in French. French was 1 of the 2 official languages of the Conference. The Conference operated under the procedure, which is followed in the United Nations, of having all speeches simultaneously translated by the use of headsets, so that one could listen to the proceedings in either English or French. The Russian delegates could also listen in Russian. I think there was also a translation in Spanish and Portuguese. But the official languages of the Conference were English and French.

I shall read the names of the countries in English, so that the translation may appear.

Germany, United States of America, Argentina, Australia, Austria, Burma, Brazil, Bulgaria, Ceylon, Chili, Denmark, Spain, France, Ghana, Great Britain, Haiti, Hungary, Indonesia, Iran, Ireland, Israel, Italy, Japan, Laos, Liberia, Luxembourg, Norway, Pakistan, Panama, Paraguay, the Netherlands, Peru, the Philippines, Poland, Rumania, Sudan, Sweden, Switzerland, Czechoslovakia, Thailand, Tunisia, Turkey, Russia, Vietnam, and Yugoslavia.

I ask unanimous consent to have printed at this point the timetable of the Conference, showing the proceedings by topics which were discussed. They ranged from the general debate to the special sessions on the strengthening of peace, the reduction of armaments, cultural exchanges, and debates of that nature.

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

INTERPARLIAMENTARY UNION—47TH CONFERENCE

TIMETABLE OF THE CONFERENCE

*Thursday, July 24, 1958*

10 a. m. Inaugural ceremony.
11 a. m. Opening of the Conference.
11:30 a. m. General debate.
2:30 p. m. General debate (continuation).

*Friday, July 25*

10 a. m. General debate (continuation).
2:30 p. m. General debate (conclusion).

*Saturday, July 26*

10 a. m. The principles governing the investment of foreign capital in countries in process of economic development.

2:30 p. m. The principles governing the investment of foreign capital in countries in process of economic development (continuation and conclusion).

*Sunday, July 27*

Free.

*Monday, July 28*

10 a. m. The strengthening of peace—Senator MONRONEY.

2:30 p. m. The strengthening of peace (continuation and conclusion).

*Tuesday, July 29*

10 a. m. Political and Organization Committee.

Reduction of Armaments Committee—Senator CASE.

Economic and Financial Committee—Senator HOBLITZELL.

2:30 p. m. Cultural exchanges between countries and freedom of information.

*Wednesday, July 30*

10 a. m. Cultural exchanges between countries and freedom of information (continuation and conclusion).

2:30 p. m. The development of representative assemblies in non-self-governing territories.

*Thursday, July 31*

10 a. m. Social and Humanitarian Committee and Committee on Non-Self-Governing Territories (joint sitting).

Juridical Committee and Committee on Intellectual Relations (joint sitting).

2:30 p. m. Plenary meeting. The Work and Achievements of the Organization of American States. Speech by Mr. Jose Mora, Secretary General.

3:15 p. m. Available for meetings of regional groups.

5 p. m. Interparliamentary Council.

*Friday, August 1*

10 a. m. Reports of the study committees and votes on the draft resolutions concerning:

(a) The principles governing investment of foreign capital in countries in process of economic development.

(b) The strenthening of peace.

(c) Cultural exchange between countries and freedom of information.

(d) The development of representative assemblies in non-self-governing territories.

12 noon. Election of a member of the Executive Committee.

3 p. m. Communication relating to the composition of the Interparliamentary Council for the period from the 47th to the 48th Conference.

Closure of the conference.

AGENDA OF THE CONFERENCE

1. Election of the President and Vice Presidents of the Conference.
2. General debate.
3. The principles governing the investment of foreign private or governmental capital in countries in process of economic de-

velopment. Reports to be presented, in the name of the Committee on Economic and Financial Questions, by Mr. Saturnino Braga (Brazil) and Dr. Fritz Hellwig (Federal Republic of Germany).

4. The strengthening of peace:

(a) The problem of atomic weapons and nuclear tests.

(b) The possibility of establishing an international police force.

Reports to be presented, in the name of the Committee on Reduction of Armaments, by Col. Tufton Beamish (Great Britain) and Mr. Jacques de Maupeou (France).

5. Cultural exchanges between countries and freedom of information.

(a) Cultural agreements and their role in improving relations between peoples.

(b) National and international aspects of freedom of the press and information.

Reports to be presented, in the names of the Committee on Intellectual Relations and Juridical Questions, by Mr. Pierre Nothomb (Belgium) and Mr. Pierre Gregoir (Luxembourg).

6. The development of representative assemblies in non-self-governing territories.

Report to be presented, in the name of the Committee on Non-Self-Governing Territories and Ethnical Questions, by Mrs. Supeni (Indonesia).

7. Election of a member of the Executive Committee.

Mr. Abdul Wahab Khan (Pakistan) was designated by the Interparliamentary Council, in the course of its 81st session held in London in September 1957, to occupy, until the next Conference, the seat on the Executive Committee left vacant following the election of Professor Codacci-Pisanelli as President of the Council. In accordance with article 17, paragraph 9, of the statutes, the 47th Conference will be required to elect a member to occupy Professor Codacci-Pisanelli's seat for 1 year; i. e., until the term expires in 1959.

8. Composition of the Interparliamentary Council for the period from the 47th to the 48th Conference.

Under article 13 of the statutes, it is incumbent upon each national group to designate, at least 1 month before the oepning of the session, 2 of its members to sit on the Council, and to make known their names to the Interparliamentary Bureau, which will communicate them to the Conference.

DECISIONS TAKEN BY THE INTER-PARLIAMENTARY COUNCIL AT NICE, ON APRIL 24, 1949, AT ROME, ON APRIL 17, 1955, AND AT GENEVA, ON MARCH 30, 1958, WITH REGARD TO INTERPARLIAMENTARY CONFERENCES

*I. Debates*

A. The general debate on the report of the secretary general shall remain unchanged. If necessary, a conference may hold 1 or 2 night sittings for the general debate. After the discussions, the secretary general shall reply to the remarks which have been made concerning the activity of the Interparliamentary Union.

B. Not more than 2 representatives of each delegation may speak in the general debate, and only after 1 member from each delegation desiring to speak has been heard. In view of the increase in the number of national groups and the multiplicity of questions which figure in the agenda, the Interparliamentary Council decided to allow each national group during the general debate a maximum speaking time of 15 minutes if there are 2 speakers from the same group. If there is 1 speaker, he will be allowed 10 minutes only.

C. As regards other items in the agenda, the number of speakers is similarly limited to two per group. Each delegation has a maximum speaking time of 15 minutes if there are 2 speakers from the same group. If there is 1 speaker, he will be allowed 10 minutes only.

*II. Languages used*

A. Speeches in French or English shall normally be translated into the other language by the official interpreters engaged for the conference.

B. As an exceptional measure, a delegate may make use of a language other than French or English at interparliamentary meetings, provided that he arranges for the services of an interpreter capable of summarizing his remarks in French or English.

Mr. CASE of South Dakota. Mr. President, during the general debate in the first few days of the conference, an outstanding address was given by the Right Honorable Herbert Morrison, of Great Britain. Because his address set forth the position of Great Britain, I have headed it "The British Position." It was a statement of more than usual significance. I ask unanimous consent that it may be printed at this point in the RECORD.

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

THE BRITISH POSITION

(General debate by the Right Honorable Herbert Morrison of Great Britain)

Mr President, ladies and gentlemen, the British delegation, with other delegations, would wish to thank our colleagues of Brazil for the organization of the conference and for the splendid hospitality which they have extended to us. We watched on television the football match between Brazil and Sweden, it was a great match and I must congratulate Brazil on being able to play football and the Swedes for the very fine fight which they put up. The Brazilians never lost sight of the ball, they were always on top of it and that is probably a good lesson for parliamentarians.

The General Secretary's report is a very admirable one. Obviously he has sought to be fair and impartial. He is to be congratulated upon it, but it is a sad report telling of troubles which have emerged in various parts of the world, attempts to reach compromises and not always succeeding. It is a regrettable story of what I think are often needless troubles in the world.

When the second great war ended it appeared to me then and it appears to me still to be an easy matter for the peace of the world to be taken care of if every country which joined the United Nations and accepted its charter acted up to the principles embodied in the charter. Moreover, I think that as the United States, the United Kingdom, the Soviet Union, and France had been allies in the war, these great powers if they cooperated genuinely in the United Nations could take care of the peace of the world, and therefore these disturbances, these defiances are really quite unnecessary. Nothing can be more simple for the peace of the world to be protected than if there were genuine cooperation between these powers as well as the other countries within the United Nations. They could take care of the peace of the world, but what is happening now is what happened in the League of Nations. You can make a United Nations' organization, you can keep it going and let it have its meetings, but if one great power will not play the game by the United Nations then the United Nations cannot do its work properly.

In the case of the League of Nations before the war there was a great power, Nazi Germany, which would not cooperate and she was supported by the then Governments in Italy and Japan. Nazi Germany made it impossible for the League of Nations to work properly and unfortunately the democracies were not sufficiently cooperating with each other to act collectively for protecting the peace of the world.

Now, unfortunately, I am bound to say that a nation which is impeding the effectiveness of the United Nations is a very great nation with which all of us wish to live in peace, namely, the Soviet Union. I remember how earnestly Ernest Bevin tried to cooperate with the Soviet Union and after 2 years he came to the conclusion that their cooperation was not forthcoming. If only the Soviet Union could definitely cooperate with the democratic countries of the world, if only she would give up ideas about spreading communism throughout the world (which is bound to make other people apprehensive), if only there were genuine cooperation on the part of the great Soviet Union, then peace could be secure and the word of the United Nations operative. But if there is one great power which is out of step, which will not cooperate, then the United Nations cannot properly work.

Let me assure the representatives of the Soviet Union and other Communist countries that there is no political party in Brittain which would make an aggressive attack upon the Soviet Union or the other Communist countries. [Applause.] Indeed, if any British Government tried to make an aggression against the Soviet Union that Government would not survive. I assure the Soviet delegates therefore from the bottom of my heart that they can assure the people of their great country that there is no possibility of an aggression by Britain against the Soviet Union.

I believe the same can be said about the United States. It is true that their language is sometimes a bit rougher than ours but, after all, Mr. Khrushchev can use rough language too. Sometimes he is very nice and sometimes he is not very nice. You must allow for the fact that the English of the United States is sometimes a bit different from the English of Britain. They speak English but it is somewhat different.

I do not believe an American Government could survive if it went in for aggression against the Soviet Union. If anything they were slow to participate in the Second World War, which I think they should have been in at the beginning on the ground that it was a war about the American way of life, but they did not come in until they were attacked, and in the First World War they did not come in early at all, so that the tradition of the United States is to keep out of wars. There is mischiefmaking going on to the contrary and it is a pity.

With regard to the Middle East the British Labor Party took the view that the sending of American and British troops to the Middle East was wrong. They took the view that the matter should have been dealt with by the United Nations, as they took that view on the Suez difficulty earlier.

Indeed, they argue that it is difficult for us to say that Russia was wrong in relation to Hungary, which we think she was, but the Russian defense is that they were invited to intervene by the Hungarian Government and our defense of going to Jordan and the Americans going to Lebanon is that we were invited to go by the two Governments and so it is a little difficult to argue, says the British Labor Party, that the defense of the Russians was wrong in the case of Hungary and right in the case of ourselves.

On the other hand, the Russians cannot argue that it was right to do what they did in Hungary in accepting the alleged invitation of the Hungarian Government and that it is wrong for the British and Americans modestly to accept the invitation of Lebanon and Jordan. So the British Labor Party was critical of the Government although the

later debate in our Parliament indicated that the two parties are agreed in accepting the idea of a summit meeting tied up with the Security Council which we hope will work out and do good.

Do not let it be ignored that the old British imperialism is dead; we are struggling to train the people of the colonial dependencies, as they were, for self-government, and some for independence, whilst others are treating their colonies in a very different way—and I am talking about European colonies.

The old British imperialism is dead, but a new imperialism is evolving which sometimes gets its way by war but usually by political scheming, sometimes by assassinations. When a country wants to spread its power over a whole region without the consent of the other countries, it seems to me imperialism, even if it is imperialism of a new sort, and therefore I think that the policy which President Nasser of Egypt has followed is one which is calculated to disturb the peace in the Middle East and is not a good neighbor policy. The threats to destroy Israel, which is a progressive country in the Middle East are quite unnecessary. Israel wishes to live at peace with its neighbors and to make the peace which has been so long delayed.

The Middle East could be rich, it could be much more prosperous and I would appeal to them to adopt the suggestion I made when I was at the Foreign Office, namely, that there should be cooperation between all the countries of the Middle East with, if they wish it, cooperation with the Western countries by the setting up of a social and economic board, which would undertake to use the oil revenues for the economic and cultural development of the middle eastern countries. They could be much more prosperous. It is this method of advancing economic and social welfare, transport and other matters in underdeveloped countries such as this, which is far the best way to develop the peace and contentment of the peoples of these countries.

I wish to make a personal appeal to the delegates here—we are very pleased to see them—from the Soviet Union and countries associated with them; they are here as parliamentarians, they are taking part, quite properly, in our debates. I beg of them to go back to the Soviet Parliament and to speak up and to say that their impression of this conference is that nobody here intends or desires to make any aggression against the Soviet Union, that we all feel that these enormous sums of money which are being spent on armaments and, indeed part of the large sums of money which are being spent on science and upon heavy industry are, in their way preparations to develop a war machine, could be saved.

Most of it could be saved and could be used for the improvement of the standard of life of the masses of the people in our countries including the peoples of the Soviet Union whose standard of life is improving although there is still much room for improvement.

So I say to our Russian colleagues and the others associated with them to go back to your Parliaments, where they ought to parley, to talk, to argue. It is not healthy for Parliamentary life that Parliament should be run by the government coming along with a policy or a decree, and Parliament forthwith holding up its hands and agreeing. Criticism of government is healthy, no government should be free of criticism (agreed and applause). When I was in the British Labor Government we had a lot of criticism, including some from my conservative colleagues here today, but we survived it, it did us good.

I would not wish to belong to a government which nobody criticizes, so, my Soviet friends, go back to your country, stand up and preach this gospel of cooperation and peace and assure them from the Interparliamentary Union that Soviet Union is safe from aggression. There is nothing we want more than genuine cooperation on their part for the peace and progress of the world.

Mr. CASE of South Dakota. The other position which was set forth in the general debate, and which had a great deal of interest because of the so-called cold war and the clash of opinion in the world today, was set forth by Mr. Paletskis, of the Russian delegation. I have headed his address "The Russian Position as Given in the General Debate." I ask unanimous consent that it may be printed at this point in the RECORD.

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

THE RUSSIAN POSITION AS GIVEN IN GENERAL DEBATE

(Speech by Mr. Paletskis (U. R. S. S.), July 25, 1958)

Mr. Chairman, ladies, and gentlemen, we have gathered here with a view to help in promoting peace the world over. It is exactly this that the lofty aim of the Interparliamentary Union consists in. Peoples expect from us deeds and not words. However, some of the parliamentarians here, our British colleague among them, were just indulging in pathetic phraseology.

Mr. Morrison gave us assurance of the good feelings entertained by the English people toward the peoples of the U. S. S. R. We have not the slightest doubt about this. Unfortunately, bitter historical facts show that between the kind feelings of the English people and certain actions of the British Government there exists a great disparity.

I shall recall that from the first days of the inception of our State it was the English Government that took the initiative in waging an armed struggle against the Soviet Union. The English delegate reminded us of our common struggle against Hitler Germany. Nobody can deny the great contribution made by the English people in that struggle. But even in the days of war, actions of the English Government did not accord with the genuine sentiments of the English people.

No sooner had the guns stopped firing, as Mr. Churchill, according to his own words, gave orders to collect weapons for a war against the Soviet Union. We could remind about some other facts when unworthy deeds were being made under the coverage of parliamentary criticism. It is generally known that fully justified criticism was voiced in the House of Commons against the policy of the Government in the Middle East. But this did not prevent the ruling circles from starting the Suez adventure in 1956, or from joining the American intervention in the Near and Middle East in 1958.

We have different views with some of our western colleagues in respect of criticism and its influence on governments. As to the Soviet Government, it is guided in its activities solely by the interests of the people and exercises its will. That is why the Soviet Government unilaterally suspended nuclear-weapons tests. Such was its reaction to the demands of the people. Why the Parliaments of the United States and Great Britain did not press upon their Governments the discontinuation of such tests?

Now, which criticism is more effective?

Just a few words about the so-called Communist imperialism. To talk about it means intentionally to distort the truth. And the truth is that there are two systems in the present world. Ideas of communism are not subject to export. They master the minds of people and triumph, no matter whether some people may like it or not. On the other hand, the American and English imperialism are trying to save the rotten-through colonial system by resorting to force.

Gentlemen, American and English parliamentarians, we request you to inform your colleagues in your countries that the Soviet Union does not threaten anybody. It wants to export not communism but goods, because it stands for a peaceful competition of the two systems. Our Government and Parliament have repeatedly proposed to make a decisive step from the present lack of confidence and suspicions to mutual understanding and cooperation. Let our colleagues from Western countries hear our appeal. The cause of peace will only profit by this.

Some people wonder at our insistence and the sharp language we use when we present our stand on this point. But when peace is at stake, when the very destiny of humanity is threatened, can one stay a passive looker-on of those dreadful developments?

The American and British troops in the Arab countries are not mythical "flying saucers," they are not whales mistaken for submarines, they are not meteorites on the screens of radar installations because of which American generals are sending squadrons of H-bomb carriers toward the frontiers of our country.

We have never suffered from nervous collapses but we have had plenty of bitter experience so as not to be concerned with the fate of mankind. Where would be the composure of our colleagues from the United States, had the events been reversed and it were not the United States troops which landed on the coast of the Mediterranean, but the troops of some European or Asian country that staged a landing on the coast of the American Continent?

One cannot remain indifferent to what is happening in the NATO-controlled zone, where former generals of Hitler are being given atomic weapons, that is, just the kind of weapons Hitler himself dreamed of. It is easy to imagine what would have remained of Europe and what course the history would have taken if the cannibal Hitler had had means of mass destruction in his hands.

It is our profound belief that there are no aims that can justify the use of nuclear weapons. Neither political nor economic or ideological interests of the Soviet Union, and this is true about other countries of the Socialist camp, make the armaments race and the possession of nuclear weapons imperative for the interests of our country. Those who need A- and H-bombs, those who fear disarmament and the prohibition of nuclear weapons are revealing their own political, economic, and ideological bankruptcy and are striving to world supremacy based on force and arbitrariness.

If we seek the views of all the nations and conduct a worldwide referendum on the suppression of nuclear weapons there is not even the slightest doubt that the absolute majority of mankind will vote for their complete suppression as well as for the elimination of A-bomb stockpiles. Humanity, to be sure, would like to see the whole of the globe an atom-free zone.

Humanity wants to see power politics substituted by "sense politics" and "well-being politics" so that instead of balancing on the "brink of war" international relations are built up on the solid rock of peaceful coexistence, so that instead of the policy of "cold war" we pursue a policy of genuine friendship among all the nations, a policy of peace throughout the world.

When atom-threats are bandied about, when destruction is called for all honest people feel indignant, but when an American youth Van Kliburn conquers Moscow and Leningrad, and the Moyseev dance ensemble takes Washington and New York by storm, when the football players of Brazil

get the world crown for their excellent display in the football fields, everybody is rejoicing and happy.

One of the reasons that causes international tension is vicious misinformation, freedom for lies and slanders, disseminated with a view to fanning war hysteria. These are the elements of the myth of what they call in the West the Iron Curtain.

It is most unfortunate that some speakers thought fit to use the platform of this conference for setting forth on the myth of the so-called Communist menace, slandering the policy of the Soviet Union. The bogus of the Communist menace has been always used to smokescreen the true aims of imperialism and reaction. I would like to remind some of these gentlemen that it was due to the strength of the Soviet Union and the victory of the Soviet Army and its allies that their own countries were freed from Nazi enslavement, and it was due to these factors that their own independence and freedom were saved.

The 47th Interparliamentary Conference which has been convened at such a strenuous moment must take a firm stand against any form of warmongering, must go on record as a champion of peace.

We, representatives of the peoples of the Soviet Union, are happy to have this opportunity to pay a call to Brazil, a country which is so beautiful and rich in natural resources, the peoples of which are so industrious and endowed with so many talents. There is no doubt that the United States of Brazil, one of the greatest countries of the globe, must play an important role in world politics.

The speech of His Excellency the President of the Brazilian Republic Mr. Kubitschek de Oliveira permits us to rest assured that the ever-growing influence of Brazil would be aimed at strengthening peace, for the good and prosperity of humanity.

Thank you, Mr. Chairman.

Mr. CASE of South Dakota. By way of emphasis, I may say that Mr. Morrison concluded his significant statement with these words:

I would not wish to belong to a government which nobody criticizes, so, my Soviet friends, go back to your country, stand up and preach the gospel of cooperation and peace, and assure them, from the Interparliamentary Union, that the Soviet Union is safe from aggression. There is nothing we want more than genuine cooperation on their part for the peace and progress of the world.

More or less in response to that statement, I suppose, Mr. Paletskis, the spokesman for the Russian delegation, responded:

Gentlemen, American and English parliamentarians, we request you to inform your colleagues and your countries that the Soviet Union does not threaten anybody.

I cite those two points of view in juxtaposition, because throughout the conference there had been evidence of the cold war, yet apparently there was on the part of the representatives from the several parliamentary bodies a desire somehow to bridge the gap and to find some basis for arriving at agreements and understandings.

I mentioned earlier that a number of the delegates were women. One of the outstanding addresses of the conference was given by a delegate from Turkey, Miss Nuriye Pinar.

I shall ask unanimous consent to have her remarks printed in the RECORD, but first I wish to read two paragraphs from her very well presented address.

All nations want peace; all the governments also pretend that they want peace. But the passion or the whim of a man in power may easily cause the world to flare up. We have had plenty of examples of this.

I am addressing myself, therefore, to women, to my colleagues who represent their peoples in parliament; and especially to women who share with men political power. I appeal to these women to prevent men from following their passions, from sending our children to the hell of war, from hurting humanity, and from letting mankind degenerate.

Mr. President, I ask unanimous consent that Miss Pinar's address be printed at this point in the RECORD.

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

A WOMAN'S POINT OF VIEW

(Speech of Deputy Miss Nuriye Pinar, of the Turkish delegation, delivered on July 28, 1958)

Mr. Chairman, ladies, and gentleman, we are very happy to participate in this 47th Conference of the Interparliamentary Union in Rio de Janeiro, one of the most beautiful cities in the world.

At the same time we regret to be unable to devote ourselves more fully to the enjoyment of the beauties of nature and of the amiability of the Brazilian people. For under the present conditions we are divided into two parts: our hearts are far away in our country, whereas with our heads we are here. Yes, Mr. Chairman, my country Turkey is surrounded by dark clouds through which it is difficult to see; yet it is and will always remain basking in sunshine. Thank God, Turkey will never be swallowed by darkness, she will always do her best that that does not happen.

This 47th conference will be of historic importance in two senses: it coincides with the conflict in the Middle East, and, secondly, being held in Rio, it gives the whole of Latin America an international importance and responsibility.

We Turks are certain that Latin America will be of great help for safeguarding peace.

All nations want peace; all the governments also pretend that they want peace. But the passion or the whim of a man in power may easily cause the world to flare up. We have had plenty of examples of this.

I am addressing myself therefore to women; to my colleagues who represent their peoples in parliament, and especially to women who share with men political power. I appeal to these women to prevent men from following their passions, from sending our children to the hell of war, from hurting humanity and from letting mankind degenerate.

Let them leave man alone, for he is a poor creature; leave him to his own troubles and difficulties, to fight for life.

Let us remind them that man who uses force will never be loved and will always be betrayed.

Tell the men that they must never forget the past and that history repeats itself.

Since its constitution 35 years ago, democratic Turkey has given many proofs of its pacific policy. After the war of independence, Ataturk, to the astonishment of the world, signed a treaty of friendship with Greece in order to bring about the Balkan Pact. During the Second World War Turkey has done its best to stop the conflagration from spreading. Now the government devotes all its efforts toward raising the welfare of the people; it has always acted in the same way when international welfare was at stake. In 1950, Turkey did not hesitate for a moment and sent its children to Korea to assure international peace and to come to the aid of the suffering brave Koreans.

How can we make peace secure? In my opinion total peace will never prevail on this earth, just as complete peace can never reign in a family. We women want to make certain that incidents of disagreement among nations do not surpass the limits of family quarrels, because we want to consider the world as one big family, with good boys and bad boys.

From a realistic point of view, absolute disarmament is impossible. But even so, no government has the right to inflict total and mass destruction on humanity. I want to speak of nuclear arms which are being manufactured at a blind pace.

It is absolutely necessary for all States to come to an agreement concerning the control of nuclear arms, for an atomic war means the total destruction or decay of mankind. Yes, my dear colleagues, atomic energy provides for mass killing, but because of its irradiations it also has most harmful effects on nature. Thus in this age which in the geological jargon I will call the atomic age, when human intelligence has reached its acme, we want to bring about the degeneration and decay of mankind.

Believe me that this development has been taking place in history at a very slow pace.

We may kill, but we have no right to let men degenerate and lead an even more miserable existence than now.

Each nation has its difficulties. No nation is completely satisfied with its government. Why then allow so much money to be spent on a purely destructive aim?

No, women want a gayer, a happier world, without fear for the present and without worries for the future.

Women want to leave their children behind them in a loyal and prosperous world, and they hope that the progress achieved in the technical field will be achieved also in the moral sphere.

Mr. CASE of South Dakota. Mr. President, as the central theme of the conference, the representatives of the parliamentary bodies sought a way to peace and understanding so as to avoid war. Each member of the delegation was assigned to a committee.

I can only speak with reference to the action of the committee to which I was assigned; but because it was one of the committees which had this central theme in mind, I shall take a few minutes to review its deliberations.

I was assigned to the Committee on the Strengthening of Peace. The resolution which was considered by our committee had been developed at a preconference session held at Geneva last spring, at which the United States was represented by the distinguished Senator from Oklahoma [Mr. MONRONEY]. Draft resolutions were presented for each of the major topics on which the conference deliberated.

The Committee on the Strengthening of Peace had 2 major fields for its resolution. One was the problem of disarmament; the other was the creation of an international police force.

Mr. President, I shall ask unanimous consent to have printed at this point in the RECORD draft resolutions on the subjects of the reduction of armaments, particularly the problem of atomic weapons and nuclear tests, and the establishment of an international police force.

In that connection, I shall dwell a little upon the draft resolution and the amendments proposed, because they bear so much on the questions which are at

issue in the United Nations and on the public opinion in the world at this time.

The Russian delegation and its supporters sought consistently to have some resolutions adopted by the Conference which would imply some criticism of the action of the United States in sending troops to Lebanon, and of the British in sending troops to Jordan. The Russians also sought the adoption of amendments to the draft resolutions which would, on the one hand, commend the Soviet Union for its announcement that it had suspended nuclear tests, and, by the same token, an amendment which would condemn the continuation of tests by any other country, regardless of whether those tests had been concluded this year or not.

Their amendments on this subject were generally defeated in the committee by a vote of 7 or 9 yeas to 12 or 14 nays, with some abstentions. I may say that the voting strength of the Conference as a whole was approximately 550 votes. It varied somewhat if there were a few absences. The voting of the several delegations bore a relationship to the membership of the parliamentary bodies at home. For example, each country began with 8 votes, but those were added to by additional votes for the size of the parliamentary bodies.

The vote of the United States delegation was 21, and the Russians had a vote of 22—both of which reflected the size of the respective parliamentary bodies.

But approximately 25 to 30 countries were represented at all times in the committee dealing with the strengthening of peace; and the votes cast on all the amendments ranged from approximately 21 to 29.

I think possibly the best way for me to present the report is to request unanimous consent that the votes on the amendments to the draft resolution be printed at this point in the RECORD, together with my personal notations on the vote on each amendment. In printing the votes it will not be necessary to repeat the heading in each case; it will suffice to indicate that four amendments were offered to the first portion of the draft resolution. If the text of each one—namely, the one submitted by the Indonesian delegation; the one submitted by Mr. Kriegel-Valrimont, of France; the one submitted by the Czechoslovak delegation; and the one submitted by Mr. Jacques de Maupeou, of France—is inserted at this point in the RECORD, following the printing of the draft resolution, together with my notations on each of the amendments. I believe such a printing of them in the RECORD will be valuable for reference purposes. I so request, Mr. President.

There being no objection, the draft resolution and amendments were ordered to be printed in the RECORD, as follows:

THE STRENGTHENING OF PEACE

(A) THE PROBLEM OF ATOMIC WEAPONS AND NUCLEAR TESTS

(Draft resolution presented, in the name of the Committee on Reduction of Armaments, by Col. Tufton Beamish, Member of Parliament (Great Britain))

The 47th Interparliamentary Conference—

Conscious of the overwhelming desire of all peoples for an honorable and lasting settlement of the grave differences that intensify distrust, anxiety and tension between nations,

Believing that the continuing accumulation of armaments of all types, nuclear and conventional, represents a serious threat to security and peace, and

Noting the profound concern of the peoples of the world about the continuing nuclear weapons tests,

Believing also that nuclear energy should be developed exclusively for peaceful purposes,

Taking into consideration the urgent necessity of eliminating all harmful consequences of nuclear tests for human life and health,

Stressing the great responsibility for the people's future which rests with the parliaments of various states and with the Interparliamentary Union,

Recalling the resolution adopted unanimously by the 45th Interparliamentary Conference at Bangkok in 1956,

Reaffirming in particular the belief that, pending the conclusion of a comprehensive disarmament agreement, including measures of conventional and nuclear disarmament and the reduction of armed forces under effective international inspection and control, attention should be given to the possibility of agreeing on the first installment of internationally controlled disarmament which could be put into effect with the least possible delay,

Deeply regretting that no resolution containing proposals which were in harmony with that belief, submitted to the 12th regular session of the General Assembly of the United Nations, commanded unanimous support,

Taking into account also that the cessation of nuclear tests might slow the arms race and would further a solution of the entire problem of disarmament,

Appeals urgently to parliaments of all states members of the IPU to recommend to governments in the strongest possible terms that speedy action be taken to secure the resumption of disarmament negotiations, preferable within the framework of the United Nations, and that one of the most urgent aims of such negotiations should be to secure without delay the cessation, under proper international control, of nuclear weapons tests.

(B) THE POSSIBILITY OF ESTABLISHING AN INTERNATIONAL POLICE FORCE

(Draft resolution presented, in the name of the Committee on Reduction of Armaments by Mr. Jacques de Maupeou, Senator (France))

The 47th Interparliamentary Conference—

Believing that the institution of a permanent international police force charged with the tasking of insuring collective security is highly desirable,

Is of the opinion that the establishment of such a force should be effected under the aegis of the United Nations;

And urgently appeals to all parliaments represented within the union to recommend that their respective governments take all possible steps to establish an international police force on a permanent basis.

Aye 12, nay 8, abstentions 7.

THE STRENGTHENING OF PEACE

(A) THE PROBLEM OF ATOMIC WEAPONS AND NUCLEAR TESTS

(Amendment submitted by the Indonesian delegation)

The last paragraph to be amended as follows:

"Appeals urgently to Parliaments of all States members of the IPU to recommend to Governments, in the strongest possible terms, that speedy action be taken to secure the resumption of disarmament negotiations, and that such negotiations should be to secure—

"1. the cessation of nuclear tests without delay;

"2. (a) the total prohibition and manufacture of nuclear weapons and weapons of mass destruction of every type; (b) the conversion of existing stocks of nuclear weapons for peaceful purposes;

"3. the use of atomic energy for peaceful purposes only;

"4. the establishment of effective international control to guarantee the effective observance of these agreements as well as the agreement relating to conventional armaments."

Aye 9, nay 14, abstentions 3.

THE STRENGTHENING OF PEACE

(A) THE PROBLEM OF ATOMIC WEAPONS AND NUCLEAR TESTS

(Amendment submitted by Mr. Maurice Kriegel-Valrimont (France))

1. Modify the title to read: "The Problem of Atomic Weapons, Nuclear Tests and the Guarantee of the Peace Now Threatened."

2. Add to the text the following paragraphs:

"Considering the extreme gravity of the international situation,

"Believing that peace can only be safeguarded on the basis of the recognition of the right of self-determination for the Arab peoples as for all other peoples,

"Demands that immediate and efficacious measures be taken to guarantee peace in the Near and Middle East."

Aye 7, nay 20, abstentions 1.

THE STRENGTHENING OF PEACE

(A) THE PROBLEM OF ATOMIC WEAPONS AND NUCLEAR TESTS

(Amendment presented by the Czechoslovak delegation)

Add, after the words, "Taking into account also that the cessation of nuclear tests might slow the arms race and would further a solution of the entire problem of disarmament," a new paragraph as follows:

"Noting the significance of the decision taken by the Supreme Soviet of the U. S. S. R. for the unilateral suspension of all kinds of atomic and hydrogen weapons tests in the Soviet Union as a step of historical importance for the consolidation of international peace and security."

Aye 7, nay 21, abstentions 1.

THE STRENGTHENING OF PEACE

(B) THE POSSIBILITY OF ESTABLISHING AN INTERNATIONAL POLICE FORCE

(Amendment submitted by Mr. Jacques de Maupeou (France))

Delete the word "and" at the beginning of paragraph 3 and add a fourth paragraph as follows:

"And invites the Inter-Parliamentary Council to set up, within the Union, a subcommittee or study group with the task of preparing a plan which might eventually lead to the creation of such a force."

Aye 9, nay 10, abstentions 2.

Mr. CASE of South Dakota. Mr. President, in the committee, when the final vote came on the first section of the draft resolution—that dealing with atomic weapons and nuclear tests—it received a unanimous vote. That resolution concluded with an appeal to the parliaments of all states who are members of the Interparliamentary Union to recommend to their governments, in the strongest possible terms, that speedy action be taken to secure the resumption of disarmament negotiations, preferably within the framework of the United Nations, and that one of the most urgent

aims of such negotiations should be to secure without delay the cessation, under proper international control, of nuclear-weapons tests.

That vote was very important. The representatives of the Iron Curtain countries tried to add to the resolution in one way or another. But after noting that the United Nations had suspended the work of its disarmament committee, the resolution of the Interparliamentary Union recommends that the disarmament negotiations be resumed, and the resolution calls for the nations to cease, under proper international control, nuclear-weapons tests. On that, the vote was a significant one; and personally I was glad to see it receive a unanimous vote.

However, following that vote, the leaders of the Russian delegation and its representative on this particular committee stated that there would not be a unanimous vote on the second part of the resolution—that dealing with the establishment of an International Police Force.

The draft resolution proposed that all Parliaments represented within the Union recommend that their respective governments take all possible steps to establish an International Police Force on a permanent basis, under the aegis of the United Nations. Within the committee, the portion of the resolution dealing with the maintenance of peace or the strengthening of peace received 12 yea votes, 8 nay votes, with 7 abstentions. In other words, the abstentions, plus the negative votes, totaled 15, whereas the yea votes totaled 12.

However, when the resolution was presented to the Conference, at the time when the committee reported, the draft resolution received 371 yeas, 104 nays, with 50 abstentions. In other words, the Conference as a whole voted in favor—by a ratio of more than 3 to 1—of the draft resolution relating to the establishment of an International Police Force.

I think that vote was a significant one, because now, as we know, the United Nations is about to consider the proposal of the President of the United States that an International Police Force be created to deal with the problems in the Middle East.

The fact that the parliamentary bodies' representatives voted, by a ratio of more than 3 to 1, in favor of that, I believe is auspicious, and perhaps should be of benefit to the delegates to the United Nations who are representing the executive branches of their governments, in showing that the parliamentary representatives voted in favor of that resolution.

In addition to serving on committees, members of the delegations were invited to participate in the making of speeches at the conference sessions, which might be compared roughly with the sessions of the Senate; and the committee sessions, of course, corresponded to the meetings of Senate committees.

In the assignment of duties pertaining to the Conference sessions, it was my privilege to participate by making an address entitled "The Right of the People To Know the Truth." That address was made at the session held on the subject of "Cultural Exchanges Between Countries and Freedom of Information."

Representative BOGGS, of Louisiana, also spoke during that session; his remarks were on the subject of Freedom of Information, as were mine.

In view of the fact that the cultural exchanges between countries and freedom of information have such a basic function to play in developing international understanding, I ask unanimous consent that the summary record No. 9 for the ninth sitting of the Conference on Tuesday afternoon, July 29, 1958, be printed at this point in the RECORD, together with the résumé of the speeches delivered at that session.

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

FORTY-SEVENTH INTERPARLIAMENTARY CONFERENCE, JULY 24 TO AUGUST 1, 1958—SUMMARY RECORD NO. 9, TUESDAY, JULY 29, 1958, AFTERNOON, NINTH SITTING

The sitting was opened at 3 p. m. in the Chamber of Deputies with Mr. Pham-van-Nhu (Vietnam), vice president, in the chair.

CULTURAL EXCHANGE BETWEEN COUNTRIES AND FREEDOM OF INFORMATION

Documents: Reports in the names of the Committees on Intellectual Relations and Juridical questions, presented by Mme. Lébédéva, Deputy (U. S. S. R.), and Mr. Grégoire, Deputy (Luxembourg). Draft resolutions presented in the name of the Committee on Intellectual Relations by Mr. Nothomb, Senator (Belgium), and in the names of the Committees on Intellectual, Relations, and Juridical Questions by Mr. Grégoire, Deputy (Luxembourg).

The conference was addressed by M. de Laurentie, of UNESCO, on behalf of Dr. Luther H. Evans, Director General of UNESCO.

M. de Laurentie expressed Dr. Evans' regret at his inability to attend the conference.

He said that the member states which founded UNESCO declared their common agreement upon developing and increasing means of cultural exchange between peoples. It appeared to UNESCO that those who had been elected by their peoples were specially qualified to assist in the implementation of that program. He expressed UNESCO's support for the draft resolutions, which he felt would strengthen the considerable action which had already been undertaken by Parliaments in increasing means of international exchanges. UNESCO's support was warm, and once the resolutions were adopted, UNESCO would be glad to support any efforts which might be made to carry them out.

The debates of the Interparliamentary Union and the debates of the United Nations formed for the time being the basis for an international agreement regarding the political aspects of freedom of exchange of information, which was a difficult thing to achieve owing to the differences of view which existed in the world. While the present valuable and interesting exchanges of view continued, many millions of people throughout the world were deprived of the right to obtain information simply because physical means of disseminating information were lacking. It was discouraging to realize that in the present century, when methods of communication had progressed so astonishingly, about 100 countries did not possess an adequate network of press, wireless and cinema, covering a mass of many millions of people. The situation was such that only international initiative could achieve a solution. All the agencies of the United Nations, UNESCO in particular, were extremely keen to support the organization of exchange of information, but in the last analysis success must depend upon the action of governments themselves. It behooved governments to make available the necessary sums so that an adequate program could be arranged to provide information for the vast masses of the world who were at present without it. It was unnecessary to stress what the effect of that would be upon the economic and social progress of the countries so aided. The draft resolutions showed that the Interparliamentary Union shared the anxieties and hopes of UNESCO in that respect. Freedom of information was not an abstract subject. It was a right which must be conferred upon all human beings, together with all material means which were necessary to the achievement of that objective.

He gave details of the work at present being carried out by UNESCO in connection with the provision of multilateral and bilateral agreements for cultural exchange and for the exchange of official and unofficial publications and the provision of information and documentation for national institutions as well as conferences of nongovernmental and intergovernmental organizations. He referred to UNESCO's part in organizing in 1955 a meeting of directors of national cultural services, a meeting which would be repeated this year. UNESCO was also concerned with student exchanges. By giving publicity to many problems, UNESCO encouraged the initiative of states in making exchange agreements. UNESCO supported many bilateral programs in the field of science, and it did a great deal of technical assistance. All of this led to happier relations between peoples and to further cultural exchange developments.

The movement had started but it must be supported and speeded up, for it was only by intensifying the present effort that it would be possible to achieve the great objectives which were sought. From that point of view, UNESCO gave its full support to the draft resolutions. He wished the Interparliamentary Union success in its work.

Mrs. Lébédéva (U. S. S. R.) (Rapporteur) said that two reports had been presented on cultural agreements, one by Mr. Iribarne (Spain) and one by herself. She referred to the development of international cultural relations since the war. There had been cultural agreements between states with different social and political systems, for example that of January 27, 1958, between the U. S. S. R. and the United States of America. Mr. Khrushchev, in his message to President Eisenhower, had stated that this agreement was a practical step toward the rapprochement of the two countries.

In recent years cultural exchanges had encompassed the whole world, and this was of particular importance for the countries of Asia and Africa. Various forms of cultural links played an immense role in the creation of mutual understanding between the peoples of different countries, for nothing could give a more profound and clearer insight into the spiritual life of a country than a knowledge of its culture. The basic factor which provided for the strengthening of cultural exchanges was respect for national sovereignty and observation of the principle of noninterference in the affairs of other countries.

The militarization of science as a result of the armaments race diverted its best forces to the creation of more powerful means of destruction. Hundreds of thousands of talented workers were engaged in working out more effective means of killing people. Ever louder sounded the appeals of scientists in all countries who wanted an agreement amongst States on a complete transfer of research work to peaceful purposes. Discussions on cultural cooperation might play an important role in the consolidation of the

ideas of peaceful coexistence and in lessening international tension.

Social progress, the surging development of science, technology, and culture and the unprecedented opening up of peoples' social consciousness had multiplied international contacts in many ways. Hence the necessity to regulate these contacts and place them on a solid juridical basis. In 1955, 450,000 foreigners had visited the United States of America and in 1957, 550,000 foreigners had visited the Union of Soviet Socialist Republics. Unfortunately, in some countries passports were still being denied to such people as actors, singers, and various sportsmen.

Mr. Grégoire (Luxembourg) (Rapporteur) said that whenever he visited a foreign country he read its newspapers to assess the degree of freedom which existed and he found that the quality of the information given was in direct proportion to the measure of freedom accorded to journalists and public opinion. It was said that freedom of thought and speech was a right which was universally recognized, but it must be borne in mind that this right had two facets, the active and the passive. One facet related to the freedom to give information and the other related to the person who was to be informed. Such a person should have at his disposal all the facts necessary to form his own opinion.

Sometimes one had the impression, in discussing these questions, that it was necessary to define the true meaning of the terms used. For instance, there were several opinions on the meaning of the right to free access to sources of information. To some people freedom was an open space within which it was possible for them to do and say what they liked, while for others it was a closed cage in which they could do only what they were told. When discussing freedom of information they had to remember that objectivity of information was also necessary.

There were natural restrictions upon the freedom of information, but he did not think anyone was entitled to go beyond those natural restrictions and to introduce intellectual restrictions. He pointed out that it was possible in a newspaper to state a fact which of itself was true but yet to give an incorrect picture by not presenting it in its context. The reader must be presented with all the facts necessary for him to make up his own mind. Some omissions were involuntary, but others were deliberate, and these he strongly condemned.

Side by side with traditional means of information there were such modern means as wireless and television. Freedom to inform presupposed freedom to dispose of the means of information. There was an opinion that broadcasting and television were distinct from other techniques of information, but he did not accept this point of view.

He asked the Argentine group not to press their amendment, which contained nothing which was not already in the draft resolution, and he opposed the Soviet group amendment which, he said, went beyond the meaning of the draft resolution.

Mr. Iribarne (Spain) said that cultural relations had achieved such an importance in the world that it was necessary to establish an outline plan so that the objective might be secured in the interests of peace and better understanding between people. It was for this purpose that UNESCO was created as an indispensable collaborator with the United Nations. Cultural relations could be achieved only through legislation in the countries concerned. The countries which were asked to ratify cultural agreements must be generous and not reject them for futile reasons, as unfortunately happened sometimes. Firm criteria must be established to permit the development of cultural relations. He supported Mrs. Lébédéva and urged the assembly to approve the resolutions.

Mrs. Ablazova (U. S. S. R.) said that the fact that cultural contacts existed was an indication of the feasibility of peaceful coexistence between nations. She gave details of contacts between Soviet and foreign scientists, teachers, actors, writers, and artists in the recent past, stating that they contributed to world peace.

The draft resolution was evidence of the desire of the Interparliamentary Union to encourage international cultural ties, and there was no doubt that activities by parliamentarians in accordance with the principles of the resolution would promote peace and international cooperation.

Mothers all over the world desired peace on earth so that their children could be happy. They wanted their children to be intelligent, energetic, sociable, and diligent and to love good books, songs, and music. Above all, they wanted their children to grow up in an atmosphere of peace and friendship and to love man so that they were imbued with humane sentiments from early childhood. As a mother and a teacher, she was a champion of peace.

Mr. Weidmann (Argentina), referring to the Argentine amendment (Lib. presse/Am. 2), spoke of the first measures taken in the Argentine to establish freedom of communication. A famous writer had stated that freedom of expression and freedom of association were the fundamentals of a democratic government. Without free elections, people could not choose their policies, and without freedom of speech, no right could exist, and that was the basis of democracy. The freedom of expression, exercised through all the techniques now placed at the disposal of man, such as the press, books, wireless, television, the theater and public meetings, was absolutely essential to the very nature of a democratic state. Without it, a democratic state could not exist, for there must be opportunity for people to criticize and to control the activities of those who governed them. Indeed, those who governed could not carry out their duties if public opinion could not be expressed.

Mr. Dang-hieu-Khan (Vietnam) said that the peoples of democracies claimed the right to be informed, and the right to be objectively informed. The right to be informed meant that the people must have at their disposal all the means required for providing them with the necessary information, such as wireless, television, press agencies, reading rooms and facilities for the import and export of printed matter. It was only by such means that people could form opinions on international and national situations and that democracy could become a reality.

The right to information created for people a source of enrichment and it operated against systematic obscurantism. It was only under those conditions that the press would become an instrument of peace, and cultural arrangements and freedom of the press would contribute to the maintenance of world peace by increasing mutual understanding between the nations.

Mr. Mackinnon (Australia) said that the draft resolutions should be acceptable to all who aimed at achieving international good will and cooperation through a better understanding of social, political and economic problems. The resolution concerning cultural agreements was of great importance but its practical value depended on the application of the spirit of the second resolution.

It was in the freedom of information that the conflicting political systems of the world had encountered insurmountable difficulties, although in the Western countries there had been a willingness to give publicity to the letters and statements of Marshal Bulganin and Mr. Khrushchev during recent periods of crisis, and it was to be hoped that that attitude was reciprocated in the Soviet Republics and other countries within the Communist orbit.

The old saying "truth will out" had been sadly disproved in recent years in relation to the circulation of information of a political or economic nature, and the methods existing for controlling thought and the use of state educational systems to condition the minds of the young placed serious barriers in the path of truth.

Mr. Kelly (Brazil) said that it was remarkable that it was still necessary to defend at international conferences the most elementary of public rights—the freedom of information—because this freedom had preceded all the political regimes of our time and it corresponded to the sentiments of the common man. A great English actor had described it as the ability of everyone to say what he thought on any subject, even when he was thinking nothing, and a great Brazilian writer, the second Nabuco, had referred to the pleasure of agreeing that we disagreed.

The Brazilian delegation supported the principle based on Article 19 of the Declaration of Human Rights—that of seeking, receiving, and spreading information and ideas by every means and regardless of frontiers. In view of the limitation on the number of available channels and of the existence of international agreements, broadcasting was considered to be a public service, but this was a privilege of the State and not of the Government, of the whole national community and not only the party in power. The conference had discussed many important subjects, but what would become of their intentions and assertions if the word which expressed them could not reach the vast areas to which they were addressed?

Lady Davidson (Great Britain) said that the United Kingdom delegation believed profoundly in the value of freedom of the press and of the radio and in free speech, but with these freedoms must come self-discipline. A great British journalist had said that comment was free but facts were sacred. The aim of those responsible for spreading news should be the truth and nothing but the truth. Denying access to news must be condemned. The value of the B. B. C. News Service during the war had been its factual presentation of the news, good and bad, free from exaggeration and distortion.

All welcomed the visits to their countries of those taking part in sport, for example, but no one could be content until travel in all countries was unrestricted so that people could get to know each other by personal contact. No democracy could work unless it were based on the right of each individual to express his views freely and without fear, and the duty of each individual to treat with tolerance the views held by others. Only by a free exchange of information and a willingness to learn from each other could distrust and hatred be replaced by trust and understanding.

Mr. Chahkar (Iran) said that freedom of the press and of information was an integral part of the Iran constitution. The establishment of a democratic constitution in Iran owed much to the press who had conducted a vigorous campaign in favor of constitutional government. The principles laid down in Article 19 of the Declaration of Human Rights, had been stated more than 50 years earlier, in almost the same words, in the constitutional law of Iran. The principle meant that no one need fear to express his opinions and that information could be spread freely.

In view of its services in defense of the democratic regime, the press in Iran had earned the gratitude of the people, and all classes of society defended the newspapers. The extraordinary development of newspapers and periodicals and other means of information during the last 10 years was striking proof of what he had said.

The obstacles between free cultural exchanges between individuals must be removed. He criticized biased news and propaganda, the purpose of which was to direct

public opinion along given lines, because this hindered understanding between nations.

Mr. Castaneda (Philippines) said that the people of the Philippines believed sincerely that a reciprocal appreciation of the cultures and traditions of the different peoples of the world would bring closer understanding and serve as a basis for lasting peace and enduring friendship. It was important for people to learn to understand the lives of others.

The Philippines, realizing the importance of developing cultural relations with other countries, had been sending cultural attachés to her embassies and legations and had been sending groups of students abroad under the UNESCO plan and young workers under the ICA plan.

He regretted that the union had not yet taken a decision on the vital question of freedom of the press and information. In his country such a freedom was considered one of the citizen's sacred rights and the constitution expressly guaranteed the freedom of expression. If the minority in a country could not openly criticize the ideology of the majority, there was no democracy. The true test of democracy was the right of the minority openly and freely to criticize the party in power.

Mr. Berák (Czechoslovakia) said that it was necessary in the very interests of humanity itself to develop international cooperation without any distinction based on differences of economic or other systems. It did not matter whether countries belonged or did not belong to the same international organizations. If real relations were established between countries, people began to realize the problems and cultural riches of each other.

The national and international aspects of the freedom of the press and freedom of information were of great importance. His delegation felt that the purpose of the Interparliamentary Union was surely to adopt the kind of recommendations and measures which in the field of information could contribute to the easing of international tension and the strengthening of mutual confidence. He felt that countries which sincerely desired peace would refrain from waging propaganda of hate, because that was not an expression of freedom of information but an abuse of it.

Mr. Boggs (U. S. A.) said that cultural exchanges were the most fruitful and most effective form of education, and perhaps the most indispensable in the atomic age. He referred to the program of Fulbright scholarships in the United States, which had provided for 33,000 scholars from 39 nations in 10 years, probably the largest educational exchange in the history of civilization.

They were told that the Soviet Union put its greatest thrust behind the education of its youth. His conviction was that an educated people, no matter how indoctrinated, would demand freedom. Police states were doomed in an educated society. If exchange programs did anything at all, they would throw into contrast and open examination the philosophies of the two systems. What was sought was not coexistence in an atmosphere of fear of atomic hostility but understanding in an atmosphere of mutual trust. Freedom of the press could not be divorced from free government. Unless there could be untrammeled public expression of private views, the heartbeat went out of government by the people.

Mr. Kostourkov (Bulgaria) said that his delegation recognized the tremendous role played by the press in the formation of public opinion in respect of both foreign policy and domestic policy. It was easy to understand why differences of opinion occurred in such an organization as the Interparliamentary Union, which was composed of countries with difference structures and different basic concepts. It was essential that the national groups should contribute to the best of their ability to the achievement of the common aims of the union, and everything possible must be done to prevent information being distorted. Propaganda in favor of war did not improve international cooperation or strengthen peace. It was necessary to forbid, by international conventions, if necessary, information being given in bad faith by the press as well as any abuse of the freedom of the press. Cultural agreements between countries with different political systems would make all rejoice.

Mr. Loureiro Jr. (Brazil) said that it could not be forgotten that each freedom carried with it a corresponding criterion of responsibility. It must be emphasized that the role of the press was eminently of a public character and, therefore, it carried with it a responsibility in a social sense. There ought to be some reference on behalf of the union to that aspect of the responsibility of the press. The press must have its actions clearly laid down with regard to the dignity and freedom of expression of the human individual. There was also the matter of the responsibility of the press to the existing public authority, which could not be allowed to be at the mercy of pernicious actions on the part of the press. Everywhere society suffered from such pernicious action and the conference should not fail to stress its rejection of offenses of that type against the moral order. Also, the conference should make it clear that it could not conceive of a representational regime where the state monopolized the means of information. He gave notice that he would express his views in a draft resolution to be submitted to the next conference.

Mr. Nowakowski (Poland) said that there was no doubt that coexistence and collaboration in the cause of peace between countries of different economic and social structures and regimes required, among other things, intellectual collaboration which must be on a broad base, honest and reciprocal in regard to information. That was required if there was to be throughout the whole world lasting peace, mutual confidence and collaboration and friendship among nations. Exchanges of information and the development of relations of an intellectual character between East and West were important from the political point of view as well as the cultural point of view. Poland was glad to have her scientists, students, artists, and workers of all kinds go to foreign countries to strike up bonds of friendship and to enrich Poland's science and experience. She would also be very glad to have her country visited more and more by similar persons from other countries.

Mr. Case (U. S. A.) said that all other freedoms depended on the freedom of information. The right to know the truth was a right of the people and should not be a monopoly of any government. One-man governments which dare not trust the people with the truth took from the citizen the facts which he had a right to know.

In the United States they believed that the State belonged to the people and that the people were entitled to have news without censorship. When Mr. Khrushchev wrote his letter to President Eisenhower about the Middle East, the American newspapers were free to print every word of it. They were not told by the Government what to say. Justice and freedom could be drugged and put to sleep by the sugar-coating of selfish political opinion in the name of news by governments who denied to their people a free exchange of information with other peoples of the world. There was no colonialism so enslaving as that which imprisoned the minds of men and made them the mental chattels of the State. The right of the people to know the truth must be recognized if governments were to be of the people, by the people, for the people.

Mr. Ronai (Hungary) said that regular cultural relations based on cultural agreements were an important part of international relations and that cultural agreements provided an effective way of achieving peaceful international cooperation. The conference was discussing cultural relations on a continent where the peoples had had a wonderful civilization destroyed by colonialism. Having achieved independence from colonialism, the countries of Latin America were making better progress, but they had many problems to face, such as illiteracy and contagious diseases.

The Hungarian National Group believed it their duty to extend the system of bilateral cultural agreements and to encourage mutual understanding of each other's civilization. These aims would remain pious wishes, however, unless peace and peaceful coexistence were assure. Consequently, he regretted the armed intervention of the United States and Britain in the internal affairs of the Arab countries, which seriously jeopardized peace in the Middle East and prevented the development of cultural relations.

The meeting rose at 6:25 p. m.

Mr. CASE of South Dakota. Mr. President, inasmuch as I spoke on the subject of the right of the people to know the truth, and since I stated that I believe that freedom of information is the freedom on which all other freedoms depend, I now wish to read into the RECORD the address I delivered on that occasion. It reads as follows:

THE RIGHT OF THE PEOPLE TO KNOW THE TRUTH

Mr. President, ladies and gentlemen of the conference, if the desires of mankind are what we have here heard expressed, the people of the world do not want an atomic war—they do not want any war.

The men and the women who have spoken here have spoken as one on that point. They have differed only on the ways in which we can make the desire for peace come true with liberty and justice for all.

Of all groups of men and women who might be brought together, this conference of members of parliamentary bodies should be the most accurate in reflecting what is in the hearts and minds of men and women everywhere because each of us comes as the representative of a constituency. Most of us are elected by the votes of that constituency, but whether elected or appointed, each of us is here to speak for the people we were chosen to represent.

To this conference, then, of parliamentary delegates, I speak on freedom of information with the conviction that on this freedom all other freedoms depend.

To this conference, I would say that the right to know the truth is a right of the people and is not a proper monopoly for any government.

Our agenda item No. 5 divides the topic into two parts: Exchanges of Culture and Exchanges of News as Information. I address my remarks to the latter—the exchange of news at home and abroad.

In passing, however, I testify to the good that is accomplished by the exchange of cultures.

It was good for the people of my country to learn of the appreciation accorded in Russia to a great pianist from the State of Texas, Mr. Cliburn. It has been good for the people of my country to learn of good sportsmanship and courtesy when athletes from my country compete with athletes of other lands, regardless of political ideologies. And I trust the ladies at home will forgive me if, in Rio de Janeiro and this atmosphere of Latin-America beauty, I confess there may be dividends for international

appreciation from the victory by lovely Miss Colombia, in the competition for the title of "Miss Universe" held in the United States of North America only a few days ago.

Such exchanges of culture and skill, of talent and beauty do increase understanding among the people of the world.

The free exchange of other news and information, however, sometimes runs into trouble. This happens most often when the news relates to political programs and ambitions.

Those governments which see the state as the goal of every endeavor are inclined to seize control of information as a tool for the attainment of their ends regardless of the imprisonment which that decrees for honest, clear-minded judgment. Those one-man governments who dare not trust the people with the truth deprive the people of the facts to which every citizen has a right. This practice defeats the hopes in the hearts of mankind for freedom and understanding.

My country's independence began with a declaration that governments are formed to bring life and liberty and to permit people to pursue happiness. We hold that the state belongs to the people, that people are not the chattels of the state.

Consequently, we believe that the people are entitled to have uncensored news. When Premier Khrushchev wrote his letter to President Eisenhower about the situation in the Middle East, a few days ago, the newspapers of my country were free to print every word of the Khrushchev letter. The radio and the television carried whatever portions of the letter they desired to use and their time permitted. The people of my country reached their judgments on the basis of the statement itself, and in the light of past events in Warsaw, Leipzig and Budapest, as they had been freely reported insofar as the facts from those places were permitted to get to the world.

Someone once said that religion was an opiate for the people which I do not accept. True religion brings hope and purpose to, human life. But there is something which does drug justice and put freedom to sleep. That is the sugar-coating of selfish political opinion in the name of news by governments which denies to their people the free exchange of information with other peoples of the world.

There is no colonialism so enslaving as that which imprisons the minds of men and makes them the mental chattels of the state.

As Mr. Philip Klutznick, United States representative to the General Assembly of the United Nations, said as lately as December 6, 1957:

"The freest and fullest flow of information is basic to a democratic system of government * * * In time of peace it is never safe to trust any men or institution of men with the power to decide for others what is good and what is bad information * * * There may be times when the majority will be mistaken * * * but * * * the truth eventually becomes apparent and right judgments will be made."

Mr. President, ladies and gentlemen of the conference, on the 14th of December 1946, the General Assembly of the United Nations resolved that—

"Freedom of information is a fundamental right, and the touchstone of all the freedoms to which the United Nations is consecrated."

Therefore, I would wish that this conference of the Interparliamentary Union might urge that knowledge of the truth and the free exchange of information be recognized as a right of the people and not as a property of any government.

Those who themselves are the mouthpieces for the people in representative government should be the first to proclaim the importance of the freedom of information. Unless the door is open for the free flow of news, we can never be sure of what is truth. The people must have their right to know recognized if governments are to be of the people, by the people and for the people.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, following the printing of the address which I delivered at the Conference, which I have just now concluded reading to the Senate, the draft resolution, as adopted by the Conference, on the subject of "Cultural Agreements and Their Role in Improving Relations Between Peoples" and "National and International Aspects of Freedom of the Press and Information."

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

47th INTERPARLIAMENTARY CONFERENCE, RIO DE JANEIRO, JULY 24 TO AUGUST 1, 1958—AGENDA ITEM NO. 5—CULTURAL EXCHANGES BETWEEN COUNTRIES AND FREEDOM OF INFORMATION

(A) CULTURAL AGREEMENTS AND THEIR ROLE IN IMPROVING RELATIONS BETWEEN PEOPLES

(Draft resolution presented, in the name of the Committee on Intellectual Relations, by Mr. Pierre Nothomb, Senator (Belgium)

The 47th Interparliamentary Conference—Recognizing the importance and growing volume of international cultural relations, as well as the interest which is shown in their development, and with the object of reaching a better understanding between different countries so as to facilitate the establishment of favorable conditions for peace and for durable friendship between them,

Stressing the need for eliminating all obstacles which hamper the freedom of cultural exchanges,

Considering that men living in all countries of the world, by reciprocal appreciation of their cultural achievements and by assimilating the best and most progressive of them in the various national cultures, can learn to understand more completely and deeply the life of other peoples, to respect their originality and national traditions, and to enrich each other spiritually,

Upholding the resolutions adopted by the General Assembly of the United Nations on February 21 and November 28, 1957, stating that wider international cooperation in cultural and scientific matters must be encouraged by agreements and other means, and that no effort should be spared to achieve those noble objectives,

Taking note of the resolution adopted by the 44th Interparliamentary Conference on the conditions for a true peaceful coexistence between the nations and the resolution adopted at the Ninth General Conference of UNESCO,

Appeals to all Interparliamentary groups to work for the realization of the UNESCO project on mutual appreciation of cultural values of countries of the East and West,

Invites all Interparliamentary groups to contribute to the furtherance of regular intellectual exchanges between States as a means toward the conclusion of bilateral, regional, and multilateral agreements on cultural and scientific relations, and also on other forms of cultural exchanges, such as visits and sojourns of students, pupils and young workers;

Recommends the creation of administrative bodies and special parliamentary groups for the promotion of a reciprocal policy of cultural relations in those countries where such organs do not already exist;

Hopes that the member groups of the Interparliamentary Union will use their influence on their respective governments in the sense of the present resolution.

(B) NATIONAL AND INTERNATIONAL ASPECTS OF FREEDOM OF THE PRESS AND INFORMATION

(Draft resolution presented, in the names of the Committees on Intellectual Relations and Juridical Questions, by Mr. Pierre Grégoire, Deputy (Luxembourg))

The 47th Interparliamentary Conference, desiring to safeguard the right to freedom of expression and opinion as defined in article 19 of the Universal Declaration of Human Rights,

Recalling the previous resolutions adopted on the subject by the Interparliamentary Union the United Nations General Assembly, particularly on November 3, 1947, and the Ninth General Conference of UNESCO,

Declaring that this liberty implies the right, either active or passive, to information through radio, film, television, as well as by books, gramophone records and the press itself,

Considering that it is of importance to guarantee more effectively the free exchange of objective and nondistorted news, the protection of sources of information, the liberty of movement of foreign correspondents and the physical, social, and spiritual security of personnel in the information services,

Believing that it is necessary to guard against the maltreatment of news by a more equitable distribution of those means which guarantee the full right to information, impartially disseminated, by the development of professional techniques and by national and regional information bodies, which act as important auxiliaries in promoting economic and social progress in those countries which are lacking in this respect, as well as by the creation of councils, both national and international, for purposes of control and arbitration, and designed to bring about respect for different shades of opinion and to eliminate all abuses and rectify errors,

Stressing the necessity for encouraging the development of intellectual exchanges, the formation of specialized personnel, the creation of educational centers and the consolidation of scientific, cultural, technical, and sporting links,

Affirming the desire to continue its efforts toward the removal of obstacles hampering the free flow and integrity of information.

Condemning the use of false news which would by its very nature encourage hatred and provoke war, or would lead to the use of nuclear energy for other than peaceful purposes,

Apepals to its member groups to have adopted in their respective Parliaments the necessary measures for a free exchange of news, of information, and publications between research institutes, libraries, and cultural associations, as well as the free circulation of educational material and travel of persons journeying for journalistic or scholarly ends,

Invites the representatives of the different countries to approach the competent authorities with a view to putting an end to all restrictions on the exchange of ideas, particularly by aiding in the intensification of action already taken by United Nations organs and specialized agencies in the technical field, and to achieve durable cooperation between the Governments and the professions in question,

Requests that everything possible be done, either by adherence to international agreements or modification of national laws, to facilitate, in conditions of loyal reciprocity, exchanges of information likely to serve the cause of international peace and promote better understanding among nations as well as among individuals;

Resolves to appeal to the members of the Union to adopt, in their respective Parliaments, the necessary measures to make means of communication accessible to all branches of opinion in such a way that information does not become a privilege or a way of controlling public opinion.

Mr. CASE of South Dakota. Mr. President, there was one rather interesting development in connection with the voting upon a resolution relating to the development of representative assemblies in non-self-governing territories. The draft resolution was carried by a vote of 461 yeas to 31 nays, with 62 abstentions.

I think the draft resolution should be inserted in the RECORD at this point, and I ask unanimous consent that it may be printed.

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

47TH INTER-PARLIAMENTARY CONFERENCE, RIO DE JANEIRO, JULY 24–AUGUST 1, 1958, AGENDA ITEM NO. 6—THE DEVELOPMENT OF REPRESENTATIVE ASSEMBLIES IN NON-SELF-GOVERNING TERRITORIES

(Draft resolution presented, in the name of the Committee on Non-Self-Governing Territories and Ethnical Questions, by Mrs. Supeni, Deputy (Indonesia))

The 47th Inter-Parliamentary Conference,

Believing that the progressive development of representative democratic institutions in non-self-governing territories is of the highest importance for the emancipation of the peoples of those territories,

Underlining the importance of the obligations laid down in Chapter XI of the Charter of the United Nations in which states administering such territories are required to "develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions",

Convinced that the aim of extending universal suffrage to all non-self-governing territories is directly in line with the ideals and aims of the Inter-Parliamentary Union,

Appeals to the national parliamentary groups of the states responsible for the government of such territories to promote and encourage within their respective parliaments legislation which would have as its object the building-up of truly democratic assemblies in non-self-governing territories;

And proposes:

(1) Rejection of all forms of colonial rule and subjection exercised by force upon the independence and freedom of another country;

(2) Solidarity with all colonized countries which have already obtained their freedom, as well as with all who still fight for their autonomy;

(3) Establishment of an international procedure which would guarantee to peoples desiring to become free of foreign tutelage that the substitution of foreign authorities by self-government would not be detrimental to human rights and the institutional forms of coexistence;

(4) Necessity for those governments, and particularly their parliaments, to be formed as the result of free elections—the only way in which legitimate power can be conferred and the people represented.

Mr. CASE of South Dakota. In conclusion, Mr. President, I may say I wrote, as of the customary day, a report to the people of South Dakota, in a letter written from Rio de Janiero, on July 30, headed "Interparliamentary Conference at Rio." I ask unanimous consent that it may be printed in the RECORD at this point.

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

SENATOR FRANCIS CASE REPORTS—INTER-PARLIAMENTARY CONFERENCE AT RIO

RIO DE JANIERO, BRAZIL, July 30.—Fifty-three countries of the world are members of the Interparliamentary Union meeting here for the 47th conference. Old hands at the meetings say that only at the meeting in 1939 prior to Hitler's march that started World War II has there been equal interest in the proceedings.

The primary reason, of course, is the tension over the situation in the Middle East where United States marines and paratroops landed in Lebanon even as many of these delegates were leaving their homes for this conference. But in the background is the growing realization that airplanes and rockets and sputniks have thrown us into one world.

The IPU differs from the United Nations in that this is a more informal body which was started by members of European assemblies who thought understanding would be promoted by their exchanging views. Among recommendations through the years were the World Court of Justice at The Hague, the League of Nations and even the organization which took the name of United Nations.

The IPU is not another U. N.—it is not a body which nations join by treaty. Its delegates are not named by the president, king, or other heads of states—but by the parliamentary bodies. In the main, they are people who have been elected to legislative bodies in their own countries.

Thus, in the main, they speak for constituencies. That is a point I mentioned in my conference address on Freedom of Information. We spoke from the background of legislators, not as spokesmen for an official government position.

It was impossible, however, under present world tensions, to avoid the tendency to regard speakers as exponents of home policies.

Russia's delegation included such persons as the head of their supreme court and the editor of Izvestia and a very able woman, Mme. Lepeveda.

Britain's delegation was headed by Herbert Morrison, one-time leader of her Labor government and Minister of Home Defense in Churchill's war government.

Austria's Dr. Ernest Korff was a very able committee chairman for the Committee on Armaments on which I served.

Indonesia had a woman delegate who spoke excellent English and with great persuasive ability. Several Latin American countries were represented by skillful and eloquent legislators.

Two goals marked the speeches of Russian delegates—proposals (1) to get a resolution that would condemn aggression in the Middle East by which they meant the presence of United States troops in Lebanon, and (2) to get a recommendation for immediate stopping of testing of nuclear weapons regardless of adequate inspection safeguards.

Speakers from all countries made clear that their people did not want an atomic war. A Japanese delegate pointed out that only the people of his country know the actual effects of an atomic blast. All the delegates from little nations spoke in fear—and wistful hope.

Preliminary drafts of resolutions on all agenda topics had been prepared by interim committees meeting at Geneva some months ago. For the most part, those drafts, carefully worked out, were adopted.

I had come to the conference with a speech on the operations of Public Law 480—the program of selling farm surpluses for foreign currencies and using much of the proceeds for aid loans in the underdeveloped countries. It appeared, however, that topic could be well assigned to Senator FREAR, a member of the Committee on Agriculture, and I was assigned to speak on Freedom of Information and to serve as United States member for the Committee on Disarmament and International Police Force.

So, I wrote a new speech on the free flow of uncensored news as an important need for world understanding, which as a former editor I was very glad to do.

I advanced the proposition that if people are to be free, they must have a right to know what is the truth and that no government has a property right in news as a monopoly. I pointed out that when Khrushchev wrote to President Eisenhower recently, newspapers in the United States were free to print the entire text of his speech if they wanted to do so.

The session of the committee on disarmament was possibly the most interesting of the conference for me. A great deal of clever forensic and parliamentary ability was shown by various delegates. Each speech was interpreted into French and English. Speakers were brief and to the point.

In this committee, one amendment asking immediate cessation of nuclear tests and conversion of existing stocks to peaceful purposes was voted down, getting 9 yeas, 14 nays, and 3 abstentions. A resolution to commend Soviet Russia for "unilateral suspension" after she had completed her latest tests was beaten by 21 nays to 7 yeas and 1 abstention.

An amendment to have the IPU set up a committee to prepare a plan for an International Police Force was beaten by 10 yeas to 9 nays and 2 abstentions, but the idea of a police force was endorsed with 12 yeas, 8 nays, and 7 abstentions.

The overall resolution to urge parliaments at home and the United Nations to resume disarmanent negotiations was endorsed unanimously.

This country of Brazil could easily be the subject of a report in itself. Today, with over 60 million people, more than half the total population of South America, Brazil expects to have 100 million by the year 2000.

In area, it is larger than continental United States and is the fourth-largest country of the world in total size. In resources, it is fabulously rich. Iron, copper, gold, diamonds, fine fruits, immense forests, and gigantic rivers for power are some of the principal ones.

And, as a cattle raiser, it was interesting to me to learn that the cattle population here is estimated at about 63 million, or one per person. In the United States we have approximately 95 million for 170 million people.

But Brazil has her problems. Her money is a sharp example of what inflation does. At the outset of World War II the rate of exchange was roughly 20 cruzeros to a dollar. Today, it is 131.

In an effort to keep its money from flowing out of the country, Brazil has high import duties—$5,000 on a Chevrolet car which will sell here with that duty for about $14,000.

It is hard for the country to keep wages and prices in line under these conditions. But the Brazilians are ambitious and determined. They are looking forward to the visit by Secretary of State Dulles. They want him to see the new capital they are building at Brasilia—at headwaters of an Amazon tributary, 600 miles west of Rio—where they decided to have a capital city nearer the heart of their country.

When they started 14 months ago, Brasilia was a native village of 500 persons. Today, it has 30,000 people with a 10,000 foot runway and modern buildings.

Brazil is a nation on the move. It will be well if the United States of America and the United States of Brazil can remain strong and good friends in the half century ahead.

Senator FRANCIS CASE.

Mr. CASE of South Dakota. Mr. President, concluding my remarks, may I say to the distinguished occupant of the Chair [Mr. CHURCH] and to the other Senators who have had the patience to listen to me at this late hour tonight,

I believe representation in the Interparliamentary Union is worth while. Certainly, if we believe in representative government, it is worth while for those who are selected and who represent constituencies to get together and exchange points of view, and give to other countries where parliamentary government is trying to increase the freedom of the people of the world the methods and ideas by which we seek in our country to advance the cause of freedom. We can gain from the experience and exchanges of viewpoints and procedures which take place in the parliamentary bodies of other countries.

Some countries may differ in the selection of their representatives, delegates, or senators. Some of the countries do not have the political maturity our country has. But to the extent that such countries have parliamentary bodies in which the people can be represented and have a voice in government, to that extent will free government really come to exist in all countries where there is government of the people, for the people, and by the people.

So I hope, as we approach the time when the 48th Conference of the Interparliamentary Union will be held at Warsaw, Poland, next year, Members of our Congress may take appropriate steps to insure an interested and alert delegation, and one which will make a contribution to the deliberations of parliamentary bodies which will take place behind what is called the Iron Curtain.

I hope that conference, as this recent one has, will make a contribution to the development of freedom in the world.

## STATEMENT

Mr. JAVITS. Mr. President, I wish to make another statement. I am delighted that the Senator from North Carolina is here. Yesterday the Senator from North Carolina sought unanimous consent to have a division after the question had been decided by a ruling of the Chair. I thereupon objected. I express to the Senator from North Carolina my regret. I had never done that before; I hope never to do so again.

I then went to the Senator from North Carolina. I think the RECORD should show that I asked him whether he felt very strongly about it. He said no; that the matter was finished, and that he did not feel too strongly about it. I said if he did, and if he would make his unanimous consent request again, I would not object.

I desire the RECORD to show the mutuality of courtesy on both sides.

Mr. ERVIN. Mr. President, I corroborate the statement of the able and distinguished junior Senator from New York. As he said, he very graciously came to me and offered to withdraw his objection. I told him I appreciated it very much, but that I did not consider the matter of such importance that he should do so.

Mr. JAVITS. I thank the Senator from North Carolina. I am very glad to have the RECORD show this mutual exchange of our respect for each other.

## TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

## ADDITIONAL REPORT OF A COMMITTEE

The following additional report of a committee was submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

H. R. 12728. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, with respect to the payment of compensation in cases where third persons are liable (Rept. No. 2481).

## ADDITIONAL BILLS INTRODUCED

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

By Mr. HRUSKA:

S. 4310. A bill for the relief of Dr. Taro Mori; to the Committee on the Judiciary.

By Mr. MALONE:

S. 4311. A bill to abolish the functions of the Bureau of Indian Affairs of the Department of the Interior, to remove the guardianship over Indians and trusteeship over Indian lands, and to repeal the act of June 18, 1934 (48 Stat. 984), as amended; to the Committee on Interior and Insular Affairs.

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

By Mr. HILL (for himself, Mr. SMITH of New Jersey, Mr. MURRAY, Mr. MCNAMARA, Mr. PURTELL, Mr. HUMPHREY, Mr. THYE, and Mr. YARBOROUGH):

S. 4312. A bill to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes; to the Committee on Labor and Public Welfare.

By Mrs. SMITH of Maine:

S. 4313. A bill to authorize certain improvement of the Southwest Harbor, Maine; to the Committee on Public Works.

By Mr. KENNEDY:

S. 4314. A bill for the relief of Dr. Nicholas Darzenta; to the Committee on the Judiciary.

By Mr. JENNER:

S. 4315. A bill to authorize the legislatures of the several States to determine whether such States shall participate in programs providing for Federal grants to such States or their inhabitants; to the Committee on Government Operations.

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

## MUTUAL SECURITY APPROPRIATION BILL, 1959—AMENDMENT

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (H. R. 13192) making appropriations for mutual security for the fiscal year ending June 30, 1959, and for other purposes, which was ordered to lie on the table, and to be printed.

## ADJOURNMENT TO 11 O'CLOCK A. M. TODAY

Mr. CASE of South Dakota. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until 11 o'clock a. m. today.

The motion was agreed to; and (at 12 o'clock and 15 minutes a. m.) on Wednesday, August 20, 1958, the Senate adjourned, the adjournment being, under the order previously entered, until 11 o'clock a. m., the same day.

## NOMINATIONS

Executive nominations received by the Senate August 19, 1958:

INTERNATIONAL DEVELOPMENT ADVISORY BOARD

Harry A. Bullis, of Minnesota, to be Chairman of the International Development Advisory Board.

COLLECTOR OF CUSTOMS

Arthur Rogers, of Tennessee, to be collector of customs for customs collection district No. 43, with headquarters at Memphis, Tenn. (Reappointment.)

## CONFIRMATIONS

Executive nominations confirmed by the Senate August 19, 1958:

UNITED STATES CIRCUIT JUDGES

Win G. Knoch, of Illinois, to be United States circuit judge for the seventh circuit.

Gilbert H. Jertberg, of California, to be United States circuit judge for the ninth circuit.

UNITED STATES DISTRICT JUDGE

Omer Poos, of Illinois, to be United States district judge for the southern district of Illinois.

UNITED STATES ATTORNEY

Wilbur G. Leonard, of Kansas, to be United States attorney for the district of Kansas, term of 4 years.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Robert L. Kunzig, of Pennsylvania, to be a member of the Foreign Claims Settlement Commission of the United States.

# HOUSE OF REPRESENTATIVES

## TUESDAY, AUGUST 19, 1958

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Deuteronomy 5: 33: *Ye shall walk in all the ways which the Lord your God hath commanded you, that ye may live and that it may be well with you.*

Most merciful and gracious God, Thou art daily bidding us to walk in the ways of Thy commandments, to love Thee and love our fellow men.

Grant that the legislative programs, which the Congress is seeking to enact, may redound to Thy glory and bring a larger measure of prosperity and happiness to our country and all mankind.

We beseech Thee that every law on our statute books may be an expression of Thy wise and holy will and of our longing to build a better world.

May we stand in the noble succession of all who, in every generation, have labored for the coming of the day of brotherhood and good will.

Hear us in the name of the Prince of Peace. Amen.