harder work, greater productivity, fewer luxuries, and maybe even more governmental controls.

If high administration spokesmen mean what they are saying, they believe such steps will be necessary if the United States is to meet an intensified Soviet military-economic challenge.

The administration prophets so far are Central Intelligence Agency Director Allen W. Dulles and Defense Secretary Neil McElroy. Their cautious soundings are being made in the midst of the budget battle with Congress, but also as the economy surges toward record highs.

WARNING

Allen Dulles launched the first trial balloon in this direction early this month in a speech warning about the rapid rate of increase in industrial production in the Soviet Union.

He estimated that further Soviet increases in the next 7 years would make it possible for Nikita Khrushchev, if he wishes, to increase military spending 50 percent and divert large resources to his trade-and-aid campaigns in uncommitted nations.

The unpleasant possibilities in this for Americans was left to Mr. McElroy to discuss in his address to the American Newspaper Publishers Association. Although there was emphasis on the claim that the United States militarily is stronger today than the Soviet Union, the most important section of the address discussed the hard choices Americans will have to make to keep the balance that way.

HIS VIEWS

Mr. McElroy warned that the United States cannot let the Soviets best us in either military strength or economic competition. His picture went like this:

Military: "The Soviet Union's effort (possible 50 percent increase) must be matched or bettered. * * * We either have to boost our own gross national production so that whatever increase may be required in military spending will not disturb other areas of our economy, or we will have to cut down on expenditures in those other areas to compensate for the increased military budget."

Economic: "One of the major influences in attracting the mind of man to one system of government as opposed to another is demonstrated success in economic growth. Today the United States is the acknowledged leader. To maintain that position of leadership we may have to divert more of our output into upholding our worldwide responsibilities and less into what people would like to have."

THE LIST

Some things Mr. McElroy said would have to be done if we are to stay ahead of the Soviets:

Plow back a larger percentage of the gross national product into capital investment for industrial expansion.

Produce more military hardware, if the Soviets move in that direction.

"Learn to get along with less in current consumption."

"More taxes" to pay for better education.

"We anticipate enough economic progress by the Soviets," Mr. McElroy said, "to predict probable necessity for change in some of our economic thinking and practices."

He didn't detail changes contemplated, but warned that if we fail to meet the Soviet economic-military challenge, "we may come out second best in a competition for which there is no second prize."

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# SENATE

## TUESDAY, MAY 5, 1959

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

Our Father, God, before the day's perplexities close in about us, we are grateful for these sacred moments dedicated to the upward look.

When we peer down we see only the baser and more ignoble part of life. If we look about us we see only the confusions and limitations.

If we lift our eyes to the skyline we begin to see the unity and the order of life.

If we raise our eyes to the hills, even as Thy servant, the psalmist of old, we are conscious of ranges and powers beyond our puny reach.

We confess that as we tread the drab and dreary path of clutching daily duties, we so often do not see high enough or far enough, and so we are caught in a confusion which blinds and cheats us.

Teach us that we shall find the way out only as we look away from our bafflements to the unchanging mountain peaks of truths and values and relationships which pierce the horizons of faith and which are always waiting to gladden our questing vision and quiet our perturbed souls.

And so, as we lift our eyes to the hills, by the alchemy of Thy grace may our prayers turn to pageants of living and giving.

In the Redeemer's name. Amen.

### THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 1, 1959, was dispensed with.

### MESSAGES FROM THE PRESIDENT

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

### PRELIMINARY CONCLUSIONS OF PRESIDENT'S COMMITTEE TO STUDY MILITARY ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following communication from the President of the United States, which, with the accompanying document, was referred to the Committee on Foreign Relations:

THE WHITE HOUSE,
*Washington, April 29, 1959.*

The Honorable RICHARD M. NIXON,
*The President of the Senate,*
*Washington, D.C.*

DEAR MR. VICE PRESIDENT: In my mutual security message last month, I stated that the bipartisan Committee To Study the U.S. Military Assistance Program would soon render an interim report, and that after study of this report I would submit to Congress such recommendations thereon as I should deem appropriate.

The Committee, composed of eminent Americans, has made an excellent study of the grave perils inherent in Communist military, economic, and political activities throughout the world. It has pointed out that without a continuing and effective mutual security program our single and unthinkable alternative is "to seek survival in isolation—a state of siege—as the world continues to shrink." The Committee has highlighted the necessity for a truly mutual effort, and after firsthand observation by its members has noted the important strengthening of the free world through our assistance—assistance which strengthens us as it strengthens our allies.

Rightly the Committee has emphasized the need for modernization of free world military forces, particularly in the NATO area. It has recommended a substantial increase in the level of commitments in fiscal year 1960, pointing out that such an increase would not involve a significant increase in expenditures during that year. I believe, with the Committee, that NATO force modernization must go forward as rapidly as sound decisions permit.

The unanimous findings of the Committee in its interim report confirm the imperative need for Congress to authorize and appropriate the full amount requested for both economic and military assistance in the mutual security program for fiscal year 1960. With this full amount available, I shall, in support of the Committee's recommendations, direct full use of the flexibility which Congress has wisely provided in the Mutual Security Act, including the contingency fund. Progress to implement the Committee's recommendations can be made in this way. Nonetheless, even including these measures, as well as our continuing efforts to improve the operational efficiency and economy of the program, it may well be that the carrying out of essential equipment and training programs, including the force modernization recommended by the Committee, will require additional authority to obligate funds in fiscal year 1960. Undoubtedly more funds will be required should the Congress fail to appropriate the full amount already requested.

Late this fall, I shall review the then-current status of our efforts to implement the Committee's recommendations. This review will encompass then-existing world conditions as shaped by developments over the next few months, the rate of force modernization, particularly in the NATO area, and, of course, the progress of 1960 procurements for NATO and other areas. In the light of this review, I will make appropriate recommendations to the Congress. This review will enable me to take full account of the Committee's recommendations also in the formulation of the military assistance budget for fiscal year 1961.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I again emphasize that the program already before the Congress is the minimum required to support our own Nation's security and the common defense of the free world.

I enclose the Committee's interim report for the earnest consideration of the Congress.

Sincerely,

DWIGHT D. EISENHOWER.

## 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, without amendment, the bill (S. 1271) to donate to the pueblo of Isleta certain Federal property in the State of New Mexico.

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

H.R. 839. An act to approve an order of the Secretary of the Interior, adjusting, deferring, and canceling certain irrigation charges against non-Indian-owned lands under the Wapato Indian irrigation project, Washington, and for other purposes;

H.R. 1778. An act to amend section 17(b) of the Reclamation Project Act of 1939;

H.R. 2497. An act to add certain lands located in Idaho to the Boise and Payette National Forests;

H.R. 3335. An act to provide for the apportionment by the Secretary of the Interior of certain costs of the Yakima Federal reclamation project, and for other purposes;

H.R. 4664. An act to credit to postal revenues certain amounts in connection with postal activities, and for other purposes;

H.R. 4821. An act to amend the act of August 12, 1955, Public Law 378, 84th Congress (69 Stat. 707), so as to provide additional relief for losses sustained in the Texas City disaster;

H.R. 5262. An act to revise the boundaries of the Montezuma Castle National Monument, Ariz., and for other purposes;

H.R. 5488. An act to revise the boundaries of Wright Brothers National Memorial, N.C., and for other purposes;

H.R. 5610. An act to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act, so as to provide increases in benefits, and for other purposes;

H.R. 5728. An act to set aside and reserve Memaloose Island, Columbia River, Oreg., for the use of the Dalles Dam project and transfer certain property to the Yakima Tribe of Indians in exchange therefor;

H.R. 6118. An act to amend section 6 of the act of September 11, 1957; and

H.R. 6319. An act to amend chapter 55 of title 38, United States Code, to establish safeguards relative to the accumulation and final disposition of certain benefits in the case of incompetent veterans.

## ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 7. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use at the fifth national jamboree of the Boy Scouts of America;

H.R. 296. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the world jamboree of Boy Scouts to be held in the Philippines in 1959;

H.R. 1411. An act for the relief of T. V. Cashen;

H.R. 1453. An act for the relief of Mrs. Mathilde Ringol;

H.R. 1462. An act for the relief of Logan Duff;

H.R. 1535. An act for the relief of Sister Mary Damion (Maria Saveria D'Amelio), Sister Maria Tarcisia (Maria Giovanna Fenuta), and Sister Mary Regina (Maria Lizzi);

H.R. 1691. An act for the relief of Oliver O. Newsome;

H.R. 1727. An act for the relief of Dimitrios Kondoleon (also known as James Kondolous);

H.R. 2063. An act for the relief of Otis Parks, W. B. Dunbar, and J. C. Dickey;

H.R. 2099. An act to provide for a posthumous cash award in recognition of the scientific contributions in the field of electronic ordnance by the late Paul M. Tedder;

H.R. 2237. An act to amend chapter 13—wage earners' plans—of the Bankruptcy Act;

H.R. 2281. An act to provide for the payment of relocation expenses to Milo G. and Patricia Wingard;

H.R. 2295. An act for the relief of Sterilon Corp.;

H.R. 2603. An act for the relief of the American Hydrotherm Corp.;

H.R. 2949. An act for the relief of Lois K. Alexander;

H.R. 2975. An act to validate payments of certain quarters allowances made in good faith, and pursuant to agreements by authorized officials, to employees of the Department of the Navy, but which were subsequently determined to be inconsistent with applicable regulations;

H.R. 3095. An act for the relief of Hilary W. Jenkins, Jr.;

H.R. 3293. An act to authorize the construction of modern naval vessels;

H.R. 3939. An act for the relief of Virginia E. Speer;

H.R. 4121. An act for the relief of certain members of the Armed Forces of the United States, or their survivors who were captured and held as prisoners of war in Korean hostilities;

H.R. 4314. An act for the relief of Samuel Abraham, John A. Carroll, Forrest E. Robinson, Thomas J. Sawyers, Jack Silmon, and David N. Wilson;

H.R. 4615. An act to relieve certain members and former members of the naval service of liability to reimburse the United States for the value of transportation requests erroneously furnished to them by the United States; and

H.R. 4913. An act to amend the National Aeronautics and Space Act of 1958, to authorize the National Aeronautics and Space Administration to lease buildings in the District of Columbia.

## HOUSE BILLS REFERRED

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

H.R. 839. An act to approve an order of the Secretary of the Interior adjusting, deferring, and canceling certain irrigation charges against non-Indian-owned lands under the Wapato Indian irrigation project, Washington, and for other purposes;

H.R. 1778. An act to amend section 17(b) of the Reclamation Project Act of 1939;

H.R. 2497. An act to add certain lands located in Idaho to the Boise and Payette National Forests;

H.R. 3335. An act to provide for the apportionment by the Secretary of the Interior of certain costs of the Yakima Federal reclamation project, and for other purposes;

H.R. 5262. An act to revise the boundaries of the Montezuma Castle National Monument, Ariz., and for other purposes;

H.R. 5488. An act to revise the boundaries of Wright Brothers National Memorial, N.C., and for other purposes; and

H.R. 5728. An act to set aside and reserve Memaloose Island, Columbia River, Oreg., for the use of the Dalles Dam project and transfer certain property to the Yakima Tribe of Indians in exchange therefor; to the Committee on Interior and Insular Affairs.

H.R. 4644. An act to credit to postal revenues certain amounts in connection with postal activities, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4821. An act to amend the act of August 12, 1955, Public Law 378, 84th Congress (69 Stat. 707), so as to provide additional relief for losses sustained in the Texas City disaster; and

H.R. 6118. An act to amend section 6 of the act of September 11, 1957; to the Committee on the Judiciary.

H.R. 6319. An act to amend chapter 55 of title 38, United States Code, to establish safeguards relative to the accumulation and final disposition of certain benefits in the case of incompetent veterans; to the Committee on Finance.

## COMMITTEE MEETING DURING SENATE SESSION

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

## 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 VICE PRESIDENT. Without objection, it is so ordered.

## LEGISLATIVE AND EXECUTIVE CALENDAR

Mr. JOHNSON of Texas. Mr. President, in a moment I shall ask unanimous consent that the Senate proceed to the consideration of the nominations on the Executive Calendar, beginning with the nomination to the Council of Economic Advisers. I announce that when we complete the call of the Executive Calendar and the morning hour, we shall return to executive session, to consider the nomination of the distinguished Associate Justice of the Supreme Court, Mr. Potter Stewart.

I wish to announce that during the week though not necessarily in the order I shall list them, we expect to have the Senate proceed to the consideration of—

Calendar No. 221, House Concurrent Resolution 95, authorizing reprinting of House Document 451 of the 84th Congress;

Calendar No. 141, Senate bill 44, to authorize the Secretary of the Interior to construct the San Luis unit of the Central Valley project, California, to enter into an agreement with the State of California with respect to the construction and operation of such unit, and for other purposes;

Calendar No. 142, Senate bill 72, to authorize the Secretary of the Interior to construct, operate, and maintain the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River storage project, and for other purposes;

Calendar No. 185, Senate bill 1120, to amend section 19 of the Federal Reserve Act with respect to the reserves required to be maintained by member banks of the Federal Reserve System against deposits; and

Calendar No. 186, Senate bill 1062, to amend the Federal Deposit Insurance Act to provide safeguards against mergers and consolidations of banks which might lessen competition unduly or tend unduly to create a monopoly in the field of banking.

We have an agreement between members of the policy committee that Calendar No. 185, Senate bill 1120, and Calendar No. 186, Senate bill 1062, will not be considered on Wednesday. So I should like to have those bills considered either today or Thursday.

A little later in the day I shall give the Senate further information, as I am able to obtain it from the members of the committee.

Mr. President——

The VICE PRESIDENT. The Senator from Texas.

## EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move the Senate proceed to consider executive business, to consider the nominations on the Executive Calendar, beginning with the nomination to the Council of Economic Advisers.

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

## EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Donald R. Kempton, to be postmaster at Laurelville, Ohio, which nominating messages were referred to the appropriate committees.

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

## EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a convention was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive B, 86th Congress, 1st session. A convention between the United States of America and Cuba for the conservation of shrimp, signed at Havana on August 15, 1958 (Exec. Rept. No. 3).

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the calendar, beginning with the nomination to the Council of Economic Advisers, will be stated.

## THE COUNCIL OF ECONOMIC ADVISERS

The Chief Clerk read the nomination of Henry C. Wallich, of Connecticut, to be a member of the Council of Economic Advisers.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

## FEDERAL HOME LOAN BANK BOARD

The Chief Clerk read the nomination of William J. Hallahan, of Maryland, to be a member of the Federal Home Loan Bank Board for a term of 4 years expiring June 30, 1963.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

## SECURITIES AND EXCHANGE COMMISSION

The Chief Clerk read the nomination of Earl Freeman Hastings, of Arizona, to be a member of the Securities and Exchange Commission for a term expiring June 5, 1964.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

## U.S. ATTORNEY

The Chief Clerk read the nomination of S. Hazard Gillespie, Jr., of New York, to be U.S. attorney for the southern district of New York for a term of 4 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

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

## LEGISLATIVE SESSION

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

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

## EXECUTIVE COMMUNICATIONS, ETC.

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

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938, RELATING TO PRESERVATION OF UNUSED ACREAGE ALLOTMENTS

A letter from the Acting Secretary of Agriculture, referring to letter of March 5, 1959, transmitting a draft of proposed legislation to amend section 377 of the Agricultural Adjustment Act of 1938, as amended, relating to the preservation of unused acreage allotments, and suggesting a modification in the bill submitted; to the Committee on Agriculture and Forestry.

REPORT ON FEDERAL CONTRIBUTIONS PROGRAM

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting, pursuant to law, a report on Federal contributions, for the quarter ended March 31, 1959 (with an accompanying report); to the Committee on Armed Services.

REPORT ON MILITARY PRIME CONTRACTS WITH BUSINESS FIRMS IN THE UNITED STATES FOR EXPERIMENTAL, DEVELOPMENTAL, AND RESEARCH WORK

A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, a report on military prime contracts with business firms in the United States for experimental, developmental, and research work (with an accompanying report); to the Committee on Banking and Currency.

IMPROVEMENT OF DEPARTMENT OF STATE

A letter from the Assistant Secretary of State, transmitting a draft of proposed legislation to amend the act of May 26, 1949, as amended, to strengthen and improve the organization of the Department of State, and for other purposes (with an accompanying paper); to the Committee on Foreign Relations.

REPORT ON EXAMINATION OF PROGRAMS FOR CONSTRUCTING AND EQUIPPING AIR FORCE ACADEMY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the programs for constructing and equipping the Air Force Academy, Colorado Springs, Colo., dated April 1959 (with an accompanying report); to the Committee on Government Operations.

PUBLIC LAND URBAN AND BUSINESS SITES ACT

A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to authorize the classification, segregation, and disposal of public lands chiefly valuable for urban and business purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PUBLIC LAND ADMINISTRATION ACT

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to facilitate the administration of the public lands, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

ESTABLISHMENT OF ARCTIC WILDLIFE RANGE, ALASKA

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the establishment of the Arctic Wildlife Range, Alaska, and for other purposes (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

REPEAL OF SUBDIVISION C, SECTION 18, BANKRUPTCY ACT

A letter from the Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to repeal subdivision c of section 18 of the Bankruptcy Act (11 U.S.C. 41c) so as to eliminate verification under oath of pleadings (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAMES

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the names of Erica Weisz and Otto Weisz from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on Jan-

uary 15, 1958; to the Committee on the Judiciary.

REPORT OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of that Department, for the fiscal year 1958 (with an accompanying report); to the Committee on Labor and Public Welfare.

## PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"ASSEMBLY JOINT RESOLUTION 29

"Relative to the dredging of Redwood City Harbor

"Whereas in 1945 the U.S. Congress in the River and Harbor Act of March 2, 1945, authorized the improvement of the Redwood City Harbor to be accomplished by deepening the channel across San Bruno Shoal, deepening the entrance channel from the bay to the harbor, and enlarging the existing turning basin; and

"Whereas the importance of the port of Redwood City to the San Francisco Bay area is illustrated by the fact that the statistics of the U.S. Army Engineers show the total ocean commerce handled at the port of Redwood City to be 46 percent as large as that handled at the port of San Francisco and for outbound ocean commerce alone the statistics show that the tonnage handled at the port of Redwood City was 94 percent of that handled at the port of San Francisco; and

"Whereas since the approval by Congress of these proposed channel improvement large sums of money have been expended by the port of Redwood City out of its earnings in contemplation of these authorized improvements and also large sums of money have been expended by private industry in contemplation of these improvements, including an investment of about $1 million by the Leslie Salt Co. in providing facilities for the expeditious loading of salt, in bulk, to vessels, which facilities through contractual arrangement with the port of Redwood City are to be made available to the port for the loading by direct movement between rail cars and vessels of commodities in bulk other than salt; and

"Whereas the cargo tonnage now handled at the port, 3,037,461 tons in 1958, far exceeds what was considered prospective when the improvement project for the harbor was approved by Congress in 1945 by a ratio of nearly 3 to 1; the number of deep-draft vessels now calling at the port, 151 in 1958, far exceeds the number that was contemplated at the time of the 1945 authorization; and an additional 2,175 barges loaded with cargo transited the port's channel during 1958: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress of the United States is respectfully requested to take all necessary steps to provide for the immediate construction of the improvements provided for in the 1945 authorization for improvements for the port of Redwood City; and be it further

"*Resolved,* That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Joint Committee on Atomic Energy:

"ASSEMBLY JOINT RESOLUTION 15

"Relative to atomic energy and radiation protection

"Whereas California is a large user of atomic energy and radioactive materials in industry, medicine, agriculture, and research; and

"Whereas radiation, if improperly used, presents a potential hazard to the health and safety of the people of this State; and

"Whereas since the enactment of the Atomic Energy Act of 1954 by the Federal Government there has been a considerable amount of uncertainty as to the effects of that act upon the State's traditional responsibilities in the field of health and safety; and

"Whereas there exists a questionable area of State jurisdiction regarding facilities and materials licensed by the United States Atomic Energy Commission which are potentially dangerous to the health and safety of human beings; and

"Whereas while the Atomic Energy Commission has indicated upon many occasions its desire to cooperate with the States and its desire for State assistance in inspection and enforcement, neither Congress nor the Commission has clarified the relationship between the Federal Government, including the Atomic Energy Commission, and the States in this regard: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact an amendment to the Atomic Energy Act of 1954 which will clarify the jurisdiction of a State with regard to the protection of the health and safety of the public from radiation hazards incident to the possession or use of those facilities and materials licensed by the Atomic Energy Commission under the provisions of the Atomic Energy Act of 1954; and be it further

"*Resolved,* That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Labor and Public Welfare:

"S. 559

"Resolution memorializing the Congress of the United States relative to providing free medical care to aged persons

"Whereas there is presently before the Congress of the United States a bill to provide for free medical care to aged persons; and

"Whereas it is essential to the economy and well-being of the people of the United States that those persons on the social security rolls be provided with hospital, surgical and nursing care; and

"Whereas those persons receiving social security are on limited fixed incomes which do not provide for such emergencies; and

"Whereas such persons should not be required to look for assistance in such emergencies to public or private welfare agencies; and

"Whereas it is essential that immediate consideration be given to this serious problem: Now, therefore, be it

"*Resolved,* That the members of the General Assembly of the State of Rhode Island earnestly request the Senators and Representatives in the Congress of the United States to enact legislation providing for free hospital, surgical and nursing care for those persons qualified under the social security provisions of the old-age and survivors' insurance law and that the President of the United States approve such legislation; and, be it further

"*Resolved,* That the secretary of state is hereby authorized and directed to forward duly certified copies of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives in the Congress of the United States and to the Senators and Representatives from Rhode Island in the Congress of the United States earnestly requesting that they lend their best efforts in carrying out the purposes of this resolution."

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on the Judiciary:

"Concurrent resolution expressing to the Governor of the State and the distinguished citizens who appeared with him the appreciation of the members of the general assembly and of the people of the State, whom they represent, for the very able manner in which they presented the views of this State on the civil rights bills now under consideration before the subcommittees of the Senate and the House of the Congress of the United States

"*Be it resolved by the senate, the house of representatives concurring,* That the members of the general assembly, on behalf of the people of this great State, whom they represent, congratulate the committee of distinguished citizens from the State, composed of the Honorable Ernest F. Hollings, Governor; the Honorable Edgar A. Brown, national committeeman; the Honorable Thomas H. Pope, State chairman of the Democratic Party; the Honorable Daniel McLeod, attorney general; the Honorable L. Marion Gressette, State senator from Calhoun County, and the Honorable R. E. McNair, representative from Allendale County, chairmen of the senate and house judiciary committees, respectively, for the very practical and able manner in which they presented to the subcommittee of the U.S. Senate and House Judiciary Committees the views of the people of this State in the hearings on civil rights held in Washington on the 14th of April.

"Not only the people of our State, but the people of the Nation, will do well to read and ponder the testimony given before the subcommittees by these patriotic citizens of these United States.

"The statements made by Governor Hollings and other members of his delegation have been extensively publicized in the press of this State.

"While we find it difficult to even attempt to abbreviate these statements, we wish to point out just a few of the high points of the testimony given by the Governor—

"First, he said that the people of South Carolina are a people of tolerance and understanding and have lived in peace and harmony with racial and religious differences for many years. This was aptly illustrated by reference to the fact that for the past 16 years a citizen of the Jewish faith had been speaker of the house of representatives, a predominantly Protestant body; that during the past week, Jimmy Leventis, a Greek boy, had been elected president of the student body of the University of South Carolina, and by other incidents of like nature.

"Then he pointed out that schools are intended for education and not for integration or social experimentation.

"He called attention to the fact that the State of South Carolina has now in its employ more than 7,200 Negro school teachers, more Negro school teachers than are employed by the populous States of New York, New Jersey, Delaware, Rhode Island, Massachusetts, and Connecticut combined, thus

illustrating, in a very practical way that we, in South Carolina, don't just speak of opportunity in idle terms, but actually give it. He pointed out with convincing clarity how the enforcement of the provisions of the bills would encompass the rights of all of the States in the Union in areas now reserved to them other than the integration of schools.

"Finally, he pleaded with great force and sincerity not to destroy the friendship, education, culture, and opportunity of both races by passage of the civil rights bills then pending before the committee.

"In order that the subcommittees which have the bills under consideration may know that the presentation made before them by the distinguished South Carolinians has the unqualified approval of the general assembly of the State of South Carolina, it is further resolved that certified copies of this resolution be sent to the chairmen of the respective subcommittees and to the clerks of the Senate and the House of Representatives. The general assembly also expresses to the Senators and Members of the Congress from this State its appreciation for the cooperation which they gave to the delegation in presenting the views of the delegation to the subcommittee, and requests that copies of this resolution be sent to each of them."

A letter, in the nature of a petition, signed by George Washington Williams, of Baltimore, Md., relating to foreign aid; to the Committee on Foreign Relations.

The petition of Frank B. Scheetz, Washington, D.C., relating to labor-management relations; to the Committee on Labor and Public Welfare.

A resolution adopted by the Verdugo District, California Federation of Women's Clubs, Glendale, Calif., expressing appreciation for the work of the House Un-American Activities Committee, ordered to lie on the table.

## CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Mr. THURMOND. Mr. President, on behalf of myself and my colleague, the senior Senator from South Carolina [Mr. JOHNSTON], I present a concurrent resolution of the General Assembly of the State of South Carolina memorializing Congress to retain Fort Jackson as a permanent training installation. I ask that the resolution be appropriately referred.

There being no objection, the concurrent resolution was referred to the Committee on Armed Services, and, under the rule, ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO RETAIN FORT JACKSON AS A PERMANENT TRAINING INSTALLATION

Whereas the United States is constantly faced with the problem of defending itself from attacks of our enemies; and

Whereas since World War II many of our training installations have been abandoned by our Government, only to be reactivated at great expense; and

Whereas Fort Jackson is presently operating as a basic training installation for young men undergoing infantry training and is ideally situated for year-round training and as such can be fully utilized; and

Whereas the members of the general assembly have had an opportunity to visit Fort Jackson and to observe for themselves the splendid facilities and training being carried on there under its commanding general, Maj. Gen. Christian H. Clarke, Jr.; and

Whereas with the present facilities available and the vast area embodied within its confines, future expansion could be easily made with the least amount of cost to the Government and it would be impracticable and costly to ever discontinue the use of this installation; and

Whereas the relationship with the people of this State and the personnel at Fort Jackson has always been one of cordiality and cooperation and the people in this State desire Fort Jackson continue as a permanent installation: Now, therefore, be it

*Resolved by the house of representatives (the senate concurring)*, That Congress be memorialized to continue Fort Jackson as a permanent installation for our military forces and, if Congress deems it necessary that our training facilities be expanded, that Fort Jackson be utilized for this purpose; be it further

*Resolved*, That copies of this resolution be forwarded by the clerk of the house, to each Senator, and to each Member of the House of Representatives in Congress from South Carolina and to the Armed Services Committee of each House.

## YOUTH CONSERVATION CORPS—RESOLUTION

Mr. HUMPHREY. Mr. President, I am extremely pleased that the chairman of the Committee on Labor and Public Welfare has recently appointed a special subcommittee, whose chairman is the Senator from West Virginia, JENNINGS RANDOLPH, to conduct hearings on the bill proposing a Youth Conservation Corps of 150,000 young men to work on needed conservation projects on our national and State lands—S. 812.

Hearings are scheduled on May 11 and 12, which will be good news for very many organizations in both the field of conservation of natural resources and the conservation of youth.

Mr. President, typical of the widespread support which this legislation is receiving, is the resolution No. 16 adopted by the Izaak Walton League of America at their 37th annual convention on April 25, 1959, relative to this proposal.

I ask unanimous consent that this resolution be printed at this point in the RECORD.

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

RESOLUTION 16—YOUTH CONSERVATION CORPS

Whereas there exists a great backlog of important but neglected opportunities for resource improvement through applied conservation practices; and

Whereas this backlog is beyond the scope of present Federal and State conservation programs and is estimated to require an outlay during a 10-year period of $3 billion for forest improvement and management, $4.5 billion for soil conservation and watershed protection, $1 billion for rangeland improvements, $2 billion for development and improvement of outdoor recreation facilities, and $1 billion to improve wildlife refuges; and

Whereas there exists an increasing number of young men in the 16- to 22-year age bracket who are finished with formal education, and are finding rewarding employment opportunities increasingly difficult to secure, resulting in a waste of their abilities and talents, and in lowered morale; and

Whereas the Civilian Conservation Corps program of the depression years proved an effective and efficient means for accomplishing essential conservation work while providing worthwhile employment, a wholesome and healthful environment, and excellent education and training advantages for the young men enrolled; and

Whereas a distinguished, bipartisan group of Senators and Representatives have proposed legislation to establish a Youth Conservation Corps, adapting experiences gained under the CCC program to the productive employment of the young men of today in the field of resource conservation, to the benefit of the young men themselves, of society, of the natural resources involved: Now, therefore, be it

*Resolved by the Izaak Walton League of America in 37th annual convention assembled in Philadelphia, Pa., this 25th day of April 1959*, That it commends the sponsors of the legislation, endorses the principles and objectives expressed therein, and urges prompt committee hearings in order to perfect the details of the legislation to accomplish those principles and objectives; and be it further

*Resolved*, That the Congress, during its deliberations on the legislation, consider the practicability of extending the program to include young women as well.

## RESOLUTIONS OF THE ASSOCIATION OF AMERICAN PHYSICIANS AND SURGEONS

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD resolutions adopted by the Association of American Physicians and Surgeons, at Fort Worth, Tex.

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

RESOLUTIONS ADOPTED BY THE ASSEMBLY AND DELEGATES OF THE ASSOCIATION OF AMERICAN PHYSICIANS AND SURGEONS, 16TH ANNUAL MEETING, APRIL 4, 1959, FORT WORTH, TEX.

RESOLUTION ON THANKS

Extending sincere thanks to the retiring Association of American Physicians and Surgeons officers and directors; to the American Medical Association for its assistance given to the 1959 essay contest; and to all those who contributed to the success of the 1959 Fort Worth, Tex., annual meeting.

RESOLUTION ON ESSAY CONTEST

Whereas the essay contest for high school students, through 13 consecutive years of sponsorship, has demonstrated its value as an educational program for informing high school students on the advantages of the system of private practice of medicine and the system of American free enterprise; and

Whereas the task of informing students must be sustained from year to year because each year a new group of students is brought into the high schools: Therefore, be it

*Resolved*, That the assembly and house of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959 recommend and request the Association of American Physicians and Surgeons' Freedom Programs, Inc., to sponsor a 1960 essay contest (14th annual); that the 1960 conditions, rules, and regulations be the same as those used in the 1959 contest; that the topics be: "The Advantages of Private Medical Care" and "The Advantages of the American Free Enterprise System" or such other titles as may be selected by the essay contest committee, and that students may be granted a choice of the two subjects on which to write; that the president of the Freedom Programs, Inc., appoint a special committee to manage the contest and that the Association of American Physicians and Surgeons' Freedom Programs, Inc., spend a sum not to exceed $2,675 in cash prizes to be awarded on the following basis: 1st prize, $1,000; 2d prize, $500; 3d prize, $250; 4th

through 7th prizes, $100 each, and 8th through 14th prizes, $75 each; be it further

*Resolved*, That the entire conduct of the contest including the personnel of the essay contest committee, shall be subject to the approval of the directors and delegates of the Association of American Physicians and Surgeons, Inc.

RESOLUTION ON FEDERAL AID TO EDUCATION

Whereas various bills (S. 2, H.R. 22, H.R. 965, and others) have been introduced in Congress to provide Federal aid to education at public school and college levels; and

Whereas Federal subsidy of schools and colleges inevitably would lead to Federal control of education; and

Whereas the control of education is a right reserved to the States by the Constitution (10th amendment); and

Whereas the Federal Government, now approximately $288 billion in debt, cannot afford the expenditure even if it were justified: Therefore be it

*Resolved*, That the assembly and house of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959, oppose any type of Federal aid to education.

RESOLUTION ON THE KEOGH-SIMPSON BILLS (H.R. 9 AND 10)

Whereas the Keogh-Simpson bills (H.R. 9 and 10), now pending in Congress, would tend to equalize tax privileges through permitting the self-employed to treat as tax free up to $50,000 of income during a lifetime for self-pensioning; and

Whereas the proposed legislation would correct a tax inequity suffered by millions of self-employed American taxpayers: Therefore, be it

*Resolved*, That the assembly and house of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959, approve and endorse the Keogh-Simpson bills (H.R. 9 and 10) and urge the Congress to enact the legislation.

RESOLUTION ON THE FORAND BILL (H.R. 4700)

Whereas the Forand bill (H.R. 4700) proposes to furnish hospitalization, surgery, and nursing home care for the beneficiaries of social security (about 13 million persons); and

Whereas the Forand bill would constitute the initiation of compulsory national health insurance for one segment of the American public at the expense of working citizens; and

Whereas compulsory health insurance (socialized medicine) historically has led to the deterioration of medical care to the detriment of patients; and

Whereas unlimited financing of the services would increase social security taxes by raising both the ceiling of the taxable income and the tax rate; and

Whereas these increased expenses would further strain an already unbalanced social security financial structure; and

Whereas care of the aged—medical or otherwise—is and should be morally a responsibility of families and localities: Therefore be it

*Resolved*, That the assembly and house of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959, oppose H.R. 4700 and urge the Members of the Senate and House to vote against its enactment.

RESOLUTION ON THE MURRAY-DINGELL SOCIALIZED MEDICINE BILLS (S. 1056 AND H.R. 4498)

Whereas the Murray-Dingell bills (S. 1056 and H.R. 4498) propose a system of national compulsory health insurance socialized medicine; and

Whereas there is indisputable evidence that similar schemes of socialized medicine (compulsory health insurance) have been a dismal failure in other nations and have led to the deterioration of medical care to the detriment of patients: Therefore be it

*Resolved*, That the assembly and House of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959, oppose the Murray-Dingell bills and urge the Congress and the President of the United States to reject this plan.

RESOLUTION ON HOUSE JOINT RESOLUTION 23

Whereas the Association of American Physicians and Surgeons has repeatedly and consistently supported House Joint Resolution 23 which states in part:

"SECTION 1. The Government of the United States shall not engage in any business, professional, commercial, financial, or industrial enterprise except as specified in the Constitution.

"SEC. 4. Three years after the ratification of this amendment the 16th article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts"; and

Whereas business competition of the Federal Government with private industry is now greater than ever and has resulted in Government ownership and/or control of 40 percent of the land area and 20 percent of the industrial capacity of this Nation; and

Whereas the American Progress Foundation in conjunction with the Organization To Repeal Federal Income Taxes is now launching a nationwide movement at the grassroots for the purpose of obtaining adoption of resolutions by the legislatures of various States demanding that the Congress submit House Joint Resolution 23 to the legislatures for ratification as an amendment to the Constitution of the United States: Therefore be it

*Resolved*, That the assembly and house of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959 does hereby recognize the urgent necessity for adoption of House Joint Resolution 23; and be it further

*Resolved*, That the assembly and house of delegates urge each member of the Association of American Physicians and Surgeons, Inc., to cooperate fully with all efforts to secure adoption of resolutions supporting House Joint Resolution 23 by the several State legislatures; it is further recommended that the members generate and if necessary initiate support for House Joint Resolution 23 in their local communities to the end that many State legislatures will adopt such resolutions during the year 1959; and be it further

*Resolved*, That this resolution be spread upon the minutes of this meeting and that a copy of this resolution be mailed to each member of this association together with appropriate descriptive supporting information.

RESOLUTION DEFINING FREE CHOICE OF PHYSICIAN AND THIRD PARTY PAYOR

Whereas the current controversy about free choice of physician and third party payor demands a clear definition of the terms used; and

Whereas the code of medical practice of the Association of American Physicians and Surgeons, Inc., requires that the association take a position on matters involving these terms: Therefore be it

*Resolved*, That the assembly and house of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959, establishes the following definition for free choice of physician: "Free choice of physicians is the right of the responsible individual to select whatever legally qualified physician he chooses to provide his own medical care and the medical care for those persons for whose medical care and the results thereof, he is legally responsible"; and be it further

*Resolved*, That the association establishes the following definition for third party payor: "The third party payor is an agent who, through his administration of funds belonging to or assignable to the patient, is in position to affect the freedom of the bilateral patient-physician relationship."

RESOLUTION OPPOSING THE RELATIVE VALUE SCALE

Whereas the determination of a physician's fees is an individual matter, to be arrived at by mutual understanding between the physician and his patient; and

Whereas any attempt by any other party, including organized physician-groups, to influence the conduct of the individual patient-physician relationship, in the matter of arriving at a satisfactory charge for service, is unjustified and endangers personal liberty; and

Whereas there has been devised and promulgated, by organized physician-groups, a coding of weights of several medical and surgical procedures, known as the Relative Value Scale; and

Whereas the use of the relative value scale, in conjunction with a conversion factor, to be determined by the organized physician-groups in given geographic or political areas, results in creating a fixed fee schedule, and

Whereas such a scale and its companion, the conversion factor, which are announced by organized physician-groups themselves, serve the interests of unions, insurance companies, and other groups both as a club to promote their insistence on the acceptance of a fixed set of physicians rates, and as a wedge to divide those physicians unwilling to participate from their colleagues; and

Whereas such a scale, with its conversion factor, in the face of organized group and general public pressures against justifiable rate increases, would impose undesirable economic restrictions, which with continuing inflationary trends, would prove to be a financial hardship to physicians from which the only hope for relief would be in the direction of bargaining with representatives of labor, the insurance companies, and others: Therefore, be it

*Resolved*, That the assembly and house of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959, condemn the relative value scale as a dangerous device capable of doing great harm to physicians and the medical profession.

RESOLUTION ON REPORTING THE FINANCIAL CONDITION OF THE ASSOCIATION

Whereas the Association of American Physicians and Surgeons, Inc., has reached the mature age of 16 years; and

Whereas in the early organizational period there were good and substantial reasons for not publicizing the financial status of the organization; and

Whereas in the interest of orderly growth and greater stability it is essential that knowlege of the financial status of the Association of American Physicians and Surgeons, Inc., be not limited to the occupants of the offices of president and treasurer: Therefore be it

*Resolved*, That the assembly and house of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959 have the executive director furnish a monthly statement and also a certified yearly audit of the financial status of the Association of American Physicians and Surgeons, Inc., to all the officers and the board of directors of the Association of American Physicians and Surgeons, Inc.

RESOLUTION ON "FREE CHOICE IS FUNDAMENTAL TO GOOD MEDICAL CARE"

Whereas the question has been asked: "Is the concept of free choice of physician to be considered a fundamental principle incontrovertible, unalterable and essential to good medical care without qualification?": Therefore be it

*Resolved by the assembly and house of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959,* That the free choice of physician is indeed fundamental to good medical care, to be altered or contraverted only in specific instances justified by circumstances which have been demonstrated to the satisfaction of an appropriate committee of the area medical society.

RESOLUTION ON DISAPPROVAL OF PHYSICIAN PARTICIPATION IN SYSTEMS WHICH RETRICT FREE CHOICE

Whereas the question has been asked: "What is the attitude regarding physician participation in those systems of medical care which restrict free choice of physician?"; and

Whereas the alternative to free choice of physician is monopoly; and

Whereas no monopolistic system of medical care can exist without the participation of physicians; and

Whereas the 1957 revised code of ethics of the AMA in section 6 states, that "a physician should not dispose of his services under terms of conditions which tend to interfere with or impair the free and complete exercise of his medical judgment and skill or tend to cause a deterioration of the quality of medical care"; and

Whereas the restriction of free choice of physician does tend to cause deterioration in the quality of medical care: Therefore be it

*Resolved by the assembly and house of delegates of the Association of American Physicians and Surgeons, Inc., in regular session assembled in Fort Worth, Tex., this 4th day of April 1959,* That our attitude regarding physician participation in systems which restrict free choice is one of disapproval.

## REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HUMPHREY, from the Committee on Government Operations, with amendments:

S. 1474. A bill to make permanent the provisions of the Reorganization Act of 1949 (Rept. No. 239).

## STUDIES FOR DEVELOPMENT OF NATIONAL POLICY FOR SURVIVAL IN CONTEST WITH WORLD COMMUNISM

Mr. JACKSON. Mr. President, I have been instructed by the Committee on Government Operations to report an original resolution requesting funds for studies as to the effectiveness of present governmental organization and procedures for the development and execution of national policy for survival in the contest with world communism.

This resolution was ordered reported favorably by a unanimous vote of the Committee on Government Operations.

Many have questioned whether our Government has appropriate machinery for producing and implementing the integral national policy needed to cope with the overall challenge of Soviet power and the cold war. Time and again we substitute last-minute trial and error decisions for orderly planning. In one critical field after another we fail to think ahead. Where problems cut across many fields, we end up with poorly coordinated and often conflicting policies.

There is general agreement that the ability and skill to produce national policies equal to the Sino-Soviet challenge are here. But in large part this talent is not being focused on the burning issues of national policy. Our country contains an invaluable reservoir of talent, now going largely untapped.

Our shortcomings in these respects have long been apparent and cannot be placed at the door of any one administration. Today, however, the life and death contest in which we are engaged no longer permits the luxury of second-rate policy making or policy implementation.

Members of the Government Operations Committee believe that a highly useful purpose can be served by a thorough, objective and nonpartisan review of our present governmental mechanisms for national policy development, coordination, and execution.

At this time, I report the resolution entitled "To authorize studies as to the effectiveness of present governmental organization and procedures for the development and execution of national policy for survival in the contest with world communism."

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 115) to authorize studies as to the effectiveness of present governmental organization and procedures for the development and execution of national policy for survival in the contest with world communism, reported by Mr. JACKSON from the Committee on Government Operations, was referred to the Committee on Rules and Administration, as follows:

*Resolved,* That in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized, from the date of approval of this resolution through January 31, 1960, to make studies as to the efficiency and economy of operations of all branches of the Government with particular reference to—

(1) the effectiveness of the present organizational structures and operational methods of agencies and instrumentalities of the Federal Government at all levels in the formulation, coordination, and execution of an integrated national policy for the solution of the problems of survival with which the free world is confronted in the contest with world communism;

(2) the capacity of such structures and methods to utilize with maximum effectiveness the skills, talents, and resources of the Nation in the solution of those problems; and

(3) development of whatever legislative and other proposals or means may be required whereby such structures and methods can be reorganized or otherwise improved to be more effective in formulating, coordinating and executing an integrated national policy, and to make more effective use of the sustained, creative thinking of our ablest citizens for the solution of the full range of problems facing the free world in the contest with world communism.

SEC. 2. For the purposes of this resolution the committee, from date of approval of this resolution to January 31, 1960, inclusive is authorized—

(1) to make such expenditures as it deems advisable;

(2) to employ upon a temporary basis and fix the compensation of technical, clerical, and other assistants and consultants: *Provided,* That the minority of the committee is authorized at its discretion to select one such person for appointment, and the person so selected shall be appointed and shall receive compensation at an annual gross rate not less by more than $1,200 than the highest gross rate paid to any other employee; and

(3) with the prior consent of the head of the department or agency concerned, and the Committee on Rules and Administration, to utilize on a reimbursable basis the services, information, facilities, and personnel of any department or agency of the Government.

SEC. 3. Expenses of the committee under this resolution, which shall not exceed $60,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

## REPORT ENTITLED "THE SMALL INDEPENDENT FIRM'S ROLE IN THE FOREST PRODUCTS INDUSTRY" (S. REPT. NO. 240)

Mr. SPARKMAN, from the Select Committee on Small Business, submitted a report entitled "The Small Independent Firm's Role in the Forest Products Industry," which was ordered to be printed.

## BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. SMATHERS:

S. 1850. A bill for the relief of Roger Robert Baudry; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. CAPEHART, Mr. MUNDT, Mr. GRUENING, Mr. MUSKIE, Mr. YARBOROUGH, and Mr. KEATING):

S. 1851. A bill for the establishment of a Commission on a Department of Science and Technology; to the Committee on Government Operations.

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

By Mr. BEALL:

S. 1852. A bill for the relief of Alcide Arconti; to the Committee on the Judiciary.

S. 1853. A bill to permit unmarried annuitants under the Civil Service Retirement Act of May 29, 1930, as amended, to elect survivorship annuities upon subsequent marriage; to the Committee on Post Office and Civil Service.

S. 1854. A bill to amend the act of October 24, 1951, to provide that the police of the National Zoological Park shall receive salaries at the same rates as officers and members of the Metropolitan Police force of the District of Columbia; to the Committee on Rules and Administration.

By Mr. GRUENING (for himself and Mr. BARTLETT):

S. 1855. A bill to amend the Mineral Leasing Act of 1920 in order to increase certain acreage limitations with respect to the State of Alaska; to the Committee on Interior and Insular Affairs.

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

By Mr. MORSE:

S. 1856. A bill for the relief of Frank Podany; to the Committee on the Judiciary.

By Mr. ENGLE (for himself and Mr. KUCHEL):

S. 1857. A bill to promote the foreign trade of the United States in grapes and plums, to protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARTKE:

S. 1858. A bill to revise, extend, and otherwise improve the Communications Act of 1934 (47 U.S.C. 315) to bring into focus and more proper perspective that section of the law governing political broadcasts; to the Committee on Interstate and Foreign Commerce.

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

By Mr. FULBRIGHT (by request):

S. 1859. A bill to promote the foreign policy of the United States by amending the U.S. Information and Educational Exchange Act of 1948 (Public Law 402, 80th Cong.); to the Committee on Foreign Relations.

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

By Mr. BRIDGES (for himself and Mr. COTTON):

S. 1860. A bill to provide for the settlement of certain claims resulting from jet flight activities at Pease Air Force Base, N.H.; to the Committee on the Judiciary.

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

By Mr. KEFAUVER:

S. 1861. A bill to permit the filing of short estate tax returns in certain cases where the value of the gross estate does not exceed $120,000; to the Committee on Finance.

S. 1862. A bill for the relief of Harve M. Duggins;

S. 1863. A bill for the relief of Chau Yau Pik; and

S. 1864. A bill for the relief of Auva Constance Lewis; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 1865. A bill for the relief of Man-Yeh Chow; and

S. 1866. A bill for the relief of Caterina Parmiggiani; to the Committee on the Judiciary.

S. 1867. A bill to provide for the representation of indigents in judicial proceedings in the District of Columbia; to the Committee on the District of Columbia.

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

By Mr. BIBLE (by request):

S. 1868. A bill to provide for the regulation of credit life insurance and credit accident and health insurance in the District of Columbia;

S. 1869. A bill to amend the District of Columbia Teachers' Salary Act of 1955, as amended; and

S. 1870. A bill to provide for examination, licensing, registration, and for regulation of professional and practical nurses, and for nursing education in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MANSFIELD (for himself, Mr. AIKEN, Mr. ANDERSON, Mr. BYRD of West Virginia, Mr. COOPER, Mr. HART, Mr. KUCHEL, Mr. MURRAY, Mr. RANDOLPH, and Mr. STENNIS):

S.J. Res. 95. Joint resolution to provide for the acceleration of the various reforestation programs of the Department of Agriculture and the Department of the Interior, and for other purposes; to the Committee on Agriculture and Forestry, and Interior and Insular Affairs, jointly.

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

## RESOLUTION

Mr. JACKSON, from the Committee on Government Operations, reported an original resolution (S. Res. 115) to authorize studies as to the effectiveness of present governmental organization and procedures for the development and execution of national policy for survival in the contest with world communism, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. JACKSON, where it appears under the heading "Reports of Committees.")

## COMMISSION ON A DEPARTMENT OF SCIENCE AND TECHNOLOGY

Mr. HUMPHREY. Mr. President, on behalf of myself, and Senators CAPEHART, MUNDT, GRUENING, MUSKIE, and YARBOROUGH, I submit for appropriate reference a bill providing for the establishment of a Commission on a Department of Science and Technology.

This bill has been drafted under my direction by the staff of the Committee on Government Operations to conform to recommendations made to the Subcommittee on Reorganization and International Organizations at its recent hearings on the bill, S. 676, to create a Department of Science and Technology and to transfer certain agencies and functions to such department. The president and the vice president of the Engineers Joint Council and the executive secretary of the American Chemical Society recommended to the committee that there was an urgent need for the appointment of a commission patterned along the lines of the Hoover Commissions to conduct a study as to whether or not a Department of Science should be created, and, if such a department was found to be desirable, that the proposed commission should recommend to the President and to the Congress which function now being performed by other departments and agencies of the Government should be transferred to such department.

It was suggested that the commission should be composed of eminent authorities in the field of science and who are recognized leaders of the scientific community, representatives of the Federal Government agencies which were engaged in basic civilian science activities, and of members of the legislative branch of the Government.

Practically every witness who testified during the first 2 days of hearings on S. 676 were in agreement that, in order to insure the establishment of a workable and acceptable program for the proper coordination of Federal science activities, drastic reorganizations in existing Federal agencies dealing with science, technology, or engineering would be required. Some of the witnesses supported the objectives of S. 676, and others expressed opposition to the creation of a Department of Science and Technology, primarily because there was general disagreement as to what agencies of the Federal Government should be incorporated in the proposed new Department or in any agency that may be established for the centralization of such activities.

In testifying before the subcommittee, in opposition to S. 676 as drafted by the staff of the Committee on Government Operations, the Secretary of Commerce, Lewis L. Strauss, in reply to a question which I directed to him as to his views on the proposal to create "an impartial commission along the lines of the Hoover Commission formula," stated:

> I think it would be an excellent idea * * * I would say that such a survey * * * would be a very salutary thing.

In supporting the bill, Dr. Wallace Brode, chairman of the board and past president of the American Association for the Advancement of Science, and now the Science Advisor to the Secretary of State, stated that—

> Two major decisions are required, one as to whether a Department of Science should be formed, and, second, as to the composition of such a Department. A commission of governmental and nongovernmental experts in science and nonscience areas, similar to a "Hoover Commission" type, might consider these problems, and especially the second phase; if a Department of Science is inevitable, just what activities of the Government should be included.

The bill I am introducing at this time would establish such a commission. Its authority would provide that the Commission would conduct two basic studies, first, the desirability of establishing a Department of Science and Technology; and, second, what functions should be transferred to such Department if established, and to submit its report and recommendations to the President and the Congress not later than May 31, 1960.

In drafting the bill the subcommittee gave consideration to extending the authority of the proposed Commission to include specific requirements, in the declaration of policy and in the section dealing with the duties of the Commission, that the Commission should also study and report on problems relating to (a) the need for strengthening American science and technology as one of our essential resources for national security and welfare; (b) the promotion of better centralization and coordination of Federal science programs and operations through necessary and desirable reorganizations of existing departments and agencies which relate directly to Federal science and research; and (c) to formulate effective policies for training, recruiting, and utilization of scientific and engineering manpower.

There are other areas of great importance to the Federal science program, such as meteorology, oceanography, and so forth, which are not specifically outlined in the bill. For instance, oceanography certainly should come within the purview of the studies to be conducted by the Commission if a complete review is to be made of all Federal science activities. The importance of this program is set forth in the subcommittee's report to the Senate—Senate Report 120, 86th Congress, pages 51–57—which includes the text of a report submitted by the Subcommittee on Oceanography of the National Academy of Sciences—National Research Council. Also Dr. L. B. Berkner, president, Associated Universities, Inc., in recommending the creation of a Department of Science, proposed specifically that a division or bureau of oceanography should be incorporated within such department.

While these directives are not specifically spelled out in the bill as introduced, it is the view of the subcommittee that studies would be made into these areas of Federal science activities since this type of information would be essential to members of the Commission before a report and recommendations could be made to the President and the Congress.

Section 3, relating to the membership of the Commission, deviates from the composition of the Hoover Commissions in that it would provide for the appointment of 16 members—8 by the President and 4 each by the Senate and House of Representatives—whereas the Hoover Commission consisted of 12 members—4 by the President and 4 each by the Senate and House of Representatives.

The objectives in recommending the increased number of members to be appointed by the President is, primarily, first, to give recognition to the desirability of having the President initiate any program calling for the creation of a Department of Science and Technology; and second, to permit the President to designate at least four members from the executive branch who are responsible for the operations of major Federal science programs—for instance, the Special Assistant to the President and head of the Council on Science and Technology, and the heads of Atomic Energy Commission, the National Aeronautics and Space Administration, and the National Science Foundation, may wish to be represented—and to permit him to appoint four members who are outstanding in the scientific community, in addition to four eminent scientists who would be appointed by the legislative branch. This authority for appointment of not less than 16 members, 8 of whom would represent the scientific community, would permit a wider selection of qualified representatives of the sciences involved. It is the view of the subcommittee that, before any Department of Science is created, the scientists themselves should actively participate in the development of any program that may be recommended by the proposed Commission.

In addition to granting authority to the Commission to employ such technical personnel as may be required—section 7—the bill would authorize the Commission to establish a Science Advisory Panel of not less than 100 competent and experienced members of the scientific community of the United States to serve on request as scientific consultants to the Commission or to individual members.

Mr. President, further hearings on S. 676 will be necessary in order that the subcommittee may have the benefit of the views of several witnesses who could not be heard on April 16 and 17, when the first hearings were held. These hearings will be resumed May 25, and witnesses invited to testify at that time will also be requested to give the subcommittee their views and recommendations on the bill I am introducing today.

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

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. KEATING. Mr. President, I should like to ask unanimous consent that my name be added to the list of sponsors of the bill.

Mr. HUMPHREY. I am very pleased and honored to have the Senator from New York add his name as a cosponsor of the bill.

Mr. KEATING. The bill gives promise of some constructive and important work in this field, and I should like to be associated with it.

The PRESIDING OFFICER (Mr. McNAMARA in the chair). Is there objection? The Chair hears none, and the name of the Senator from New York may be added as a cosponsor.

The bill will be received and appropriately referred.

The bill (S. 1851) for the establishment of a Commission on a Department of Science and Technology, introduced by Mr. HUMPHREY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

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## AMENDMENT OF MINERAL LEASING ACT OF 1920, RELATING TO INCREASED ACREAGE LIMITATIONS IN ALASKA

Mr. GRUENING. Mr. President, on behalf of my colleague, the senior Senator from Alaska [Mr. BARTLETT] and myself, I introduce for appropriate reference a bill to increase the limitation on the amount of public lands which any one individual, company or association may hold under oil and gas leases or options in the State of Alaska.

Because both its immediate and long-range effects will be highly beneficial to the new 49th State, this proposed legislation has the complete and hearty support of the Acting Governor of Alaska, Hugh T. Wade, as well as of the natural resources department and other State officials who see in it an opportunity to help meet the problems of statehood.

It also has the full support of the entire Alaska delegation in Congress.

It is in full accord with the land leasing policies and procedures recently laid down by the first Alaska State Legislature.

Mr. President, we have the bare beginnings of an oil producing industry in Alaska—but only the bare beginnings. Petroleum deposits of considerable magnitude may lie deep beneath the 270 million acres of open Federal public lands within the State's boundaries. But how big that oil domain really is—if, indeed, it actually exists in any significant amount—is not yet actually known and cannot be known until many hundreds of holes have been drilled at great cost in areas where no extensive exploration has yet taken place. Before Alaska's oil potential can be fully proved—or disproved, as the case may very well be—the men who prospect for oil must be ready and able to risk great quantities of money, time, scientific know-how, and hard work. They also must have access to adequate amounts of land on which to operate before they dare undertake the risks involved.

The bill sponsored by my distinguished colleague and by me, and in the other body by Representative RALPH J. RIVERS, will make available the one remaining ingredient needed to insure an all-out exploratory effort in Alaska. At the same time, it will greatly increase revenue accruing to the State of Alaska—at no additional cost to the Federal Government.

The Mineral Leasing Act now permits any individual, corporation, or association to hold 100,000 acres of public land under lease in Alaska and an additional 200,000 acres under option. This bill sets the permissible holding at 1 million acres, including both lease and option acreage. It applies only to public lands in Alaska and makes no other change in the Mineral Leasing Act.

When one realizes how large an area is involved, 1 million acres is not a large amount. Consider these facts:

First. The 270 million acres of available "open" public lands in Alaska constitute more than 60 percent of all such available lands in all of the United States.

Second. Alaska's public lands total about twice as much leasable acreage as is available in the great eight Western States, Arizona, California, Colorado, Montana, Nevada, New Mexico, Utah, and Wyoming.

Third. Oil and gas properties in these eight States can, under present law, control a total of 246,080 acres of public land in each State—or an aggregate of almost 2 million acres. Those operating in Alaska, which has twice the leasable acreage, may control only about one-seventh of that figure. The bill which we are proposing would raise that latter figure only to about one-half.

Fourth. Furthermore, because Alaska has virtually no acquired lands, actually it is possible to hold much more total acreage in many of the smaller States than in Alaska. The Acquired Lands Act having the same acreage limitations as the Mineral Leasing Act, it is now permissible to hold a total of 492,160 acres in States with acquired lands, whereas the practical limitation in Alaska is 300,000 acres.

This bill deals only with Federal lands, but by making these greater holdings possible, it will provide a source of considerable new revenue to the State at no

expense to the Federal Government. This is because, as Senators well know, the States receive 90 percent of the revenue from rentals and royalties on public lands.

Volume leasing of oil and gas lands is a large item in the State's budget of prospective income. If the Federal acreage now under lease in Alaska—about 20 million acres—could be doubled, it would increase the State's revenue from this source by about $9 million annually.

But, Mr. President, Alaska cannot attract additional leaseholders unless it has land available for them. Many firms, large and small, which are willing to send large amounts of venture capital to the Alaska frontier find themselves restricted by the present unrealistic limitation upon the amount of permissible acreage. As potentially promising new areas are suggested by geophysical findings and other exploratory work, these companies find themselves foreclosed from entering new fields because they are already fully subscribed as to leases.

This raises another vital point. Alaska, if its oil potential is to be developed, must be able to compete immediately for venture and risk capital with other areas in the Western Hemisphere which are anxious to develop a petroleum industry. In Canada, Central America, and some parts of South America, the oil explorer who is willing to take a chance is granted concessions of from 500,000 to 4 million acres for no consideration other than the promise to spend his money in the search for oil.

Mr. President, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD, immediately following my remarks, a letter from Alaska's able Commissioner of the newly created Department of Natural Resources, approving the provisions of this bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 1855) to amend the Mineral Leasing Act of 1920 in order to increase certain acreage limitations with respect to the State of Alaska, introduced by Mr. GRUENING (for himself and Mr. BARTLETT), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. GRUENING is as follows:

TERRITORY OF ALASKA,
DEPARTMENT OF MINES,
*Juneau, Alaska, April 20, 1959.*

Hon. ERNEST GRUENING,
*U.S. Senate,*
*Washington, D.C.*

DEAR ERNEST: In response to your telegram addressed to the Governor's office and received today, we are forwarding a copy of what will be our new Land Act (2d CS for Senate bill 77) which has been corrected to show last-minute floor amendments.

As mentioned in our letter of April 15, 1959, we see no conflict between the provisions in the Alaska Land Act and the proposed legislation which would increase total holdings by lease and option on Federal public domain lands in Alaska to 1 million acres.

Kindest personal regards.

Sincerely,

PHIL R. HOLDSWORTH,
*Commissioner, Department of Natural Resources.*

## FAIR POLITICAL BROADCASTING ACT OF 1959

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, what I hope will be referred to as the Fair Political Broadcasting Code. Certainly this legislation is not new to the Congress. The present law which relates to political broadcasts dates to 1927. Over the years bills have been introduced to amend that law, but it is largely unchanged. The very able and distinguished senior Senator from Washington [Mr. MAGNUSON] in his capacity as chairman of the Senate Interstate and Foreign Commerce Committee has been a leader in the many attempts to clarify and bring into focus those laws dealing with the broadcasting industry. He has not labored alone in this field. The senior Senator from Missouri [Mr. HENNINGS] as chairman of the Senate Rules Subcommittee dealing with fair election laws, has long advocated the improvement in the Communications Act that this bill would affect.

So, it is not with any pride of authorship that I join with my colleagues in introducing this measure. But having recently emerged from a strenuous campaign for the U.S. Senate, I am acutely aware of the shortcomings of the present law. Mr. President, I feel most strongly about the need for change.

Radio and television have played, and will continue to play, an ever increasing role in the conduct of election campaigns. Meanwhile, rulings have been made by that branch of the Federal Government, whose duty it is to regulate the broadcasting field, that have placed a tremendous burden not only on the industry but on many candidates for public office. Because of interpretations of the existing law, many broadcasters refuse to take any part in a political campaign. Who suffers? The American public suffers, Mr. President. It suffers in its right to know.

The basic intent of section 315 of the Communications Act of 1934 is to insure that a broadcasting station use its time equally among equally qualified candidates. That little three letter word "use" has become a giant. It means use of a broadcasting station by a candidate for his benefit. All sorts of interpretations have been given it. However, I hold with the position of former Senator Fess who noted during Senate debate on the original Radio Act of 1927 that the word "use" might be interpreted to include all appearances by a candidate, and stated to one of the original sponsors of the equal-opportunity amendment:

> I am sure the Senator (Dill) does not intend to write this meaning into the amendment.

Senator Dill indicated that to do so would be unwise. He felt, as do I, that it was preferable to "allow the Commission to make rules and regulations governing such questions rather than to attempt to go into the matter in the bill." Because of the rulings that have been made, Mr. President, and because of the gross distance we have come from the original intent of Congress, this bill attempts to preserve the American people's right to know and be fully informed by eliminating news broadcasts, panel discussions, and similar programs from unreasonable shackles.

Adequate safeguards are written both in section 315 and other sections of the Communications Act to preclude unfairness by licensees. They certainly will not risk forfeit of license to broadcast. If one does discriminate against or in any way advance the cause of any candidate and does not give the legally qualified opposition fair and equal coverage, then he would be responsible for violation of the act and subject to a loss of his license.

The present law does not allow any broadcaster to in any way censor the material to be broadcast by a legally qualified candidate. My amendment seeks to clarify and make part of the law the opinions of many courts that the broadcaster is not to be held responsible in any courts for remarks made by the candidates using the facilities.

The third major point of my amendment, Mr. President, would clarify who is a legally qualified candidate for the Presidential and Vice Presidential offices and thus eligible for equal public service time. A careful review of the wording will clearly show that it does not exclude any minority party candidate. Indeed, the provisions are liberal enough to allow any bona fide candidate to take advantage of the section. However, there is no doubt that many "nuisance" candidates such as we have seen in the past will be eliminated or assume the burden of some serious work to qualify to participate on the level with hard-working and sincere candidates.

That then, Mr. President, is the extent of my proposed amendment. I realize that it may not be a perfect bill. But I also feel that in light of the evidence established by many congressional hearings, decisions of the courts, and rulings made by the Federal Communications Commission, it is a workable bill and designed to promote the best interests of our freedom of expression and right-to-know heritage. It was designed, in the words of that great American President, Abraham Lincoln, "with malice toward none and charity and justice for all."

Mr. President, I ask unanimous consent that the bill lie on the table until the close of business on Friday next in order to give Senators an opportunity to cosponsor it, if they so desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I also ask unanimous consent that the bill may be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1858) to revise, extend, and otherwise improve the Communications Act of 1934 (47 U.S.C. 315) to bring into focus and more proper perspective that section of the law governing political broadcasts, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Interstate

and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Fair Political Broadcasting Act of 1959."

SEC. 2. The Congress finds (1) radio and television as a means of mass communication have played, and will continue to play, an ever-increasing role in the conduct of election campaigns; (2) the basic purpose of section 315 of the Communications Act of 1934 is to insure that a broadcasting licensee, which allows its facilities to be used by a legally qualified candidate, affords fair and equal opportunities to all opposing legally qualified candidates; (3) the great variety of factors which are relevant in deciding what constitutes "fair and equal" opportunity have afforded constant frustration and pitfalls to legally qualified candidates for public office and the broadcast industry; and (4) recent rulings by the Federal Communications Commission concerning the interpretation of section 315 as it now stands have tended to be inconsistent with the original intent of the Congress and thus with the objectives of public service and public enlightment. Therefore, it is the purpose of the Congress to extend, revise, and improve the Communications Act of 1934 to bring into focus that section of the law governing political broadcasts.

SEC. 3. Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended to read as follows:

"SEC. 315. (a) If any licensee shall permit any person who is a legally qualified and nominated candidate for the office of President or Vice President of the United States to use a broadcasting station, he shall afford fair and equal opportunity in the use of such broadcasting station to every other such candidate for such office—

"(1) who is the nominee of a political party whose candidate for that office in the preceding presidential election was supported by not fewer than 4 percentum of the total popular votes cast; or

"(2) whose candidacy is supported by petitions filed under the laws of the several States which in the aggregate bear a number of signatures equal to at least 1 per centum of the total popular votes cast in the preceding presidential election and which signatures are valid under the laws of the States in which they are filed.

"(b) If any licensee shall permit any person who is a legally qualified or substantial candidate for nomination by a political party for the office of President or Vice President of the United States to use a broadcasting station, such licensee shall afford fair and equal opportunity in the use of such broadcasting station to every other such candidate for nomination to such office by such party.

"For the purposes of subsection (b) of this Section 315, a candidate for Presidential or Vice Presidential nomination who is otherwise legally qualified shall be presumed to be substantial if:

"(i) he is the incumbent of any elective Federal or statewide elective office of any State; or

"(ii) he has been nominated for President or Vice President at any prior convention or caucus of his party; or

"(iii) his candidacy is supported by petitions filed under the laws of the several States which, in the aggregate, bear a number of signatures, valid under the laws of the States in which they are filed, equal to at least—

"(a) one per centum of the total popular vote cast in the preceding Presidential election for the candidate of such party, or

"(b) 200,000, whichever is smaller.

"(c) If any licensee shall permit any person who is a legally qualified candidate for any other public office to use a broadcasting station, he shall afford fair and equal opportunities to all other such candidates for that office in the use of such broadcasting station.

"(d) No licensee shall have any power of censorship over the material broadcast under the provisions of this section. No action, either civil or criminal, shall be maintained by any person in any court against any licensee or agent or employee of any licensee, because of any defamatory or libelous statement made by a legally qualified candidate for public office in a broadcast made under the provisions of this section, unless such licensee, agent or employee participated in such broadcast willfully, knowingly, and with intent to defame.

"(e) Appearance by a legally qualified candidate on any regularly scheduled or bona fide newscast, news documentary, panel discussion, debate, or similar type program where the format and production of the program are under exclusive control of the broadcasting station, or by the network in case of a network program, as to content, presentation, length, time, and all other details, and determined in good faith in the exercise of the broadcaster's judgment to be a newsworthy event and in no way designed to advance the cause of or discriminate against any candidate shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(f) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.

"(g) The Commission shall—

"(1) prescribe appropriate rules and regulations to carry out the provisions of this section, and

"(2) determine, and upon the request of any licensee notify such licensee concerning, the eligibility of each candidate for the office of President or Vice President of the United States to receive equal opportunity under subsections (a) and (b) of this section in the use of any broadcasting station.

"(h) No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."

SEC. 4. The amendment made by this Act shall be effective as of January 1, 1960.

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## PROMOTION OF FOREIGN POLICY BY AMENDING THE U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Information and Educational Exchange Act of 1948—Public Law 402, 80th Congress. This bill was submitted to the Vice President by letter on April 24, 1959.

The proposed legislation has been requested by the Secretary of Defense and concurred in by the Director of the U.S. Information Agency. I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed at this point in the RECORD, together with a sectional analysis of the bill, the letter from the Secretary of State to the Vice President, and the letter from the Director of the U.S. Information Agency to the Vice President.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, sectional analysis, and letters will be printed in the RECORD.

The bill (S. 1859) to promote the foreign policy of the United States by amending the U.S. Information and Educational Exchange Act of 1948 (Public Law 402, 80th Cong.), introduced by Mr. FULBRIGHT (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 201(a) of the United States Information and Educational Exchange Act of 1948 is amended by striking out the second sentence and substituting therefor the following: "The Secretary may provide for orientation courses and other appropriate services and materials in the case of persons coming to the United States from other countries and for persons going to other countries from the United States."

(b) Section 201 of such Act is further amended by adding a new paragraph as follows:

"(c) The Secretary may provide for (1) the attendance of nationals of a cooperating country at selected institutions or places of study in any cooperating country for the purpose of study of subjects pertaining to the United States, (2) the support of seminars in American studies or American educational techniques and (3) the support of chairs in American studies to be held by American or American-trained professors: *Provided,* That this paragraph shall not authorize the Secretary to provide for the attendance of any foreign national at any institution in any country dominated or controlled by international communism."

SEC. 2. Section 602(a) of such Act is amended (1) by inserting before the period at the end thereof a colon and the following: "*Provided,* That no office under a State university, land-grant college, or other similar educational institution shall be deemed to be a compensated Federal or State office for the purposes of this subsection"; and (2) by adding the following new sentence: "After December 31, 1959, the Commission on Information shall consist of seven members, not more than four of whom shall be from any one political party; and the appointments of the two additional members initially shall be for terms ending in January 1963 but thereafter shall be for 3-year terms."

SEC. 3. Section 603 of such Act is amended by striking out the words "a semiannual" and substitute the words "an annual" therefor.

SEC. 4. Title VI of such Act is amended by adding at the end thereof a new section as follows:

"USE OF BINATIONAL COMMISSIONS

"SEC. 604. The Secretary is authorized, wherever practicable, to utilize in the administration of exchange programs under this Act the services of any binational commission or foundation established under authority of any other law providing for similar exchange programs."

SEC. 5. Section 801(6) of such Act is amended (1) by striking out the period at the end of the first sentence and inserting in lieu thereof a semicolon, and by adding the following: "and from time to time to hold meetings of representatives of United States cultural and educational institutions and other organizations interested in programs under this Act for the purpose of making reports on, and obtaining comments and suggestions with respect to, such pro-

grams. Such persons will not be considered as persons 'employed or assigned to duties by the Government' within the meaning of the Act"; and (2) by striking from the last sentence the words "and not to exceed $10 per diem in lieu of subsistence and other expenses" and substituting therefor the following: "and per diem in lieu of subsistence and other expenses at the rate prescribed by or established pursuant to section 5 of the Administrative Expense Act of 1946, as amended (5 U.S.C. 73b-2),".

SEC. 6. Section 802 of such Act is amended by striking "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon, and by adding after paragraph (4) the following new paragraph:

"(5) to pay emergency medical expenses and expenses of travel incurred by reason of illness for participants in activities authorized by this Act and to pay for accompanying medical attendants in such cases."

SEC. 7. The first sentence of section 902 is amended by inserting after the words "other government" the words "or any international organization of which the United States is a member."

SEC. 8. Section 1008 of such Act is amended by inserting before the period at the end thereof a comma and the following: "except that the report concerning activities under the educational exchange programs authorized by this Act shall be submitted annually on or before the thirty-first day of December of each year to apply to activities conducted during the previous fiscal year."

SEC. 9. The Act is further amended by adding the following new section at the end thereof:

"UNITED STATES INFORMATION SERVICE

"SEC. 1012. The Agency established by section 1 of Reorganization Plan Numbered 8 of 1953 shall hereafter be known as the 'United States Information Service' and all references in such reorganization plan or in any statute, regulations, agreement, or other legal instrument to the 'United States Information Agency' shall be construed to refer to the 'United States Information Service'. Nothing in this section shall be construed to alter or affect in any way the functions, authorities, or responsibilities of the Agency."

The sectional analysis and letters presented by Mr. FULBRIGHT are as follows:

SECTIONAL ANALYSIS

At the outset, it would be noted that the various proposed provisions granting new authority which will require the expenditure of funds are all permissive in nature. No additional funds are to be requested for the implementation of the new provisions during fiscal year 1960, but certain changes will be made in programing to permit the use of some funds for the new activities. The estimated costs of each amendment, based on the planned program for 1960, are indicated at the end of the sectional analysis.

SECTION 1 (A)

Section 1(a) amends the second sentence of section 201 of the U.S. Information and Educational Exchange Act of 1948, as amended, by inserting the words "and materials" and deleting the words "upon their arrival in the United States."

The first change makes it clear that appropriate materials, as well as services, may be furnished for those receiving grants as participants in the program. These materials would include those necessary for initial orientation and others as required to produce maximum results from the exchange experience. For example, a trade journal or magazine in the field of the major interest of the grantee adds to the success of the exchange experience and serves to keep the experience fresh in the mind of the exchangee after his return home.

The second change permits orientation both in the United States and abroad. The Department considers it essential that grantees be properly prepared for their grant experience. Predeparture orientation provides an opportunity for new grantees to meet with and benefit from the experiences of former grantees. Bicultural briefings by Embassy officers facilitate rapid adjustment of grantees to the new environment.

SECTION 1 (B)

Item (1) of section 1(b) will permit the Secretary to arrange for the attendance of nationals of cooperating countries at institutions of learning or places of study in any cooperating country for the purpose of studying subjects pertaining to the United States. This would provide specifically for the sending of foreign nationals to such fine American schools as the American University of Beirut or Robert College, as well as to other selected institutions where special courses in American subjects are available. To a large extent this is now permissible under the Fulbright Act and the Department feels it should also be authorized under the Smith-Mundt Act.

Items (2) and (3) would provide the basis for such projects as the supporting of chairs in American studies in educational institutions abroad utilizing American and American-trained professors, and the arranging for special seminars abroad. It would authorize the bringing together of groups of American professors, lecturers and researchers, already abroad under this program or the Fulbright program, for the purpose of presenting an intensive course in various phases of American subjects. These activities may now be financed with foreign currencies derived from the sale of surplus agricultural commodities under section 104(o) of the Agricultural Trade Development and Assistance Act of 1954, as amended. This would permit the use of appropriated dollars for the same type of activities in countries where foreign currencies are not available to the United States for this purpose.

These special seminars and conferences would be attended by foreign nationals who had been exchange visitors under the program, as well as some foreign nationals who had not had such an experience. For the former, this would be a refresher or follow-up session where they could renew and reinforce the attitudes developed during their stay in this country and thus become even more effective as advocates, among their people, for the things learned through their experiences in the United States. For those attending such sessions who have not, and in many instances cannot, become exchangees, it will give them an insight into American subjects and American educational techniques. For example, a group of foreign high school teachers of American history or English could attend such sessions, even though they might not be able to come to this country under this program. The cost would be small when compared with the cost of bringing them to this country.

Situations arise where an activity of this type would be extremely helpful and most effective. For example, the Department might want to bring together a group of Latin American English teachers in say, Quito, Ecuador, to take an intensive course under American professors in the teaching of English as a foreign language.

The Department might find it desirable to bring together nationals of several Asiatic countries at the University of the Philippines for courses in American literature, American history, etc., either under American professors or under Filipino professors who had received training in the United States.

SECTION 2, ITEM 1

Section 2(1) will permit officers of State universities and land-grant colleges to be considered for appointment to the U.S. Advisory Commissions. It is believed that such persons should be eligible. The inclusion of the provision would improve and simplify the procedures for the selection of persons for the Commission in that it would enlarge the field from which members could be chosen and would make it unnecessary to examine State constitutions and statutes before selections are made from certain educational institutions. The members of these Commissions are appointed by the President and confirmed by the Senate.

This will solve a problem that exists, especially in connection with the membership of the Commission on Educational Exchange.

SECTION 2, ITEM 2

Section 2(2) adds a new sentence to section 602(a) of the act increasing the membership of the United States Advisory Commission on Information from 5 to 7. The increased membership will provide a broader representation of American experience, knowledge, and pursuits on the Commission.

SECTION 3

The change in section 603 of the act would permit the Advisory Commission to report to the Congress annually rather than semiannually as now required. In general, reporting on an annual basis would produce reports that would be more complete and meaningful because the programs are planned and administered in terms of the fiscal year. A period of 1 year is required to complete a single cycle of the educational exchange program. This change would not preclude the submission of interim reports, however, as a given situation might require.

SECTION 4

Section 4 authorizes the Secretary of State to utilize binational commissions, created under the Fulbright Act, in administering the programs authorized in the Smith-Mundt Act. No authority is requested for creation of any new commissions. The use of the existing commissions in countries where programs are conducted under both acts will assure maximum coordination and acceptability of the combined program in the host country, at a minimum of additional expense under this act. The budgets of these commissions are in foreign currencies exclusively under the Fulbright Act and they are subject to the approval of the Secretary of State.

SECTION 5, ITEM 1

Section 5 amends section 801(6) of the act to authorize the calling of meetings to obtain advice and assistance of private and public educational institutions and other similar organizations. This would permit better cooperation between governmental and nongovernmental programs so that the effectiveness of both would be increased, especially in the exchange of persons area. Persons attending such meetings at the invitation of the Government would not require full field investigations of the kind conducted for persons employed or assigned to duty. Such investigations are not considered necessary since the persons attending would serve in advisory capacities only and would not have access to classified material.

There is general authority now under which individuals may be brought in for consultation and advice, but specific authority as a part of this act would be extremely helpful in attracting the type of individuals needed for this program.

SECTION 5, ITEM 2

Section 5 further amends section 801(6) of the act to authorize an increase from $10 to $15 in the per diem rates payable to members of advisory commissions and committees. Such persons serve without compensation. The $15 rate conforms to the general rate now prescribed for consultants and others serving without compensation. The

authority requested would bring these commission and committee members under the general legislation prescribing rates of per diem for experts and consultants serving the Government without compensation.

SECTION 6

Section 6 provides authority for payment of emergency medical expenses for participants in the program. The lack of authority in the Act to pay such expenses in emergency cases has given rise to serious problems.

Under the exchange program, foreign participants are really guests of this Government while in this country and the inability of the Government to meet their emergency hospital and medical expenses, which the individuals often are unable to meet, places them in an embarrassing position. The same is true of American participants abroad. Authority is requested also to pay the expense of travel incurred by reason of illness. In a number of instances, participants in the program have suffered mental or physical disorders that require their return home accompanied by an attendant. The proposed provision would permit payment of travel costs incurred under such circumstances.

SECTION 7

Section 7 of the bill amends section 902 of the act to permit the acceptance of funds from international organizations of which the United States is a member for operation of programs authorized by the act. Authority now exists for the acceptance of such funds from foreign governments. The additional authority is needed to permit this Government to assist in administering some of the fellowship programs of the United Nations. The funds would be accepted and used for only those specific projects for which they are made available by such organizations.

For example, under the United Nations fellowship program, a grantee from India seeks training of the type given in the Bureau of Standards. United Nations has the funds to pay for such training, but authority is needed to accept and use the funds.

This would grant such authority and would permit handling the project in the same way it would be handled had the request for training come directly from the Government of India.

SECTION 8

The change proposed in section 1008 would permit the Secretary of State to report to the Congress on the educational exchange program annually. He is now required to report semiannually. Since a year is required to meet a complete cycle of the exchange program, reports presented on this basis would be more complete and more meaningful.

SECTION 9

The proposed new section changes the name of the U.S. Information Agency to the U.S. Information Service. The reason for this proposal is that the overseas information offices and personnel of the United States have functioned for a number of years under the name of the "U.S. Information Service." After establishment of the U.S. Information Agency under that name by Reorganization Plan No. 8 of 1953, it was decided to preserve the title "U.S. Information Service" for all overseas operations of the Agency, because that name (USIS) had become so well known in foreign countries. Unfortunately, the existence of two names for the Agency has caused considerable confusion. It is not clear to many whether there is one agency or two, or what the relationship is between USIS and USIA. To eliminate this confusion and cumbersomeness, it is considered important to bring the domestic name of the organization into conformity with the name by which it is already so well known overseas—the "U.S. Information Service"—so that operations may be carried on under a single name both domestically and abroad.

ESTIMATED ANNUAL COST OF PROPOSED AMENDMENTS

Section 1(a): No additional cost.
Section 1(b), item 1: Estimated cost, $53,000.
Section 1(b), items 2 and 3: Estimated cost, $107,000.
Section 2, item 1: No additional cost.
Section 2, item 2: Estimated cost, $1,000.
Section 3: A small savings would result.
Section 4: Estimated cost, $4,000.
Section 5, Item 1: Estimated cost, $5,000.
Section 5, item 2: Estimated cost, $1,500.
Section 6: Estimated cost, $10,000.
Section 7: No additional cost.
Section 8: A small savings would result.
Section 9: No additional cost.

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APRIL 24, 1959.

The Honorable RICHARD M. NIXON,
*President of the Senate.*

DEAR MR. VICE PRESIDENT: I am transmitting herewith a proposed bill "To promote the foreign policy of the United States by amending the U.S. Information and Educational Exchange Act of 1948 (Public Law 402, 80th Congress)," together with detailed explanations and estimates of increased costs.

The draft bill embodies several proposed amendments to the U.S. Information and Educational Exchange Act of 1948. Certain of these amendments relate to the overseas information program and are proposed by the U.S. Information Agency, while others relate to the international educational exchange program and are proposed by the Department of State. All of these proposals were submitted to the last Congress in substantially the same form and appeared in S. 1583. The provisions of the consolidated bill are primarily of a technical and clarifying nature.

It is hoped that the Congress will approve the proposed bill which is designed to improve and make more effective the administration of the international information and educational exchange programs.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this proposal to the Congress for its consideration.

Sincerely yours,

CHRISTIAN A. HERTER.

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U.S. INFORMATION AGENCY,
*Washington, April 27, 1959.*

The Honorable RICHARD M. NIXON,
*President of the Senate.*

DEAR MR. VICE PRESIDENT: The Secretary of State has transmitted to the Senate a draft bill "to promote the foreign policy of the United States by amending the U.S. Information and Educational Exchange Act of 1948, as amended." This bill contains certain proposals which apply to the activities of the Educational Exchange Service under the Department of State, certain proposals applicable to the U.S. Information Agency, and certain other proposals applicable to both.

The U.S. Information Agency joins with the Department of State in recommending this legislation. We hope that it may have early consideration, and to that end my staff and I are prepared to offer testimony at any time.

Sincerely yours,

GEORGE V. ALLEN,
*Director.*

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## SETTLEMENT OF CERTAIN CLAIMS RESULTING FROM JET FLIGHT ACTIVITIES, PEASE AIR FORCE BASE, N.H.

Mr. BRIDGES. Mr. President, on behalf of my colleague, the junior Senator from New Hampshire [Mr. COTTON], and myself, I introduce, for appropriate reference, a bill to authorize the Secretary of the Air Force to settle claims of certain persons owning property in the vicinity of Pease Air Force Base at Newington, N.H.

The provisions of the bill permit the Secretary of the Air Force to pay compensation to property owners living in the vicinity of Pease Air Force Base for depreciation in value to their property which has directly resulted from jet flight activities at the air base.

Application for compensation must be filed with the Secretary of the Air Force within 180 days after enactment of this bill, and the Secretary of the Air Force must advise the Congress within 2 years thereafter the disposition of all claims received by him.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1860) to provide for the settlement of certain claims resulting from jet flight activities at Pease Air Force Base, N.H., introduced by Mr. BRIDGES (for himself and Mr. COTTON), was received, read twice by its title, and referred to the Committee on the Judiciary.

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## DISTRICT OF COLUMBIA LEGAL AID ACT OF 1959

Mr. BIBLE. Mr. President, I introduce for appropriate reference, a bill to provide legal aid for indigents in the District of Columbia, where as a matter of constitutional or statutory right a person is entitled to be represented by counsel.

Basically, proceedings in which such representation is required are in the several stages of criminal cases. They include also proceedings before the Mental Health Commission of the District and court review of such proceedings involving as they do men's rights to liberty; and finally, proceedings in the juvenile court, where the protection of the welfare and rights of children calls especially for sympathetic and adequate council.

The problem in the District is a unique one. In the several States the bulk of these proceedings are matters of State jurisdiction. In the District all of these matters are within the Federal jurisdiction. The pending bills for public defenders, in consequence, do not address themselves to this very special problem.

A substantial full-time staff is required in the District. Provisions addressed to the problem of organization, therefore, require consideration. The appointment of counsel in particular proceedings is, of course, retained to the judges. Organization of a staff is put into the hands of a Director. A Board of Trustees is established to act as an overall governing body. This Board is appointed by the chief judges of the several courts involved and the President of the Board of Commissioners of the District of Columbia. This will give the legal aid agency a desirable insulation from the prosecuting side represented by the Department of Justice. The desirability

of the independence of these two offices, one from the other, seems clear. On the other hand, the fiscal affairs of the agency will be governed by the Administrative Office of the United States Courts and the Board of Trustees will, as I have noted, be selected by the judiciary.

The bill envisions the bulk of the work to be handled by full-time employees. Where necessary to supplement their services, however, the Board of Trustees may employ volunteer attorneys on a modest honorarium basis.

The existing system in the District is inadequate to a fair representation of indigents, though large segments of the bar of the District have given unselfishly of their services, at large inconvenience and often at considerable expense to themselves, in an effort to meet the problem. The responsibility rightfully belongs to the whole community. The present arrangements are unfair not only to the bar but the indigents who deserve proper counsel and advice.

Prompt enactment of this measure will meet a sore need in the District and provide a pilot project subject to the constant scrutiny of the Congress which may well give us intimate and needed instruction about problems that may have wider implications.

The services to be provided are in large measure a responsibility of the District of Columbia government. The bill therefore provides that 60 percent of the expenditures of the agency will be chargeable to the District.

Certainly a basic premise of our constitutional form of government is that every man is entitled to be represented by legal counsel in the courts of this land. I believe this bill will carry out that doctrine in the Capital City of this Nation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1867) to provide for the representation of indigents in judicial proceedings in the District of Columbia, introduced by Mr. BIBLE, was received, read twice by its title, and referred to the Committee on the District of Columbia.

## ACCELERATION OF VARIOUS REFORESTATION PROGRAMS

Mr. MANSFIELD. Mr. President, on behalf of myself and Senators AIKEN, ANDERSON, BYRD of West Virginia, COOPER, HART, KUCHEL, MURRAY, RANDOLPH, and STENNIS, I introduce, for appropriate reference, a joint resolution to provide for the acceleration of the various reforestation programs of the Department of Agriculture and the Department of the Interior.

I am also pleased to state that companion legislation is being introduced in the House of Representatives by 16 of our colleagues, as follows: LEE METCALF, Democrat, of Montana; LEROY ANDERSON, Democrat, of Montana; JOHN BENNETT, Republican, of Michigan; JOHN BLATNIK, Democrat, of Minnesota; JACK BROOKS, Democrat, of Texas; FRANK COFFIN, Democrat, of Maine; LEON GAVIN, Republican, of Pennsylvania; JAMES FULTON, Republican, of Pennsylvania; KEN HECHLER, Democrat, of West Virginia; BYRON JOHNSON, Democrat, of California; HAROLD JOHNSON, Democrat, of California; WILLIAM MEYER, Democrat, of Vermont; CLIFFORD MCINTIRE, Republican, of Maine; CARL PERKINS, Democrat, of Kentucky; HENRY REUSS, Democrat, of Wisconsin; BOB SIKES, Democrat, of Florida.

Mr. President, the joint resolution I have sent to the desk is a review resolution on reforestation. Its sole purpose is to put before the Congress a vehicle for the consideration of a problem—one which in my humble judgment deserves careful and earnest consideration. We already have on the statute books a number of laws designed to insure reforestation of public and private land. Unfortunately funds specifically authorized are not being sought. Funds that could be secured under general authority are not being requested. The solution I believe lies in a reassessment by the Congress of the separate parts of the problem, coupled with a consensus of the collective opinions of all concerned on the new course we should take.

The Department of the Interior manages over 12 million acres of commercial forest land. About half of this is on Indian reservations; the balance is on the public domain. The Secretary of the Interior has general authority to request funds for tree planting, but only token amounts are being sought.

On the national forests, with some 80 million acres of forest land out of the 160 million total, the same situation prevails. Planting is going on at a higher rate, but the size of the problem is greater than ever before. In 1950 the Congress passed the Anderson-Mansfield Act; and, in addition, the Secretary of Agriculture could actually request funds under his general authority.

Mr. President, this is the situation in brief, and I submit for inclusion in the CONGRESIONAL RECORD a table showing what has happened.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

U.S. DEPARTMENT OF AGRICULTURE

FOREST SERVICE

*National forest protection and management reforestation and stand improvement*

| Fiscal year | Authorization under Anderson-Mansfield Act for reforestation | Funds appropriated [1] | Tree planting and seeding (acres) |
|---|---|---|---|
| 1951 | $3,000,000 | $1,166,536 | 25,576 |
| 1952 | 5,000,000 | 1,204,006 | 19,702 |
| 1953 | 7,000,000 | 1,162,533 | 23,980 |
| 1954 | 8,000,000 | 884,520 | 22,756 |
| 1955 | 10,000,000 | 867,650 | 13,770 |
| 1956 | 10,000,000 | 1,230,000 | 18,174 |
| 1957 | 10,000,000 | 1,850,000 | 21,628 |
| 1958 | 10,000,000 | 2,228,600 | 27,009 |
| 1959 | 10,000,000 | 3,015,000 | [2] 40,000 |
| 1960 [2] | 10,000,000 | 3,015,000 | [2] 40,000 |

[1] Adjusted to reflect activity structure in the 1958 estimates, including transfers, comparative transfers, etc.
[2] Estimate.

Mr. MANSFIELD. A close study of this table makes it very clear that we are now so far behind the Anderson-Mansfield authorization that the situation borders on the tragic.

In addition, the Federal Government also has a number of aids which can provide for the far larger job of tree planting needed on private land. The Clarke-McNary Act authorizes funds. The budget for this year requests only a mere $290,000 for this vital program. Work can be done under the authority of the Soil Conservation Service, the soil bank, and the Small Watershed Act—to name the major authorities. Here again the record shows small progress.

On October 1, 1957, the Chief of the Forest Service said in his annual report:

> In spite of interest and an upward trend in planting, progress made to date on public and private land has not materially reduced the backlog of 52 million acres in need of planting. Acreage is added to the backlog currently as planting needs are created through cutting and fire.

On October 24, 1958, the Chief of the Forest Service said, in his next annual report:

> Within the next 10 years 48 billion trees need to be planted, mainly on small ownerships, if the wood requirements of a larger population are to be met by the year 2000.

In view of these warnings, supplemented with additional facts, we cannot in good conscience stand back from the task. We as a nation cannot continue to enjoy the benefits of our now bountiful supply of timber and continue to disregard our responsibility in this area.

Mr. President, today the air is filled with talk of a balanced budget. In the instance of timber we have a budget that is far out of balance. Can we blithely stand by and say, "Oh, yes; overall timber growth is in balance with drain," and be satisfied? The answer is "No." Our drain on coniferous trees far exceeds their growth. Throughout much of the Nation we permit the ravages of unscientific logging and fire to replace the useful pines with scrub hardwoods. The timber budget is out of balance; and this is an extremely serious problem, meriting far more consideration than it receives. The trees we need on forest land do far more than produce trees for lumber and paper. These trees serve the more useful purpose of protecting the soil in our upland watersheds and, by that process, assuring us the water we need.

As we permit the deterioration of our timber, we underwrite the destruction of our soil and our water. We shall not long survive as a powerful nation if our resource base is impaired.

We cannot afford unwittingly to write the obituary of our Nation on the eroded mountainsides of this now beautiful mountain land.

The job before us is plainly visible. As reasonable men with the welfare of our Nation at heart, we must explore what has been done in the field of reforestation. We must examine why we have failed to attain the rate of progress that is so vitally needed.

For my own part, I shall leave to the conservationists the role of advancing suggestions on the ways to achieve the needed goals.

I express but one firm thought on the shortcomings on Federal lands. The Federal Government has not fulfilled its obligation to reforest its own lands on

the national forests, the public domain, and the lands it manages for our Indian citizens. There is no reason that I can see why the executive branch should not have been requesting the funds to do this job on the Federal lands.

It is my hope that the committees with jurisdiction of these lands will first isolate this situation, and then will devise their recommendations. If the committees elect to proceed separately and cooperatively, I shall look forward to their bringing forth joint and unanimous conclusions.

On the more complex problem of how to get private lands reforested, particularly lands in small ownerships, I respectfully express the hope that our able Committee on Agriculture and Forestry will make a careful review of these Federal programs.

Mr. President, before concluding, I should like to make reference to the youth conservation bill sponsored by the Senator from Minnesota [Mr. HUMPHREY] and other Senators. The chairman of the Committee on Labor and Public Welfare, the senior Senator from Alabama [Mr. HILL] has announced that hearings will begin May 11 on this proposed legislation; and it will be considered by the subcommittee headed by the Senator from West Virginia [Mr. RANDOLPH]. I am delighted, and even more so since he is a cosponsor of this reforestation joint resolution. I know I need not commend this joint resolution to his subcommittee's attention. Over 4 million acres of Federal land alone are in need of reforestation. Should there be any question on what constructive work a Youth Conservation Corps could undertake, here is one big job, ready and waiting. It is a job that cries out to us that we have but 10 quick years to accomplish it.

Mr. President, in order to afford other Members of the Senate who may wish to have an opportunity to join in sponsoring this measure, I ask that it lie at the desk for 3 days.

I also ask unanimous consent that the joint resolution be referred jointly to the Committee on Agriculture and Forestry and the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. The joint resolution will be received and referred, as requested by the Senator from Montana; and, without objection, the joint resolution will lie on the desk, as requested.

The joint resolution (S.J. Res. 95) to provide for the acceleration of the various reforestation programs of the Department of Agriculture and the Department of the Interior, and for other purposes, introduced by Mr. MANSFIELD (for himself and other Senators), was received, read twice by its title, and referred to the Committees on Agriculture and Forestry, and Interior and Insular Affairs, jointly.

## CONSTRUCTION OF SAN LUIS UNIT OF CENTRAL VALLEY PROJECT, CALIFORNIA—AMENDMENTS

Mr. DOUGLAS (for himself, Mr. MORSE, and Mr. NEUBERGER) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 44) to authorize the Secretary of the Interior to construct the San Luis unit of the Central Valley project, California, to enter into an agreement with the State of California with respect to the construction and operation of such unit, and for other purposes, which were ordered to lie on the table and to be printed.

## NAVAJO INDIAN IRRIGATION PROJECT AND SAN JUAN-CHAMA PROJECT—AMENDMENT

Mr. HAYDEN (for himself, Mr. KUCHEL, Mr. BIBLE, Mr. CANNON, Mr. GOLDWATER, and Mr. ENGLE) jointly proposed an amendment to the bill (S. 72) to authorize the Secretary of the Interior to construct, operate, and maintain the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River storage project, and for other purposes, which was ordered to be printed.

## AMENDMENT OF FEDERAL-AID HIGHWAY ACTS OF 1956 AND 1958—EXTENSION OF TIME FOR BILL TO LIE ON TABLE

Mr. RANDOLPH. Mr. President, on April 29, I introduced the bill (S. 1826) to amend the Federal-Aid Highway Acts of 1956 and 1958 by extending the approval of the estimate of cost of completing the Interstate System for an additional year, and for other purposes, which was to have remained on the table until the close of business today for additional signatures, and is a measure which many Senators believe to be important.

I ask unanimous consent that the bill may be allowed to remain on the table for possible further signatures until the close of business on Thursday.

The PRESIDING OFFICER. 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. RANDOLPH:

Address delivered by him at dedication of Sheltered Workshop and Rehabilitation Center Building, Davis Memorial Goodwill Industries, Washington, D.C., May 3, 1959.

By Mr. DOUGLAS:

Address entitled "United States, Israel, and the World Crisis," delivered by Senator HUMPHREY at the Jewish National Fund dinner honoring Judge Abraham Marowitz, in Chicago, on April 1, 1959.

By Mr. O'MAHONEY:

Statement prepared by him entitled "Inflation Can Destroy Us," explaining Senate bill 215, introduced by him.

By Mr. WILEY:

Statement prepared by him on school safety patrols.

By Mr. SMATHERS:

Statement prepared by him relating to convention of the National Association of Plumbing Contractors to be held in Miami Beach, Fla., from May 31 to June 4, 1959.

## NOTICE OF HEARINGS ON PROPOSED GENERAL IMMIGRATION LEGISLATION

Mr. EASTLAND. Mr. President, on behalf of the subcommittee on immigration and naturalization of the Committee on the Judiciary, I wish to announce that public hearings have been scheduled to begin on Wednesday, May 20, 1959 at 10:30 a.m. in room 2228, New Senate Office Building, on general immigration legislation.

Anyone desiring to testify or submit a statement for the RECORD should notify the office of the subcommittee, room 2306, New Senate Office Building, phone extension 2347, as soon as possible so that a schedule of witnesses may be prepared.

## ONE HUNDRED AND SIXTY-EIGHTH ANNIVERSARY OF ADOPTION OF THE POLISH CONSTITUTION

Mr. LAUSCHE. Mr. President, last Sunday marked the 168th anniversary of the adoption of Poland's Constitution. It is indeed fitting that Polish-Americans and all those who love liberty and freedom observe the Polish Constitution Day as a tribute to the sacrifice of lives and fortunes in behalf of Polish liberty.

The Poznan revolt of June 1956, forcibly reminded us of the political and moral oppression suffered by the Poles under the iron fist of their Communist overlords. Economic misery and a cruel exploitation of the workers by the Communist regime continue to hold the people of Poland under bonds of slavery and fear.

It was hoped by many after the people's revolt was quenched by ruthless force and a blood-purge, that the present Communist regime would give some recognition to the human rights of its citizens. Yet, today, the pattern of force and brutality has been resumed, and every basic human right and freedom violated.

The citizens of the Western World extend to the Poles their sincere sympathy, and urge the Polish regime to reestablish the rights and privileges, first bestowed in their ancient constitution, to all the citizens of the Polish Republic.

Mr. BUSH. Mr. President, with each succeeding year it becomes more apparent that an eventual transition will come about in those countries which are under the subjugation of the Soviet Union. The transition to which I refer is one which will bring to the captive peoples the full measure of the freedom which they so strongly desire and for which they have suffered so much.

I speak of this today since we once again have occasion to bring to mind the gallant struggle of the people of Poland for freedom. Sunday, May 3, was the 168th anniversary of the Polish Constitution, which was adopted in 1791, less than 2 years after the ratification of the Constitution of the United States. Freemen everywhere might well remember that Poland was among the first nations to develop modern constitutional government. Among the principles embodied in that Constitution are religious toleration, the secret ballot, and freedom of

thought and expression. These principles are no less revered by the people of Poland today than they were upon the inception of their Constitution, despite their present enslavement by communism.

Under present circumstances we find that, even under the overwhelming weight of the Soviet Union, some concessions were made to the indomitable spirit of the people of Poland. The Poznan revolt of June 1956 came about as a result of the terrible moral oppression and exploitation of the Polish people by the Communist regime. For a time after the revolt some religious freedom was allowed and a mild reversal was instituted in the cruel system of collectivization. These concessions were made only through the fear of the Communists that an open revolt in Poland would spread to the other satellite countries as well. In the interim, however, the gains made in 1956 have been lost. The Communists, bound as they are to their atheistic and materialistic philosophy, have once again taken steps to stamp out religion, and have reinstituted the policy of collectivizing the farms. Censorship has once again been intensified. It is obvious that the concessions were a tactical measure by which the Communists hoped to avoid widespread revolt.

The people of Poland might have become discouraged by this reversal. Indeed, a people less dedicated to the principle of freedom might easily despair of ever breaking the yoke of such oppression. But the patience and the courage of the people of Poland appears to be infinite. The sustaining force which keeps alive the hope of eventual freedom is, without a doubt, their deep and abiding faith in God. It is the unshakable faith of the people of Poland which will undoubtedly play a key role in the ultimate overthrow of those who would remove all vestiges of the spiritual from the face of the earth. Such strength of spirit as is evidenced in the character of the people of Poland transcends the mere physical. Indeed, it is the moral force of religion everywhere that will ultimately spell defeat for godless communism.

In this objective the people of Poland may take heart in that, as they work, hope, and pray, the entire free world is working, hoping, and praying for victory in the present ideological struggle.

On this anniversary of a glorious day in their history, we express to them our warmest admiration, and extend to them our assurances that we share a parallel faith in ultimate victory.

Mr. KEATING. Mr. President, it was my honor and privilege to participate Sunday in a giant Polish Constitution Day rally in New York City, sponsored by the Downstate New York Division of the Polish American Congress. At this inspiring meeting, messages of hope were transmitted to the Polish people, and tribute was paid to the many Polish leaders who over the years have maintained that nation's proud traditions of freedom and liberty. Particular stress, of course, was laid on the importance of the Polish Constitution in Poland's history.

The Polish Constitution of 1791 was framed by the gifted and talented patriots of Poland, and adopted and promulgated on May 3 of that year as the best means of reforming Poland's internal administration and of strengthening her against foreign foes. As such it was deemed well suited to serve this double purpose. At the same time, it was a significant instrument in the progressive evolution of governmental institutions.

This memorable constitution made Poland a limited, constitutional monarchy. The cabinet form of government, with ministerial responsibility, was introduced. Intricate and obstructive features of the old system were eliminated and many class distinctions were abolished. The towns were given administrative and judicial autonomy, and also a measure of parliamentary representation. Personal privileges formerly enjoyed by the gentry alone were made available to all townsmen. The peasantry was placed under the protection of the law. Absolute religious toleration and freedom of conscience was guaranteed. Provisions were also made whereby periodic reforms could be introduced and other alterations enacted.

Judged in the light of current ideas of full, unhampered freedom, and compared with the long list of present-day human rights, the Polish Constitution of 1791 might be considered a real instrument of democratic government. It was acclaimed by all liberals everywhere, and won the admiration of that great British champion of liberalism, Edmund Burke.

It is a pity that the people of Poland never had the chance to see the working of this model democratic constitution. Before it was put into force, Poland's grasping neighbors carried out their evil designs of partitioning Poland again, and reducing that country to a fraction of its former size. Thus in this, and in the final partition of Poland in 1796, that free country and the Constitution of 1791 ceased to exist. But the fine and noble ideas embodied in that historic document lived during all these years in the hearts and minds of unhappy but freedom-loving Poles. They have clung to these ideas firmly and steadfastly, and today, on the 168th anniversary of that constitution, they still abide by the spirit of that constitution.

Mr. President, it is vital for us in the free world to mark occasions such as this because it is one concrete means for assuring those people now trapped behind the Iron Curtain that they are not forgotten. We know, from reports filtering out from Poland, that the spirit of liberty still burns bright in the hearts of the noble people of that land. No amount of Soviet oppression, no measure of Soviet tyranny, can erase that hallmark of Poland's heritage.

Today, as we look back to that day in 1791 when the Polish Constitution was promulgated, let us also look forward to Poland's future. Let us hope and pray tomorrow will bring a brighter day for these courageous and talented people who continue to hold high the banner of freedom. For until Poland once more takes her rightful place in the family of free nations, until brave Poland again basks in the sunlight of freedom, no true adherent of liberty and human equality can rest.

Mr. SALTONSTALL. Mr. President, on May 3 the people of Poland celebrated the 168th anniversary of the adoption of Poland's Constitution. The Polish people have always been fiercely independent. Their love of freedom has led them to throw off the yoke of tyranny on more than one occasion in the past.

At the present time, Poland is behind the Iron Curtain and is subject to the whims of the Soviet Government. Censorship has been reestablished and the country labors under the domination of the collectivization programs.

However, the people of Poland feel as they always have felt. No nation, however powerful, can ever dominate their minds, which remain their own. The proud successors of Kosciusko and Pulaski will once again rise from under foreign domination.

Mr. DIRKSEN. Mr. President, for a number of years, in the month of May, I have paid my tribute to May 3, the great day in the Polish calendar, which marks the anniversary of the adoption of the Polish Constitution. I do so again in this year of 1959.

A relatively few great human documents embody man's aspirations for the fruits of responsible freedom.

Of these, one stands out in tragic relief today. That document is the Constitution of Poland, which was adopted only 2 years later than our own Constitution, on May 3, 1791.

Though the Polish Constitution of 1791 still lives, it is caged—as the people of Poland are caged—by the tyranny of international communism.

Some concessions to the Polish love of freedom have been first granted, then taken away. At times freedom lovers outside of Poland see a flicker of hope within Poland. At other times only the black light of Communist confinement is visible.

Despite these rising, then falling, hopes, the fact is that there has been no genuine freedom in Poland since the loss of independence.

What has caused our hope for the Polish people to rise is their own courage in frustrating the onslaught of communism as best they can under the circumstances.

What has caused our hopes to fall is the relentless Communist pressures which are brought to bear on the people of Poland. That the Polish people have withstood these pressures to the extent which they have is little short of miraculous.

Therefore, it is fitting, on the 168th anniversary of the adoption of the Polish Constitution, that we express our deep respect for the Polish people, and our sincere gratitude to them for preserving freedom's flame in the very midst of the storm.

Soviet domination of Poland's government, and its attempted domination of Poland's people, are great losses to the cause of freedom and human progress in the world. An even greater loss would be the extinction of the Polish love of freedom.

Even love of freedom needs sustenance. It devolves upon us and others

who are in a position to enjoy the fruits of freedom to assure the people of Poland that we stand with them—that our cause is their cause.

We cannot slash their bonds, but we can assure them that we are with them in the cold war against tyranny, and that with them we are striving in behalf of freedom for all peoples who desire it.

We can pray with them and work with them toward the day when some future Polish Constitution Day can be celebrated within Poland in freedom.

Mr. HUMPHREY. Mr. President, once again, Poland's Constitution Day, May 3, reminds us of the continuing battle of the freedom-loving people of Poland in behalf of Western civilization.

Poland has a long heroic tradition of resistance to tyranny and to foreign domination. This tradition goes back to King Boleslaus the Brave in the 11th century and the successful repelling of the Mongol invasion in the 13th century. The tradition continues with King John Sobieski who turned back the Turks in 1683 to save Vienna for the West.

The Poznan revolt of June 1956 raised a new landmark of hope in the cruel, dangerous terrain which the captive peoples behind the Iron Curtain must cross before they achieve the ancient goal of justice and freedom.

Although the Poznan revolt brought a temporary relaxation of the Communist rule over the Polish people, recent developments indicate the Government is pushing its campaign of censorship and repression against the church, the workers, and the freedom of the press with new vigor.

The people of Poland can be sure that we in the United States take pride in the historic attachments and friendships between our countries. The sufferings of the Polish people and their heroic resistance to Communist tyranny have earned the respect, admiration, and sympathy of all who cherish freedom.

Mr. SCOTT. Mr. President, Sunday, May 3, was the 168th anniversary of the date on which the people of Poland adopted their famous constitution that has been honored through the intervening years as an achievement in statesmanship. The constitution of 1791 was influenced by the principles contained in many American state papers of the time. And well might these people draw from American ideals, since they helped shape them and make them live through men like Casimir Pulaski and Thaddeus Kosciusko during our own Revolution.

This constitution, of course, is not in effect today when Communists control the Government of Poland. But it is worth noting that this heritage of freedom still burns strongly in the hearts of the Polish people. Despite current Communist rule, they have succeeded in winning a certain degree of individual rights.

Within the past 2 years the United States has concluded two economic agreements with Poland. These have been especially important to the people of Poland who benefited directly from the medical equipment, the grains and the other materials we have been able to supply.

I hope the United States can continue to pursue policies which will indicate clearly that we are deeply concerned with the welfare of the Polish people. We must also make it very clear that nothing our Government does is to be interpreted as acquiescing to Communist control of Poland. The people of this captive nation will yet decide who shall rule their land.

Mr. DOUGLAS. Mr. President, 168 years ago on the 3d of May, the nation of Poland first expressed its attachment to the idea that government should be by law, restrained by bounds beyond which no government authority had the right to go. Government by the whim and pleasure of the all-powerful monarch was to be replaced by constitutional government. The constitution of 1791 breathed into Polish life the freedoms but recently established in the American colonies and widely accepted in other parts of Western Europe. A biennial parliament was established; religious toleration guaranteed. The ancient privileges of the nobility were restricted. Commoners were given the right to enter the civil service, a privilege hitherto reserved to the nobility. Commoners could acquire land. Peasants were given the protection of the law for the first time.

Unhappily, the independent existence of this constitutional government in the heart of Central Europe was shortlived. Poland's larger neighbors, Prussia, Russia, and Austria, all of them deeply fearful of such radical innovations, partitioned Poland, added her territory to their own and thus terminated her independent existence.

After World War I, an independent Poland again arose, out of the ashes of Tsarist Russia and Prussian Germany. But after two decades, Germany and Russia again overran Poland. And now Russia occupies and dominates Polish affairs once more.

Today, again, there are those within Poland who seek to replace the arbitrary rule of the Communist Party. The Poznan revolts of 1956 demonstrated the unrest that simmers beneath the surface. When President Gomulka took power in the wake of these disturbances, Communist Party rule was temporarily relaxed. There was some freedom of the press, articles criticizing the regime appeared, and students dared to debate the merits of the Communist system. New accords with the church were reached, and Archbishop Wyszynski, the Primate of Poland, was the only Cardinal allowed to go from the Iron Curtain countries to Rome for the election and coronation of Pope John XXIII. Writers and artists were even allowed to ventilate their problems and to criticize the regime within restricted bounds.

More recently, however, the party has again been tightening its control. Censorship has become more stringent; public criticism has been stifled. Newspapers have been banned. Collectivization of agriculture is again threatened. The church is under renewed pressure. As the common Communist pattern of supressing human freedom is resumed, the earlier relaxation of 1956 is seen to have been a temporary tactic to blunt the drive of the people's discontent.

I trust that American policy will continue to support the Polish people's quest for liberty in their present travail, by every proper means at its disposal.

The rights of the captive peoples to self determination and free elections should be steadfastly supported by our Government. These rights are in line with the Atlantic Charter and other postwar international agreements, and we should continue to make clear to the rest of the world that the violations of these solemn promises by the Russian Communists are a major cause of the world tensions today.

The free nations must necessarily concentrate upon the problems of maintaining the independence of West Berlin and its integral relationship with West Germany, as the Communist monolith chooses at this moment to make that a prime point of attack. But as another Summit Conference to discuss the most pressing threats to peace becomes more likely, we should not ignore or forget the plight of the captive nations of Eastern Europe. The focus upon Berlin must not cause us to waiver in our support of their freedom, or to make any agreement to the status quo of Russian enslavement of the peoples now behind the Iron Curtain.

Polish Constitution Day is a good day on which to reaffirm our support of these basic principles of American foreign policy and of world peace and justice.

On this 168th anniversary of the Polish Constitution, I salute the Polish people. I am particularly mindful of the contribution of Americans of Polish descent to our own great Republic. By their labor and by their gifts they enrich our heritage and strengthen our life. By our country's strong support of the aspirations for freedom of their blood relatives in Poland, we may perhaps help to share with those captive peoples the blessings of liberty which they sought to secure 168 years ago.

Because it is still so timely in view of the prospects of another Summit Conference, Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum submitted to President Eisenhower by the Conference of Americans of Central and Eastern European Descent, together with the American Conference for the Liberation of the Non-Russian Nations of the U.S.S.R., which I was pleased on April 29, 1958, to join with Senator Smith, of New Jersey, Congressman Feighan, of Ohio, and Congressman Judd, of Minnesota, in presenting to the Secretary of State.

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

MEMORANDUM ON THE PROSPECT OF ANOTHER SUMMIT CONFERENCE, SUBMITTED TO PRESIDENT DWIGHT D. EISENHOWER BY THE CONFERENCE OF AMERICANS OF CENTRAL AND EASTERN EUROPEAN DESCENT, TOGETHER WITH THE AMERICAN CONFERENCE FOR THE LIBERATION OF THE NON-RUSSIAN NATIONS OF THE U.S.S.R.

It appears that another meeting of the heads of state of the United States, Great Britain, France, and the Union of Soviet So-

cialist Republics is imminent. The pressure for such a meeting, generated by the vast propaganda machine of the Russian imperialists, has sought to stampede the leaders of free and representative governments into a sudden and ill-prepared gathering to consider an agenda developed at the recently concluded meeting in Moscow of the leaders of the international Communist movement. That meeting was called ostensibly to celebrate the 40th anniversary of the Bolshevik takeover of the Russian Federalist Soviet Socialist Republic, but in reality to prepare the final assault against the still-free nations of the world. The manifesto released to the information mediums of the world upon the conclusion of that meeting provides ample evidence that the leaders of the Kremlin have openly rededicated themselves to the fundamental Communist goal of total world conquest. The propaganda for another summit meeting which now emanates from Moscow is only an effort of the leaders of world communism to implement their recent manifesto.

It is against the political reality of this background that the refusal of the Government of the United States to be stampeded into such a Russian beartrap has the overwhelming support of the American people.

The importance which the Russians attach to an early meeting at the summit with the leaders of the free world is underscored by the following:

(a) The open threats made by the Russian leader Khrushchev against all the European members of the North Atlantic Treaty Organization should they continue to take steps to preserve their national integrity and individual independence. In effect, the Kremlin has sought to frighten our allies into peaceful submission with the specter of atomic warfare if they refuse to do so;

(b) The Russian tactical campaign of threats and intimidation is accompanied by a carefully planned and activated drive which offers peaceful coexistence as the only alternative to further Russian aggression through atomic warfare. The Russians leaders are candid in admitting that their offer of peaceful coexistence is only a maneuver to weaken the defenses of the still-free nations so as to make in due time peaceful surrender a necessity.

This worldwide Russian propaganda campaign has been capped by the demand of the Russian leader Khrushchev that the free world accept the status quo, as it now exists in the world. Thus, we, as a nation, are now being invited to extend de facto, if not de jure, recognition to the Russian occupation of the national of central and eastern Europe and Asia. It is patently evident the leaders of the Kremlin are seeking a meeting at the summit to force such recognition from the statesmen of the free world.

Here, in the United States a number of activities have been and are being launched in order to prepare the climate for a summit meeting which cause us, the undersigned, grave concern. We wish respectfully to call your attention to these activities and their certain consequences in the spirit of good Americans seeking to aid the leaders of our country meet this latest Russian threat to world peace and justice.

1. The argument is advanced that we must not speak about the long record of black deeds perpetrated by the Russian Communists against the people of many nations now held against their will within the present-day Russian empire. Fear is expressed that by so doing we will provoke the Kremlin into taking unfriendly action against us. Meanwhile, the worldwide Communist propaganda machine is inciting hatred and hostility against the people of the United States in every country of the world.

2. Another argument is advanced that if we take a firm and critical attitude toward the Russian Communists in our various language broadcasts beamed to the Soviet Union and central Europe, we will incite the people therein to premature revolt. This argument disregards the fact that the despotism of Russian Communist occupation carries with it a powerful stimulus for freedom revolutions, aside from what we may think or do, and that our long-range security interests are best protected when we clearly express our political allegiance with the oppressed nations.

3. A tempting but unfounded prospect of unlimited markets for American consumer goods among the people behind the Russian Iron Curtain is now being cleverly portrayed by the Kremlin. This is the empty reward being offered big business in the United States in exchange for their participation in the game of peaceful coexistence. This tactical economic operation of the Kremlin is skillfully timed to capitalize on present economic trends in the United States. The recent arrival of the new Russian Ambassador, Menshikov, who is a trade expert protege of Commissar Mikoyan, is therefore significant.

4. The press recently reported that the Voice of America, in the interest of economy, was giving thought to reducing the number of language broadcasts to the Soviet Union, holding out the possibility that since the ruling class spoke Russian the Voice of America might follow the example of the British Broadcasting Co. and thus limit such broadcasts to the Russian language. Such thinking may unintentionally lead to the serious weakening and likely to dissolution of the vital role intended for the Voice of America. A weak Voice of America subject to continuing public attack and suspicion, is unquestionably a primary objective of the Russian Communists. If economy in this vital work is a pressing need and our psychological warfare is to be regulated by the ceiling of budgetary expenditures, then priority attention should be given to reducing the already overweighted broadcasts in the Russian language so as to make needed provision for more non-Russian-language broadcasts to central and Eastern Europe and Asia.

We believe, Mr. President, that before any meeting at the summit is entered into, additional steps should be taken by our Government to prepare a constructive and fresh climate of world opinion. We respectfully recommend that careful consideration be accorded the following recommendations which we believe serve that purpose:

1. That the United States reaffirm its support for the guaranties set forth in the Atlantic Charter, at the same time noting the many violations of these solemn promises by the Russian Communists;

2. That the United States reaffirm its support for the political principle of national self-determination for all people while declaring our intention to create a world atmosphere in which this basic human right may be exercised;

3. That the United States place the blame for world tensions where it properly belongs by announcing our refusal to accept the status quo as created by Russian aggression and deceit and in violation of the solemn pledges given that the governments of the liberated nations would be representative of the freely expressed will of the peoples concerned;

4. That the Voice of America be strengthened by increasing the number of non-Russian-language programs beamed to the Soviet Union and that the program content be governed by the overriding need to present to the peoples behind the Iron Curtain the unvarnished truth about world affairs and, above all, about national and cultural traditions and aspirations of the enslaved nations which are being subjected to communization and russification. The same policy of a strengthened American psychological warfare effort should be equally applied by American private organizations which are engaged in political broadcasting programs directed to the enslaved nations under Communist domination, such as Radio Free Europe and Radio Liberation. Money should not be a consideration to dictate the urgency and quality of our broadcast programing, inasmuch as we are spending billions for national defense, and consequently we should not hesitate to provide for the most powerful weapon which we possess—the ideals of freedom and human values.

5. That the United States take the lead in advocating support for free, regional federations of independent nations, in which the principle of equal among equals prevails, as a positive and eventual goal for the nations of Central and Eastern Europe and Asia.

In conclusion, Mr. President, we must be wary of why the Russians are so exceedingly anxious and eager to have a summit conference at this time. Their drive to maintain a status quo now is not motivated primarily by their alleged technological and military superiority, but rather by the general insecurity and unrest caused by the unwavering opposition and restlessness of the non-Russian nations held in captivity by the Kremlin in the vastly overextended Russian Communist Empire. This very weakness of the Russian Communist state is the principal reason which prevents the Russian Communist leadership from pushing further its aggressions and encroachments against the free nations of the world.

Only a daring and fearless attitude toward the Russian threats and intimidations can justify the hope and expectation of the many millions in the world who still see and respect the United States of America as a great power and leader in these troubled and insecure times in which the world finds itself today.

Respectfully yours,

Conference of Americans of Central and Eastern European Descent: Very Rev. Msgr. John Balkunas, President; members: Albanian American Literary Society, Peter Burzuku; American Bulgarian League, Luben M. Christov; Czechoslovak National Council of America, Andrew J. Valusek; Estonian National Committee in U.S.A., Richard Espenbaum; Hungarian American Federation: Eastern division, Joseph Hattayer; American Latvian Association, Charles Stankevitz; American Lithuanian Council, Mary Kizis; Polish American Congress, Dr. Sigmund Sluszka; Romanian American National Committee, Pamfil A. Riposanu; Ukrainian Congress Committee of America, Dmytro Halcychyn.

American Conference for the Liberation of the Non-Russian Nations of the U.S.S.R.: Prof. Roman Smal-Stocki, president; members: American Committee for the Independence of Armenia, Edward F. Sahagian; Azerbaijani Union in the U.S.A., Zahid Khan-Khoysky; Byelorussian Congress Committee of America, John Kosiak; Cossack American National Alliance, Inc., George Jaramenko; Georgian National Alliance, Leon Dumbadze; American Council for Independent Idel-Ural, Dr. Salih Faizi; Turkestanian Association, M. Marsud-Bek; Ukrainian Congress Committee of America, Dr. Lev E. Dobriansky.

Mr. LANGER. Mr. President, many Americans feel an acute sense of pain at the mere mention of the name Poland.

Psychologists tell us that we form word-thought patterns on an almost instantaneous basis. That is to say, a word reminds us or makes us think of a particular thing. The word Poland, I would guess, exacts a similar response from a great many people. It is synonymous with suffering, with pain, with tragedy.

Rightfully, no people in the world are more proud than the Poles. From Kosciuszko and Pulaski to Chopin and Paderewski the Polish people have consistently given the world greatness in every form of human endeavor.

Mr. President, the people of Poland have not known freedom long enough since the end of the 18th century for the word to have any meaningful reality. The 18th century was the age of enlightenment, of sweeping political liberalism in the cause of freedom, democracy and the self-determination of peoples everywhere. It is little wonder that Poland brings a sense of pain to many hearts. But even this expression is nothing compared to the faces of Polish people that I have seen. If one wants a lesson in how potent is Communist tyranny, of how brutally terrorizing it is, then let him look at the men and women—the all too few men and women—who have escaped the curtain of iron, iron mixed with blood. No joy of escape, of freedom, of life even, can erase those deep lines of torment and fear.

Today, May 3, is a day of bitter irony for Poland. It is the 168th anniversary of the Polish Constitution. During these past 168 years the Polish people have had to consistently fight for the principles stated in that document. The fight still continues. I know no nation that is more illustrative of the present battle between East and West than Poland. Here is the bloody ground of Communistic hypocrisy. Let us not deceive ourselves; the ideology of communism as preached through their propaganda is Utopian to the extreme. The makers of doctrine preach the classless society, the withering of the State and the ultimate freedom of the individual. But, and this is the bitter lesson, once a nation has gone Communist, then it is too late, for here enters the hypocrisy. The men of the Kremlin want power. That is obviously their sole aim. They are like spiders waiting to feast on their prey once the sweet sugared web of propaganda and the threat of overwhelming power lures a new victim.

Poland was an early victim and the Polish people have paid an awful price. They have paid with their lives; with their hopes; with their dreams.

In 1956 rebellion broke out in Poznan. We do not know the details of that upheaval as we do of that in Hungary, but our imaginations can guess. The rebellion was crushed; and since that time Poland has once again been buried behind the smiling but fear ridden face of Gomulka.

It is true that at the present time the United States cannot liberate the Polish people. We cannot promise them their freedom. But there is one thing we can do; we can remember what is happening to all the peoples of Central Europe; we can hold out hope and understanding, and we can try to undermine the oppressor.

Moscow has a new set of Czars. They came as liberators but they have become beasts. However, the long hand of history seems to move in slow, concentric circles. "Power corrupts; absolute power corrupts absolutely," So goes the saying. Absolute power must resort to tyranny to maintain itself. By so doing a great mistake is made. One way in which the dignity of man is expressed is in his final and irrevocable ability to say "No." Sooner or later tyranny has to come to grips with this absolute, and when it does, tyranny is the loser.

People of Poland—my greetings, my friendship, my faith.

Mr. KEFAUVER. Mr. President, Sunday, May 3, marked the 168th anniversary of the adoption of Poland's constitution.

In my opinion, Members of the Congress, and indeed all citizens of the free world, should pause on this occasion to pay respect and extend sympathy to the brave and oppressed people of Poland.

It would appear from the course of recent events that history has run against Poland. The Second World War began there and the nation endured 5 years of brutal Nazi occupation. With the approach of Soviet troops near the close of that war, Polish patriots bravely moved from their underground implacements and fought their Nazi enemies in a death struggle which was watched—apparently with savage satisfaction—by nearby inactive Red army troops.

After the slaughter, Red army troops moved in for a so-called liberation of Poland. Since then, the noble liberty-loving people of Poland have been under the domination of their Soviet oppressors. Today in Poland, there is no true freedom of thought, speech, religion, press, or government.

It is indeed a tragedy which grieves me very much and I extend my heartfelt sympathy, with the hope that fate soon will smile on those who now live in oppression.

Mr. CARROLL. Mr. President, Sunday was the 168th anniversary of the Polish Constitution of 1791. I think we ought to take note of this historic event.

Distinguished Poles such as Count Casimir Pulaski and Thaddeus Kosciuszko fought in our revolution and helped us gain our independence. The principles for which we fought were embodied in the Polish Constitution as well as in our own.

Throughout the years the Polish people have shared with us the strong desire for freedom and independence. Often they have been deprived of both, but this desire has never ceased to inspire the Polish people to continue to have faith in their future.

Woodrow Wilson's ideals of self-determination resulted in the creation of a free Polish nation. Thus America sought to repay the people of Poland for the services rendered in our struggle in the American Revolution.

World War II began in Poland, however, and since 1939 the Poles have never regained freedom. Victory over Hitler's Germany brought only the Russian Communists' rule in Poland. The Polish people are now suffering under that tyranny.

In spite of all that has happened, however, the Polish people have never quit battling for their ideals or for their faith in democracy.

The active hostility of the Polish-American community to Russian communism is a reflection of the hatred of the people of Poland for their foreign masters.

The silent battle of wills now being waged in Poland between the decent freedom-loving people of the nation and the Soviet Union has brought only a small measure of independence today. But the hope of freedom becomes stronger and stronger with each passing year. Only the threat of overwhelming force and brutal reprisals deters the Polish people from overwhelming the Communist state.

Russia gave notice by the merciless suppression of the Hungarian revolution that it will stop at nothing to preserve its domination over Eastern Europe. Realizing this, the Polish people have refrained from outright revolution, but they have demonstrated in a thousand ways their hatred of their oppressors and their desire to be free. Time and patience are on their side.

I salute these brave, suffering people and extend my congratulations on the success they have achieved. I also express my deep and abiding conviction that in the end their fight will be successful and that a free Poland will again some day take its proper place among the free and independent nations of the world.

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## SUMMONS TO GREATNESS

Mr. MANSFIELD. Mr. President, every once in a while I come across a truly fine expression of sincerity and enlightening commentary on the modern age in which we live. More often that not such expressions originate with plain, ordinary folk with little or no experience in the journalistic field.

A letter to the editor of the Lewistown Daily News, of Lewistown, Mont., has recently come to my attention. The letter was written by a sheep herder in central Montana, and presents a real challenge to the Nation. It is worthy of the attention of every one of us in the U.S. Senate.

Therefore, Mr. President, I ask unanimous consent to have the letter to the editor, written by Ed Willems, and the introduction prepared by Edward L. Fike, publisher of the Lewistown Daily News, printed at the conclusion of my remarks in the body of the CONGRESSIONAL RECORD.

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

### SUMMONS TO GREATNESS

Ed Willems is a sheepherder of Judith Gap. He makes no pretensions at being any more than an average American citizen concerned over the drift of events. He has written this newspaper a letter which is published across the way on this page. We commend this letter to our readers for its sincerity, its eloquence and its timely message.

We wish every American—and particularly every lawmaker at the local, State and national levels—could read this heart-felt summons to greatness by this humble son of our soil.

LETTERS IN THE EDITOR'S MAIL

To the EDITOR:

In the Book of Daniel we read that in the last days, knowledge shall be increased, and many shall run to and fro. Our leaders scuttle back and forth from court to court, and propositioning a Communist is as hopeless as asking the Devil to turn down his thermostat. In our superior wisdom we have strayed far from God's will, that by the sweat of our brow we should eat bread. The people are losing and leaving the land.

In the last days, says the Bible, we shall have pocketbooks with holes. And so we gather in the shekels and they pour out the other end, as our statesmen prate about security and avoiding a recession. We live in mortgaged houses, drive debt-loaded cars on unpaid-for highways, and send our children to unpaid-for schools. Yet we have billions to give away to other nations.

We have eyes that see not, and ears that hear not. We have turned on the wrong program and picked the wrong show.

A nation's strength is in the ideals of its people. We have sold our birthright for a mess of postage. For sake of leisure and paper promises we have allowed ourselves and our children to be led down the road of the rainbow trail of: if it's easy it's good, and if it's profitable, be for it.

Now we stand rich and unclothed as the storm approaches. Where will we find the fortitude and vision to regain and uphold the freedom we took for granted?

He is patriotic, who is ever vigilant to guard and cherish, that which is above price, and without which no self-respecting man can face the future, namely freedom.

There is not time to fix the pump when the barn is on fire. If we don't start putting principle above purse and put the foundation of government back in the family instead of in the hands of scheming politicians and money mad bureaucrats we will end up sacking salt for the little fat man with the smile full of guile.

They say the Bible is the world's best seller. However, I don't think it is standard reading in Russia. It just might be wise and a paying precaution to read and believe it while we still have it. For we read that, in the last days, one man shall say to another, "hold thy tongue, for we may not make mention of the word of God" (Amos 6: 10).

And so, as we switch on the lights in our gas-heated homes, put on our pretty pants and climb into our cute limousines, it would be only reasonable to remember that all that glitters is not gold. And the Devil comes as an angel of light seeking whom he may devour.

Neither parity nor rocking chair pay, nor insurance untold will protect us from decay and death as a nation. For victory is for the strong, and woe be to the conquered. If in doubt, ask the Hungarians.

ED WILLEMS.
JUDITH GAP.

## THE NORTHERN FOREST FIRE LABORATORY

Mr. MANSFIELD. Mr. President, on the 24th of April 1959, groundbreaking ceremonies were held in Missoula, Mont., on the occasion of the commencement of construction of the new Northern Forest Fire Laboratory.

The construction of this new laboratory will be of tremendous value in the U.S. forest fire research program. I received a copy of the program and the remarks made by Mr. Jack S. Barrows, Chief of the Division of Forest Fire Research; Mr. Reed W. Bailey, the Director; and Mr. Charles L. Tebbe, regional forester.

Because of its general interest, I ask unanimous consent to have this material printed in the body of the CONGRESSIONAL RECORD.

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

PROGRAM, NORTHERN FOREST FIRE LABORATORY, GROUNDBREAKING CEREMONY, APRIL 24, 1959, MISSOULA, MONT.

Master of ceremonies: J. S. Barrows, Chief, Division of Forest Fire Research, Intermountain Forest and Range Experiment Station.

Introductions:

Architects: Fox, Ballas & Barrow, Witwer & Price, associated architects, Missoula, Mont.; Bouillon, Griffith & Christofferson, engineers, Seattle, Wash.

Contractors: E. F. Matelich Construction Co., Kalispell, Mont.; C. W. Schmid Plumbing & Heating, Missoula, Mont.; Palmquist Electric Co., Helena, Mont.

Groundbreaking:

Director, intermountain forest and range experiment station, Reed W. Bailey.

Regional forester, northern region: Charles L. Tebbe.

Response: Russell W. Lindborg, Missoula Chamber of Commerce.

Intermountain forest and range experiment station.

NORTHERN FOREST FIRE LABORATORY GROUNDBREAKING CEREMONY, MISSOULA, MONT., APRIL 24, 1959

REMARKS BY JACK S. BARROWS, CHIEF, DIVISION OF FOREST FIRE RESEARCH, INTERMOUNTAIN FOREST AND RANGE EXPERIMENT STATION

Today, we are giving official recognition to the beginning of construction of the Northern Forest Fire Laboratory. This ceremony signals another step forward in the conservation, management, and wise use of the Nation's forest resources.

Operated as a unit of the Intermountain Forest and Range Experiment Station, the Northern Forest Fire Laboratory will be dedicated to research for the benefit of a vast heritage of forest resources. This means research for the benefit of all of the people of this Western country and the Nation. It means painstaking investigation of the mysteries of fire and the effects of fire on the forest. It means scientific experimentation and development leading to better methods for the prevention and suppression of forest fires.

Two broad missions have been assigned to the Northern Forest Fire Laboratory: first, to perform basic and applied research on assigned fire problems of national importance; and second, to perform special regional research on the fire problems of the intermountain West and Alaska. In tackling the first mission the Northern Forest Fire Laboratory will be working under a coordinated nationwide program with her sister U.S. Forest Service laboratories—the Southern Forest Fire Laboratory at Macon, Ga., and a forest fire laboratory planned for construction in California. Work on the second mission means research aimed at the fire problems on 335 million acres of forest and watershed lands in Montana, Idaho, Utah, Nevada, western Wyoming, northwestern South Dakota, eastern Washington, Alaska, and a portion of California east of the Sierra Nevada range. Therefore, this laboratory located in Missoula will be both a regional and national center for forest fire research.

This laboratory is planned as a center for cooperative research. Programs already underway are being carried out in partnership with a number of private, State and Federal agencies and institutions. In particular, we expect to work closely with the universities and colleges of this region. The location of the laboratory in Missoula offers mutual benefits for Montana State University and the Forest Service. Other fire research projects are underway or planned in cooperation with Washington State College, the University of Washington, the University of Arizona, and the University of Idaho.

It is fortunate that this new laboratory is being erected directly adjacent to the aerial fire depot and smokejumper center. The division of fire control of region 1 and the smokejumpers are strong partners in the program to be undertaken here. The already existing facilities lend essential support to the fire research efforts and help promote economy in the overall program.

We are fortunate in many other features of the laboratory site. Location of the laboratory with taxiways to the Missoula County Airport will facilitate the use of aircraft in the development of new methods for fire control. The adjacent office of the U.S. Weather Bureau will provide many of the meteorological services needed in fire research. Directly above us on the 8,000-foot peak known as Point 6, a planned U.S. Weather Bureau radar unit will provide the laboratory with unique facilities for the study of lightning and other atmospheric factors related to forest fire control.

I will not attempt to describe the laboratory building which we are starting today. I can tell you that this will be the finest laboratory for forest fire research erected to date in the United States. Those of us who have had a part to play in conceiving this laboratory are deeply grateful that the citizens of this country as reflected by the actions of the Congress and the administration have authorized this project. Our concern now is to carry on this project in a manner which will yield full rewards to the people of this community and region and to the Nation.

NOTES ON REMARKS BY DIRECTOR REED W. BAILEY, INTERMOUNTAIN FOREST AND RANGE EXPERIMENT STATION

Ladies and gentlemen, I am very happy to be in Missoula today and to participate in the ground-breaking ceremony for the Northern Forest Fire Laboratory. There are several reasons why this occasion can be considered significant. First, it signals the construction of a research laboratory from which will come information and knowledge that will be used in conservation and management of not only Montana's forests but also the forests of the Rocky Mountain West States and Alaska. It is the first such laboratory in the West and will be well equipped.

This laboratory can be considered symbolic of the shift that is taking place, not only in the field of forest fire research but in all forestry fields, from the empirical and applied research to more basic experimentation; to a research program which will be concerned with the fundamentals of forestry and which answers the questions of how and why. Past procedures have yielded a rich harvest of facts and understanding that have helped the users of forest properties to develop management plans. It becomes necessary now in order to get full productivity and use of our forest resources to delve more deeply into the problems, and greater emphasis must be placed in the future on basic research.

A forest, especially in mountainous country such as ours, is a great complex of biologic, ecologic, physiologic, and meteorologic elements. It has a great diversity of soils and plant cover, slope and aspects, which must be understood as individual components of the environment as well as a part of the whole. To do this kind of research adequately requires laboratories and other scientific facilities such as we are building here. A basic research program in the Forest Service is getting under way with the authorization and construction of the Northern Forest Fire Laboratory, but other laboratories designed to investigate other phases of forestry are envisioned—biologic

laboratories where forest diseases and insects can be studied more effectively than has been possible in the past; genetics institutes where we can apply the science of breeding to produce the kind and quality of trees which the future will demand; hydraulic and soils laboratories which will give us the facts to equip us to use our forest resources without damage to the watershed but rather to permit the most favorable streamflow and the highest quality of water. In a sense building of this laboratory in Missoula can be considered breaking new ground for a national program of basic research in forestry.

The architects, engineers, and builders will provide us with a modern laboratory equipped with the best facilities and the most scientific instruments available, but these are not enough. Men and women trained and disciplined in the various scientific fields will have to be provided to ask the right questions of nature, to intelligently use the laboratory and its facilities, to design the experiments, to conduct the studies, and to determine the correct answers to the problems.

This laboratory will be a beautiful building but it will not contribute to solution of the problems of resource use and management without a staff of well-trained experts. I am confident that the Congress which provided funds for the construction of the laboratory will support its research program, and I am confident that with the able leadership of Jack S. Barrows, Chief of the Division of Forest Fire Research of the Intermountain Forest and Range Experimental Station, well-trained men will be found. With the valued cooperation of Regional Forester Tebbe and his staff, the University of Montana, the Montana State Forester, and cooperators in other States and educational institutions I am sure the research findings from this institution for which we are breaking ground today will fully justify the investment made by the American public and the support you people in Missoula and Montana have given the project.

REMARKS BY CHARLES L. TEBBE, REGIONAL FORESTER

I am honored to participate in this ground breaking ceremony marking the start of the new forest fire laboratory. This is a most significant event which secures to Missoula lasting leadership in the highly important business of forest fire control.

There will be two other forest fire laboratories, in widely separated parts of the country. But this one will have the finest facilities, and nowhere else can there be the juxtaposition of facilities and close working relationships between research and the nerve center of a big regional fire control organization, such as we have here.

National forest administration relies heavily upon research to guide its action programs. Not enough research is being done as yet, in many fields, to fully meet our needs. But this laboratory, and the increased staffing and strength of the fire research organization which it augurs, gives promise of valued help in fire control, on a much more adequate scale.

I am delighted. I am delighted, too, with the research leadership we have in Director Reed Bailey and Jack Barrows. I cannot resist mentioning that when I was here before, in charge of the Northern Rocky Mountain Forest and Range Experiment Station, Jack Barrows was one of my staff. I had a hand in getting him into fire research work, and have taken much satisfaction in seeing him grow in knowledge and competence.

I cannot let the occasion pass without prominent and laudatory mention of the name of Harry Gisborne. Many of you knew him. He was the pioneer forest fire researcher in this country and the world. Thirty-five years ago, right here in Missoula, he began his studies—working on a shoestring, but turning out, from the start, scientific information, in usable form, that men charged with responsibility for fire control were mighty glad and mighty lucky to have: (1) rate of spread of fire in different fuels; (2) the effect of fuel moisture, relative humidity, temperature, and wind on the outbreak and spread of fire; (3) fire meteorology—the idea of cloud and weather modification to prevent lightning fires, was first Harry Gisborne's, and he pushed it farther than any man in his time; (4) down in the basement of the Federal Building is a wind tunnel, installed by him in the thirties when that building was built—because he realized even then that such was necessary to study fire and fire behavior under controlled conditions—to understand some of the fundamentals of fire in the woods.

Harry died studying the Mann Gulch fire of 1949, trying to understand the behavior of that fire that took the lives of 13 men. What happened? Why did it happen? How can one recognize the conditions that make for a conflagration, and thus safeguard against such costs and losses?

These are some other unknowns about fire behavior that Jack and his fine crew, working with their wonderful new facilities, can now tackle, with greatly increased prospects for success.

I sincerely wish Harry Gisborne were here today. He would be indescribably happy to see what is taking place.

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## NEED FOR FISCAL DISCIPLINE IN ORDER TO PRESERVE THE CREDIT OF THE UNITED STATES

Mr. BUSH. Mr. President, on Saturday, May 2, I had the privilege of addressing the New Hampshire Council of World Affairs at Manchester, N.H., as did the distinguished senior Senator from Minnesota [Mr. HUMPHREY]. I discussed the need for fiscal discipline in the Federal Government in order to preserve the credit of the United States, upon which the defense of the entire free world depends, and the need for restraint in price and wage policies by management and labor.

In connection with the latter problem, I noted that there are disturbing signs that American industries are pricing themselves out of world markets and out of markets here at home. I stated:

It is time for both business leaders and union leaders to pay more attention to the needs and desires of consumers. It is time for them to be less insistent on price and wage increases which may have the effect of reducing present employment opportunities and of preventing the new job opportunities the American economy must create for the youngsters coming out of schools and colleges in the years immediately ahead.

Mr. President, I ask unanimous consent that a press release containing my remarks on that occasion may be printed in the RECORD at the conclusion of my remarks.

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

PROBLEMS OF FOREIGN ECONOMIC POLICY: SENATOR BUSH CALLS FOR FEDERAL FISCAL DISCIPLINE—PRICE-WAGE RESTRAINT BY MANAGEMENTS AND LABOR

MANCHESTER, N.H., May 2.—U.S. Senator PRESCOTT BUSH called tonight for more fiscal discipline in the Federal Government "in order to preserve the credit of the United States upon which the defense of the free world depends."

Discussing problems facing America in the field of foreign economic policy, the Connecticut Senator also declared there is "need for American industry and labor to exercise the responsible statesmanship required to maintain their competitive position in world and domestic markets; the need, in other words, to exercise restraint in wage and price policies and to pay more attention to the interests of consumers."

Senator BUSH, speaking at a dinner of the New Hampshire Council on World Affairs, said he rejected "the view that because we face these problems we should surrender our leadership of the free nations; that we should withdraw into a shell of new isolationism; that American industry and labor should retreat behind a new and high wall of protectionism.

"The world is too much with us to permit any of these defeatist actions, still advocated by a minority among us, to offer any solutions."

A partial text follows:

"First, let us consider two important things affecting foreign economic policy—

"1. Nations should try to keep their external accounts—their balances of international payments—in order.

"2. Nations should balance their internal budgets. They should follow orderly fiscal procedures.

"Do you know that the World Bank will not lend at all except on government credit, either direct or guaranteed?

"And that it insists that any government be solvent if it becomes a borrower?

"To be solvent, a government must have its own fiscal house in order, or be prepared to take the steps—sometimes unpleasant—which are required to put it in order. It must be prepared to exercise financial discipline over a period of years.

"Some governments are more willing than others to impose this self-discipline.

"A recent article in the New York Times reported that Brazil, which is in deep financial trouble, wants another large U.S. loan—some $300 million—but will not agree to suggested measures for putting her house in order.

"Well, why should we not require Brazil to adopt orderly measures to stabilize her economy?

"Unless Brazil does these things, any lender will eventually be left holding the bag, as the United States has repeatedly done in former years in lending abroad, particularly in the post World War I period.

"And governments can set their own houses in order.

"Perhaps the most dramatic example is the case of West Germany, whose rise from the ashes and rubble of destruction since the close of World War II has astonished the world.

"What is the key to West Germany's amazing recovery?

"Her leaders have not been afraid to exercise fiscal discipline.

"She has balanced her Federal budgets.

"She has kept her manufacturing costs highly competitive, setting the pace for Europe.

"She has successfully fought inflation.

"Real wages in West Germany have increased more rapidly than in other countries of Europe. Instead of trudging the treadmill of wage increases constantly followed by price increases, her workmen have received increased compensation in terms of ability to buy more goods and services in currency of a relatively stable purchasing power.

"Other governments in Europe, probably stimulated by the increasing competition of West Germany, have begun to take the steps required for fiscal soundness.

"The United Kingdom, after a whirl on the wage-price merry-go-round, stepped down and resumed the soberer path of responsibility.

"The McMillan government proposed—and the British people accepted—a policy of fiscal discipline—'austerity,' the Prime Minister called it.

"You recall that in order to keep sterling from flight and to protect her slender reserves of foreign exchange, Britain had the courage in 1957 to raise the bank discount rate to 7 percent. This stopped the flight of capital and did the trick. The British put their house in order and are meeting their foreign obligations in an orderly way. But it took courage—it took discipline. And the British people supported it.

"Premier De Gaulle has exhibited the same kind of courage in France, and the French people appear to be supporting the program of austerity and taxation he has proposed.

"Why don't we insist that all governments wishing to borrow from us do the same?

"It may be that we suffer from a feeling of embarrassment because we don't practice what we preach.

"William McChesney Martin, the distinguished Chairman of the Federal Reserve Board, who was initially appointed by President Truman and reappointed by President Eisenhower, last year traveled in the Far East. Listen now to what he said after his return. I quote:

" 'One distressing experience was to find among intelligent and perceptive men in those countries a growing distrust over the future of the American dollar. Whether or not it is justified—and certainly I think it is not—it is important to recognize that this feeling exists. To the foreigner, much more than to Americans, the dollar is a symbol of this country's strength. A decline in the value of the dollar would suggest to the foreigner a decline in the faith and credit of the United States, signaling in his mind a decline not only in American economic strength, but also in moral force.'

"So, I make the point that the United States—leader of the free world—upon whose strength depends the security of the free world—is delinquent in its duty when it fails to do itself what it demands that other nations do.

"By not practicing what we preach, we not only lose the confidence of the free countries, but we weaken the very foundation of strength—the credit of the Government of the United States—upon which our own and their freedom from Communist domination depends.

"The creation of long term debt for paying current operating deficits is, basically wrong and cannot forever go unpunished at Government levels any more than it can in your home or mine.

"One would think sometimes that American politicians believe our people might be offended if their Congress insisted that we practice fiscal discipline at the Federal level.

"Yet, throughout history, what governments have been accounted as good governments? They have been in the nations, the states and towns and cities that manage their affairs in orderly fashion, living within their incomes, restraining extravagance and waste, avoiding debt wherever possible, except for productive purposes, and repay their debts promptly.

"We need discipline and responsibility in Government and we need it also in private enterprise.

"Collective bargaining on wage levels, and price determinations by management, have been conducted in some industries in the past in an atmosphere of comfortable confidence that the bill could always be passed on the consumer. Larger profits for stockholders, and higher wages for production workers, could be assured if the consumers could be counted upon to pay.

"I suggest that this no longer may be true.

"Consumer resistance to higher and higher prices already has been evidenced in the home markets for many American products. Imported goods of comparable quality at cheaper prices are winning in the competition for the housewife's dollar.

"At the same time, there has been a sharp decline in American exports.

"These are factors which must be taken into consideration when business and labor sit down at the wage bargaining table, and when managements determine pricing policies.

"American investments abroad, and a thriving trade with the free world, are vital. Such basic necessities as iron ore, bauxite, manganese, natural rubber, tin, and many other materials urgently needed for our military and industrial strength either are not produced within our borders or are not produced in sufficient quantities to satisfy our requirements.

"Trade in these materials and in manufactured products, supported by the foreign investments of American corporations and by Government loans, must continue.

"Yet, there has been a trend in our foreign trade and in our foreign investments which is cause for uneasiness and concern.

"I refer to the growing number of American manufacturers who have been forced to invest in foreign operations in order to improve their competitive position at home, as well as to satisfy demands in friendly countries.

"Take the automobile industry, for example. During 1957 and 1958, I spoke often on the Senate floor of the dangers I perceived in the apparent determination of the American automobile industry to force down the throats of the buying public wider, longer, more expensive models each year.

"It gives me no satisfaction in 1959 that much of what I predicted came to pass. We have seen American-built cars priced out of markets at home and abroad. We see small, inexpensive foreign-made cars being landed on our shores in increasing numbers. We have seen the great automobile companies—Ford, General Motors, and Chrysler—establish more and more plants abroad to produce the smaller, cheaper models, not only for their foreign markets but also for shipment to this country.

"We have seen diminishing exports of the American chrome-plated giants to foreign markets in which they once enjoyed great prestige and large sales.

"And, most regrettably, we see high levels of unemployment in Detroit and other centers where industry depends on the auto industry.

"I believe the automobile folks have finally realized their danger, and by going into production of American-made small cars can regain the ground they have lost. But it has been and there remains a painful process of readjustment for the production workers in the automobile industry and for the many thousands of workers in businesses which supply the auto industry with component parts.

"Similar situations exist in other industries. In my own State, for example, a manufacturer of textile knitting needles has found it necessary to establish a factory in West Germany to remain competitive.

"The list is growing. Cars, farm machinery, typewriters, and other office equipment—these are only a few of the products which American manufacturers find it more profitable to manufacture abroad and import into this country to undersell goods produced domestically.

"Thus, as we export capital we also export job opportunities. We have created jobs for workers in other lands while American working men and women remained idle.

"Another powerful motive leading American manufacturers to establish plants abroad has been the creation of the European Common Market. With its activation in January, the United States achieved one of its major international objectives—the creation of conditions for greater economic unity and strength in Western Europe.

"But at the same time was created a powerful competitor for international markets. The combined world trade volume of the Common Market countries is roughly equal to that of the United States.

"As the position of American firms in competition for world and domestic markets has become less favorable than the very lush conditions they enjoyed in the years immediately following World War II, there have arisen increasing pressures for more protection.

"Increasing imports of foreign goods have brought demands for higher tariffs and import quotas, not only from businessmen but also from the labor unions immediately affected. During times of recession, these pressures are intensified.

"And I venture to predict that if the automobile industry—the traditional stronghold of 'freer trade'—fails to regain its markets by the steps it is now taking, there will be demands for higher tariffs from that source. And if employment in the automobile industry does not substantially improve, it wouldn't surprise me to see Walter Reuther leading a march on Washington to urge substantial protection for that industry.

"But higher tariffs and import quotas offer no sound and permanent solution.

"If it is true that some American industries and labor are pricing themselves out of world markets and out of markets here at home—and there are disturbing signs that it is true—then the answer to the problem lies elsewhere.

"I believe it is time for managements and the leaders of labor unions to consider closely and carefully what actions must be taken to keep American industries competitive with industries abroad which are anxious for a larger share of world markets as well as a bigger share of the American market.

"Unless the productivity of American industry and labor increases as rapidly as in competitive foreign industrial countries, notably Japan, Western Germany and Russia, we are heading for trouble.

"It is time for both business leaders and union leaders to pay more attention to the needs and desires of consumers. It is time for them to be less insistent on price and wage increases which may have the effect of reducing present employment opportunities and of preventing the new job opportunities the American economy must create for the youngsters coming out of schools and colleges in the years immediately ahead.

"We must recognize that the United States is no longer the sole supplier to the world. The early postwar period was abnormal. The disruption and damage that occurred during the war put our competitors out of business and left the field to us. Some in this country drew the wrong conclusions from this temporary state of affairs. They concluded that the United States was bound forever to undersell every other industrialized country because of our labor skill, rapid technological progress, and great capital.

"We should not now—noting the drop in U.S. exports—move to the other extreme and conclude that the United States has lost its competitive potential. But it is salutary to remember that a country can lose its position in international markets if it permits its domestic economy to deteriorate. We are no more immune than other countries to the internal and external difficulties and distortions that inflation can bring.

"Our job at home is twofold: to give every encouragement to economic growth and to maintain stable prices.

"We also have a job to do abroad, a job that is vital to our domestic security and welfare, and that is to help other countries of the free world to grow. We must help them to grow and prosper because if they can maintain satisfactory levels of employment, their ability to resist communism will be fortified and they will add to the strength of the free world. And, if I may strike a note of enlightened commercial self-interest, their growth and prosperity will make them better markets for U.S. goods.

"We can promote their growth in several ways. One is by keeping the domestic economy vigorous and stable and by keeping the channels of trade open so that others can earn by trade the wherewithal for growth. But a prosperous domestic economy and an expending world trade, while of fundamental importance, are not enough. The countries of the free world, especially the less developed countries of Asia, Africa and Latin America, need capital and they need technical skills. We are not the only source, but we are, by virtue of our wealth and strength, the most important source of these key ingredients for growth.

"In closing, I would like to discuss for a few minutes what attitude we, as Americans, must take toward our increasing responsibilities in the modern world.

"I have spoken of some of the problems I see facing us in the months and years ahead—

"The need for more fiscal discipline—austerity, if you will—in the Federal Government in order to preserve the credit of the United States upon which the defense of the entire free world depends; and

"The need for American industry and labor to exercise the responsible statesmanship required to maintain their competitive position in world and domestic markets; the need, in other words, to exercise restraint in price and wage policies and to pay more attention to the interests of consumers.

"I reject the view that because we face these problems we should surrender our leadership of the free nations—that we should withdraw into a shell of new isolationism; that American industry and labor should retreat behind a new and high wall of protectionism.

"The world is too much with us to permit any of these defeatist actions, still advocated by a minority among us, to offer any solutions.

"Isolationism may once have been a valid foreign policy for America. George Washington's admonition, in his Farewell Address, to shun foreign entanglements may have been sound advice in the early days of the Republic, and in its growing years.

"But the march of events, especially since World War II, has made isolationism an exercise in futility.

"Science and invention have shrunk the world. Modern communications make us as aware of trouble in a remote corner of the globe, as we are of trouble in our own hometown. We may travel, by jet plane, from New York to London in 6 hours in contrast with the 6 weeks it took our grandfathers to accomplish the same journey. When the intercontinental ballistic missile becomes fully operational—and that day may be only a short time away—Washington and Moscow—and Manchester, N.H.—will be equally vulnerable to destruction, with only 15 minutes warning. The possibilities for exploration on earth have become so limited that men now confidently plan space journeys to the moon, and to more distant planets.

"These facts demand recognition of the additional fact that isolationism, as a valid policy for the United States, is as dead as the dodo. Whether we like it or not—and, for my part, I find the challenge stimulating rather than depressing—the requirements of the modern world have thrust America into a position of world leadership.

"We are in the van of a coalition of free nations, united in resistance to Communist aggression. We face a long, hard struggle. I expect it to continue for many years ahead. Many of us in this room will not live to witness the ultimate outcome.

"But I have abiding confidence in the ability of the people of the United States to face reality, once the danger is fully apparent, and to make the sacrifices which appear necessary to meet the threat to our freedoms.

"And I have abiding confidence that a system of government which exalts the individual above the state can defeat a system in which the individual is nothing and the state everything.

"In short, I believe that freedom will eventually defeat slavery."

## HEAVY GOLD FLOW FROM UNITED STATES CAUSES GLOBAL CONCERN

Mr. BUSH. Mr. President, an article in the New York Times on Sunday, May 3, 1959, by Mr. Edwin L. Dale, Jr., was headlined "Heavy Gold Flow From United States Causes Global Concern—Inflation Blamed as Losses on Trade Deficit for 2 Weeks Top 179 Million."

Mr. Dale reported that the resumption of a heavy outflow of gold is causing some concern, although not alarm, among American and international financial officials, and that the main reason for the outflow is the continued sluggishness of American exports while imports remain strong.

Mr. Dale also reported that there is an increasing body of opinion that a solution to the problem lies only in an increase in American exports, and that this, in turn, will depend on the future of the U.S. price level—in other words, on the avoidance of further inflation.

Mr. President, I ask unanimous consent that the article to which I have referred may be printed in the RECORD at the conclusion of these remarks.

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

HEAVY GOLD FLOW FROM UNITED STATES CAUSES GLOBAL CONCERN—INFLATION BLAMED AS LOSSES ON TRADE DEFICIT FOR 2 WEEKS TOP $179 MILLION

(By Edwin L. Dale Jr.)

WASHINGTON, May 2.—The heavy outflow of gold from the United States has resumed. The situation has caused some concern, though not alarm, among American and international financial officials.

In the last 2 weeks, the United States has lost $179 million in gold, or more than in the entire first quarter of the year. Last year, the United States suffered its biggest gold outflow ever at $2,300 million.

The reason is that the United States is running a deficit in its transactions with the rest of the world. The main reason for the deficit is that American exports have remained sluggish while imports have been strong.

TWENTY BILLION GOLD STOCK

The United States has such a huge stock of gold—about $20,300 million—that it can withstand a deficit in its international balance of payments without much strain. But the deficit cannot continue indefinitely without trouble.

The results have led some authoritative international financial experts to revise their opinions about the outlook for this year. Some now feel that the United States this year will be a fairly heavy loser of gold, though they had earlier thought the balance this year would right itself.

The continued sluggishness of U.S. exports has led more and more officials to take seriously the problem of American goods' pricing themselves out of world markets, though the statistics so far give little support to this idea.

In any case, some major figures in the international financial world have concluded that it is imperative that the United States not allow any resumption of inflation, on international payments grounds alone. Some believe that the steel settlement this summer will have a major bearing on the situation, for both practical and psychological reasons.

The gold outflow has also reinforced the determination within the Government to use the Government's fiscal and monetary weapons—balanced budgets and "tight money"—to prevent renewed inflation.

Although precise figures are not available, there is some evidence that the sudden resumption of gold departure in April can be accounted for by a special situation related to Britain.

The British have been gaining reserves all this year in their ordinary transactions. But they apparently decided to leave their gains in dollar form, rather than convert the dollars into gold, in order to build up the necessary balance to repay $200 million to the International Monetary Fund in March.

FURTHER GAINS PUT IN GOLD

That payment was made. Thus any further gains in reserves by the British were probably converted promptly into gold, according to traditional British custom. That is what probably happened in April to account for a large part of the outflow of gold in that month.

However, this explanation really means only that the slowing of the outflow of gold in the first 3 months of the year was artificial. That is, the U.S. balance of payments was still strongly in deficit, but that for a special reason the gold figures did not show it.

Probably the major hope of those who believe the balance of payments will soon improve is that measures to promote economic expansion in Europe and Britain will soon take hold and that Europe will then begin taking more imports from the United States. Europe has been in a mild recession. Virtually all governments have lowered interest rates and taken other measures to spur demand.

DIFFERENTIAL IN INTEREST

The interest rate differential has high rates in New York and lower rates in London and Amsterdam and Frankfurt. It should also help the U.S. balance if the differential becomes great enough.

Short-term funds flow to the money center where the best interest yields are available. Such a flow into New York has the same effect on the U.S. payments balance as an equivalent amount of exports of goods.

But only a pickup in U.S. exports, it is believed here, will provide any lasting solution to the problem. More and more, it is believed that the future of exports will depend in major degree on the future of the U.S. price level.

## EFFECT OF WAGE INCREASES IN THE STEEL INDUSTRY

Mr. BUSH. Mr. President, my attention was recently attracted to an article in the New Haven Register of April 29, 1959, by Mr. Samuel Lubell, a widely known sampler of public opinion who has been interviewing people at the grassroots level during the past few

months. Mr. Lubell's article was headlined "Steel Workers Hostile to Union's Call for Pay Rise as Peril to Living Costs."

Mr. Lubell reported that of the steelworkers he interviewed, five of every six were opposed to further wage increases. The bulk of the steelworkers, he reported, "are fed up with the constant upward spiraling of prices, wages, and taxes that has followed each steel wage boost through the postwar years."

This attitude on the part of the steelworkers themselves was in sharp contrast to the position taken by leaders of the United Steel Workers of America, as reported in an article in the New York Times of about the same date, which was headlined "Steel Union Asks for Record Gains—Wage Policy Group Sets Target for Negotiators—Meany Pledges Aid."

Mr. President, I hope that in the labor-management negotiations in the steel industry both sides will exercise responsibility and restraint, and that the conclusions reached will recognize the interests of consumers and will take into account the impact of decisions upon the national economy.

Mr. President, I ask unanimous consent that the article by Mr. Lubell may be printed in the RECORD at the conclusion of these remarks.

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

STEELWORKERS HOSTILE TO UNION'S CALL FOR PAY RISE AS PERIL TO LIVING COSTS

(By Samuel Lubell)

On the eve of negotiations for a new steel contract, most steelworkers are opposed to having their union press for further wage increases.

During the last 2 months this reporter has been traveling around the country talking with housewives, storekeepers, and farmers, clerks and businessmen—the employed and the jobless—about the major issues facing the Nation.

As part of this survey I have systematically interviewed typical steelworker families in 10 steel-producing cities in 5 different States.

Of the steelworkers interviewed, five of every six are against further wage hikes.

MANY GRUMBLE

This hostility to wage boosts does not reflect any sudden burst of affection for the steel companies. Many of the same millhands who declare, "I wouldn't lift a finger for a wage increase," grumble bitterly that "the companies are getting more work out of every man" or that "they owe us something on the record profits they're making."

But it is also plain that the bulk of the steelworkers are fed up with the constant upward spiraling of prices, wages, and taxes that has followed each steel wage boost through the postwar years.

Repeatedly when I asked, "Do you want a wage increase?" the emphatic response was, "No. Everything else goes up and you're no better off."

Other typical comments ran:

"Wage increases are as useless as fuzz on a frog."

BIGGEST MISTAKE

"The biggest mistake the union could make would be to go after higher wages. They don't help. That's been proven."

"You can be sure if we get 10 cents more the company will raise steel prices 20 cents. We can't win in that game."

Often it is asserted that labor leaders have little choice but to demand ever higher wages because of pressures from their own membership. It was largely to test this thesis that I undertook to survey varied steel communities before the union had made public their demands. My talks with steelworkers leave little doubt that currently the main pressures for "more" are being generated by the union leaders and not the rank and file.

Roughly a third of the workers who were interviewed felt "I'm satisfied to sign up for what we have now." This feeling was particularly strong among the older workers, with the highest seniority, who were steadily employed through the recession.

Among the younger workers, who bore the brunt of last year's unemployment, one finds a sharp edge of grievance, but most of them tend to feel "it's not higher wages we need but steady work."

Many other workers shrugged off the question of what they wanted in the contracts, saying, "We'll go along with what the union asks."

FRINGE BENEFITS

Generally the changes in the new contract that were urged ran to additional fringe benefits, such as expanded hospitalization, paid-up insurance and—the one demand with the strongest support—a lower retirement age with more generous pensions.

This shift in the workers' desires from higher wages to fringe benefits merits special emphasis. Some workers explain the change by saying, "A wage boost puts you into a new tax bracket. But they can't tax fringe benefits."

Other millhands, particularly in communities where steel is dominant, see fringe benefits as a means of outwitting those downtown merchants who raise their prices as soon as there is even talk of a wage increase.

In Gary, Ind., a steel mill electrician explained, "If I get a 15-cent raise I never see it. Rent, food, everything else is marked up. If I get another week's vacation they can't take it away from me."

UNEMPLOYMENT FEAR

But the really big concern that gnaws most steelworkers today is the dread of unemployment. "Look at the new production records the companies are hitting" is a frequently voiced complaint, "and yet there are fewer men working."

Asked what would help make more jobs, most workers agreed higher wages are not the answer. Many, in fact, feel that raising wages may mean less jobs.

"The higher you push costs the more machinery the company puts in to cut costs," volunteered one Youngstown, Ohio, millhand. "It used to take us a month to make a million feet of pipe. Now we go through that steel like spaghetti and do it in a week."

Other workers point out that higher steel prices are encouraging foreign imports. In Buffalo, several steelworkers protested angrily, "They're using Italian steel on a power project only a few miles from our steel plant." A pipe roller in Pittsburgh, pointing to several new homes down the street, said, "Some of the steel in those houses came from Germany. Who is going to buy those houses if steelworkers have no jobs?"

FAIL TO CONVINCE

Through most of the weeks I was doing my interviewing the steelworkers' union was running a series of newspaper advertisements pitched to the theme that a billion-dollar steel wage increase would generate a tremendous economic pickup in the country. But it was plain these advertisements had failed to convince the union's own membership.

The overpowering impression left with this reporter, from all my interviews, was that of talking with men and women who felt themselves trapped in a squirrel cage that they couldn't get out of.

"Sure, we'll get a wage increase," grumbled a south Chicago welder. "It won't do us any good. But the union thinks it has to get us something each year."

A Cleveland worker remarked gloomily, "Wage increases won't help, but I don't know that holding back on our wage demands would make any difference. It's too late now to stop this automation."

Others ask, "How do we know the steel companies won't raise prices anyway, regardless of what we do?"

To sum up, if many steelworkers feel "there's no more point to higher wages," they still see no effective alternative. And, as they talk among themselves more of them are coming to feel "we need some way of spreading the work."

## ARGUMENT AGAINST CREEPING INFLATION

Mr. BUSH. Mr. President, there appeared in the Sunday magazine section of the New York Times of May 3, 1959, an article by Jules Backman, professor of economics at New York University, which was headlined "Argument Against Creeping Inflation." Those who believe it to be an inescapable price for economic growth are wrong, says an economist who holds that it actually slows growth and fosters unemployment.

Mr. Backman forcefully makes a point which I have made on the Senate floor and elsewhere over the past few years, namely, that price stability is an indispensable condition for achieving economic growth and expanding employment.

Mr. President, I ask unanimous consent that his article may be printed in the RECORD at the conclusion of these remarks.

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

ARGUMENT AGAINST CREEPING INFLATION

(By Jules Backman)

There is general agreement that economic growth is indispensable for a strong America. However, there has been considerable public debate about the ideal rate of growth and how to achieve it.

One school of thought asserts that "an inescapable cost" of a desirable rate of growth is creeping inflation. It holds that the alternatives are "creeping inflation and economic growth" or "price stability and unemployment." In this way, creeping inflation is given "respectability by association," while price stability is subject to "guilt by association."

The second school of thought holds not only that we can have both a desirable rate of growth and stable prices, but that we can maintain our growth only by keeping prices stable.

Creeping inflation refers to a price rise of 2 percent or 3 percent a year. Prof. Sumner Slichter, one of the exponents of the first school, states that this type of "slow inflation must be expected to continue more or less indefinitely." Such an annual rate of increase does not seem to be very large, but an annual rise of 2 percent will wipe out half of the purchasing power of the dollar in 35 years, and a 3 percent rate will result in a similar reduction in less than 25. This is the simple arithmetic of creeping inflation.

Nevertheless, apologists for creeping inflation argue that it is unavoidable if we are to achieve the rate of economic growth which is necessary to enable us to attain

our aspirations at home and to meet the threat from Russia. They explain that it is inevitable because labor costs rise more rapidly than output per man-hour. According to this argument, trade unions are so powerful that these excessive increases in wages and other labor costs could be stopped only by stringent governmental monetary and fiscal controls. The result of such curbs would be large-scale unemployment, which would limit economic growth. We are told that we must, therefore, accept creeping inflation as a lesser evil.

There is no disagreement concerning objectives between the creeping inflationists and those who are opposed. We are agreed that our goal is a maximum achievable rate of economic growth. We are agreed that unemployment is undesirable and exacts a high social cost. We are agreed that inflation—creeping or any other kind—is not desirable as a way of life. We disagree as to the means by which we may achieve our goals. The creeping inflationists say that we cannot achieve all three goals; that we must choose among them. The anti creeping inflationists say we can achieve growth, a minimum level of unemployment and price stability.

The arguments against creeping inflation may be summarized as follows: (1) it slows long-term economic growth; (2) it makes recessions worse; (3) it hurts fixed-income groups and savers; (4) not everyone can be protected against it by "escalator clauses"; (5) it leads to galloping inflation; (6) it is not inevitable in an expanding economy.

1. Creeping inflation slows long-term economic growth.

There is general agreement that to meet the threat of the expanding Russian economy our own economy must continue to grow as rapidly as possible. Some say we must step up our rate of growth to about 5 percent a year as compared with our long-term record of about 3 percent. While the difference between 3 percent and 5 percent appears to be small, it becomes enormous with the passage of time. With a growth rate of 3 percent, total output of goods and services in our economy increases fourfold in about 50 years. With a 5 percent rate of increase, on the other hand, total output in a half century would be more than 10 times as large as it is at present.

Everyone is in favor of the highest possible rate of economic growth. But there are practical limits to expansion which must be faced. When we exceed these limits the pressures for inflation become intensified. President Eisenhower properly has pointed out that a stable price level is "an indispensable condition" for achieving the maximum growth rate in the long run.

History does not support the assumption that economic growth must be accompanied by rising prices. Economic growth has occurred in many periods of stable or declining prices. Two such major periods in the 19th century—the 1820's and 1830's and the last third of the century—were periods of declining prices. During the 1920's, when prices remained relatively stable, national output rose about 4 percent a year. On the other hand, from 1955 to 1957, when prices crept upward almost 3 percent a year, national output rose less than 2 percent annually.

Two major factors have contributed to economic growth in this country: higher productivity and an expanding population. Two-thirds of our 3 percent annual rate of growth has been accounted for by rising output per man-hour, about one-third by increasing population. Increases in productivity, therefore, provide the key to future economic growth. Output per man-hour is affected by many factors but the most important has been the investment in new machines and equipment. The magnitude of such investments depends upon the level of savings. Savings will be discouraged by creeping inflation, and thus long-term economic growth will be stultified.

Confronted by creeping inflation, savers are more interested in speculating—to protect themselves against losses in purchasing power—than in providing capital for industry. There is ample evidence of this tendency in the rampant speculation now taking place in stocks. If inflation should continue to be a threat, more and more persons would try to protect themselves in this manner. The result would be a speculative binge which would ultimately collapse. Such a development could only act to retard economic growth.

To stimulate economic growth it is necessary to create an environment in which savings will be encouraged and business will be willing to convert those savings into new plant and equipment. Price stability encourages savings, while tax incentives could be used to induce new investments. This is the road to greater economic growth.

Creeping inflation also interferes with business planning. When protection against price rises becomes a dominant factor, businessmen are not likely to plan boldly for expansion. One result is an adverse impact on job creation.

2. Creeping inflation makes recessions worse.

It is true that fear of higher prices may give a temporary stimulus to the economy. But this development induces speculation in inventories. Eventually, the inventories become burdensome, then the economy experiences a setback. The 1948–49 downturn properly has been described as an inventory recession. Inventory liquidation also was significant in the 1953–54 and 1957–58 recessions.

When protection against tomorrow's higher costs becomes a major factor in industry decisions to expand capacity today, the net result tends to be overexpansion—followed by a sharp decline in new investment in plant and equipment. The current lag in the capital goods industries reflects the aftermath of the overexpansion of 1955–57. Thus, creeping inflation means more cyclical unemployment. It is not an alternative to unemployment; it is a significant cause of unemployment. And it is little solace to those who become unemployed that they may have received overtime pay during the boom.

We normally anticipate that there will be 2.5 to 3 million workers unemployed even when the economy is operating at full speed. This frictional unemployment usually is short term, representing individuals changing jobs or seasonably unemployed (as in the construction, apparel, or retail trades). Therefore, when we have a total of 4.3 million unemployed, our real problem is how to create about 1.5 million jobs. The economic cost of unemployment must be measured in terms of this smaller figure.

The hardships attending unemployment should not be minimized. The price in terms of broken homes, loss of self-respect, loss of national output, and related developments is a heavy one indeed. This is why every effort must be directed to adopting the proper policies to reduce unemployment.

Creeping inflation exacts a double toll: first, a loss in the buying power of our money; second, added unemployment. It carries a high price tag.

3. Creeping inflation hurts fixed-income groups and savers.

Persons with fixed or relatively fixed incomes—those who live on proceeds of life-insurance policies, pensioners, those who work for nonprofit organizations, Government employees, and bondholders—are hardest hit by any cut in the purchasing power of money. Ask the pensioner who planned his retirement 20 years ago how he gets along today with the dollars that buy less than half of what they bought then.

With an increasing number of senior citizens in our population, and with the growth of private pension plans, this is a matter of serious national concern. The hardships experienced by these persons can be just as tragic as those suffered by the unemployed.

In addition, families with savings accounts, U.S. savings bonds, and other types of savings find their purchasing power steadily eroding. These various forms of savings aggregate about $400 billion. Every increase of 1 percent in the price level, therefore, wipes out $4 billion in purchasing power.

This problem cannot be evaluated in terms of 1-year or 2-year results. As we noted earlier, creeping inflation could cut the total value of savings in half within 25 to 35 years. This is a heavy cost and cannot be ignored.

Nor can workers escape the adverse effects of creeping inflation. Higher prices cut the purchasing power of wages and benefits received under security programs. The part of a wage increase which is excessive is taken away—in whole or in part—by price inflation. Reduced profits mean reduced incentives to invest in new plant and equipment; one result is fewer job opportunities. And unemployment, which thus may attend excessive labor-cost increases, means that those who hold their jobs obtain part of their higher real earnings at the expense of those who lose their jobs or who fail to obtain jobs.

4. Not everybody can be protected against creeping inflation by escalator clauses.

It is significant that not even the apologists for creeping inflation regard it as something to be encouraged. Rather, we are told, it is an evil which must be tolerated and to which adjustment must be made. One suggestion is that escalator clauses, such as those now contained in many union contracts, might be extended to pensioners, insurance beneficiaries, bondholders, and the like. This proposal acknowledges the ill effects of inflation, but suggests that the burden could be neutralized.

But not everybody can ride the escalator. It is the height of folly to imagine that we can inflate without some groups paying the price.

Professor Slichter has suggested that under the conditions of creeping inflation people "should not hold long-term bonds or other long-term fixed-income investment unless the yield is sufficient to compensate them for the probable annual loss in purchasing power." What would happen to our financial system if bondholders should attempt to liquidate their investments en masse? The basic weakness of the apology for creeping inflation is reflected in the recognition of the problem in this area.

5. Creeping inflation leads to galloping inflation.

Psychology plays an important role in economic decisions. As the purchasing power of money steadily erodes, more and more persons will seek to protect themselves against future price rises. The resulting flight from money into goods would accelerate the rate of increase in prices. Creeping inflation could then become galloping inflation, and finally runaway inflation.

It is true that such a development would require support from monetary and fiscal inflation. But that this support would be forthcoming seems probable as long as we persist in tolerating wage inflation and insist upon full employment.

6. Creeping inflation is not inevitable in an expanding economy.

Many factors are at work today to raise or hold up prices. They include the agricultural support program, the high level of Federal, State, and local government spending, the increases in various sales and excise taxes, featherbedding and make-work rules, controls affecting imports and the steady expansion in private debt.

The primary cause of creeping inflation, however, as Professor Slichter has pointed out, is wage inflation—labor costs rising faster than output per man-hour. When wage inflation abates, price inflation also is moderated. It is noteworthy that, despite business recovery in the past year, consumer prices have remained stable and wholesale prices have risen only fractionally. This temporary stability reflects the likelihood that output per man-hour has risen more rapidly than the long-term rate (a typical recovery performance), and that, as a result, wage inflation has been at a minimum—perhaps even nonexistent—for the economy as a whole during this period.

The basic problem, then, is to counteract wage inflation. Two factors make this difficult. One is the national objective to maintain full employment, the other is the growth of powerful labor unions.

The full-employment policy makes it difficult to impose those stringent monetary and fiscal checks to rising prices which would create deflation and unemployment. The national concern over unemployment has assured union leaders that their wage policies will be underwritten by new inflationary measures when necessary. In other words, full-employment policies have increased the bargaining strength of the unions.

The problem of wage inflation could be ameliorated if union leaders and the workers they represent accepted the the fact that our average standard of living cannot rise faster than national productivity. Only as we produce more can we obtain more goods and services, or more leisure, or some combination of both.

However, since it is the job of union leaders to get as much for their members as fast as they can, there is little point in criticizing them for taking full advantage of the present situation.

We can make more progress by taking action on two fronts:

First, the power of the unions must be curbed. There is little agreement on how this may be accomplished. Some students of the problem have suggested applying the antitrust laws to limit unions' monopoly power. Others have proposed more drastic remedies, such as limiting the power to strike, or curbing the size of unions.

Each of these proposals involves serious difficulties which must be carefully evaluated. Possibly some other solution will be forthcoming. However, unless some means is found to curb excessive union power and its abuse, this source of pressure for creeping inflation will continue.

Second, the Employment Act of 1946 should be amended to include the goal of stabilizing the purchasing power of the dollar as well as the goal of maintaining high-level employment. This would provide a guide against which to measure proposed policies. It would not mean wage or price controls. Individual prices would continue to fluctuate as at present but public policy would have as one objective the prevention of marked changes in the general price level.

Uncertainty would be substituted for the present certainty that inflationary wage increases will be supported by governmental actions. The new element of uncertainty might impose some restraint upon unions. It might also make industry less willing to grant excessive wage increases because it would make their recovery through higher prices less certain.

One important caution must be noted. There is no magic in a stable price level. Stability of prices during the 1920's did not prevent the most catastrophic depression in modern history. Stability of prices from 1952 to early 1956 did not prevent the 1954 recession—or the 1955–57 boom. General price stability may conceal important disparities in price relationships or in cost-price relationships which in turn upset the effective functioning of the economy. In other words, general price stability is not a cure-all for the problem of the business cycle.

Nevertheless, if these limitations are kept in mind, the inclusion of the goal of price stability in the Employment Act will focus national attention on inflation and its causes. The public will be made aware of the dangers that are inherent in monetary and fiscal inflation with their impact upon total demand, wage inflation with its impact on costs, and other policies which act to raise or hold up prices. And, certainly, full awareness of the sources—and evils—of creeping inflation is an indispensable step in mobilizing public opinion against inflationary policies.

## PERSONAL STATEMENT BY SENATOR MORSE

Mr. MORSE. Mr. President, I should like to have the attention of the majority leader for a moment, and the attention of the minority leader also, as I rise to a point of personal privilege.

Over the weekend the Senator from Indiana [Mr. CAPEHART] made some charges to the effect that he was contemplating submitting a resolution of censure against the senior Senator from Oregon. Yesterday I released a press statement, of which the following is a part:

> Now that Senator CAPEHART has tried his charges against me in the press over the weekend, I challenge him to file a resolution of censure against me when the Senate convenes on Tuesday.
>
> My colleagues in the Senate who have read the debate on the Luce nomination know that there was nothing improper about my course of conduct in investigating the qualifications of the nominee.
>
> The fact is there is no basis whatsoever in support of his charge.
>
> However, when a Senator publicly indicts his colleague, as Senator CAPEHART has done in this instance, he owes it to the Senate to either file with the Senate his proposed resolution of censure stating his reasons or to publicly retract his charges.
>
> I surmise that what Senator CAPEHART really would like to do is censure me because he knows there is no basis in fact for the Senate to censure me.

All I desire to say to the majority leader and the minority leader is that, in view of the charges made by one Member of the Senate against another Member of the Senate, I think they should make very clear to the Senator from Indiana [Mr. CAPEHART] that there will be the fastest possible expediting of any resolution the Senator from Indiana may wish to file against the Senator from Oregon.

I wish to say to the majority and the minority leaders that I am ready to place myself on trial whenever the Senate wishes to proceed with such a resolution. Further I wish to say the Senate of the United States, if such a resolution is filed, owes it to itself to proceed without delay to an immediate trial.

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

Mr. MORSE. I yield to the majority leader.

Mr. JOHNSON of Texas. I merely desire to observe, apropos of what the distinguished senior Senator from Oregon has said, that I have had no discussion with anyone in connection with this subject. All I know about it is what the Senator from Oregon has said on the floor of the Senate.

I vividly recall the insistence of the Senator from Oregon that another Member of this body receive the protection of the rules of the Senate in connection with an attempt to censure him, and to see that that Member got a fair hearing before this body. I have not always agreed with the Senator from Oregon, but on that occasion I thought he made a very great speech.

First, I express the hope that no such resolution will be submitted. Certainly, I would not, on the basis of any knowledge I have, expect to support such a resolution. Should it be filed, however, I can assure the Senator that, with the limited influence I might have in the matter, I would do everything I could not only to see that the Senator got a fair hearing, but to see to it that every Member of the Senate had an opportunity to participate, and that action was expedited in accordance with the Senator's hopes.

## LEGISLATORS OF REPUBLIC OF COLOMBIA WELCOME CONGRESSIONAL DELEGATION TO BOGOTÁ

Mr. MUNDT. Mr. President, careless critics of the United States frequently attempt to convince our people that our Latin American neighbors are unfriendly to the United States of America and that our policy of good neighborliness is not functioning well. More informed students of Latin American reactions, however, recognize that there is actually a warm affinity between our two Americas and that superficial criticism at times should not conceal the fact that our common interests and our common resistance to communism far outweigh the occasional differences of opinion which we have with one another.

During the Easter congressional recess five of us from Congress—the Senator from Wyoming [Mr. MCGEE], the Senator from Nebraska [Mr. HRUSKA], Representative ALBERT, of Oklahoma; Representative WINT SMITH, of Kansas, and I myself—attended a Latin American trade-development meeting in Bogotá, Colombia. While we were there, to our surprise and gratification the Chamber of Representatives of the Republic of Colombia passed a resolution of appreciation over our visit. I ask unanimous consent of the Senate to reproduce that resolution, together with the reply which as the senior member of our delegation I sent to the Chamber of Representatives.

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

BOGOTÁ, COLOMBIA, *April 3, 1959.*

*To the Senators, Representatives, and Officers of the Congress of the United States of America:*

I take pleasure in transcribing to you below the proposal [resolution] approved by the chamber in its session of yesterday:

"PROPOSAL [RESOLUTION] NO. 118

"The Chamber of Representatives of Colombia presents its regards to the Senators, Representatives, and officers of the Congress

of the United States of America who are visiting the city of Bogotá at the present time on the occasion of the Latin American Conference on Agricultural Markets, which it wishes to extend [also] to all participants in the Conference, and at the same time conveys its best wishes for its success, for the benefits of [inter-]American solidarity."

Very truly yours,

LUIS ALFONSO DELGADO,
*Secretary General [Chief Clerk], Chamber of Representatives.*

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BOGOTÁ, COLOMBIA, *April 4, 1959.*

*To the Members of the Chamber of Representatives of Colombia:*

As the senior member of the congressional group attending the U.S. Department of Agriculture Conference on Agricultural Marketing Problems in Latin America, I wish to express our deep appreciation of the thoughtfulness of the Chamber of Representatives of Colombia in adopting Resolution No. 118. The resolution's wish for inter-American solidarity based on mutual interest and benefit is warmly reciprocated by my colleagues in the Congress of the United States.

All the delegates to the conference have been most impressed by the friendship and courtesy of the Colombian people and their leaders. The officials and citizens of Bogotá have been most gracious during our stay so that we are doubly honored by the action of the legislature.

Cordially yours,

KARL M. MUNDT,
*U.S. Senator.*

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## CARDINAL SPELLMAN'S 70TH BIRTHDAY ANNIVERSARY

Mr. KEATING. Mr. President, yesterday marked the 70th anniversary of the birth of His Eminence Francis Cardinal Spellman. The beloved cardinal, whose great energy and spiritual devotion are legendary, will also observe, on May 22, the 20th anniversary of his installation as Archbishop of New York.

The inspiration to faith and good work of this great man has been immeasurable. The people of New York, who have had an opportunity to observe at firsthand his deep and good influence upon men of all faiths, as well as the servicemen of our Nation whom the cardinal has visited on his many world travels as U.S. Military Vicar, can testify to the charm, the wit and the dedication of this fine church leader. Deeply conscious of the social as well as spiritual obligations of his post, he has been in the forefront of every important endeavor for civic betterment in New York City in recent years. He has not allowed his exalted position to shut him off from his flock, but rather, has kept himself accessible to all.

Perhaps this accessibility epitomizes best the deep and abiding humanity and spiritual faith of Cardinal Spellman. From it can be traced much of the love and reverence in which he is held by all men of good will the world over, regardless of their religious faith. Clearly, his profound respect and understanding for other religious groups has contributed much to a fostering of better relations among the great faiths of the world.

Above all, perhaps, His Eminence has made his mark as a champion of peace and justice, based on principles of stern morality and spiritual values. Through his efforts, our world has moved closer to peace and the day when good will among men will prevail everywhere.

On this anniversary of his birth, I am pleased and proud to pay tribute to this great churchman and to wish him many more years of happiness and success in his labors. Long may he continue his fruitful and selfless work, which has contributed so much to so many people of all faiths.

Mr. President——

The PRESIDING OFFICER. The Senator from New York.

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## LOYALTY DAY, 1959

Mr. KEATING. Mr. President, I take this opportunity to salute my fellow members of the Veterans of Foreign Wars for their outstanding leadership in connection with recent celebrations of Loyalty Day. In numerous ceremonies all across America, the VFW organized patriotic observances of this occasion and gave expression to the dedication of the American people to the ideals and aspirations upon which our Nation was founded.

At a time when the mettle of the American way and American freedoms are being tested and challenged, rededication to the principles in our heritage is most appropriate and desirable. We need a renewal of patriotism in America and we need a new emphasis on our traditions and ideals. I am hopeful Loyalty Day, 1959, has helped spur a resurgence of devotion to our country.

Mr. President, Sunday's edition of Parade, the Sunday picture magazine, carried an eloquent statement by the commander in chief of the VFW on the subject of loyalty. I ask unanimous consent that this article be printed in the RECORD at this point.

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

### WHAT LOYALTY REALLY MEANS

(By John W. Mahan, commander in chief, Veterans of Foreign Wars of the United States)

(For years May 1 has been used by the Communists as a day on which to flaunt their disrespect for American institutions. Recently a countermove has arisen, and more and more Americans have been marking May 1 as a day to reaffirm their allegiance. Last July 18 President Eisenhower made this official by signing a bill designating May 1 as Loyalty Day. In recognition of this first observance, the head of one of our outstanding organizations of veterans writes this exclusive article for Parade readers.)

Today, as the nation observes its first official Loyalty Weekend, every citizen should pause to ask himself, "What does loyalty really mean?"

Does it mean only that you love America's mountains, lakes, and gadgets? I hope not. I also hope your concept of loyalty is not a society where merely to disagree is to be disloyal.

To me, the greatest test of loyalty—of love for country—is your day-to-day respect of the rights of your fellow man. Your neighbor's right to voice his own opinion, his right to privacy, his right to his own property—these basic freedoms are the heart of our loyalty to the great American ideals of Washington, Jefferson and Lincoln.

I think it is ironic that the Communists, who preach peace and freedom, live in terror—terror of their neighbors, terror to speak their minds, fear of the midnight knock on the door. Loyalty to them is not in their hearts—it's a gun in their backs.

As a parent, I feel that my greatest responsibility to my children and my country is to pass on to the younger generation the inspiring ideas that have made Americans truly free men.

War is horror and bloodshed. But there are fates worse than death. Over the years Americans have known this. Battlefields throughout the world are testimony to America's allegiance to freedom.

To me, this allegiance—and loyalty—certainly must be one and the same.

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## FISCAL AND ECONOMIC PROBLEMS OF THE TREASURY

Mr. SALTONSTALL. Mr. President, this morning I read in the New York Times an article entitled "Banquo's Ghost at Treasury Auctions," written by Arthur Krock. We have heard a great deal in this session about a balanced budget. One of the problems connected with a balanced budget is that of the Treasury in connection with short term financing. We read in the newspapers that this week the Treasury must finance, on a very short term basis, $4,900,000,000 on I O U's. When the Treasury must finance its obligations on the basis of I O U's, they must be sold to the highest bidder. The Treasury may ultimately have to pay more interest, because the I O U's sell at less than 100 cents on the dollar.

Furthermore, the operation may involve an increase in the number of bills the Federal Reserve banks must issue. When that happens, it is another form of starting the printing presses. A very difficult problem is created for the Treasury.

I believe the article to which I have referred explains the situation very clearly. I ask unanimous consent to have the article printed in the RECORD at this point as a part of my remarks.

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

### BANQUO'S GHOST AT TREASURY AUCTIONS

(By Arthur Krock)

WASHINGTON, May 4.—The Treasury's decision to auction, and on very short terms, $4.9 billion of its I O U's this week is the direct consequence of the most serious fiscal and economic problem now confronting the Government of the United States. The problem is how to sell more securities at lower interest rates than those which prospective buyers now require to divert them from other investments, and to extend maturity dates beyond 1 year—say 3 to 5.

The administration's primary solution for this problem is a balanced Federal budget. And though there are increasing signs that a fiscal 1960 balance may yet be effected, the market plainly does not put much confidence in this; otherwise the Treasury would not have felt compelled to employ the auction and short-term sales procedure.

This problem and the perils to the economy it represents are under the surface of the current news. But they work closer and closer to the surface with every budget deficit that recurs. These deficits have persuaded the buyers of Government securities that a new round of inflation is inevitable, and soon, and that when this happens they will get higher rates of interest than in the present leveling-off period between inflations.

Investors reason this way because the Treasury is now in a condition where it has to replace the huge sum of $75 billion each year in maturing securities, besides having been obliged to raise $13 billion to finance the deficit in the current fiscal year.

THE BASIC ISSUE

The auctions this week are to market at the highest bids below face value of the securities that the buyers will offer for redemption at face value, Treasury bills in the following amounts and for these periods: $1 billion, 91 days; $400 million, 182 days; $2 billion, 340 days; and $1.5 billion, 221 days.

The basic issue in the procedure is not the inability of the Treasury to raise money, but the compulsion the condition of the market imposes on the Treasury to redeem its paper at the end of such brief periods. This procedure is fundamentally inflationary, by enlarging the floating debt, which has already risen to a staggering figure. And the larger the quota of purchases of these securities by commercial banks, the more the procedure will be tantamount to printing new money. Though the Treasury has been fairly successful in keeping its paper out of the portfolios of the commercial banks, the total money supply has continued to increase.

The situation is not dramatic because it has not yet attained the point of crisis. But the threat implicit in it weakens the equipment of the Treasury and the Federal Reserve Board to deal effectively with the next round of inflation, which can best be resisted by demonstrations that inflation is under control. Foremost among these demonstrations would be a balanced Federal budget.

EFFECT ON HOLDOUTS

It would be foremost because, in addition to the basic anti-inflationary effect of a budget in balance, the Treasury would be relieved of the pressing need to go to the market for new cash. And buyers, realizing from these developments that the interest rates might stabilize, would not have the reason they now have for holding off—the prospect they envisage that delay will assure a more profitable investment.

These helpful elements in the management of the huge public debt that a balanced budget would provide for Secretary of the Treasury Anderson largely account, it would seem, for the intensity of his efforts in behalf of this balance. The President's equal intensity can be similarly accounted for, since he is completely receptive to the Secretary's point of view on fiscal and economic problems. This point of view includes a commonsense realization that the economy is strong enough to absorb a budget deficit, if that were all that is involved in another gap between Federal income and outgo. It is the inflationary potential, emphasized by the short-term auction procedure to which the Treasury has been driven, that has made them fight so hard for a surplus, however small, on the Federal ledger.

The administration also is concerned with such reflexes of the continued inflation threat as the outflow of gold and the indications of doubts abroad of the stability of the dollar. But it sees them as only incidental to the problem reflected in this week's marketing of the Treasury's I O U's.

## PROBLEMS OF CORRUPTION AND UNDEMOCRATIC PRACTICES IN THE LABOR AND MANAGEMENT FIELDS

Mr. MORSE. Mr. President, a week ago the Senate concluded a lengthy and detailed debate on proposed legislation to deal with problems of corruption and undemocratic practices in the labor and management fields. On Saturday, April 25, the Senate, by the nearly unanimous vote of 90 to 1, passed the Kennedy-Ervin Labor Management Reporting and Disclosure Act of 1959 and sent it to the House for further action by that body. When a bill dealing with the subjects covered in this proposed legislation is enacted into law—as I feel sure it will at this session of the Congress—it will govern the operations of every trade union and many employers and middlemen engaged in industries affecting commerce.

The investigations of the McClellan committee have brought to light conditions involving a few unions and a few employers which have naturally been of concern not only to the Federal Government but, also, to some of the States. One State, New York, has, indeed, enacted a State anticorruption statute. In my judgment, however, this development is fraught with serious danger to labor-management relations in this country. The effect of such State legislation covering the same subject matter will, I am convinced, lead to great confusion and conflict and can clearly lead to double penalties for the same conduct.

Because I consider the problem of Federal-State relations in this area to be one of great importance and complexity, I believe that the Members of this body will be interested in the testimony given by Arthur J. Goldberg, special counsel, AFL–CIO, before the Committee on Elections and Federal Relations of the Ohio House of Representatives on last Tuesday, April 28.

Mr. Goldberg's testimony casts a great deal of light on this problem; and what he has to say about some of the provisions of the specific bill on which he was testifying, namely, Ohio substitute house bill 573, should be of interest to all my colleagues and to the Members of the other body struggling with the difficult and complicated problems in this field.

Therefore, Mr. President, I ask unanimous consent that a copy of Mr. Goldberg's statement be included in the body of the RECORD as part of my remarks.

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

TESTIMONY OF ARTHUR J. GOLDBERG, SPECIAL COUNSEL, AFL–CIO, BEFORE THE COMMITTEE ON ELECTIONS AND FEDERAL RELATIONS OF THE OHIO HOUSE OF REPRESENTATIVES

My name is Arthur J. Goldberg. I am special counsel for the national AFL–CIO. I am appearing here on behalf of the Ohio AFL–CIO, at its request to President George Meany of the national AFL–CIO.

I want to begin by thanking the committee for permitting me to express my views with respect to substitute house bill No. 573. I am not, as you are no doubt aware, a resident of Ohio or an Ohio lawyer. The bill which you are considering, however, is of tremendous significance, not only to the labor movement in Ohio but also to the entire labor movement in the United States. Accordingly, I believe it is not inappropriate for me to appear before you on behalf of the Ohio AFL–CIO, as well as the AFL–CIO nationally, to give you my views on this legislation.

There is yet another reason for my appearance here. In my capacity as special counsel for the Ohio AFL–CIO, I have served as counsel for the AFL–CIO ethical practices committee since the committee was formed. I am intimately familiar with the actions which that committee has taken and with the ethical practices codes which that committee recommended for approval by the AFL–CIO. Since it has been said that the bill which you are considering is modeled in large measure on the AFL–CIO ethical practices code, I think that I may be in a position to give the committee some information in that regard.

Turning to the bill itself, I wish to make two preliminary observations. The first of these observations is that I oppose, as does both the national AFL–CIO and the State AFL–CIO, the enactment of State-by-State legislation in this field unless such legislation is limited to labor organizations not subject to Federal regulation. As the members of this committee are no doubt aware, the Senate of the United States has concluded just last week, a very lengthy and detailed debate on legislation dealing with the same subject matter as is proposed to be covered by substitute house bill No. 573. This debate followed extensive hearings and very careful examination of the subject matter. And while I personally feel that in some respects the bill which passed the Senate goes too far in interfering with the internal operations of honest trade unions, certainly it cannot be said that this legislation was drafted without the most extensive and intensive investigation and consideration.

The Federal legislation now goes to the House of Representatives, where again it will be subject to extensive consideration and debate. Finally, a Federal statute will be enacted. This statute will govern the operations of every trade union engaged in the representation of employees affecting interstate commerce. This means, in substantial effect, that it will govern every trade union in America.

In the face of imminent Federal legislation covering all unions, it seems to me plain that the effect of any State legislation covering the same subject matter will lead to conflict and confusion. At the very least it will lead to the imposition of double penalties for the same conduct.

In this connection it is important to note that substitute house bill No. 573 does not only apply to local unions operating in Ohio. Even if it were so limited, it would completely overlap the proposed Federal legislation. But substitute house bill No. 573 goes further. By its definitions it includes, as a labor organization subject to all of the provisions of the bill, every national or international union that has a single local in the State of Ohio. This means that the officers of each such union, whether or not they ever set foot in Ohio, are subject to criminal penalties if they violate the restrictions in the bill.

If Ohio passes such a law, I think it fair to assume that other States will feel free to do likewise. And this will mean that virtually every national union operating in the United States will be subject to a multitude of restrictions, varying from State to State, all of them applicable to the officers of the national union in addition to the Federal restrictions. I think that you would recognize that such a situation would be intolerable.

I do not mean by this to suggest that no legislation dealing with venal and corrupt union officials is desirable. To the contrary, the AFL–CIO has supported appropriate Federal legislation in this area. Because we have supported appropriate Federal legislation, we oppose and will continue to oppose the enactment of legislation on a State-by-State basis which will inevitably create a crazy-quilt pattern which will severely hamper the operations of honest trade unions. In this connection I should like to submit to the committee a copy of a

letter sent out by President George Meany in December 1958, to all State bodies affiliated with the AFL–CIO. As indicated in that letter, compliance with 50 different laws covering the same subject matter would place a wholly impossible burden on honest, legitimate trade unions—and the effect of substitute house bill No. 573 on such unions is my only concern here.

The objection of the AFL–CIO to a State-by-State handling of this problem would apply to legislation in any State. The second preliminary observation I am about to make applies with particularity to Ohio.

Federal law, first in the Wagner Act and then in the Taft-Hartley Act, as well as in the Norris-La Guardia Act, has provided a basic framework of union and employer rights which constitutes the foundation upon which so-called union reform legislation is based. The prime justification of Federal legislation, dealing with internal union affairs is that the Federal Government, through the National Labor Relations Act, has protected the rights of employees and the unions to establish collective bargaining and has provided that the union chosen by a majority of the employees shall constitute the exclusive representative of all the employees in a collective bargaining unit. Added to this basic protection are, of course, the provisions of Federal law limiting the injunctive jurisdiction of the Federal courts and providing for remedies against employer unfair labor practices. It is this statutory framework which is sought to be filled out by Federal law dealing with the responsibility of union officers to their members.

The legislation which you are considering, however, has no such statutory foundation. Ohio has no labor relations statute. It does not provide administrative machinery to implement the desire of employees to be organized collectively, to restrain employer unfair labor practices, or to constitute a union representing a majority of the employees as the exclusive representative of all. Ohio has no anti-injunction act. Ohio, in short, does not provide the basic protections to union organizations and employees who belong to such organizations from employer action which Federal law provides, and which constitutes the basis for the Federal legislation presently under consideration.

In this connection it is interesting to compare the provisions of substitute house bill No. 573 with the provisions of the statute recently enacted in the State of New York. I am quite familiar with the New York statute. It was passed as the result of a lengthy and detailed investigation by a commission of experts in the field appointed by former Governor Harriman. Following that commission's final report, the newly elected Republican Governor, Nelson Rockefeller, after detailed consultation with representatives of both management and labor, proposed the bill which was recently enacted. In my capacity as special counsel for the AFL–CIO and at the request of the New York AFL–CIO I both appeared before the commission appointed by Governor Harriman and consulted, at his request, with Governor Rockefeller concerning the proposed legislation.

I intend to make more detailed comparisons between substitute house bill No. 573 and the New York law later in my testimony. Here I want to emphasize the statement of findings and policy upon which the New York statute is premised. The first sentence of that statement—indeed the first sentence in the New York law—reads as follows:

"The rights of employees to organize and bargain collectively through labor organizations of their own choosing have been affirmatively protected by the constitution and statutes of this State and by parallel Federal laws."

As noted in this sentence, New York has a little Wagner Act. It has a little Norris-La Guardia Act. I believed, and the New York AFL–CIO believed, for the reasons set forth in the earlier part of my testimony, that it was nevertheless unwise for New York to legislate in the area we are now considering. The AFL–CIO therefore opposed passage of the New York law. But at least it can be said that the New York legislation complemented existing legislation protecting the basic rights of labor organizations. This cannot be said of Ohio.

I wish to turn now to the specific terms of the legislation which you are considering. Quickly summarized, the bill contains the following provisions:

The first section (4199.01) contains definitions.

The second section (4199.02) prohibits actions conflicting with the fiduciary obligations of union officers.

The third section (4199.03) regulates the application for and issuance of charters to local unions.

The fourth section (4199.04) deals with the embezzlement of union funds.

The fifth and sixth sections (4199.05 and 4199.06) make certain individuals ineligible to serve as officers of labor organizations.

The seventh and eighth sections (4199.07 and 4199.08) deal with violence by officers or members of a labor organization, or by employers, incident to a strike.

The ninth section (4199.09) prohibits conspiracies to violate provisions of the bill, and the last section (4199.99) provides for penalties.

I will deal with each of these sections below. First I want to state, however, that it is simply not true that this bill is modeled on the ethical practices codes of the AFL–CIO. Section 4199.02 of the bill does bear some superficial resemblance to those codes, and I will deal with that in my discussion of that section. The other sections have no resemblance to any provisions in the AFL–CIO ethical practices code and I think it is most unfortunate that the representation has been made that the bill as a whole is based on the codes. I now turn to the particular sections of the substitute bill.

Section 4199.01 simply contains definitions. It is copied almost word for word from the statute recently passed by the State of New York. It differs only insofar as the subsequent substantive provisions which are also modeled on the New York statute differ from those adopted in New York, and I shall comment on those points in connection with the subsequent sections.

I should like here to particularly emphasize my preliminary observations that labor organization is defined in section 4199.01 as including any organization which exists, in part, for the purpose of dealing with employers who have a place of business in Ohio and specifically includes the parent national or international organization of a local labor organization. This means that every national or international union having a local which deals with employees in the State of Ohio is made subject to the provisions of this legislation.

Section 4199.02 deals with what has been called the conflict of interest area. It is copied, with significant variations, from the statute recently enacted in New York. Before dealing with these variations, I want to make a general comment with respect to the New York legislation.

The bill which recently passed the U.S. Senate contains provisions dealing with conflicts of interest. After much testimony and deliberate consideration, it was the opinion of the Senate Labor Committee and of the Senate of the United States as a whole that the best method of dealing with this area was a comprehensive reporting requirement, joined with provisions insuring union democracy, rather than criminal provisions.

The New York law, and substitute house bill No. 573, deal with the same subject matter as the Kennedy bill but deal with that matter as a criminal matter. In this I believe both the New York law and substitute house bill No. 573 adopt the wrong approach.

I think we would all agree with the general principle that union officers should not engage in activities which lead to a conflict of interest. The AFL–CIO ethical practices codes so provide. But the precise definition of what constitutes a conflict of interest is very difficult. The important thing is that the members of a labor organization be fully informed of the activities of their officers which may constitute a conflict of interest. If the members have this information, it may be assumed that they will take appropriate action if the conflict of interest is such as to make the union officer less than faithful to his trust.

This is in accordance with the general principle contained in Federal law with respect to other fiduciaries. Corporate officers very often have interests which might be argued to represent a conflict of interest with the interest of their stockholders. In order to deal with this situation Federal law requires the filing of registration statements with the SEC in which the personal interests of each of the corporate officers must be disclosed. It does not forbid corporate officers to have a particular interest but it does insure that interested stockholders can learn what those interests are. Criminal prohibition, on the other hand, requires the establishment of standards by law and, inevitably, such standards must either be so vague as to be unenforceable, if not unconstitutional, or so narrow as to be of little utility.

This is demonstrated by the actual provisions of section 4199.02. While the particular words in the section are copied, with some changes, from the New York law, certain very significant differences appear. The New York law establishes, in language comparable to subsection (A) of 4199.02, a general prohibition of conflicts of interest. It then goes on in language comparable to subsection (B) of section 4199.02 to prohibit certain specific actions which are deemed to be contrary to a union officer's fiduciary obligations. In the New York law only the specific prohibitions contained in the equivalent of subsection (B) are made crimes. The general provisions setting forth the duty of union officers not to have conflicts of interest with their fiduciary obligations are not made the basis for criminal sanctions for the very obvious reason that this generalized kind of standard is wholly inappropriate to a criminal statute.

The drafters of substitute house bill No. 723 have ignored this careful distinction. They have made it a crime for any officer of a labor organization to have or acquire any pecuniary or personal interest which conflicts with his fiduciary obligation to the labor organization. While I think we could all agree with this as a matter of principle, and indeed this principle is expressed almost in those words in the AFL–CIO ethical practices codes, I hardly think that this constitutes the kind of a standard which should be enacted in a criminal code.

I also believe that every officer of a labor union should be genuinely devoted and dedicated to the achievement of better wages, hours, and working conditions for the members of his union. This is a salutory principle to which I am sure all unions would agree. Yet I would hardly suggest that it is desirable to make it a crime for a union officer not to have such devotion to duty.

To put the matter in other words, there are certain standards of ethical conduct, many of which are contained in the AFL–CIO ethical practices code, which involve areas of judgment and evaluation and which are therefore highly desirable as statements of

principle but which do not lend themselves reasonably to incorporation in a criminal statute. In this respect I do not think it is an unfair analogy to point to the Ten Commandments. Certainly there will be no disagreement among us that these constitute ethical and moral standards for the entire community. But I daresay that everyone would recognize that this is not a sufficient reason to enact them, as a body, into a criminal law.

For the same reason I think it is wholly improper to place every trade union leader, honest or dishonest, under jeopardy of criminal prosecution, his guilt to be known only when a jury decides whether a particular action was taken in furtherance of the interest of his organization or in furtherance of his own pecuniary or personal interest. The New York statute does contain these generalized standards but it does not make them the basis for criminal indictment or prosecution. Substitute house bill No. 573 does.

There are other differences between section 4199.02 of substitute House bill No. 573 and the New York statute. The New York law covers "officers and agents" of unions. The bill you are considering has been enlarged to cover also all "employees" of unions. It thus imposes fiduciary obligations not only on the elected or appointed officers but also upon janitors, secretaries and every manner of person who may be employed in any capacity, by a labor union.

Other changes have been made. The New York statute exempts from its prohibition against ownership by union officers the ownership of publicly traded securities, or of shares in investment companies, provided that no more than 1 percent of the outstanding securities of a company are acquired. The drafters of the Ohio bill omitted this provision. The Ohio bill thus makes it a crime for any employee of a labor organization to invest in a mutual fund if that fund holds shares in a company with which the union bargains or in a company which sells to or buys from the company with which the union bargains. The New York law permits officers of labor organizations to receive gifts of nominal value. The Ohio bill omits this provision, and I assume that a union officer who received the pen with which the employer's representative signed a labor agreement as a memento of the occasion would be a criminal under the Ohio statute.

The foregoing are small points. My last point is not a small one. The New York statute makes it unlawful for union officers to have certain specified financial dealings with employers. Substitute house bill No. 573 copies these prohibitions, as well as making a broad criminal prohibition against conflicts of interest. The New York law goes on, however, to also make it a crime for any employer or employer organization or any labor relations consultant to knowingly participate in or induce action by a union officer which would violate the act.

Substitute house bill No. 573 contains no such prohibition. This is grossly unfair. Presumably the whole purpose of section 4199.02 of substitute house bill No. 573 is to prevent the kind of a situation in which an employer buys off a union labor leader either by gifts (which are specifically provided for in section 4199.02(B)(4)) or by giving him a financial interest in the company, or otherwise providing him with bait which will prevent him from exercising his greatest diligence to protect those whom he is supposed to represent. The bill punishes those labor leaders who are false enough to their obligations to accept this bait. But it lets off, scot free, those who offer it. This, in my view, is unpardonable. I think everyone who has had any serious connection with this area, including such people as Senator McCLELLAN, the chairman of the Senate select committee, has said that an employer who offers a bribe is just as guilty as the union leader who takes it. But the proposed Ohio bill punishes only the taker of the bribe, not the giver.

I now turn to the remaining provisions of substitute house bill No. 573. Section 4199.03 makes it a crime for anybody to apply for a charter for a labor organization to function in Ohio unless he first files with the secretary of state a written statement setting forth the purposes for which the labor organization is organized. In the original version of this bill, the applicants for a charter were required to file a "prospectus." The word has been eliminated in the substitute bill. But the philosophy remains. That philosophy is that the people who organize labor unions are somewhat like the financial operators who float securities. If you are in the business of floating securities, it may properly be assumed that you know enough about that business so that it is not a burden to require you to file a registration statement or prospectus with some government official before you seek to place the securities for sale.

Workers who want to form a local labor organization are not businessmen. They may not even be organizers. But this section of the proposed bill would make them criminals if they get together and decide to petition a labor organization to issue them a charter so that they can become affiliated with an existing union.

The proposed section would not, to be sure, interfere too seriously with the vicious people who deal in proper charters for phony locals about whom the McClellan committee has heard much testimony. Those people are professionals. and I am sure that they would be able to put forward a form of words as to their purpose in securing a charter which would at least meet the requirements of the proposed section 4199.03. The only people who will get caught under that section are the nonprofessionals, that is, simply, workers who want to organize themselves into a union and request a charter for that purpose.

In addition to requiring the filing of a prospectus, by whatever name called, section 4199.03 makes it unlawful to apply for a charter or to issue one, if the purpose for which the local is being organized includes acts prohibited by the proposed bill. I am frank to say that I don't understand this. It seems to make a perfectly innocent act, the application for or the issuance of a charter, a crime if it can be shown that the reason why the charter was applied for or was issued was to violate some other provision of the statute. What other provision? The provision prohibiting the conflicts of interest, the provision prohibiting embezzlement of union funds, the provision dealing with violence in connection with strikes?

Section 4199.04 makes embezzlement by an officer, agent, or employee of a labor organization a crime. I am not an Ohio lawyer but I have always assumed that embezzlement is already a crime in Ohio. Hence I am bound to inquire as to the purpose of this provision. I assume that it has some purpose. One of those purposes may be the penalty provided in section 4199.99(C), which provides for a prison term of from 5 to 20 years for the embezzler of $60 or more of union funds. I do not know whether this term is the same as is provided generally in the statutes of Ohio for embezzlement. If it is, I see no point to the statute. If it is not, I think the statute is grossly discriminatory.

A man who embezzles money from a church, from a school, from a bank, or from a corporation is just as much a thief as a man who embezzles from a union. Both should be punished. And both should be punished under the same statute and be subject to the same penalty. Crooks are crooks. I am not here to defend them, either in or out of the labor movement. I think they all ought to be punished and I think they all ought to be punished without discrimination.

Section 4199.05 makes it a crime for any person to serve as an officer, agent, or employee of a union who has been convicted of violation of any provision of the proposed bill. This section underlines the problems created by State legislation in this area. The Kennedy bill which passed the Senate contains a comparable provision. But the Kennedy bill is limited in two ways in which this bill is not. First of all, it makes the convicted individual ineligible for office for a period of 5 years, not forever. Secondly, it exempts employees who have custodial or clerical duties. It is thus much more reasonable than the proposed Ohio statute. More importantly, if both the Federal statute and the Ohio statute are enacted, there will be dual standards for qualification for union office. And if other States pass their own standards in addition to the Federal statute, there will be multiple tests. I do not believe there is any reason for so chaotic a condition.

Directing myself exclusively to the provisions in section 4199.05, I note not only its failure to exclude clerical and custodial employees, but also the fact that, taken in conjunction with the vague and broad provisions of section 4199.02, as well as some of the later provisions which I shall comment about below, it makes it highly likely that individuals who cannot possibly be characterized as being crooks or racketeers will be made ineligigle, forever, from holding union office. Thus, an individual who may innocently have a financial interest which some jury may later find does not meet the vague standards set up in section 4199.02(A) may, because of his error in judgment, be permanently disqualified. An individual who gets into a fist fight on a picket line and who thereby violates section 4199.07 would be permanently disqualified.

I recognize that the AFL–CIO ethical practices code sets forth the principle that crooks and racketeers should not hold positions in organizations affiliated with the AFL–CIO. But AFL–CIO ethical practices code 3 also says, in conjunction with this statement of general principles that "it is not possible, nor is it desirable, to set down rigid rules to determine whether a particular individual in a position of responsibility or leadership in the trade union movement is a crook, racketeer, a Communist, or a Fascist." The code constitutes a directive to be administered as a matter of good judgment by affiliated trade unions. Rigid prohibition based on arbitrary standards are thus not modeled on but are completely contrary to the AFL–CIO code.

My only comment on section 4199.06 is a minor one. That section bars from holding union office any person who has been a member of any organization which has as a purpose the overthrow of the Government by force, violence, or other unlawful means and who has been convicted of any crime committed in furtherance of such purpose. In plain language what this seems to mean is that any Communist who has been convicted under the Smith Act shall be ineligible to hold union office. This certainly cannot be attacked as being too broad and is, indeed, narrower in its coverage, although not in its retrospective application, than the provision of many union constitutions. I have only two questions. The first is, simply, whether there is anyone to whom the section would apply. The second is whether we should wholly discount the possibility of reformation by former Communists. The AFL–CIO is firmly opposed, as I am, to Communist union leadership. And as I have noted, many of them have broader provisions against present members or supporters of the Communist Party than are contained in section 4199.06. But few

if any unions place bars in the way of what I assume to be the object of all of us—the achievement of genuine understanding by those who have been misled by Communist propaganda of the vicious nature of the Communist conspiracy. For that reason I have some small doubt of the wisdom of the approach of section 4199.06, although its practical application would be of almost no significance.

Section 4199.07 is, to my mind, probably the most dangerous in this altogether dangerous bill. In discussing this section I want to make clear at the outset that it has nothing—absolutely nothing—to do with the issue of union corruption or union reform. This section cannot be proposed as a method of dealing, even tangentially, with the problems presented by union leaders who are not faithful to their trust. Unlike the other provisions of the bill, therefore, this section does not duplicate the provision of any proposed Federal legislation. It is not modeled on the New York law. Its only parallel, I believe, is in the laws of States which are frankly antiunion.

Section 4199.07 makes it a crime for any officer, agent, employee, or member—and I underline member—of a labor organization to commit any act of violence on anyone in any manner incident to a strike.

What is the purpose of this provision? It plainly is not to make violence criminal. For violence is already criminal. Assault, battery, breach of the peace—all of these I assume are criminal in Ohio as they are criminal elsewhere. All of these crimes have statutory punishments which the legislature has thought appropriate for the nature of the crime. Why then this new provision?

I think I know the answer. The answer must be that the drafters of the statute wanted to impose higher penalties and greater punishments upon those who committed violent acts in connection with a strike than upon those who commit the same actions in some other connection. If a man gets drunk and gets into a fist fight he is to be punished under the general law if the fight takes place in a tavern or anywhere else but on a picket line. But if the first fight takes place on a picket line, then special punishments are to be imposed. If a man destroys the property of his neighbor, deliberately and wantonly, for reasons of pure spite, he is to be punished under the general law. If he commits the same act in connection with a strike, he is to be punished under a special statute and more severely.

In condemning this proposal I do not want it to be understood that I am condoning violence. I do not condone violence. I am opposed to it whether it takes place on the picket line or any place else. But I think it discrimination of the worst sort to impose special penalties and special punishments for those who may commit minor acts of violence in connection with a strike. And I shudder at the proposal that anyone who has been convicted of committing a minor act of violence in connection with a strike shall be made forever thereafter incapable of holding any union office or position.

Section 4199.07 is not modeled after the New York act. It is not comparable to any provision in the Kennedy bill which passed the Senate of the United States. It is modeled after the picketing regulation statutes of certain Southern States and in particular after the infamous O'Daniel law of Texas. Unlike the O'Daniel law, however, it is not limited to violence on the picket line but covers any act of violence, to person or property, which is in any manner incident to a strike.

Similar comments apply to section 4199.08. This provides special penalties for employers or persons acting in the interest of employers who commit acts of violence incident to a strike. Curiously it does not mention lockouts. Nor does it mention violence to union organizers and members which occurs as an incident to union organization campaigns. Employer agents who beat up union organizers as a method of intimidating them and preventing organization are subject only to the general criminal law, not this special statute. And it would seem that if the prohibition in section 4199.08 were to be of comparable breadth to that provided for in section 4199.07, it should also include stockholders as well as the managing officers of an employer corporation.

But I do not wish to be misunderstood. I do not advocate broadening the criminal provisions of section 4199.08. To the contrary, I think that employers as well as employees are entitled to be treated equally with other citizens. And I therefore believe that both 4199.07 and 4199.08 are undesirable forms of legislation.

The last substantive section in the bill is 4199.09. This places a conspiracy provision on top of specific criminal provisions in the preceding sections. If two or more individuals get together to procure the commission of any act which is in violation of any of the preceding provisions, they are guilty of an additional crime which, pursuant to section 4199.99(H) is punishable with a minimum prison sentence of 5 years and a maximum of 20. Without going into this section in great detail, I think it plain that the severity of this punishment is wholly disproportionate to the nature of the crimes which may be encompassed by it, particularly the relatively innocent actions which may be held to constitute a violation of section 4199.03.

I have discussed in some detail the specific provisions in the proposed bill. On the basis of this analysis, I think that only one conclusion is possible.

This is thoroughly unsound legislation. It is unreasonable, illogical and probably unconstitutional. It is fair neither to labor, to management, or to the public. In so characterizing the bill I think I can speak with assurance for the millions of members of honest trade unions who have a great desire in maintaining and preserving a free and honest trade-union movement and in the elimination of the few venal leaders who have abused their trust.

The honest trade unions of America have a great and affirmative interest in eliminating corruption and venality. The basic purpose of such unions, after all, is the protection and advancement of the interests of their members. A corrupt union leader does tremendous damage to such unions. His sin is that he fails to represent, with the diligence and good faith to which he should be committed, the interest of his members. In failing to do so, he weakens the position of all trade unions and of the members of all trade unions. Reasonable legislation, dedicated to the elimination of this kind of corruption from the trade-union movement is, therefore, highly to be desired. It will strengthen the position of unions generally and it will strengthen the position of the leadership of honest trade unions.

But this bill is not such a bill. I am not concerned with the effects which this bill will have on crooks and racketeers in the trade union movement. I am concerned only with the effect this bill will have on honest trade unions and honest trade union leaders, and I am convinced by my analysis of the bill, by comparison with comparable provisions in the proposed Federal legislation and by comparisons with the provisions of the statute enacted in New York, that this bill is designed to hamper and intimidate honest trade unions.

I also believe that this bill is unconstitutional. Its criminal provisions are so vague and all embracing that I am sure they could not withstand their first test. Furthermore, insofar as the bill attempts, as a matter of State law, to set forth the qualifications of those who can and who cannot represent organized workers in collective bargaining, it undoubtedly intrudes into an area in which Federal law has already preempted the field.

In conclusion, I wish to restate my major propositions with respect to this bill. First, I believe that in view of the proposed Federal action in this area and in view of the national scope of most unions who would be affected by any legislation, it is inappropriate and unwise for any State to legislate on this subject matter, no matter how well conceived its legislation. Second, I believe that even if, contrary to my view, a State determines to legislate in this area, it should only place restrictions upon union action only if it has first provided the basic protections for employee and union activities which are contained in Federal law and the law of the only other State, New York, which has enacted legislation in this area. Finally, I believe that, even apart from these views, the particular bill which you are considering is both unfair and unconstitutional.

For all of these reasons I urge you most strongly to reject this bill. I do so on behalf of the Ohio AFL–CIO and the national AFL–CIO. And I do so because the AFL–CIO favors prompt and effective action against the minority of crooks and racketeers who have infested the labor movement. This legislation, by placing shackles on the honest trade union movement would, in reality, reduce the effectiveness with which those unions can combat the traitors in their midst and would immensely complicate the task of obtaining proper and uniform national legislation.

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## PRESENTATION OF 10TH ANNUAL ALBERT LASKER MEDICAL JOURNALISM AWARDS

Mr. NEUBERGER. Mr. President, it is said that knowledge is power. In the fields of medicine and health, knowledge also can mean life itself. Ten years ago the Albert and Mary Lasker Foundation began a wise and fruitful program of encouraging the widest possible dissemination of knowledge and facts in these fields, through the bestowing of generous annual awards for outstanding medical reporting. This pertained to the four realms of newspapers, magazines, television and radio.

The articles and programs thus encouraged have served to inform and enlighten millions of Americans regarding one of the most vital of all topics—their health. This series of awards has helped to expose quackery, it has widened and extended medical research, it has brought fame to medical and scientific people who deserve fame, it has stimulated brilliant journalists and writers to inquire into the health of the people of our Nation.

On April 30, in New York City, the Albert Lasker Medical Journalism Awards for 1958 were formally presented. Dr. Howard A. Rusk, distinguished medical editor of the New York Times, was the toastmaster. I had the privilege of delivering the principal address. Mrs. Mary Lasker, creator and donor of the awards, was present for the occasion.

### STUDY OF HEART DISEASE HEADS MAGAZINE LIST

These were the four winners:

Magazines: Francis Bello, of Fortune magazine, for his article "The Murder-

ous Riddle of Coronary Disease," published in September of 1958.

Newspapers: Joseph Kahn, of the New York Post, for a series of articles entitled "Controversy Over Contraceptive Counselling in New York Municipal Hospitals," published from May to October in 1958.

Radio-television: "Today," for its daily coverage over the National Broadcasting Co. network of the significant events in public health and medical research during the year of 1958, including its notable mental health program on the Central Islip State Hospital, New York, on October 8. This is the famous Dave Garroway Show.

Radio-television: Al Wasserman, of CBS, a special citation, for his two programs on "The Addicted" in the Twentieth Century Series of the Columbia Broadcasting System, from November 30 to December 7, 1958.

Mr. President, the Lasker awards are sufficiently generous and distinguished to encourage the most talented and gifted creative thinkers to compete for them. Each of these winners received a check for $2,500, an illuminated scroll and a silver statuette of the Winged Victory of Samothrace, which symbolizes in this instance victory over death, suffering and deadly disease.

LASKER AWARDS SEEK TO WIDEN HORIZONS OF HEALTH

I cannot commend such a program too highly. Mrs. Lasker has encouraged full and free discussion of a subject of paramount and overwhelming importance—the health of each of us and our loved ones. All kinds of other awards are given—so-called Oscars for acting, most-valuable-player awards in baseball, all-American scrolls in football, Pulitzer Prizes in journalism, National Booksellers' Awards in literature. I do not deprecate the importance and stature of any of these. They are truly important; they are valuable. Yet, Mr. President, our health is everything, because without health nearly all other attainments become impossible. The Albert Lasker Medical Journalism Awards are designed to help us push back the frontiers of ignorance and mystery in our quest for better health and for the conquest of grim disease. What awards have a higher mission?

After 10 years of successful operation, the Lasker awards have achieved an eminence which annually attracts leading figures in medicine and journalism and broadcasting to their presentation. On April 30 the editors or staff members of such magazines as Reader's Digest, Fortune, Look, This Week, Coronet, Saturday Evening Post, and many others were in attendance, as well as high officials of CBS, NBC, and other broadcasting networks. It was a high honor for me to be privileged to address this blue-ribbon audience on the crucial importance of an expanded Federal program of medical research through the National Institutes of Health.

Mr. President, I believe the program of the 10th annual Albert Lasker Medical Journalism Awards Luncheon may be of interest to my colleagues because we in the Senate face the responsibility of considering soon the funds for the National Institutes of Health which will be reported to us by the able senior Senator from Alabama [Mr. HILL], who is this Chamber's leading exponent of medical and health legislation. The discoveries reported and detailed by many of the winners of the Lasker awards are often a result of the research grants sponsored and made by the National Institutes of Health.

Therefore, I ask unanimous consent to include in the CONGRESSIONAL RECORD a release from the Albert and Mary Lasker Foundation describing the winners of the 10th annual Albert Lasker Medical Journalism Awards, as well as a summary of my own address to the representative audience gathered at the Sheraton-East Hotel in New York City, N.Y., for this eventful occasion.

SULLIVAN BACKS $500 MILLION PROGRAM

I also ask unanimous consent to have printed in the RECORD an article from the New York Times of May 1, 1959, describing the Lasker awards function and a column by Ed Sullivan from the New York Daily News of the same date, in which the noted columnist supports my bill (S. 1162) to provide $500 million in funds for a crash program of research to be sponsored over a continuing number of years by the National Cancer Institute.

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

RELEASE FROM ALBERT AND MARY LASKER FOUNDATION

NEW YORK, April 30.—Four Albert Lasker medical journalism awards were given today for distinguished reporting of major developments in medical research and public health programs during 1958.

Reports on progress and problems in heart disease, mental illness, narcotics addiction, and planned parenthood were chosen as the year's outstanding examples of medical journalism among the Nation's newspapers, magazines, and radio-television stations. They were the 10th annual awards for medical reporting conferred by the Albert and Mary Lasker Foundation.

The awards were presented at a luncheon in the Sheraton-East Hotel to a newspaper reporter, a magazine writer, a daily network television program, and a television writer-director.

The recipients of the 1958 awards were:

Newspapers: Joseph Kahn, the New York Post, for a series of articles on the "Controversy Over Contraceptive Counselling in New York Municipal Hospitals," published from May to October 1958.

Magazines: Francis Bello, Fortune magazine, for his article, "The Murderous Riddle of Coronary Disease," published in September 1958.

Radio-television: "Today," for its day-to-day coverage over the National Broadcasting Co. television network of the significant events in public health and medical research during 1958, including its notable mental health program on the Central Islip State Hospital, New York, October 8, 1958.

Radio-television: Al Wasserman, special citation for his two programs on "The Addicted" in the Twentieth Century series, Columbia Broadcasting System television network, November 30 and December 7, 1958.

Each winner received $2,500, an illuminated scroll and a silver statuette of the Winged Victory of Samothrace, symbolizing in this instance victory over death and disease.

Senator RICHARD L. NEUBERGER, Democrat, of Oregon, a leading advocate of medical research legislation and a recovered cancer patient, was the principal speaker. Dr. Howard A. Rusk, associate editor, the New York Times, was luncheon chairman.

Joseph Kahn, winner in the newspaper field, was cited by the awards committee "for a notable example of journalistic enterprise in lifting the shadows of medical complacency and public confusion obscuring a subject of primary concern to New York City and the entire world; for patient, persistent investigation and exposure of the unwritten ban against therapeutic contraceptive practices in New York City hospitals and other agencies; for overcoming a barrier of indifference, evasion, and hostility in developing his story without distorting the human facts of this health controversy; and, finally, for a pioneering contribution to the advancement of contraceptive counseling throughout the United States through his fearless reporting in the best traditions of public health education by the American press."

Francis Bello, winner in the magazine field, was cited for a comprehensive and illuminating report on the present status of our knowledge concerning coronary heart disease and its underlying affliction, arteriosclerosis, the number one killer in America today; for a masterful examination of the relation to heart attacks and strokes of these suspect factors: heredity, obesity, overweight, high-blood pressure, lack of exercise, elevated blood cholesterol, and excessive smoking; and, finally, for an unusual example of creative journalism in assembling and integrating into a meaningful report the diverse and seemingly contradictory research aspects of the Nation's most crucial disease problem.

"Today," winner in the radio-television field, was selected "for presenting to a vast network audience regularly in vivid and meaningful forms the problems and progress of health and medical research in this country; for motivating public understanding and attitudes in vitally needed new directions by program emphasis on special areas such as mental health; for an excellent exposition of the 'Open Door' mental hospital philosophy as exemplified in the visit by Dave Garroway to Central Islip Hospital; and, finally, for illustrating the primary concern of the National Broadcasting Co. for expanding the scope and influence of medical reporting through ingenious employment of the direct and immediate techniques of television."

Al Wasserman was honored "for revealing in unprecedented television terms the social and medical significance of a 'hidden' public health problem, narcotics addiction; for his artistry and extraordinary creativity in depicting the interaction of the addict with his environment, including the community, the law, the family and the hospital; for offering a striking example in these two programs of the television medium's unique ability to inform and educate national audiences on the pressing problems of medicine and health through candid examination with camera and microphone; and, finally, as writer-director, epitomizing the development of individual craftsmanship made possible by the encouragement of the enlightened public affairs department of CBS News."

Mr. Wasserman is the first television journalist to be honored twice with the Lasker award. He previously received a 1956 award for his program on mental illness, "Out of Darkness," presented over the CBS Network.

The annual Albert Lasker Medical Journalism Awards were inaugurated in 1949 to encourage the writing and publication in general newspapers and national magazines of outstanding articles on public health and medical research. This category was broadened in 1956 to include radio-television broadcasting.

The foundation seeks to recognize journalism that contributes to a better public understanding of current medical research or highlights public health programs affecting those diseases which are the main cause of death or disability; especially heart disease, cancer, mental illneses, arthritis, blindness, and neurological diseases.

The advisory committee for the 1958 awards included Dr. C. P. Rhoads, director, Sloan-Kettering Institute for Cancer Research, New York; Dr. Marcus D. Kogel, dean, Albert Einstein College of Medicine and former commissioner of hospitals, New York City; Edward K. Thompson, managing editor, Life magazine; James Monahan, senior editor, the Reader's Digest, and previous Medical Journalism Award winner; and Mrs. Allmon Fordyce, vice president, Albert and Mary Lasker Foundation.

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ADMINISTRATION APPROACH TO HEALTH RESEARCH INADEQUATE, NEUBERGER TELLS NEW YORK MEDICAL JOURNALISM AWARDS LUNCHEON

(Summary of address by Senator RICHARD L. NEUBERGER, of Oregon, Apr. 30, 1959)

NEW YORK.—Political budget juggling outweighed concern for American health needs in President Eisenhower's requests for medical research funds in fiscal year 1960, Senator RICHARD L. NEUBERGER, of Oregon, declared today at the annual Albert Lasker Medical Journalism Awards Luncheon held at the Sheraton-East Hotel.

"People cannot go to the drugstore and buy their own cancer research," NEUBERGER said. "They must rely upon taxes paid to support Government sponsored organizations such as the National Cancer Institute or contributions to private groups such as the American Cancer Society."

NEUBERGER, who recently underwent surgery and radiation therapy for cancer himself, said he was shocked by the fact that the administration's recommendations in the field of cancer research and study of other major diseases were so inadequate that "the chairman of the House Appropriations Subcommittee felt compelled to terminate Health, Education, and Welfare Secretary Arthur Flemming's testimony and request that he come back to the committee when he had more realistic proposals to present.

"The resignation of Secretary Dulles because of cancer came during the same week that the President dedicated the Capitol Hill bell tower to the memory of Senator Robert A. Taft, who was a cancer victim in 1953," NEUBERGER noted. "Surely these two events should challenge the administration into adopting a genuine crash program of cancer research."

NEUBERGER heralded the Albert and Mary Lasker Foundation for its sponsorship of programs designed to increase Federal support of medical research.

"Mrs. Lasker and her associates have taken the leadership in alerting us to the comparatively pitiful sums allocated by Government for the protection of health, as compared with the far larger sums frittered away on things of much lesser significance," he said. "Just as it took Upton Sinclair to awaken the Nation to the filth and disease in meatpacking plants, just as it took Gifford Pinchot to arouse America to the looting of its natural resources, it will take courageous citizens to make this country fully realize that we have been investing infinitely too little in seeking the answer to such grim riddles as cancer, heart disease, and mental illness.

"The administration's fiscal 1960 budget for medical research is a static one," NEUBERGER declared. "It allows for the support of very few new research projects in the major disease areas. It freezes the rate of growth of these programs at the current level."

NEUBERGER pointed out that House hearings on medical-research expenditure estimates indicated that the President's budget actually involved a cutback of $12 million, since the administration asked for an increase in research overhead cost without requesting the additional funds to defray it.

He said the inadequacy of the administration's $294 million health research budget was highlighted by recent statements by non-Government scientists who indicated that approximately $455 million could be effectively utilized by the National Institutes of Health during fiscal year 1960.

"Their figure is not just some illusory goal," NEUBERGER asserted. "It was based upon careful documentation as to what researchers could spend fruitfully right now in the various major disease categories.

"For example, Dr. Sidney Farber, Chairman of the National Cancer Chemotherapy Committee, requested $109 million in cancer research generally for fiscal 1960. In the field of chemotherapy, he asked for an additional $10 million merely to continue the present growth in the program of screening promising chemical compounds against various forms of cancer."

NEUBERGER said failure to increase appropriations for cancer research from the $75 million asked by the administration to the $109 million recommended by Dr. Farber and others would result in loss of vital programs, including $11.8 million for establishment of 10 to 12 cancer research centers in medical schools and hospitals, $8.5 million for contracts with industry in the screening and development of new compounds against cancer, and $5 million earmarked for research and contract programs on the relation of viruses to cancer.

"Establishment of these research centers is one of the most important proposals made in the cancer field this year," NEUBERGER declared. "The centers would be outposts of Bethesda. They would use the latest diagnostic and detection techniques, and they would speed the extension of new surgical and drug treatments to patients."

NEUBERGER noted that the Eisenhower administration's estimates of funds needed for all medical research have been revised upward by Congress each year. Appropriations for cancer research have increased from $20 million to $75 million during the last 5 years, he pointed out.

The Oregon Senator said administration failure to request sufficient funds is apparent in other aspects of the President's overall health budget. He noted that the Hill-Burton hospital construction program was cut from $186 million to $101 million and that the research laboratory construction program was reduced by $10 million, despite a backlog of requests in excess of $100 million.

"I come from a State which is sparsely settled in comparison with the urban States of the East," NEUBERGER said. "Many of the small communities in Oregon would be without essential medical and hospital facilities were it not for the Hill-Burton program."

"No person can know when his own life or that of a loved one may be totally dependent on medical research," he said. "Federal funds which I helped obtain in Congress have aided in development of cobalt-60 radiation therapy. This treatment has been vital to my recovery from cancer."

"Despite the forward strides which we have made in medical research, the causes and cures of many major diseases still elude us. The machinery of our Federal Government provides a means by which we may press to the optimum extent our fight against disease.

"An adequate federally supported program can effectively insure continuity and stability in research, permit expansion of basic as well as applied research, and free researchers from some of the financial limitations which cramp the ingenuity of the mind," NEUBERGER said. "Allocation of resources through the appropriation process permits a determination of overall need and the direction of resources to those areas where research opportunity and disease significance in terms of human suffering are greatest."

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NEUBERGER URGES MORE CANCER AID—SCORES PRESIDENT FOR CUT IN RESEARCH FUNDS—FOUR GET LASKER WRITING AWARD

The Eisenhower administration is not spending enough money on cancer research, Senator RICHARD L. NEUBERGER charged yesterday.

He said this was true, even though cancer had forced the resignation of former Secretary of State Dulles in the same week that the President dedicated a memorial to another cancer victim, the late Senator Robert A. Taft.

Senator NEUBERGER, who recently recovered from cancer, urged that the administration adopt a crash program of cancer research. He asked that funds for medical research not be cut just to balance the budget.

Speaking at the Albert Lasker Medical Journalism Award luncheon at the Sheraton-East Hotel, the Senator, a Democrat from Oregon, said that "despite the forward strides which we have made in medical research, the causes and cures of many major diseases still elude us."

He noted that the administration's fiscal 1960 budget for medical research allows for the support of very few new research projects in the major disease areas.

Senator NEUBERGER said that Dr. Sidney Farber, chairman of the National Cancer Chemotherapy Committee, had asked for $109 million to support general cancer research. But he said the President's budget called for only $75 million.

VITAL LOSS CITED

If President Eisenhower's figure is approved, the Senator went on, it would result in the loss of vital programs. These include $11,800,000 for the establishment of 10 to 12 cancer research centers in medical schools and hospitals; $8,500,000 for contracts with industry to develop new compounds against cancer, and $5 million for research on the relation of viruses to cancer.

Four Lasker awards were presented for distinguished reporting of major developments in medical research and public health programs in 1958.

The recipients were Joseph Kahn of the New York Post for his series of articles on contraceptive counseling in New York municipal hospitals; Francis Bello of Fortune magazine for his article "The Murderous Riddle of Coronary Disease," published in September; Al Wasserman of the Columbia Broadcasting System for his 2 television programs on "The Addicted" in the Twentieth Century series, and to the television program "Today."

"Today" was honored for its day-to-day coverage over the National Broadcasting Company of the significant events in public health and medical research, particularly its mental health program on the Central Islip State Hospital in New York on October 8.

Each winner received $2,500, an illuminated scroll and a silver statuette of the Winged Victory of Samothrace, symbolizing victory over death and disease.

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[From the New York Daily News, May 1, 1959]

MY SECRETARY, AFRICA, SPEAKS

(By Ed Sullivan)

DEAR BOSS: Senator RICHARD L. NEUBERGER'S bill to get $500 million as a Federal cancer research grant may get additional support now that the cases of John Foster Dulles and Arthur Godfrey have dramatized anew the ravages of public enemy No. 1. His request

should actually be doubled, if the job is to be done. * * * Years ago, Dr. Joseph Lazarus pointed out in this column that unless the Government stepped into the fight against cancer with a grant of $1 billion for a crash program that it was almost hopeless to expect a solution. Dr. Lazarus emphasized that unless cancer research could be made attractive to young doctors, in terms of complete security for their wives and children, cancer research would continue along in fits and starts and that hundreds of thousands of people would continue to be struck down by it. Senator NEUBERGER, himself a cancer victim, apparently has the same definite feeling. Perhaps his political prestige and the page 1 impact of the Dulles and Godfrey cases will persuade Washington that $1 billion would be a cheap investment.

Just imagine the effect on world opinion if Russia's Khrushchev stepped in while Washington continued to lag and announced that the Russians were endowing a cancer research program with $1 billion. It would be the greatest propaganda device that the Kremlin could conjure up. The United States had better beat the Soviets to the punch. * * * Before the Brussels World's Fair, you proposed that the United States be represented at Brussels in terms of our humanity to man; that we send Dr. Jonas Salk there as well as Herbert Hoover and Dr. Howard Rusk, who could show the world press what we have accomplished in terms of human rehabilitation. The suggestions fell on deaf ears but perhaps, if readers will clip this column and send it along to their representatives in the Senate and House, it will light a bonfire.

## ADDRESS BY SENATOR GOLDWATER AT GEORGE WASHINGTON DINNER OF THE AMERICAN GOOD GOVERNMENT SOCIETY

Mr. BYRD of Virginia. Mr. President, I take great pleasure in asking unanimous consent to have printed in the body of the RECORD a notable speech made by Senator BARRY GOLDWATER on the occasion of the George Washington dinner, sponsored by the American Good Government Society, at the Sheraton-Park Hotel, Washington, D.C., April 30, 1959.

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

ADDRESS BY SENATOR BARRY GOLDWATER, SHERATON-PARK HOTEL, WASHINGTON, D.C., APRIL 30, 1959

Mr. Chairman, Senator McClellan, Senator Byrd, Congressman Halleck, Admiral Strauss, and fellow Americans, I can't begin to tell you the honor that I feel at having been asked to speak tonight about our first President, and to speak about the problems of Government as I see them today. I can imagine no better place to discuss these things than with 800 Americans who are dedicated to the American principles of our Republic, and I can think of no greater honor that could become mine than to be asked to make this address on the same night that two of my close friends are being honored by this organization.

Now, ladies and gentlemen, 170 years ago today George Washington was inaugurated as our first President. What better time is there then to take a look at ourselves than the anniversary of that occasion because we have come a long way since that first inauguration—we have come a long way in ways that are good—we have come a long way in ways that are bad, and it is to those things that I want to address myself tonight.

For a generation now, ever since the stock market collapse in 1929, we have been living on the razor edge of a crisis in human affairs.

The dangers have come from economic depression and economic boom. They have come from international wars, police actions, and cold wars. They have come from the drastic alteration of our world by science and technology.

It is beyond my ambition and capacity to interpret these conditions. I sincerely doubt if the sum total of them is within the grasp of human understanding, notwithstanding the valiant efforts of H. G. Wells, Toynbee, Durant, Lord Russell, and others who have ventured to interpret history and the course of civilization.

We are here tonight in the interest of good Government. This alone is a subject of formidable dimensions as everyone in this distinguished audience is aware. So all I can promise you tonight are some personal reflections on what disturbs me about trends in our national Government.

Profound changes are taking place in the form and practice of the American Government. Those who are bringing about these changes argue that the revolutionary developments of our times make the old rules obsolete. In their book, anyone who builds the temple of his thought on the foundations of our country is a reactionary.

I think these people are taking liberties with history when they conclude that the crises and revolutionary temper of our times justifies the demolition of our country's foundations.

I would like to ask them, have they forgotten that these foundations were laid in revolutionary times? You may remember that Thomas Paine wrote, "These are the times that try men's souls," when the American system of Government was in the labors of its birth. War rocked the Old and the New World. An industrial revolution was at its height. Social relations everywhere were in upheaval.

Thus, turmoil, crisis, and revolution were the conditions pressing upon the men in Philadelphia as they laid the foundations for our American Government.

And then in 1856, Lincoln said this: "We live in the midst of alarms; anxiety beclouds the future; we expect some new disaster with each newspaper we read." * * *

The Nation was soon to go through the greatest of all crises—civil war—while it was on the eve of revolutionary changes in agriculture, industry, and social relations.

How, then, does it happen that our Nation was formed in times of crisis, preserved in times of crisis, now must be radically altered because of what is called the crisis of our times?

While the outward conditions of life have radically changed throughout the years, the basic problems of our times are no different than they were in Washington's time or Lincoln's time. Nor are the eternal truths of human relations and the principles of natural law and good government altered merely because we exchange the horse for the tractor, handcrafts for the machine, gunpowder for the atom bomb, or find the means to probe the depths of the sea and soar into space.

I say this to you, my friends, at bottom, and with all the trappings of modern times stripped away, the real crisis of our times is in the thoughts and the actions of men. Men, not conditions, are responsible for our progress or our decay.

The Founding Fathers in their wisdom wove the true values of good government into the fabric of the American system.

Lincoln preserved them in the Nation"s darkest hour.

I will say to you, if this heritage is fated for destruction, it can come about only through the blind and sometimes callous disregard of men for the true values in what constitutes good government.

I say that no definition of good government can describe the good government which is the heritage of the American people.

But let me summarize the eternal truths which miraculously were given institutional form by our Founding Fathers.

First, this Nation was founded on belief in Almighty God, whose divine precepts order the affairs of men and of nature. In the inspired foundation of the American system, the "inalienable rights of man" were lifted above the caprice of temporal powers and vested in the doctrine of higher law. The dignity and freedom of man is thus inseparable with his creation, as it has been all through time. His duties to God and his duties to his fellowmen are grounded in immutable law and individual conscience.

Second, in the elements of good government and closely associated with liberty is the idea that government must be with the consent of the governed.

If men do not consent, they are not free; and tyranny prevails. Simple and obvious as this is, it took centuries of struggle and slaughter for the deliverance of man from the power of man.

That the people should dominate the government instead of the government dominating the people stem from antiquity. Solon was renowned for the idea; the Stoics championed it, but in our epoch it was still a radical idea when it became a foundation stone of the American system.

It was embodied in the Constitution in the phrase in the Preamble "We the people * * *" in the limitations on the powers of government which run through that document, and in the 9th and in the 10th amendments we recognize and reserve, the powers for the people.

Is this, too, not an eternal principle of good government, valid for all time?

Now let us turn to the third of the great elements of good government in the American heritage: the diffusion of power in government.

The Founding Fathers knew that at the heart of man's inhumanity to man was the simple problem of power.

From a wide knowledge of history and politics, they knew that the concentration of power—whether in the hands of one, a few, or the many—has poisoned the governments of all ages.

Oppression by a majority was at least as bad if not worse than oppression by a minority. In Lord Action's maxim, none is excepted from the rule that "power corrupts and absolute power corrupts absolutely."

This follows from the overwhelming evidence of history that the possession of unlimited power corrodes the conscience, hardens the heart, and confounds the understanding.

Essentially practical, as every reader of the "Federalist" knows, the Fathers took these eternal truths into consideration in framing our Constitution.

They adopted the Federal form of government to divide powers between the Nation and the States.

They described the powers as "delegated" rather than "inherent" to indicate limitations on powers as well as to retain the ultimate control by the people.

They divided the Federal authority into three branches and the legislative branch into two chambers, each with different tenure and different constituencies. And to make sure of constant change in the body with longest tenure, the Senate has a turnover of one-third every 2 years. The whole arrangement of powers was made subject to an intricate set of checks and balances.

And always, the ultimate sovereignty came to rest in the people, but even here power was checked. The people were not one

organized, coordinated body capable of acting as a unit; but people scattered over many States with diverse interests. They could act only through freely chosen representatives and not en masse in the public square.

And I might call to your attention what is to me one of the most damnable things that has happened in this country in the last 30 years, and that has been the forwarding of the idea that in America we have common people. But I suggest to you that we are 170 million of the most uncommon people that God ever put on the earth. The pigeonholing, the cataloging of our people into ethnic groups, into groups of color, into groups of this belief or that belief to be pulled out at the politicians' whim is another thing in the same category that those who have perpetrated it upon the American people should forever be ashamed of. There is no such thing as a hyphenated American, we are American, period.

But we protected these people in their inalienable rights by specific declarations, by what we know as a Bill of Rights, and by limitation on National and State powers.

No more ingenious means of diffusing power has ever been conceived by the mind of man. Its wisdom is grounded on the eternal truths distilled from thousands of years of mankind's history.

It required only that the people safeguard and use the remarkable tools given them if they valued their liberties and were determined to keep them.

It is an elementary proposition that institutions of Government are made by man, and man is responsible for what happens to them.

Benjamin Franklin noted this when he was asked what the men at Philadelphia had wrought, and you will remember what he said, "A Republic, if you can keep it."

A half a century later, Lincoln spoke in the same vein, when he said: "If destruction be our lot, we must ourselves be its author and finisher. As a nation of free men, we must live through all time or die by suicide."

And today, tonight, men all over the Nation are gravely concerned about what is happening to this American heritage of good government.

For at least the first century of our national existence, a free people under God and free government built the most powerful, most prosperous Nation on earth.

But since then a process of corrosion has set in which has greatly accelerated in the last 25 years.

It would take a book to cover the details of how the American system of government is being altered. Just let me touch a few of the highlights.

In the last 30 years, the Federal authority has been extended and enlarged far beyond the limits originally set in the Constitution. Today, it either preempts or strongly encroaches upon the powers of State and local bodies and covers almost every interest formerly of private concern.

The whole conception of a division of powers between Federal, State, and local governments is corroded. This concentration of power in the Federal Government cancels out the great principle of divided power on which all history shows liberty depends.

It weakens the idea of government by consent of the governed by substituting centralized government for government closest to the people.

Government itself is weakened when it attempts to overreach its natural jurisdiction. The result is written in a law of diminishing returns which shows up in extravagance, in inefficiency, in waste, and in corruption. We have that, too.

Already we have created a series of no man's lands in vital areas of public policy and administration. This is evident in labor-management relations, in safeguarding the Nation against Communist subversion, and in protecting the citizen from double jeopardy.

My friends, not only has centralized government grown, but it has concentrated powers in its structure. A whole network of Government commissions, bureaus, and agencies has been set up and endowed with a powerful combination of legislative, executive, and judicial powers in total disregard of the principle of separation of powers on which freedom depends.

And I suggest to you that with this weakening of constitutional principles and limitations, the way was opened for a struggle for power between the several branches of Government.

That, too, we have been witnessing over the past 30 years. The President has gained stronger powers in relation to the Congress than the Constitution ever contemplated giving him. The judiciary—chiefly the Supreme Court—has seized upon legislative powers never vested in them by the Constitution.

Perhaps the most damaging effects of this corrosion in principles of good government is the corruption of the democratic processes.

As major government powers are drawn to a central source, the vitality and the spirit and the character of the people are altered.

With government operating at a distance from them and exceedingly complicated, the people grow confused and discouraged from doing things for thmselves. Their self-reliance is weakened. The lazy become parasites on the workers. They lose interest in acquiring the knowledge they need to hold government accountable. They give up the hope of influencing government. You think they don't—already, less than half of our potential voters trouble to go to the polls.

Now when the public is in this weakened state, the self-interest groups move in, and even though pressure groups represent only minority interests, they can wield considerable power because they are tightly organized, and the public is not. It is the same situation in which a small inside minority controls a corporation when the stockholders are many and scattered.

Now, I will say this to you that we have come pretty far along in bad government, when a bill to end flagrant corruption in labor unions has to have a sweetener in it to make it palatable to the labor leaders.

And I say this to you, too, that we have come a long way down the wrong road when those who need controlling dictate not only the terms, but write the language of the terms under which they are going to operate.

Ladies and gentlemen, our public men are also affected by this corruption of democracy. They move from the high ground of principle to the sinkholes of expediency. They compete in outpromising each other, and elections become little more than a trade of favors for votes.

The dismal consequences of these trends are inevitable.

More and more, the people are compelled to look to government for solutions to their problems; and the perverters of democracy respond with more government. The road they travel is socialism, the infirmity that attends mature democracies.

Government spending goes beyond all bounds. Not only the Federal Government, but a growing list of States are in deep financial difficulty.

Every sizable voting group demands its cut in the form of subsidies.

Legislation is cut loose from principles. In its place we have expedient improvisation or surrender to the blackmail of pressure groups.

Taxes skyrocket and destroy initiative.

Public debt mounts to astronomical heights and cannot be paid off except by ruinous inflation or repudiation. The Federal debt, my friends, is a time bomb hanging over the security of our people.

Ultimately the public faith in government is destroyed, and in the chaos that follows, the people willingly accept a dictator. The price they pay is their liberty.

And I say to you the hollowest phrase we hear today is the one that declares, "It can't happen here."

But look around you today. Have you ever seen such outrageous taxation, such a staggering national debt, such a waste of public money, such a pyramid of Government subsidies, dangerous inflation, so many lavish political promises, such a gigantic Federal bureaucracy, so much Government favoritism to special groups, such moral laxity, and so little responsibility in public life?

And in this appraisal, my friends, let us look at ourselves, the American people. As politicians bent on their own perpetuation promised more and more and gave more and more of what was taken from the people, the people have grown to expect and demand more from government.

Let me ask you a question. How much Federal aid did our forefathers receive; what they did they did with their own abilities; what they provided in the way of schools and roads and hospitals they did with their own savings or taxes at the local level. What they had was character; all they did was work; all they wanted was self respect; but look at us today. Security is above self respect, we ask more money for less work, we are weaklings who want government to take care of us when we should be taking care of ourselves, we pamper criminals and subversives when we should punish them and we condemn those among us who have the traits of their forefathers as reactionaries. I suggest to you that we have so accepted the arguments of compromise that we are willing to send men to run our governments who will compromise away basic principles, men who are even willing to appease in the name of compromise. Now all of us in the business know that compromise is a tool of the lawmaker but to fritter away principle for expediency, to destroy values for fear of disagreement is using that tool dangerously.

Here we are just a little over year from a presidential election and where are the words of strength from the candidates? Who in seeking the highest office in our land is speaking of self reliance, harder work—yes, even self respect. No we are hearing the hackneyed shiboleths of giveaway—more for nothing—unbalanced budgets—give in to the union bosses for they have political power—the States can't do it any more, centralize government. Now I tell you tonight that these aren't new ideas; they have wrecked every government in the history of man who tried them and will wreck ours if allowed to continue.

These trends I have described have happened again and again in history—not to poor, undeveloped nations—but to nations at the height of their development in industry, culture, prosperity, and military might. Years of self respect and hard work made this country, but these trends we see today and that we know exist can destroy us.

I would not want to end on this bleak note. I do not despair the American Republic; I have strong faith in it.

When it is informed and alerted, it can act swiftly and with powerful force. As Lincoln said: "Our Government rests in public opinion. Whoever can change public opinion, can change the Government."

But to be effective, the public must be informed. It must be alerted. It must have a newspaper press to educate, not to arouse

passions and conflict. It must have courageous men to concentrate its force and to speak for it.

This brings me to the heart of my theme, "Today's crisis is in the thoughts and actions of men."

We need more men of principle, men of conviction, men of courage. It takes principle and conviction and courage to throw off the blanket of conformity which suffocates public life today.

We need more men like Bob Taft, whose dedication to the public interest surpassed even his own life ambition.

We need men like Senator JOHN J. WILLIAMS who fought doggedly for years, and often single-handed, to expose corruption in the Internal Revenue Service.

We need men like Joe McCarthy who, despite his shortcomings, did so much to alert our people to Communist subversion of American Government.

We need men like Senator STYLES BRIDGES who realizes the significance of a balanced budget to a free country and hammers away for Government economy in the Appropriation Committee on the floor of the Senate. Yes, we need more men like HARRY BYRD. We need more men like Admiral Rickover and Herbert Hoover.

And we need men like John Foster Dulles who, more than any man in Government today, understands the true nature of the Communist threat and has the courage to stand up to the Communists and expose them.

And I say this—let us have more men like those we honor today—Admiral Strauss and Senator JOHN MCCLELLAN.

Others have and others will extol their virtues, but I would like to say this: These men are today being bitterly assailed because they have the courage to act in the public interest—because they dare to speak for causes, not unpopular with the people, but unpopular with the special interest groups which seek to dominate the Government.

One of these great men is being attacked by small men over small issues—the other is being attacked by powerful men over powerful issues and you can make your choice.

In these circumstances your citation is more than an honor to my good friends. It inspires them and others to persist and fight harder in righteous causes. It shows them they have distinguished support, and that they do not stand alone. It alerts the attention of the public. It helps to clarify the public mind on the real issues at stake. It encourages wider public support, and thus helps to neutralize the strident, biased voices of the special interests.

In this way we can increase and strengthen that rare element in public life—the number of men of principle and courage.

This is the way to restore good government, to preserve good government, and to insure the survival and progress of free government.

Ladies and gentlemen, the challenge is yours. Make no bones of it—the enemy is here, the enemy is active, the enemy is so powerful in this country that I say to you in all honesty and sincerity that I fear far more the failure of the American people in this hour of crisis than I do any attack from our enemies from without.

I think Abraham Lincoln in his Gettysburg Address was trying to warn us that government is a perpetual problem, a perpetual challenge to the people. I think he was trying to say to people of all generations, if this Government of ours ever fails it will fail because of the weakness of the people and again I say I am more frightened by this weakness created by an active enemy who knows they can destroy us by destroying the morals of our people, by destroying the incentives of our people, the initiative of the American people—by destroying our monetary system. They can do this far faster than Communists can ever move unto our shores with a bomb, or a submarine, or an airplane.

Once in our history the question was asked of American men, "Where do you stand, sir?" And I think tonight across this land that question should be asked again, "Where do you stand, sir?" And I think Americans across this land would resound with an overwhelming, "I stand with the men who founded our country. I stand with George Washington, with Thomas Jefferson, with the men of both parties who down through the years have added strength to the concept that man is free because he is a child of God, and that man walks this earth with dignity because he is that child of God." Thank you.

## ADDRESS BY SENATOR BYRD OF VIRGINIA, IN PRESENTING AWARD OF THE AMERICAN GOOD GOVERNMENT SOCIETY TO HON. LEWIS L. STRAUSS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the body of the RECORD the remarks made by me when I had the pleasure of presenting to Secretary of Commerce Lewis L. Strauss the award of the American Good Government Society on the occasion of the George Washington dinner of that society at the Sheraton-Park Hotel on April 30, 1959.

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

I am honored by the privilege tonight to present to Lewis L. Strauss the George Washington award tendered to him by the American Good Government Society.

I know of few men in our history who have given a more dedicated and useful public service. He deserves in the highest measure the tribute we pay to him tonight.

Among his many public assignments Lewis Strauss was secretary to Herbert Hoover in 1917–19 as U.S. Food Administrator. He then served as Chairman of the Commission for Relief to Belgium. Mr. Hoover, himself, recently described Lewis Strauss to me as one of the ablest, most reliable and thoroughly honest public officials with whom he has ever come in contact.

He entered the Naval Reserve in 1926. He was on continuous active duty during World War II, and was the first rear admiral in the Naval Reserve to be appointed by President Roosevelt.

President Truman appointed him to the first Atomic Energy Commission in 1946, and there he served with great distinction until 1950.

Then President Eisenhower appointed him Chairman of the Atomic Energy Commission, and he served from 1953 to 1958. His service on the Atomic Energy Commission was of enormous importance, as it was during that period that policies relating to the use of atomic energy were formulated.

President Eisenhower appointed him Secretary of Commerce on October 24, 1958.

For the sake of brevity, I have omitted many other public assignments in which he has served since he began his public career back in 1917. So the man we honor tonight has served under and had the confidence of four Presidents—two Democratic and two Republican—in positions of immense importance. I dare say no man living has such a record.

Knowing Lewis Strauss as I have for many years, I can best describe him as a man of intense patriotism, able and conscientious, and whose aim in life is to serve his country well, and this he has done.

## CONSERVATION LEADERSHIP OF IZAAK WALTON LEAGUE

Mr. NEUBERGER. Mr. President, an excellent review and analysis of problems related to recreational use of lands and waters of the United States is contained in an article by Mr. J. W. Penfold, Washington, D.C., conservation director of the Izaak Walton League of America, which appeared in the New York Times on May 3, 1959. Mr. Penfold, who is a colleague of mine on the National Outdoor Recreation Resources Review Commission, has outstanding qualifications for discussion on this subject. I think many Senators will benefit from the information he provides about the principal factors involved in better use of private resources for sports and outdoor activities. I ask consent to include the article in the body of the RECORD with my remarks.

Mr. Penfold's article is based on a symposium held during the national convention of the Izaak Walton League in Philadelphia last month. Besides the discussion of conservation issues, the convention took action on important resolutions, including three relating to the protection of anadromous fish runs of the Columbia River Basin.

At its annual meetings, the Izaak Walton League has pioneered many legislative trails by action it has taken on resolutions. Because of its outstanding record of accomplishment and leadership, I believe there is great significance to the action taken by the Izaak Walton League for protection of the Columbia River fish runs.

Mr. President, I ask consent to have included with my remarks the text of the resolutions adopted at the 37th annual convention of the Izaak Walton League regarding limitation of Federal Power Commission authority, Nez Perce Dam, and establishment of a Salmon River sanctuary.

The league also has played a leading part in establishing sound practices for use and development of our natural resources, and I ask consent to include the resolutions adopted on public land administration and access to public lands.

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

[From the New York Times, May 3, 1959]

TOMORROW'S CONSERVATION—A GROWING POPULATION AND RESTRICTED LANDS CREATE DILEMMA

(By J. W. Penfold)

A problem of ultimate importance to the future of public outdoor recreation was the subject of pinpoint discussion at the recent 37th annual convention in Philadelphia of the Izaak Walton League of America. A daylong symposium dealt with the recreational use of private lands and waters.

The participants represented a cross section of U.S. geography and major points of view. The conclusion, unanimously reached, was that good outdoor manners, a sportsman's code of ethics involving consistent, vigorous self-discipline, is essential to perpetuate the traditional American opportunity to hunt, fish, camp, boat, and otherwise find recreation, in the broadest sense of the term, in the outdoors.

While national and State forests and parks, wildlife refuges and others public lands, provide recreation opportunity for increasing millions of Americans, about three-fourths of the United States is in private ownership. Traditionally, these private lands and waters have contributed a major portion of the total available recreation.

For example, between 80 and 85 percent of all the hunting in the Nation occurs on privately owned lands and waters. Even in the Northwest Douglas-fir region, four big game animals are bagged on private tree farms for every one taken in a national forest.

Ownership of wildlife is vested in the States in their sovereign capacity for the use and enjoyment of all the people. This is a cherished principle which goes back to England's Magna Carta of 1215 and the Charter of the Forest 2 years later. An equally cherished principle is that the landowners shall have the right to determine who may come upon his land to hunt it. As our population has increased, such trespass laws have become increasingly restrictive.

AMERICANS ARE URBAN

In America we have become predominantly an urban people. Whereas a half century ago about 50 percent of us were rural dwellers, today only 12 percent can be so classified, and the percentage decreases year by year. The "wilderness dwellers" of olden times have become city dwellers, dependent upon private lands for most of their outdoor recreation. Moreover, they have little opportunity to associate with their rural neighbors and so develop a code of ethics necessary to get along with them.

Deterioration in landowner-sportsman relations has been accompanied by a great increase in private lands posted against trespass. In Colorado during the past decade, the proportion of trout streams available to the public, as opposed to those privately controlled, has decreased from 90 percent to only 50 percent. During the same period, fishing pressure quadrupled.

As sportsmen pressure concentrates on the remaining open areas, the burden on the landowner of inconvenience, loss of privacy, outright sportsman-caused damage to his property becomes insupportable. He gives up and posts his land against trespass. The problem is again compounded.

Now another complicating force moves in. An individual or a group with adequate finances purchases outright or leases the right to hunt or fish on some choice land or water. They, too, post against trespass by others, and the public's rights in the domains of fish and wildlife are effectively thwarted.

Still another factor must be recognized and faced. Vast areas of public lands and waters are not available for public use because access to them is denied by intervening private lands. Along our Atlantic, gulf, and Pacific coastlines there remain scant areas for public access and use. With private development constantly adding to the capital investment, such lands are soon priced out of the market insofar as public purchase is concerned. If adequate steps are not taken during the next decade to acquire public ownership of key areas along our coasts, it will be too late. The vast recreational potentials of our coastal waters will have been lost.

Inland the same problem exists. A comprehensive survey in Colorado has revealed the shocking fact that over a million and a half acres of public lands are denied the public by strips of private ranchlands which control access. Preliminary studies in other of the public land States demonstrate comparable problems generally.

The total problem now is difficult enough. But projecting it into the future points up the fact that it may become desperate. Recreation pressure is developing at a fantastic rate. Laurance Rockefeller, chairman of the newly established national Outdoor Recreation Resources Review Commission, pointed this out in his keynote address at the Izaak Walton League convention. He attributed the increase to four major factors: increase in population (3 million and more per year), more leisure, higher real wages and greater mobility because of improvement in transportation facilities.

Thus there are more and more people with the interest, leisure, and finances to enjoy outdoor America, coupled with a growing scarcity of areas open and available for their use. The full scope of the problem will get detailed scrutiny from Mr. Rockefeller's commission, with the assistance and cooperation of all the Federal departments, State agencies, universities, and private organizations. The commission will present its report to the President, the Congress, and the States late in 1961, together with its recommendations for programs needed to assure adequate outdoor recreational opportunities to meet the needs of future generations.

Meanwhile there are positive programs under way which offer a great deal of hope. Foremost of thees in the citizen's mind is public acquisition of lands for recreational use: national and State parks, wildlife refuges and management areas, access points to water-supply reservoirs and to coastal waters come to mind. Currently before Congress are measures to establish a Cape Cod National Park, the Oregon Dunes National Park, the Indiana Dunes, National Monument on Lake Michigan and others.

NEED IS TOO BIG

Important as such areas are, they can never reach the number required or the geographical distribution to satisfy the need. Moreover, there is powerful resistance to taking sizable areas off the tax rolls, a fact that cannot be avoided. The public must look elsewhere as well.

State game and fish agencies in most sections of the country have made substantial gains in acquiring right-of-way across private lands to shores of lakes and along streams for fishermen. Some of these have been obtained without compensation to the landowner other than the assurance of reasonable supervision of the sportsmen by the State agency. More often, there has been some financial arrangement satisfactory to the landowner.

This latter approach to the problem recognizes another principle, which will become increasingly important in the years ahead as population grows, industry expands and cities sprawl outward, engulfing farms, ranches and space just to accommodate people. The principle has been called "multiple-use," the practical theory and practice that land and water can serve more than one beneficial use at the same time.

This principle, applied deliberately to major portions of our geography today, whereas in the past it was a matter of course, offers the single greatest hope. Seventy-five percent of the U.S. lands and waters in private ownership produce agricultural crops, forage for livestock, trees for lumber and pulp and other products of prime commercial value. In addition, with minimum outlay, they can and do produce wildlife crops and recreational opportunities of importance to the public. Why not recognize this truth and act on it in positive fashion?

The major obstacle to this appears to be the sportsman himself. He is apt to beat his chest and complain that free hunting and fishing are among the great freedoms of America. Granted, but like all the other freedoms, their maintenance exacts a price in self-discipline as well as other inescapable, material costs. The sportsman happily, or grudgingly, pays a minimum license fee to hunt or fish and thereby supports programs of fish hatcheries, bird farms and law enforcement activities. Is it a great step to approve programs which will assure areas where he may exercise his skill with rod or gun?

We think it is no great step because the sportsman has already proved that he will, for a type of special privilege, purchase or lease prime fishing or hunting areas for his exclusive use, or utilize commercial fishing or shooting preserves for his sporting experience.

Through public programs, with minimum unit costs, major portions of the Nation's total of private lands and waters can be opened for public use. Through such programs, also, a high degree of scientific management can be achieved, thereby assuring an optimum production of wildlife in relation to the requirements of the prime commercial production of the lands. The landowner, the sportsman and the State wildlife agency in partnership can assure this portion of a worthwhile outdoor future.

OUTDOOR MANNERS

But none of these several types of positive programs will get the needed job done, if good outdoor manners, that is, good sportsmanship, is not the prime ingredient. The careless, surly gunner is not welcome back at the commercial shooting preserve. He is not good business for the proprietor. A couple of his type and the most generous of private landowners will cancel his arrangement with the authorities and post his land. The thoughtless, perhaps well-meaning but ignorant, sportsman is not much of a cut ahead. A broken-down fence, trampled crops or a woodlot fire are just as damaging, whether deliberate or not.

Nor is the sportsman the sole offender. Just check on the rubbish left by the Sunday picnickers in any city park, or add up the number of picnic tables and benches broken up for firewood during a summer season.

The participants of the symposium at the Walton convention represented sportsmen, the public, public agencies and landowner interests and they seemed to agree on one major truth. If the small percentage of the outdoor recreation-seeking public which is the actual offender will not correct its unspeakable outdoor manners it does not matter much in the long run what else we try to do to perpetuate the best of outdoor America. We shall lose it and its opportunities for wholesome, valuable recreation.

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RESOLUTION 8, ANADROMOUS FISH RESEARCH IN COLUMBIA BASIN

Whereas existing and proposed dams in the Columbia River Basin and other western streams for power, flood control, irrigation and navigation jeopardize the preservation and perpetuation of anadromous fish runs of vast commercial and recreation importance; and

Whereas present lack of knowledge concerning adequate and successful means for passing the young and adult of such migrating species over such obstacles emphasizes

the critical need for accelerated research into this pressing problem: Now, therefore, be it

*Resolved by The Izaak Walton League of America, in 37th annual convention assembled in Philadelphia, Pa., this 25th day of April 1959,* That Congress be urged to appropriate adequate funds in accordance with the request of the Columbia Basin Interagency Committee to expedite research leading to early solution of fish passage problems.

RESOLUTION 15, FEDERAL POWER COMMISSION AUTHORITY

Whereas the Coordination Act provides procedures whereby Congress which is responsible directly to the people for its actions, may be assured of having before it, during consideration of any Federal water development project, full information regarding the effects which such project would have on fish, wildlife, and related recreation resources; and

Whereas such procedures enable Congress to make its decision with respect to such a project in terms of all the public values involved; and

Whereas the Federal Power Commission, a regulatory agency established by Congress and not responsible directly to the people for its actions, has authority to issue licenses for the construction of non-Federal water development projects and may issue such licenses without regard to their effect on fish, wildlife and related recreation resources; and

Whereas the Federal Power Commission has in fact demonstrated a disregard for the anadromous fish runs of the Columbia River system, for example, when it urged construction of the Nez Perce Dam, stating that the fisheries presented no problem in spite of overwhelming evidence to the contrary presented by all Federal and State fisheries authorities concerned; and

Whereas there are proposed a number of non-Federal projects which may come before the Federal Power Commission for licensing and which, if constructed, might obliterate a major portion of the remaining anadromous fish runs of the Columbia River system; and

Whereas fish, wildlife and related resources on other waters in other sections of the country may be similarly affected under existing practices: Now, therefore, be it

*Resolved by The Izaak Walton League of America, in 37th annual convention assembled in Philadelphia, Pa., this 25th day of April 1959,* That it respectfully urges the Congress to provide for full consideration and effective protection of fish and wildlife resources in exercise of Federal Power Commission functions, through enactment of legislation embracing the principles of S. 1420, or in otherwise restricting the authority of the Federal Power Commission so as to retain to Congress alone the power to destroy irreplaceable fish and wildlife resources, if such action is deemed necessary in the broad general interest.

RESOLUTION 19, NEZ PERCE DAM

Whereas the greatest threat to the runs of salmon entering the Snake River, a tributary to the Columbia, is a dam known as Nez Perce below the confluence of the Snake River with the Imnaha River in Oregon and the Salmon River in Idaho; and

Whereas Nez Perce Dam, because of its height of approximately 700 feet, the fluctuating pool level of over 100 feet and its proximity to the major salmon and steelhead producing streams, the Salmon and Imnaha Rivers present such problems that it is opposed by every fishery agency both State and Federal in the Pacific Northwest; and

Whereas the location of the dam being so near to the point of inflow of the three major water sources namely, the Snake River, Salmon River, and Imnaha River, presents serious problems never before encountered in fish passage; and

Whereas no biologist or fishery engineer that has spoken on this subject can point to any device or plan that offers a solution to the fish passage problem at Nez Perce Dam; and

Whereas the Board of Review of the U.S. Corps of Engineers is now studying the 308 Review Report of the Master Water Control Plan for the Columbia River Basin; and

Whereas this Board of Review has been urged by certain groups to alter the program of the division engineer and include Nez Perce Dam in said master control plan on a delayed schedule: Now, therefore, be it

*Resolved by the Izaak Walton League of America in convention assembled at Philadelphia, Pa., this 25th day of April 1959,* That we again reassert our unalterable opposition to Nez Perce Dam on any schedule; and be it further

*Resolved,* That the president of the Izaak Walton League of America forthwith appoint a committee to present this and other resolutions bearing on the Snake River area to the Chief of the Corps of Engineers of the U.S. Army at the earliest possible hour.

RESOLUTION 18, SALMON RIVER SANCTUARY

Whereas the Salmon River in Idaho is the most important tributary of the Columbia River Basin now available to migratory fishes, particularly spring Chinook salmon and summer run steelhead trout; and

Whereas it is vital to the maintenance of these runs of fish which are so important both recreationally and commercially that no dam be constructed that will obstruct their passage either up or downstream; and

Whereas there is an ever-present threat of such construction unless Congress declares the Salmon River a fish sanctuary: Now, therefore, be it

*Resolved by the Izaak Walton League of America in convention assembled in Philadelphia, Pa., this 25th day of April 1959,* That Congress be urged to declare the Salmon River of Idaho a fish sanctuary, forbidding the construction of any dam thereon or on the Snake River below the confluence of the Salmon that will prevent successful passage up and downstream of spring Chinook salmon and steelhead trout.

RESOLUTION 20, PUBLIC LAND ADMINISTRATION

Whereas the U.S. Department of Interior has been delegated responsibility for the management of approximately 178 million acres of public land in the United States not including Alaska and Hawaii; and

Whereas the importance of these public lands to the people of the United States becomes progressively greater as the increasing population demands more water, recreation, timber, livestock, and other resources of the public lands; and

Whereas the existing laws, regulations, and appropriations pertaining to the management of the public lands have been influenced by special interest pressures and do not provide a sound multiple-use program or adequate protection of the basic soil and water resources; and

Whereas abusive land management practices, primarily overgrazing, have often resulted in depletion of vegetative resources, destroyed watershed and recreational values, and greatly reduced the capacity of the public lands to produce timber, livestock, wildlife, and other wealth; and

Whereas some commercial users of public lands have effectively restricted public access to said lands for recreation and other lawful purposes through closure of roads and trails upon their adjacent private lands: Now, therefore, be it

*Resolved by the Izaak Walton League of America,* That the Secretary of Interior exercise all existing authority to initiate a sound multiple-use land management program, resolve the many grazing and access problems upon the public lands, and recommend to the Congress the legislation and appropriations required to fulfill that objective.

RESOLUTION 11, ACCESS TO PUBLIC LANDS

Whereas recent field studies in Colorado and Oregon have shown that the public in many instances is denied access to substantial acreages of Federal public lands for hunting, fishing, and other lawful recreation purposes where such Federal public lands are surrounded by private land holdings or where private land holdings separate such Federal public lands from existing and recognized public thoroughfares; and

Whereas this condition prevents public use and enjoyment of these public land resources, for which there is an ever-growing need, and may seriously limit necessary harvest and impede proper management of fish and wildlife resources; and

Whereas there is evidence that the same condition, in varying degrees, exists in other States embracing extensive Federal land holdings: Now, therefore, be it

*Resolved by the Izaak Walton League of America in 37th annual convention assembled in Philadelphia, Pa., on April 25, 1959,* That it request the chairmen of the Senate and House Committees on Interior and Insular Affairs, respectively, to investigate the problems to determine its magnitude, to appraise the effectiveness of programs which may be underway to solve the problem, and to determine what further action should be taken at the Federal level to protect the public interest in these lands; and be it further

*Resolved,* That the Izaak Walton League of America request the Governors of the States involved to institute comparable studies through appropriate State agencies.

## THE FARM PROBLEM

Mr. DIRKSEN. Mr. President, the May issue of Farm Journal has just reached the newsstands and its more than 3 million subscribers throughout the Nation. This issue contains a survey of the agricultural economists of our 49 land-grant colleges which deserves careful consideration and evaluation by every Member of Congress.

John Strohm, a highly respected agricultural writer from Woodstock, Ill., conducted the survey and he reports that four out of five economists say that—first, any laws further hamstringing the free market will hurt the farmer, the consumer, and the Nation; second, legislation has not and cannot solve the farm problem, although the right kind might help. But few economists believe we have had the right kind in the past, and most are pessimistic about getting it in the future; third; schemes in foreign countries to guarantee all farmers a fair income have been costly failures; and fourth, the law of supply and demand is not out of date—there is no substitute for the free market.

He quotes the comment of a university of Georgia economist who said:

I doubt that legislation of the type we've had will help. On the contrary, I think it adds to the problem.

It vividly points up the need for an incisive analysis of existing farm programs which history has proven to be ineffective. The time is here and now for Congress to take definitive action and make the necessary revision of obsolete farm laws.

I know many of my colleagues have commented on the Farm Journal poll of farmers, which appeared in the April issue of the magazine. Questionnaires returned by 10,000 farmers in all the States again indicate that 8 out of 10 farmers favor the objectives of the administration in providing more freedom for farmers and less Government restriction. I hope that each Senator will take time to examine the report, especially the returns from his home State.

Without exception, the majority of farmers in every State replying to this poll, favor the general objectives and policies of the administration, a position which I know is shared by many Members of Congress on both sides of the aisle. If this be the case, we might well ask the question: Why is Congress delaying any longer?

Mr. President, I submit that these two surveys of farmers and nonpartisan agricultural economists of our land-grant colleges reemphasized the need for development of new farm legislation which will benefit farmers and ranchers throughout the Nation.

This frank response by some of the leading agricultural minds in the world—farmers and educators—deserves the attention of every Member of Congress, and I therefore ask unanimous consent that the Farm Journal surveys in their entirety be printed in the RECORD following my remarks.

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

[From the Farm Journal, May 1959]

CAN NEW LAWS SOLVE THE FARM PROBLEM?

(By John Strohm)

Those questions you see at the extreme right were part of a list that I recently sent to agricultural economists at every one of our 49 land grant colleges.

I wanted to know what these economic doctors had to say about our farm problem, and what they thought of congressional efforts to solve it.

I believe that the answers I got back (from 37 of the 49) will shock a lot of Congressmen. Because four out of five economists say that—

Any laws further hamstringing the free market will hurt the farmer, the consumer, and the Nation.

Legislation has not and cannot solve the farm problem, although the right kind might help. But few economists believe we've had the right kind in the past, and most are pessimistic about getting it in the future.

Schemes in foreign countries to guarantee all farmers a fair income have been costly failures.

The law of supply and demand is not out of date—there is no substitute for the free market.

"I doubt that legislation of the type we've had will help," warns a University of Georgia economist. "On the contrary, I think it adds to the problem."

How would the economists do it then? Three specific proposals bobbed up in most of their replies:

1. Bring capacity to produce into balance with markets by shifts in land use and migration out of agriculture.

2. Get Government out of agriculture.

3. Put agriculture on the same basis as business and industry from the standpoint of price protection.

A University of Nebraska economist puts it this way: "We need more energetic policies to adjust land use and remove people from low-income, labor surplus areas."

Which farm programs have worked best? Sugar and wool by a wide margin, say the economists. But most pointed out the reason: the U.S. imports both commodities and therefore is trying to stimulate domestic production.

Which have been the worst failures? Wheat and cotton won this dubious distinction. Unwise legislation has piled up unmanageable surpluses, lost markets and delayed badly needed adjustments, they said.

By an overwhelming margin, they agree that our free market system, with its weaknesses, is still vastly superior to any developed anywhere in the world. Only two think that the cooperative marketing systems of the Scandinavian countries might be better.

"Producers now selling in relatively free markets have probably fared at least as well as those selling in government-supported markets," says a University of California economist. "Adjustments under free market conditions tend to be more severe but usually occur more quickly."

All economists warn that government guaranteed prices inevitably bring regulations over production, although few feel that farmers recognize this fact.

Has Congress learned anything from the failures of the past? The economists aren't sure. A majority feel that farmers will have less freedom to plan, plant, and sell in the next 5 to 10 years. They predict we'll have farm programs and controls with us for a long time.

WHAT FARM ECONOMISTS SAY

1. Can legislation solve the farm problem? Yes, 2 percent; no, 46 percent; right kind can help, 50 percent; maybe, 2 percent.

2. Have Government attempts to raise prices hurt or helped farmers? Hurt, 38 percent; helped, 38 percent; hurt and helped, 24 percent.

3. Some people argue that the law of supply and demand is out of date. Agree, 3 percent; disagree, 94 percent; both 3 percent.

4. In foreign countries that have fixed farm prices and controlled production, are farmers better off financially as a result? Yes, 6 percent; no, 94 percent. Do consumers there pay more or less for food, if you include taxes they pay for subsidies? More, 86 percent; less, 9½ percent; same, 4½ percent.

5. In your opinion, will U.S. farmers have more or less freedom to plant and sell in the next 5 to 10 years than they've had? More, 19 percent; less, 47 percent; same, 34 percent.

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[From the Farm Journal, April 1959]

THE FARM PLAN YOU VOTED FOR

(By Claude W. Gifford)

Eight out of ten Farm Journal readers want lower price supports and fewer controls in the future—instead of higher price supports and strict controls.

And more than half (55 percent) want the Government to get clear out.

That's the way farmers voted who mailed in ballots printed on page 41 in the February issue. The article accompanying the ballot sized up the situation this way:

Farm productive capacity is racing ahead faster than the growth in population and demand. This tightens the squeeze on farm prices. At the same time, support programs are piling up Government surpluses at an alarming rate. So, the article asked, which of five general directions (see choices left and below) do you think future Government price support policy should take?

Results from the first 10,000 ballots mailed by farmers show that 78 percent favor the first 3 choices—each of which calls for less support and more freedom than past or present support programs. By all odds the most popular choice is to chuck all supports and get the Government clear out—let farmers' own decisions and management ability determine who'd produce what.

This poll reveals that the South's Farm Journal readers are no longer the high price support and strict control advocates they were once assumed to be. Midwestern States gave high price supports a larger vote than the other three regions—but still only one Midwestern farmer out of five favors 90 to 100 percent of parity. It may surprise you that Iowans, who are often held up as typical of all farmers, are less inclined to "kick the Government out" than farmers in any other State.

Among the different commodities, farmers specializing in either poultry, beef, or fruit and vegetables are the most inclined to chuck supports. Wheatgrowers and feed grain producers are least disposed to do this—although nearly half of them think it's the thing to do.

How dependable are these figures? Statisticians say, they're sound. The ballot tabulations were checked in these ways:

Tentative percentages were figured after the first 2,000 ballots were counted. These percentages proved highly accurate when 10,000 had been tabulated.

Farm Journal statisticians say that counting several thousand more ballots wouldn't change the regional and national percentage figures except possibly by one or two points here and there. Percentage figures from the small States with fewer farms have the best possibility of being nonrepresentative.

The results are a pretty good barometer of farm thinking across the Nation for these reasons:

Farm Journal's circulation—a whopping 3.1 million—covers all parts of the country.

The number of ballots mailed is amazingly close to the proportion of circulation in each State—there was no "run on the ballot box" from one State or region to upset the final percentages.

When the vote of readers is adjusted for the actual number of farms in each region (1954 census figures), the final percentages are almost identical to the ones from our sample. The difference: 2 percent more in favor of the "no support" choice, and 1 percent fewer in favor of "high supports."

As a further check, a 14-State survey was made among fathers of vocational agriculture students—some Farm Journal readers, and some not. Eight out of ten (82 percent) favored the first three choices (compared with 78 percent by mail).

This poll also checks closely with a survey made in the December 1957 Farm Journal when 50 percent of the readers responding voted that the Government should get clear out of farming.

Age makes little difference in the attitude of the readers voting. The slight difference is that young farmers in the 20- to 30-year-old bracket and farmers 60 and over are slightly more in favor of lower supports and fewer controls.

Two ballots were returned from Alaska, one by a haygrower and one by a potato grower—

both voted for no supports. One Illinois corngrower mailed his ballot from Canada. The oldest voter was an Idaho wheatgrower at an even 100 years. Five said their most important farm product is "children."

HOW THE UNITED STATES VOTED ON THE FIVE CHOICES

No supports, no controls, no floors; free market prices; get the government clear out, 55 percent.

Emergency supports to prevent disaster from a huge crop or sudden loss of markets; floors set at, say, 50 percent of parity, or 75 percent of the average 3-year market price. No controls, 15 percent.

Adjustment supports such as 90 percent of the average 3-year market price. Permits gradual adjustment to normal markets. Moderate production control when necessry to ease adjustments, 8 percent.

High price supports—90 to 100 percent of parity. Cross-compliance and tight production controls to restrict output to available markets—bushel-and-pound allotments to limit what you could sell, 14 percent.

Production payments—let markets fall, then pay farmers in cash to make up the difference between the market price and the support level. Extend supports to perishables, such as beef, pork, eggs and fruit. Strict bushel-and-pound controls to hold down costs of the program, 8 percent.

[In percent]

| | No supports | Emergency | Adjustment | High supports | Production payments |
|---|---|---|---|---|---|
| Connecticut | 50 | 25 | 5 | 0 | 20 |
| Delaware | 91 | 5 | 0 | 4 | 0 |
| Maine | 71 | 9 | 5 | 4 | 11 |
| Maryland | 70 | 19 | 8 | 2 | 1 |
| Massachusetts | 77 | 18 | 5 | 0 | 0 |
| New Hampshire | 62 | 33 | 5 | 0 | 0 |
| New Jersey | 84 | 7 | 1 | 3 | 5 |
| New York | 78 | 12 | 5 | 2 | 3 |
| Pennsylvania | 80 | 13 | 3 | 2 | 2 |
| Rhode Island | 57 | 43 | 0 | 0 | 0 |
| Vermont | 72 | 28 | 0 | 0 | 0 |
| West Virginia | 75 | 17 | 6 | 0 | 2 |
| Eastern States | 77 | 14 | 4 | 2 | 3 |
| Illinois | 44 | 20 | 7 | 20 | 9 |
| Indiana | 57 | 13 | 8 | 12 | 10 |
| Iowa | 24 | 17 | 13 | 33 | 13 |
| Kansas | 46 | 20 | 10 | 19 | 5 |
| Michigan | 66 | 14 | 8 | 5 | 7 |
| Minnesota | 30 | 15 | 13 | 25 | 17 |
| Missouri | 52 | 15 | 7 | 15 | 11 |
| Nebraska | 38 | 15 | 13 | 25 | 9 |
| North Dakota | 34 | 14 | 11 | 31 | 10 |
| Ohio | 71 | 12 | 4 | 8 | 5 |
| South Dakota | 39 | 16 | 9 | 26 | 10 |
| Wisconsin | 45 | 12 | 13 | 14 | 16 |
| Central States | 47 | 16 | 9 | 18 | 10 |
| Alabama | 61 | 15 | 9 | 8 | 7 |
| Arkansas | 56 | 18 | 9 | 9 | 8 |
| Florida | 79 | 9 | 2 | 8 | 2 |
| Georgia | 62 | 3 | 16 | 11 | 8 |
| Kentucky | 51 | 6 | 22 | 16 | 5 |
| Louisiana | 51 | 17 | 20 | 5 | 7 |
| Mississippi | 57 | 14 | 14 | 12 | 3 |
| North Carolina | 61 | 4 | 6 | 23 | 6 |
| Oklahoma | 53 | 22 | 5 | 14 | 6 |
| South Carolina | 71 | 17 | 7 | 5 | 0 |
| Tennessee | 65 | 8 | 7 | 11 | 9 |
| Texas | 54 | 12 | 10 | 13 | 11 |
| Virginia | 72 | 15 | 2 | 10 | 1 |
| Southern States | 59 | 13 | 9 | 12 | 7 |
| Arizona | 48 | 21 | 24 | 4 | 3 |
| California | 73 | 13 | 6 | 3 | 5 |
| Colorado | 58 | 11 | 5 | 18 | 8 |
| Idaho | 51 | 15 | 9 | 16 | 9 |
| Montana | 55 | 17 | 5 | 18 | 5 |
| Nevada | 90 | 5 | 5 | 0 | 0 |
| New Mexico | 55 | 21 | 13 | 6 | 5 |
| Oregon | 63 | 12 | 7 | 6 | 12 |
| Utah | 71 | 9 | 9 | 6 | 5 |
| Washington | 70 | 15 | 6 | 6 | 3 |
| Wyoming | 53 | 18 | 8 | 18 | 3 |
| Western States | 63 | 14 | 7 | 10 | 6 |

*What different commodity groups want*

CENTRAL

[In percent]

| Kind of farmers | No supports | | Emergency | | Adjustment | | High supports | | Production payments | |
|---|---|---|---|---|---|---|---|---|---|---|
| | United States | Central | United States | Central | United States | Central | United States | Central | United States | Central |
| Beef | 69 | 59 | 14 | 15 | 6 | 8 | 7 | 11 | 4 | 7 |
| Dairy | 59 | 50 | 14 | 13 | 8 | 9 | 9 | 13 | 10 | 15 |
| Feed grains | 50 | 44 | 14 | 15 | 7 | 8 | 20 | 22 | 9 | 11 |
| Fruit and vegetables | 69 | 63 | 12 | 15 | 6 | 8 | 5 | 8 | 8 | 6 |
| General | 66 | 55 | 12 | 12 | 7 | 10 | 9 | 16 | 6 | 7 |
| Hogs | 44 | 40 | 19 | 19 | 11 | 12 | 14 | 16 | 12 | 13 |
| Poultry | 77 | 73 | 14 | 14 | 1 | 2 | 3 | 5 | 5 | 6 |
| Sheep | 64 | 42 | 14 | 29 | 6 | 3 | 6 | 13 | 10 | 13 |
| Wheat | 43 | 41 | 18 | 16 | 9 | 11 | 24 | 25 | 6 | 7 |

EAST

| Kind of farmers | United States | East | United States | East | United States | East | United States | East | United States | East |
|---|---|---|---|---|---|---|---|---|---|---|
| Beef | 69 | 76 | 14 | 22 | 6 | 2 | 7 | 0 | 4 | 0 |
| Dairy | 59 | 68 | 14 | 19 | 8 | 7 | 9 | 2 | 10 | 4 |
| Feed grains | 50 | 87 | 14 | 6 | 7 | 2 | 20 | 4 | 9 | 1 |
| Fruit and vegetables | 69 | 80 | 12 | 8 | 6 | 5 | 5 | 2 | 8 | 5 |
| General | 66 | 86 | 12 | 12 | 7 | 2 | 9 | 0 | 6 | 0 |
| Hogs | 44 | 88 | 19 | 6 | 11 | 0 | 14 | 0 | 12 | 6 |
| Poultry | 77 | 80 | 14 | 14 | 1 | 1 | 3 | 3 | 5 | 2 |
| Sheep | 64 | 81 | 14 | 8 | 6 | 4 | 6 | 0 | 10 | 7 |
| Wheat | 43 | 78 | 18 | 17 | 9 | 5 | 24 | 0 | 6 | 0 |

WEST

| Kind of farmers | No supports | | Emergency | | Adjustment | | High supports | | Production payments | |
|---|---|---|---|---|---|---|---|---|---|---|
| | United States | West | United States | West | United States | West | United States | West | United States | West |
| Beef | 69 | 77 | 14 | 11 | 6 | 5 | 7 | 3 | 4 | 4 |
| Cotton | 41 | 33 | 17 | 33 | 16 | 21 | 15 | 9 | 11 | 4 |
| Dairy | 59 | 62 | 14 | 15 | 8 | 7 | 9 | 7 | 10 | 9 |
| Feed grains | 50 | 68 | 14 | 12 | 7 | 3 | 20 | 11 | 9 | 6 |
| Fruit and vegetables | 69 | 65 | 12 | 14 | 6 | 6 | 5 | 6 | 8 | 9 |
| General | 66 | 68 | 12 | 12 | 7 | 8 | 9 | 7 | 6 | 5 |
| Poultry | 77 | 76 | 14 | 12 | 1 | 3 | 3 | 0 | 5 | 9 |
| Sheep | 64 | 70 | 14 | 10 | 6 | 8 | 6 | 5 | 10 | 7 |
| Wheat | 43 | 44 | 18 | 20 | 9 | 8 | 24 | 23 | 6 | 5 |

SOUTH

| Kind of farmers | United States | South | United States | South | United States | South | United States | South | United States | South |
|---|---|---|---|---|---|---|---|---|---|---|
| Beef | 69 | 78 | 14 | 13 | 6 | 5 | 7 | 2 | 4 | 2 |
| Cotton | 41 | 43 | 17 | 13 | 16 | 15 | 15 | 15 | 11 | 14 |
| Dairy | 59 | 72 | 14 | 14 | 8 | 3 | 9 | 8 | 10 | 3 |
| Feed grains | 50 | 68 | 14 | 11 | 7 | 5 | 20 | 10 | 9 | 6 |
| General | 66 | 64 | 12 | 8 | 7 | 9 | 9 | 6 | 6 | 13 |
| Peanuts and rice | 42 | 39 | 21 | 18 | 21 | 23 | 12 | 16 | 4 | 4 |
| Poultry | 77 | 74 | 14 | 17 | 1 | 2 | 3 | 2 | 5 | 5 |
| Tobacco | 60 | 51 | 2 | 2 | 16 | 19 | 21 | 26 | 1 | 2 |
| Wheat | 43 | 49 | 18 | 22 | 9 | 4 | 24 | 21 | 6 | 4 |

## INFLATION

Mr. DIRKSEN. Mr. President, this morning before the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary, there appeared as a witness Ralph Cordiner, who at one time was in the Government service in wartime and thereafter. He testified on Senate bill 215. In the April 30 issue of the Wall Street Journal there appeared a rather interesting editorial entitled "How Not To Control Inflation," which bears on the bill, and I ask unanimous consent that the editorial may be printed in the RECORD at this point in my remarks.

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

HOW NOT TO CONTROL INFLATION

An instructive example of upside down economic thinking is on display in the Senate Antitrust subcommittee. The group, headed by Senator KEFAUVER, is holding hearings on Senator O'MAHONEY's bill to require companies in concentrated industries to give the Government advance notice—and justification—of any price increases.

Consider, to begin with, this notion of concentration. What does it mean? It is apparently supposed to mean that some companies in industries like autos and steel are so powerful they can administer prices without regard to market forces.

This assumption overlooks some rather plain facts. There are many steel companies, big, medium and small, and they are highly competitive. And there are few places where competition is fiercer than in the auto industry—competition among the big three and between divisions of them, and formidable new competition from smaller firms and foreign makers. So it just does not seem reasonable to contend that these industries are impervious to market forces; they are in fact propelled by them.

Well, then, why don't such prices come down in periods of lower demand? One answer is that some steel prices were reduced last year, and that what amounted to reduction in various forms of absorption was fairly prevalent. But to the extent that prices didn't come down more, a simple explanation is that wages are not permitted to decline in response to lower demand; auto wages, for instance, actually went up during the recession.

Anyway, concentration can only be a relative thing. If there is any concentration in industry, it is negligible compared to the obvious concentration of power in labor unions. Unions can shut down whole industries, and they can and do administer wage levels without regard to market conditions. That is sheer monopoly power; there is nothing like it in supposedly concentrated industries.

So here is the subcommittee studiously looking for concentration in the wrong places, and not looking in the right ones.

But there is more, or perhaps less, than that in the approach of this bill. Its aim, of course, is to combat inflation by at least throwing the glare of publicity on proposed price increases. Senator O'MAHONEY denies it is a price-control bill, but it does not take a fevered imagination to see that it points in that direction.

Suppose the bill were law and the Government were empowered to conduct hearings on proposed price increases. Suppose the Government didn't like the price increases under study and could not persuade the companies to hold the line. What is the Government to do? The next step would be to get the power to forbid the increases. Naturally.

And this would be to plunge headlong into one of the oldest of economic fallacies. Price controls are not an answer to inflation because price increases are not a cause of inflation; at the most they may be an effect of inflation. The prime source of inflation is not hard to find; it is in persistent Federal budget deficits financed in such a way as to swell the money supply. Mr. KEFAUVER and Mr. O'MAHONEY, though, seem uninterested in looking in that place either.

In addition, imposing these controls in peacetime would have serious and unpleasant consequences. It would introduce new rigidities into an economy already suffering from the rigidity of administered wages, and constitute another new depressant on sound economic growth. It would be putting the world on notice that the United States had decided to abandon the market economy which has made it thrive.

At this moment there is a good deal of doubt that the O'Mahoney bill will pass this year. But it is nonetheless important both as a study in futility and as a warning that if inflation is permitted to grow, more such proposals will be forthcoming. And that one of them may pass.

The need to control inflation is indeed urgent. The way to control it, however, is not to regiment the people. It is to control the Government.

## DEATH OF SIDNEY N. GUBIN

Mr. DIRKSEN. Mr. President, the Nation has suffered a great loss in the passing of an outstandingly capable and devoted public servant. His many friends and associates are deeply saddened by the untimely passing of Sidney N. Gubin while on duty in the Commodity Stabilization Service of the Department of Agriculture.

It was my privilege and that of many other Members of the Congress during more than two decades to have the great benefit of the wisdom and outstanding capability of this eminently qualified and dedicated public servant. His was an unusual talent in the field of agricultural economics. Probably no other individual was so well versed in the history, the applicability and the effects of farm legislation, particularly those affecting agricultural price supports and price influencing operations, as was Sid Gubin.

Mr. Gubin's great ability to analyze legislation and understand what the consequences would be was of immeasurable value to several Secretaries of Agriculture. In his years as a civil servant, Sidney Gubin served outstandingly and was as devoted and dedicated to one Secretary as to another. On a number of occasions he rendered distinguished service to his country while on foreign missions. He was held in very high esteem not only by a host of his own countrymen, but also by the representatives of other countries with whom he sat around the international conference tables on agricultural matters.

Sidney Gubin's philosophy was one which might well be emulated by many of us. His was a philosophy of always doing his best, cheerfully, and without the necessity or desire of the limelight, of following the precepts of honesty and integrity. To his bereaved family we offer our profound sympathies.

## ADDRESS BY HENRY J. KAISER, JR., AT RECENT INTERNATIONAL PRESS CONGRESS

Mr. FULBRIGHT. Mr. President, Henry J. Kaiser, Jr., vice president, Kaiser Industries Corp., was asked to make a major address at the recent International Press Congress held at the University of Missouri, Columbia, Mo., as a part of the 50th anniversary celebration of the School of Journalism of the university. This is the world's first school of journalism.

Attending the International Press Congress were leading journalists from more than 50 countries including the United States. Ghana, India, Japan, Israel, Mexico, Brazil, Cuba, Turkey, France, Norway, and the Netherlands were other countries represented. Byron Price, former Assistant Secretary General of the United Nations, served as director general of the Congress.

The purpose of the Congress was to promote the welfare and good service of journalism and journalists throughout the world.

The principal speaker at the dinner meeting on the opening day of the Congress, Mr. Kaiser, was the only nonjournalist invited to address the delegates. This young industrialist called upon the journalists of the free world to face up to the challenge of communism and seize the initiative from the Communists.

He said the free press of the world can do this by giving life and force to the ideal of individual liberty. He urged the delegates to form an alliance among the free press representatives of the world and adopt a long-range program to carry the battle of ideas to the Communists.

I ask unanimous consent that Mr. Kaiser's address be printed in the RECORD.

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

### PARTNERSHIP FOR A FREE WORLD

Less than 200 years ago, a small group of men came together in a hall in Philadelphia and signed into being a paper called the Declaration of Independence. Upon the principle of this document, the American people chose to build this Nation. We declared ourselves an independent people with certain inalienable rights, and we declared ourselves ready to defend these principles.

We further declared, that each man deserves free representation in government, and the right to life, liberty, and the pursuit of happiness. It was not a new idea. Nor was the government we chose to form, a new kind of government. It was, in fact, an old idea and an old form of government. But when our young Nation declared this idea it was new to us—and so it is with all men when they come to declare freedom, and individual liberty, for themselves. We in America welcome the nations of the free world who are now experiencing this same idea in all its freshness, and who are responding to its principles with vigor.

Here in this room tonight are gathered together the thought-leaders of millions of people from all parts of the earth.

England is here in this room, and the new Government of Ghana. Mexico is here, and Brazil; Japan is here, and India. Israel is here; Norway, Scotland, France, Guatemala, Turkey, the Netherlands, Jordan—all of these great countries are here—and many more. But the wonderful thing is this—under what title are you here? The free press. And what is the theme under which you are meeting? "A Stronger Free Press for a Better Free World."

This, then, is the bond which draws you together. You are anxious to find a way of strengthening the liberty you now have, and through such strength to contribute to lasting freedom among the peoples you represent.

As a businessman I am thrilled to have been invited to play some small part in this extraordinary conference. I am proud that you should wish to hear what an outsider might have to say on this question of a free press—and, more particularly, on the relation of this free press to a world, now locked in such serious conflicts.

My part is a simple one. The premise on which I would like to base my remarks is this: I believe that freedom of the press depends upon the success and continuance of our free enterprise system throughout the world. More simply stated, if there is no free world there can be no free press.

I further believe that this system, in all its various forms, is being challenged for its very existence by the idea of totalitarianism, the chief exponents of which are represented in Moscow and Peiping.

To these beliefs, I would add a third. I believe that the free press is faced with a challenge and responsibility greater than any in its history. The challenge is this: In the face of Communist economic and political conspiracy and propaganda, the free press, for its own survival, must develop a dynamic, long-range plan of counterattack designed to support and further the objectives and meaning of free enterprise. It must go further. The free press must take the initiative away from the Communists by giving life and force to the ideal of individual liberty upon which each of our economic and political systems is based. Doing this, we will prevail against those who state to the world that the only answer to its many problems is the answer of regimentation.

Finally, I would suggest that the free press find a means of activating such a program in the shortest time possible. The hours left us for such action, are rapidly waning.

Publishing and selling newspapers may no longer be enough. The mere reporting of facts may no longer suffice. Ideas must be reported. And I am not speaking here of propaganda; I am speaking of truth, of making use of the truth that is all around us.

Here I would like to turn aside, for a moment, to lodge what I hope will be taken as a friendly complaint. Thirty years, in my opinion, is too long a time to let pass between conferences such as these. The last Press Congress of the World, I find, took place as long ago as 1926.

To me, this is a very serious timelag, considering the vital role your profession can and should be playing in a world seriously in need of direction. I should hope that it would appear feasible to hold such a press congress—not every 30 years, but every 4 or 5 years—and to move it around the world, with future meetings in such places as Bombay, Tokyo, Ghana, Brazil, and so on.

The 50th anniversary of this great Missouri School of Journalism, which this press congress observes, can be the foundation for future programs of equal strength and renewed dedication to the principles set forth in your current theme.

Returning to my own theme, I feel a definition may be called for—regarding the words "free enterprise." Obviously, there are as many different expressions of such a concept as there are nations represented in this room.

As I use it here, however, I mean it to represent that system of economic and political government which provides maximum opportunities for individual freedom and personal responsibility. It may be weighted, in some of our countries, toward more privately owned enterprise, and, in others, toward a more state-managed economy. But throughout its spectrum, individual liberty is the goal and the guiding spirit.

Freedom and dignity of the individual are paramount, and are sought, universally, as the ultimate goal, and the ultimate good.

Opposed to this concept of free enterprise—is the totalitarian idea—which occurs, again and again, wherever there are men, or groups of men, who would seize power and accumulate privilege, for the purpose of exploitation. The totalitarian, or Communist idea, is basically nonrevolutionary, in its determination to inhibit and stifle, individual progress and expression. Its chief exponents are Soviet Russia and Communist China—jointly bent on stamping out free enterprise, wherever it exists—in order to gain final and complete dominion over all our peoples.

Undermining our drives toward independence, even as they gather momentum, the Communist idea sows suspicion between our governments and our peoples. It creates discord, thrives on chaos, and would extend its despotism indefinitely.

In a world desperately seeking direction and purpose—it offers quick panaceas—sweeping, overnight regimentation—a glowing picture of social brotherhood—sacrifice of liberty today, for attainment of economic equality tomorrow. And, in true dictatorship style, it rallies support for its ideas through the creation of a bogeyman—in this case the mock-devil, is labeled "Western imperialism."

Taking advantage of our many acknowledged mistakes of the past—and the well-founded discontent of underdeveloped nations—the Soviets are twisting the free enterprise system into a picture designed to bring about its expulsion from one nation after the other.

Our free world partners, and ourselves, are portrayed as colonialists—the enemies of nationalism—the supporters of dictators—the exploiters of the workingman—and, of course, as the upholders of white supremacy.

Side by side with this infectious campaign of words, phrases, interpretations, whispers, innuendoes—the Soviets have launched—quite arrogantly—a so-called economic war upon the free world. It predicts that through such a war, it will bring us to our knees—divide us from each other—and marshal us, one by one, into the totalitarian camp.

We have made mistakes—many of us—my country and others as well. We have not always put our best foot forward. We have sometimes acted selfishly—shortsightedly—naively. But in the long run we have never once abandoned, nor sold out, the principle of individual freedom, and the rights of the common man. We have held to this principle—we have cherished it—and we have come to believe in it with passionate conviction.

In a world teeming with revolutionary aspirations—it is the free world—not communism—which should be rallying the masses of the people to our banner. If ever any system truly stood for nationalism—which is individualism at the national level—that system is represented here tonight.

And yet, our story is going untold. When communism points a finger, we attempt to defend ourselves—and because it is, only a defense—who listens? Who believe us?

Look at the world population. By the year 2000 the number of people in our world will have doubled. The greatest increase will occur in Asia, where resources are already strained. What about these people? What is to happen to them? How are we to bring them forward? Through communism? To be molded into totalitarian slavery—is not to be brought forward—but to be stopped in midflight, and diverted into channels, serving blind technocracy.

We can help these people—we are helping them—the concerted might of the free world, is being thrown more and more into this battle. Much more will have to come. There is self-interest in this, on the part of each of us. We know that unless we work together—unless we recognize how truly interdependent we are—then we shall perish separately, one by one. It is that simple.

But we are not getting our free enterprise story across. We are being confounded, not only by Soviet propaganda, but by our past histsory—our own stereotypes, which we have not yet shaken off ourselves. We need a new evaluation of what we really are. We need to know what we stand for. We need to realize that the hope of the masses of African, Asian, Latin American, European, and Middle Eastern peoples—lies in us, and us alone—because only the free world can offer freedom.

Is it not freedom which the underdeveloped nations are searching for? Is not the desire for economic growth, and industrialization, and a higher standard of living—simply a desire for freedom? For only when we are free from poverty, disease, ignorance, racial inequality—only then, are we truly free.

As thought-leaders of this free world—this free enterprise system of individual liberty—it is you who must interpret this system, to this world of rising expectations. It is you who must defend this system, exposing Communist imperialism for what it is. Most important, it is you, who must carry the offensive thrust of this system, telling of its dynamic truths—so that the democratic idea is linked to the very heart of the desire of each nation—for its rightful place in the sun.

The irony of it all, of course, is that the picture being drawn of our free way of life, is instigated by a country which, since World War II, has taken the following steps in its so-called concern for the common man.

It has overrun and subjugated Czechoslovakia, Bulgaria, Vietnam, Poland, Albania, China, Hungary, East Germany. It has ruthlessly extended its domination over some 700 million people since World War II, annexing 5 million square miles of free peoples territory.

It has purged its enemies right and left. It has forbidden free elections. It has marshaled free peoples into labor camps, and has regimented family life, and crushed the individual rights of the workingman. It has thrown down his gods—told him what books he should read, and instructed his children on what facts they should learn.

And yet we have hopes for this country. We have hopes that by blocking Soviet imperialism, which is bent on undermining the industrialized areas—dominating the as yet underdeveloped areas—the Soviet rulers must retreat to their own borders—and in time be swept aside by their own people—who yearn for the freedom which we enjoy.

The true test of this partnership between free enterprise and the free press—will depend, in the last analysis, on how well this system works. You, as our communications leaders, cannot be asked to sell a product—if I may use such a business-like term—unless you have a product to sell. If we are to convey the image of greatness, we must act greatly—by leadership—and by genuine service.

We need intensive modernization, on a worldwide scale, in order to create the resources, to feed, cloth, and house the new multitudes, which will appear in the decades ahead. We need to stimulate and encourage industrial and agricultural growth—so that nations may experience rising export incomes. We must underpin, by a sound and international commerce, the expansion and virilization of world trade.

We need to encourage the accumulation of capital through these processes—and to make far-reaching investments in education and training. Roads need to be built, ports, public utilities.

Public, private, and international capital, including loans, low-interest rate, long-term credits—and some direct grants, where needed—should be provided according to each nation's needs and capacities.

In short, we need an international approach in the field of free enterprise—as dearly as we need an international approach, in the area of the free press.

The development of the United States was brought about, in large part, by the aid of investment capital from Europe. In turn, we feel we can be of great assistance, along with our other free world partners, in bringing capital and technical aid to the areas where they are most needed.

I think you may be interested in hearing of one of the ways in which private business firms in this country are trying to work overseas. In this instance, I will speak of our own Kaiser Co.—not because it is unusual but because I know it best. Firms such as Sears, Roebuck & Co., Pan-American, Grace, Firestone Rubber, and many, many others, are undertaking oversea programs which, to me, are examples of responsible self-interest. While developing opportunities for their own growth, they seek to strengthen the economy of the countries in which they are located.

Profit is an essential ingredient in our system of economy. Obviously, we're interested in making profits—you've got to eat—that's the law of our economy and, incidentally, of nature. But beyond this we have grown increasingly aware of the interdependence of nations and peoples. And in this too, we are obeying a law of nature—the law of survival. A strong South America means a strong North America. A strong Middle East means a strong Africa. A strong Asia means strength for each of us. The road to survival lies through supernational

unity. The day we look upon ourselves as a multiracial family, with a common purpose and a common belief, we will achieve true democratic solidarity—against which the Communist threat will hurl itself in vain.

In this call for a one-world partnership, I do not mean to imply we should strive for a single economic, racial, or political system. Just the opposite. I believe our true strength will lie in the further development, and encouragement, of nationalism and individuality among nations.

The "one world" I speak of is a world where nations can be equal partners, joined by a common respect and understanding.

In the years following World War II, the Kaiser companies established plants and operations in many different countries. I would like to speak of two of our automotive operations in Latin America.

We have established in Argentina, Latin America's only fully integrated automotive plant—in partnership with some 10,000 Argentine stockholders. Ground was broken for the plant in 1955; and, following a definite policy between ourselves and the Argentine Government, we now have a situation where over 80 percent of the material content of our vehicles is manufactured locally. When we first began almost all of our parts had to be imported from our main U.S. plant at Toledo. This form of progressive phasing from U.S.-manufactured parts to locally manufactured is a prime goal of our oversea automotive policy.

A saving of some $40 million per year of exchange dollars, through the elimination of the need for importing the complete vehicle is thus offered to both Argentina and to Brazil, where we have our other plant.

Our share in any of these overseas programs of our Willys organization, never exceeds 50 percent—and we prefer our share to be even less. Why? Because we think there are great benefits to be derived from having the majority ownership in the country in which you are working. Many firms still insist upon 100 percent ownership in overseas manufacturing operations. We feel very differently about this. We feel that it is only through a true partnership that benefits can be derived for both sides. Such a program, in our opinion, is the only sensible way to pursue mutually beneficial goals.

At Sao Paulo, Brazil, we have established another automotive plant—where we again share ownership with some 15,000 Brazilian stockholders. This year, both Brazil and Argentina will be producing in the range of 30,000 to 40,000 vehicles each at these two plants—and should be 50 percent above that next year.

Naturally, we do not suggest that such a program would suit every country in the free world—these are things which must be worked out according to local conditions, needs, and attitudes. But we do say that through the spirit of partnership—through a recognition of the mutual benefits to be obtained from working together, and sharing together, much can be accomplished.

In America, directly or indirectly, the automotive industry employs about one out of every seven people. A full-scale automotive industry in Latin America will likewise, we feel, create more and more jobs, more opportunities for advancement, new industries, new needs for raw materials.

The free-enterprise system today has as its objective the raising of living standards of free peoples all over the world. International and national governments and agencies, together with private institutions and business firms, can join together to meet the challenges with which we are faced.

Free enterprise cannot, and would not, deserve to exist, unless it could perform a needed service. This is both its practical and its moral function.

But as I have stated before, we need to tell this story, and we need to tell it clearly and dynamically.

In this light, I would like to suggest, if indeed it has not already been done, that a committee be formed among the free press representatives of the world, in order to adopt a coordinated, long-range program which will carry the battle of ideas to the Communists, and put them to rout.

Such a committee, formed on an international basis—and perhaps split into regional subgroups—might study these few points initially:

1. The means by which Communist propaganda techniques are working against the free-enterprise system, and the free nations.

2. The means by which the true picture of free enterprise might best be presented, on a continuing basis, through all media of communication.

3. The means by which Communist propagandists can be put on the defensive—and instead of constantly giving their utterances full-scale publicity as we are now doing—to relegate these to their proper perspective. In addition, the means by which Communist imperialism may be shown in its true light, and by the facts of history, to be antidemocratic, antilabor, and antinationalistic.

4. The means by which free enterprise in each country may best be encouraged, in order to stimulate economic growth and free world cooperation.

5. The means by which the flow of news between our countries and regions may be accelerated, and deepened.

6. The means by which we may enlarge our foreign news coverage and provide more thorough education of our overseas correspondents—in the customs, language, and history of the country to which they are sent.

7. The means by which we may all jointly work toward the objectives of peace, through the stimulation of greater unity and understanding through all our peoples.

The dynamics are all on our side. Communism, in its present form, and under its present government, has nothing to sell but slavery.

The day that Soviet Russia truly proves her interest in human welfare and freedom, and her desire to give her satellite countries and her own people true voting privileges—we would welcome her with rejoicing. We have hopes that this will one day happen. But until it does—and armed with the knowledge we have—we must all be on guard, and must repel her imperialism wherever it appears.

We recognize the need for trade with all countries—and we do not condemn it—but where it is used to gain domination, then it must be stopped—and stopped by the concerted efforts of the entire free world.

In closing I would like to leave you with this brief reminder of what I feel is ours to tell the world:

It is not the goods which free enterprise has to offer—but the good.

Not a higher standard of living—but a higher standard of life.

Not the material rewards, but the spiritual blessings.

Not the prosperity, but the freedom.

Not the profits, but the opportunities.

Not the right to receive—but the privilege to serve.

It is a great story to tell. It is an even greater story to live and to practice. By working together—the free nations of this world will not only reap the blessings of a rewarding future—but through their united strength—will earn for their children—a just and lasting peace.

Thank you friends, good luck and God bless you.

## INCREASING IMPORTANCE OF WOMEN AND WOMEN'S ORGANIZATIONS IN MANY AREAS OF THE WORLD

Mr. FULBRIGHT. Mr. President, I have been most impressed recently with the increase in importance of women and women's organizations in many areas of the world. It is especially notable that this is happening even in societies formerly associated with purdah or the veil. While I realized that the executive agencies of our Government were well aware of this development, I wondered if we could not do more to turn it to the advantage both of the areas concerned and of the United States.

I therefore wrote last month to the heads of the Department of State and the U.S. Information Agency, raising this question and giving some tentative thoughts on the subject. The replies received from Mr. George V. Allen and from Mr. Loy Henderson for the Acting Secretary of State, were eminently satisfactory. Believing that this matter is one of considerable interest to my colleagues—and, indeed, to all citizens—I wish to make these responses fully accessible by placing them in the RECORD.

It was clear from Mr. Allen's letter that the Information Agency is making a substantial effort to keep abreast of the worldwide changes in the position of women. The Agency nevertheless stated that a great deal more needs to be done, and promised to increase its efforts. In this regard, Mr. Allen seemed to look most favorably on my suggestion that women be appointed as special assistant cultural attachés in key countries with the primary duty of finding ways to give concrete effect to the potential of women in those countries.

The letter from Mr. Henderson also gave me the feeling that this was a useful initiative. Among other points, he assured me that the Department would not only reassess its own endeavors in this field, but would also "welcome the assignment of as many women to public affairs staffs abroad as the U.S. Information Agency program can appropriately support." In terms of the Department's own attention to the issue, Mr. Henderson made the interesting point that there currently are 291 women Foreign Service officers, as compared with 18 just a decade ago. However, he was not certain that these officers had been assigned to the best advantage; he assured me that he would investigate this matter.

In sum, I consider that this stimulus and the cooperative response from the executive agencies concerned have been most worthwhile, and are of general interest.

Mr. President, I ask unanimous consent that a copy of my identical letter to the Information Agency and the State Department, and copies of the replies from Mr. Allen and Mr. Henderson, be printed in the RECORD as a part of my remarks.

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

MARCH 12, 1959.

Hon. GEORGE V. ALLEN,
*Director, U.S. Information Agency,*
*Washington, D.C.*

DEAR MR. ALLEN: I wish to draw the attention of the U.S. Information Agency and the Department of State to the increasing emergence of women in leading roles throughout the world and to the need for greater recognition of this development.

In many underdeveloped countries—India, for example—there has been virtually a metamorphosis in the position of women, who are now exerting substantial influence in political and other spheres. Although neither the Information Agency nor the Department has ignored this fundamental change, it is my impression that more could be done to utilize it to the advantage of both the country concerned and of the United States. I am not in the habit of invoking the Soviet example as an argument for a course which we should take on its merits, but I feel there is good reason in this case to point out that the bloc is making a more determined effort in this field than is apparent on our side.

I do not pretend to know just what might be done to promote our interests in this regard. The subject is somewhat intangible at best. However, as an example of the type of action I have in mind, I wonder if it would be practical to appoint women officers as special assistant cultural attachés at certain of our oversea posts. Among their other duties, these officers would have responsibility for finding ways to utilize the potential of women in the countries to which they were accredited.

Surely there are other ideas which might be brought forth by a determined effort to stimulate them in the Information Agency and in the Department. I assure you that the committee would be most interested in learning of measures to ensure that this important factor in our foreign relations is given full consideration.

Very truly yours,
J. W. FULBRIGHT,
*Chairman.*

(Identical letter sent to Acting Secretary of State Herter.)

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U.S. INFORMATION AGENCY,
*Washington, March 23, 1959.*

The Honorable J. W. FULBRIGHT,
*Chairman, Committee on Foreign Relations,*
*U.S. Senate.*

DEAR MR. CHAIRMAN: I appreciate your writing me on the subject of the rapid emergence of women into roles of leadership throughout the world, and on the implications this has for the information program. We do indeed realize that a significant change is taking place in the influence of women, and have been endeavoring to give them a correspondingly increased attention in our program activity.

To assist the Agency in carrying out this work with women leaders and women's organizations overseas, we established in January 1958 the position of Women's Activities Advisor. Miss Virginia Geiger, one of our experienced field officers, fills this position. Miss Geiger guides our media services in the preparation of materials especially designed to appeal to women, and encourages our staffs at the oversea posts to develop new techniques for reaching the woman audience.

You may be interested in two examples of this latter function. A circular airgram was sent to all of our posts in January of this year requesting a special assessment of the role of women in each country, as preparation for fiscal year 1960 program planning. A basic planning paper on women's activities in the field operation is now ready to go out, describing various techniques which have been used successfully at a number of our posts.

I know you are well aware of the fact that the information program has given certain attention to the women in the foreign audience since its inception. For some years we have been sending a women's packet to all posts containing articles for placement in local newspapers and magazines. A number of our Voice of America broadcasts are directed toward women. Every communications technique we utilize does include material in the areas of particular interest to women. We have a considerable number of women officers in our Foreign Service, and they, as well as many of our official wives, are able to make effective contributions in women's activities.

Nonetheless, we recognize that a great deal more needs to be done in a thoughtful extension of our contacts with women leaders, and will definitely increase our efforts.

I very much like your suggestion that special assistant cultural attaches be appointed in key countries to work in women's activities. We are now looking into the feasibility of appointing two such officers, on an experimental basis, to priority countries where women are in the process of attaining high status in social and political fields. I believe that such a project could be extremely effective, and would merit extending to other posts as our personnel ceiling permits.

We will keep the committee informed of measures we are taking to meet the information problems raised by the changing status of women. Thank you for sharing your thoughts with me on this important subject.

Sincerely,
GEORGE V. ALLEN,
*Director.*

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DEPARTMENT OF STATE,
*Washington, March 20, 1959.*

The Honorable J. W. FULBRIGHT,
*Chairman, Committee on Foreign Relations,*
*U.S. Senate.*

DEAR SENATOR FULBRIGHT: Your letter of March 12, 1959, addressed to the Acting Secretary, calls the Department's attention to the increasing influence of women in many foreign countries. I agree with you that this is a very significant development indeed and the overseas experience of many of us supports the correctness of your view that every effort should be made to give full recognition to it. It may well be that the Department has not been as resourceful as it might have been in seeking ways for its officers at posts abroad to take the fullest advantage of the emergence of this element in foreign societies.

I understand that the U.S. Information Agency has been giving growing attention to the potentialities which your letter mentions. There is a real opportunity for USIA in this field and for our part we would welcome the assignment of as many women to public affairs staffs abroad as the U.S. Information Agency program can appropriately support. The women USIA has already sent abroad are doing an excellent job at many posts in several phases of USIA activity, including the one whose value you suggest. If USIA finds it possible to increase its emphasis in this field, for example by the assignment of more women officers to certain of their oversea posts, it is clear that they will have a challenging and productive area in which to work.

The appropriate role of our own Foreign Service officers is, of course, somewhat different from that of USIA personnel, but I feel sure that we may be able to do more than we are now doing in seeking opportunities for our officers to extend the range of their contacts among important segments of foreign societies. Women Foreign Service officers should be able more easily to develop fruitful associations with the women who are assuming leadership roles in their own countries than their male colleagues. You might be interested in knowing that there are at the present time 291 women Foreign Service officers as compared with 18 in 1949. However, I am not sure that we have always given enough consideration to the potentialities you mentioned in making their assignments. Your letter provided a timely stimulus for me to discuss this matter with the regional bureaus of the Department in order to make certain that we are sending women Foreign Service officers to the countries where they can do the most good in our country's interest. Many of our women officers are fully competent to exploit the new opportunities which are being presented to them and we should certainly encourage them to do so. We must not lose sight either of the hard work which has been done over the years by Foreign Service wives in establishing and maintaining intimate contact with prominent women and women's organizations in many countries; I think it would be useful to study this area of activity carefully and make certain that its possibilities too are fully understood.

I appreciate your writing us to express your interest and the interest of the committee in the Department's taking full advantage of the possibilities inherent in the larger role played by women in many other countries. I shall be happy to keep the committee informed of the measures we find it possible to take after a thorough study of what more can be done.

Sincerely yours,
LOY W. HENDERSON,
*Deputy Under Secretary*
*for Administration.*

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## TREES

Mrs. SMITH. Mr. President, a few days ago through the courtesy of the Forestry Service and the Extension Service of the Department of Agriculture, the junior Senator from Alaska [Mr. GRUENING] presented an Alaskan cedar tree to me for transplanting in Maine in the Harpswell, Maine area, a section of the State in which my executive assistant lives.

I enjoyed this ceremony tremendously because of the deep interest I have in trees and the love that I have for trees. In fact, I have transplanted many trees at my home in Skowhegan and at my Washington residence. A very basic part of the beauty of Washington is its trees—the beautiful trees that linger in the memories of visitors long after they have left Washington.

It is in this spirit that I ask unanimous consent to place in the body of the RECORD a very fine column by the Senate Chaplain appearing in the April 26, 1959, issue of the Washington Sunday Star, entitled "Tree and Traffic."

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

TREES AND TRAFFIC

(By Dr. Frederick Brown Harris)

One of the poems former generations committed to memory from the "Readers" in the country schools of long ago began:

"Woodman spare that tree
Touch not a single bough
In youth it sheltered me,
And I'll protect it now."

In the very urgency of those lines, throbbing with indignation and determination, even as children we could sense that by some sinister plot "a poem lovely as a tree" had been doomed to die. To the woodman with upraised ax the verse became a personal protest that a tree with its valiant record of shade and shelter should thus be brought down ignominiously to the ground which had nourished it.

In later years, as the battle for conservation took shape, that verse, for some of us, has sounded a defiant challenge to the assumption that in the name of progress nature's glories can legitimately be sentenced to extinction to clear the way for the thoroughfares of expansion.

What we call our expanding "civilization" is proving a creeping blight whose emblem is the bulldozer. Whenever and wherever woodsy reservations owned by people are threatened by the devouring juggernaut of traffic, ethical and spiritual concerns are involved. Wanton modern disregard of the people's rights in forests and rivers and mountain majesties has brought its tragic harvest in desecrated park areas and polluted and poisoned rivers.

In the one city which belongs to all America we have a vivid illustration how callous disregard of rustic beauty and of the public interest tempts officials who are subjected to terrific commercial pressures for highways and freeways. In this case those in whose hands the possibility of such a perversion lies are not at all in the category of vandals for personal gain. They are honorable and patriotic officials whose better judgment may be drowned by the harsh cries of the market and of the teeming city's demands unless the lovers of God's great outdoors make their voices heard and their will known.

In the year that the writer became a resident of the Nation's Capital, in 1924, two citizens of Washington, Charles Glover and Mrs. Anne Archbold, presented to this expanding world city a glorious tract of unspoiled woodland. It is so located that it is really an island of wilderness area surrounded by the ever-increasing traffic thunder of a great metropolis. The acreage was a munificent gift which any city might covet. It contains miles of forest paths, luring on through meadows and over hilltops, by green pastures, and the gentle waters of a murmuring brook which meanders through the bottomland of the lush valley. It was set aside with the specific stipulation that it be preserved as a primevial piece of nature's woodland for the present and for the future.

A lover of this threatened park bears witness: "The trunks of century-old tulip trees, sycamores, and oaks rise skyward with Gothic effect to form a heavy green canopy. It is a private world, cooled and hushed, that can provide an effective antidote to the Washington heat and business." This cathedral of nature's handiwork, with its arching trees and sylvan aisles, which for untold years has been the choir loft for feathered songsters with their varied surpliced vestments, is easily accessible from many streets far removed, because the nave of this primitive sanctuary is of such length.

With unbelievable blindness to the artistic, spiritual, and recreational values of this priceless asset, it is now proposed to build a four-lane highway along the whole length of the valley. Such a piece of official vandalism would put the crowded thoroughfare through the entire nave of the leafy temple—leaving but a fringe, like shattered windows and ruined transepts. It is unthinkable that such irreplaceable riches should be used to funnel multitudes of people in a hurry into the heart of the teeming city. Have we gone city mad? Callous utilitarianism which thinks solely in terms of traffic problems and commercial advantage is poising a Damoclean blade over this living valley through which the Capital of the Republic breathes.

The final decision regarding this vital matter is now in the hands of the subcommittee of the U.S. Senate Appropriations Committee. This is a group of eminently fair and objective legislators headed by an outstanding Senator who is judicial in temperament and accustomed to weighing evidence. In but a few days this group will either pronounce the death sentence for this verdant valley or they will decree that in spite of all pressures this oasis of unspoiled nature shall not be taken from the people to whom it was given, in order that it may be made into a macadam monstrosity.

If you feel deeply about this massacre of woodland, if you passionately desire the stubborn ounces of your regard for the future to be put on the scales, then petition the committee that the park be saved for the purpose for which it was given in trust, and that the funds now proposed for its destruction be refused appropriation. Direct your protest to the Senate Appropriations Committee. There is yet time if you act now for trees to win over traffic.

## GTA DAILY RADIO ROUNDUPS

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD the GTA Daily Radio Roundups, dated April 27, April 28, and May 1, 1959.

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

### GTA DAILY RADIO ROUNDUP FOR APRIL 27, 1959

Wheat is the main story in Washington this week. But the chances for a happy ending seem small indeed. And it is more than just the fate of wheat that is in issue because the Washington reporters say that the very future of price support programs seems to center on what happens to wheat.

At any rate, the wheat story is moving to a climax. The House Agriculture Committee is meeting in closed session, trying to reach an agreement on wheat legislation. On Wednesday, the Senate farm committee is scheduled to act on its version of a wheat bill.

There are lots of ideas and lots of wheat bills but apparently little or no agreement. A farm bloc, as such, doesn't exist. There is no cohesive force to put up a unified resistance as administration forces work to pick farm programs to pieces commodity by commodity.

For the farmers, watching their winter wheat grow or planting their spring wheat, this program on this year's crop is assured as a result of last year's referendum. But it is what will happen in 1960 and the years after that worries them. And that's where the Washington reports are particularly gloomy.

Washington Farmletter editor Wayne Darrow, a familiar speaker at GTA annual meetings the past few years, says that a near-paralysis grips the farm crowd in Washington. Even the optimists talk a defeatist line as far as 1959 action is concerned. They blame their agriculture committee leaders, Secretary of Agriculture Benson, farm organizations, the press, radio, and TV. But ask about any proposed wheat bill and nearly every one of them picks it to pieces.

The Farmletter editor says it looks more and more like no new wheat plan will pass this year. The best that can be hoped for is some kind of stop-gap measure.

So that's the situation as a dry and cold April fades into May and farmers hopefully watch the sky for rain.

The Secretary of Agriculture, who must announce wheat referendum choices by May 15, is keeping mum. But high USDA officials indicate that a 1960 program of no controls at all on wheat production, with a 60-percent-of-parity price support, would be acceptable to the administration.

Two of the major farm organizations, the Farmers Union and the Grange, are definitely committed to different wheat programs. They don't agree. The third big group, the Farm Bureau, seems to be against anything. Washington Reporter Darrow says the Bureau wants first to bust the wheat referendum, then do away with all controls and let the free market take over.

In the next few days we'll tell you about some of the wheat plans that have been proposed and we'll keep you posted, right up to the minute, on Washington developments. This is an important week for wheat farmers because their prices for 1960 and the years after are being made in Washington. So be sure to tune in each day to GTA, the co-op way.

### GTA DAILY RADIO ROUNDUP FOR APRIL 28, 1959

American wheat farmers this year are planting 55 million allotted acres of wheat—some 30 percent less than they planted back a few years ago. The 1959 price support will be about $1.81 per bushel.

But even on that reduced acreage farm efficiency produces more wheat than we can use at home or sell abroad. Thus, the wheat problem.

Most wheat farmers understand that farm prices are made in Washington. So they have cooperated intelligently except for a few well-publicized renegades, with wheat-planning programs. For 5 straight years they have voted overwhelmingly in democratic referendums to hold production down in return for a price support. But, sadly, the administration has cut the price support until it is now only 75 percent of parity.

So on their limited acres wheat farmers are almost forced to fertilize heavily and produce all they can per acre in an attempt to keep up with the high and fixed costs of operating.

There will be another referendum this year, probably in June, to decide what to do about the 1960 crop. The administration must announce the alternatives in that referendum by May 15. There is a growing fear among wheat farmers that it will offer a doctored deal aimed at busting the wheat program just as it did the corn program.

That's why farm leaders in Congress are rushing to try to get some kind of new and better legislation—something that farmers can vote for in good faith and with hope of correcting an unfortunate situation. We hope that all Congressmen will pull together for such a program in 1960. The wheat farmers desperately need it and it is difficult for farm organizations like GTA to offer sound leadership when major Federal decisions are not yet made.

The word from Washington now is that House and Senate farm leaders may come up with something for wheat. The House is said to be looking with favor on a plan to cut wheat acreage another 20 percent, compensating for that loss with a boost in the price support to 85 percent of parity. And that seems to be a step in the right direction.

The Senate farm committee is reported to be ready to approve a plan that would hold the price support at the present 75 percent of parity, but would cut allotments 5 percent on the first 200 acres and 10 percent on all above 200 acres.

Both bills would tighten up on exemptions for farmers growing less than 15 acres of wheat. Both would tighten controls, regulations, and penalties. Both would end controls on wheat used as feed on the producer's farm.

So it looks like both House and Senate are at least looking in the same direction

and it remains for them to get together on the details and send a wheat bill to the President. And that may be the biggest hurdle of all, because there is the ever-present threat of a veto on any measure that Secretary of Agriculture Benson does not approve. We'll keep you posted.

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GTA DAILY RADIO ROUNDUP FOR MAY 1, 1959

The REA bill is dead. It was a simple bill with just one purpose, and that was to take away from Secretary of Agriculture Benson his power to say "No" to major REA loans. That purpose was commendable, according to REA farm leaders, particularly in view of the Secretary's and the administration's dislike of programs for agriculture.

Both Senate and House passed the bill originally. The President vetoed it on Secretary Benson's advice, Washington sources say. The Senate overrode that veto. The House sustained it. So the Secretary keeps his stranglehold on REA loans.

That's the story in brief. There are few farmers who have not watched it with deep interest because REA is dear to their hearts. So the vote in the House is worth reviewing.

Minnesota's GOP Congressman ANCHER NELSEN led the fight on Secretary Benson's side. He saved the President from suffering his first veto defeat. The vote was 280 to 146. Essentially, it was a strictly party-line vote except for the strong farm Republicans who jumped party lines, and a few Democrats who deserted their party.

Six GOP Members voted against Secretary Benson. They were H. CARL ANDERSEN and ODIN LANGEN, of Minnesota; H. R. GROSS, of Iowa; E. Y. BERRY, of South Dakota; ALVIN O'KONSKI, of Wisconsin; and WALT HORAN, of Washington.

The upper Midwest Republicans who voted for Secretary Benson were JUDD and QUIE, of Minnesota; SHORT, of North Dakota, and WITHROW, of Wisconsin.

All upper Midwest Democrats voted to override the veto. The four Democrats who jumped to the Republican side are from other States.

Secretary Benson personally joined the political maneuvering in Congress and hailed the farm defeat as a personal victory. Washington reporters say the Secretary is justified in making that claim, just as he can claim substantial credit for defeating most other farm measures during the past 6 years.

For congressional reaction, here is a wire the GTA newsroom in St. Paul received from Senator HUBERT HUMPHREY:

"Deeply disappointed that the House failed to override President's veto of bill to reestablish independence and integrity of REA. Yet the vote, just short of two-thirds of the entire membership of the House of Representatives, in itself is a gauge of Congress' distrust of the Secretary of Agriculture's policies and administration. * * * Secretary Benson must now consider that over two-thirds of the Senate and 280 Members of the House have no confidence either in him or in the administration's farm policies."

And that is Senator HUMPHREY's wire as received in our newsroom.

Now wheat farmers are awaiting the outcome of bills in Congress that would affect their 1960 and 1961 crops. So to keep up on the latest farm news—tune your radio in every day to—GTA, the co-op way.

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## THE LATE WALTER D. POWELL

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD a brief newspaper article entitled "Walter D. Powell Made Contribution to North Dakota History."

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

WALTER D. POWELL MADE CONTRIBUTION TO NORTH DAKOTA HISTORY

Historians of the future may have cause to look back with considerable admiration on the accomplishments of Walter D. Powell, who died in Fargo a few days ago at the age of 90.

He was a frontier traveling salesman who roamed about western North Dakota selling stocks of shoes to remote storekeepers. But he was possessed of an unquenchable curiosity, and he acquired interest in archeology.

As he covered his large territory with horse and buggy, he whiled away the time behind the dashboard by studying the land over which he was passing and keeping his eyes open for historic sites, particularly the remains of Indian villages.

On May 27, 1936, while passing along a trail in south central Burleigh County, he was startled to observe the remains of a village of considerable antiquity along an old bed of Apple Creek.

He steppped down from his buggy and began examining it more closely. He found signs of the remains of old lodges, defense walls, a moat, and a considerable number of artifacts.

Further study led to his discovery that the site fitted the description of an Indian village visited by the explorer Verendrye in the year 1838 to a much closer degree than other sites suggested by earlier scholars.

If his theory were true, a completely new concept of the route of Verendrye through North Dakota would result, making possible further study and other discoveries. At the same time other marked sites would have to be eliminated, among them the one near New Town, near the Little Knife.

Other researchers and archeologists were impressed with Powell's find, and his theory is taken into account in modern Verendrye lore, yet the intensive fieldwork that may pin the new concept down was not done in his lifetime. Perhaps his death may renew enough interest in the Menoken field to solve the mystery of the explorer's route for all time.

In the meantime, the State historical society has acquired the Menoken site and is preserving it for future exploration.

One man's curiosity may eventually result in an important archeological and historical revelation.

Mr. DIRKSEN. 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 ask unanimous consent that the order for the quorum call be rescinded.

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## INTEREST ON THE FEDERAL DEBT

Mr. PROXMIRE. Mr. President, in the past year interest rates have shot up so fast that in 1959 alone, the Federal Government is going to pay at the rate of more than $1,080 million in additional interest charges just on its new borrowing and refunding.

Here is why:

In the past year the cost of 90-day Treasury money has jumped from 1⅛ percent to 3⅛ percent. One year money has soared from 1½ percent to 3⅞ percent. Other increases are comparable. This huge jump in interest means the Government is paying a fat 2 percent more for its money than last year.

Already just since January of this year the Federal Government has had to secure more than $5.1 billion in new money—amply corrected for cash attrition and double counting. Additional hard money interest on this at 2 percent is $102 million. This is just the increase to the Federal Government in interest cost over last year.

We have also had to refund some $14.9 billions in maturing obligations since January. And we have had to pay a whopping $298 million more for this in annual interest costs than we would have if interest rates had been kept down to what they were last year.

Net borrowing of new cash with which to pay Government bills in the rest of 1959 will come to more than $7 billion. Additional Government interest spending for this will be $140 million. That $140 million is entirely and exclusively the added cost of hard money.

During the present month of May Treasury officials are in the process of offering about $4.5 billion in new securities to holders of issues that will mature in May. The hard-money interest cost of this to the American taxpayer will be $90 million.

In August $13.5 billions in Federal debt will come due; additional hard money taxpayer cost of refunding, $270 million.

Before the year is over $9 billions more will be up for repayment; annual additional hard money interest bill for the American taxpayer on this, $180 million.

Mr. President, these additional interest costs add up to a fantastic $1,080 million. If interest rates were at the same level this year as last year the taxpayer would have saved every nickel of this huge sum.

This is unmitigated, scandalous waste. It will contribute seriously to unbalancing the budget. It will raise future taxes. But it will not buy a single dollar of additional defense, provide a nickel of welfare or a penny of services.

It is the direct result of the deliberate, premeditated, tight-money, high-interest rate policy of this Government.

Mr. President, the entire cost in the 1960 budget of the housing program which passed the Senate and has been the object of a vast nationwide propaganda attack led by the White House as a wasteful spending measure, is $122 million. And all except $4,100,000 of this is loaned money which will be returned in full to the taxpayer.

The entire cost of the widely denounced airport program in the 1960 budget as it passed the Senate was $100 million, plus an additional $65 million of obligational authority. Very little if any of this $65 million is likely to be needed in 1960 and charged against the budget.

The entire cost of the third program which has been passed by this body and widely denounced as spendthrift—the Depressed Areas bill—was $389,500,000. And $300 million of this was loans which would be repaid to the Federal Government as an agent of the taxpayer.

Mr. President, if we total the full cost of all these three big spending programs,

they add up to $676,500,000, including obligational costs in full. But the hard money cost to the Federal Government will exceed this by more than 50 percent. The hard money expenditure will not buy a house. It will not build an airport. It will not provide a single job in a depressed community.

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

Mr. PROXMIRE. I yield.

Mr. LONG. The Senator from Wisconsin will recall that only the other day the Senate consumed much time debating the question whether the Nation could afford to buy a few rugs for the floors of the New Senate Office Building. A great economizing Senator urged that it was not necessary to purchase rugs for the secretaries and clerical help to walk on, and offered to purchase rubber heels and soles to be attached to their shoes, to prevent them from slipping on the rubber tiles. I made the point that for its money, the Government would at least get rugs.

Some of those who have advocated the high interest rate policies which have imposed a hidden tax on the people of the Nation pay for the $15 billion in additional interest. Those paying this hidden tax are not getting anything for it—not even a rug or a rubber heel.

Mr. PROXMIRE. The Senator from Louisiana is exactly correct. I appreciate his remarks, although I feel that the purchase of $150,000 worth of rugs for the New Senate Office Building is extravagant though not a complete waste of money. Having trod on those rubber tiles for more than a month, I think they are adequate. There is not much value in rugs to cover them. On the other hand certainly there is much more value in a rug than there is in the hard-money policy, which provides nothing. One billion and eighty million dollars of additional money has been spent this year for absolutely nothing. It is a total, complete waste of the taxpayers' funds.

Mr. LONG. I believe the Senator perhaps knows that the hard-money policy is tied to the high interest rates policy. The two work hand in glove. Tight money makes high interest rates possible.

Mr. PROXMIRE. That is correct.

Mr. LONG. It seems to me that the real objective of the administration has been to help the rich. The high interest rate policy in a general sense operates as a tax on the poor for the benefit of the rich at an annual cost of $15 billion a year. In simple terms, that is what it means to some of us.

Of course, one can complicate matters by saying that grandma draws an old age social security check or might receive a small sum in indirect benefits from the high interest rate, tight-money policy. But in general the high interest rates are tributes paid by the masses of the people in general to the classes.

Those who derive the benefits from such a policy—the banks and the insurance companies—enjoy a tremendous advantage at the hands of the Republican administration, which is making certain that they acquire vast profits at the expense of the rank and file of the Nation.

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

Mr. PROXMIRE. I yield.

Mr. SCOTT. Before we lose our economic footing entirely, would not the distinguished Senator from Wisconsin agree that the interest rates are fixed by the Federal Reserve System, an independent agency, not an executive agency of this administration?

Mr. PROXMIRE. I would say that since 1951 that has been true. As the distinguished Senator from Pennsylvania knows, the President makes appointments to the Federal Reserve Board; and the members of the Federal Reserve Board are constantly in communication with the Secretary of the Treasury, and their policies are determined in no small part by the interests of the Federal Government, as expressed by the Secretary of the Treasury. Apparently the Secretary of the Treasury has not indicated that he favors the kind of relatively easy money policy which I favor; and the President and the administration generally have taken a hard money position. Nothing could be more obvious to me than the fact that if the President wanted to change the monetary policy and wanted to persuade the Federal Reserve Board to change its position, he would be successful in doing so.

Mr. SCOTT. Does not the distinguished Senator recall that over the years there have been many fluctuations in interest rates, both up and down? Would the Senator agree with the distinguished Senator from Louisiana that every time the interest rates in the country rise, that is a method of exacting tribute by some ulterior, evil power over the masses of the country, for the benefit of the classes, as the distinguished Senator from Louisiana has just observed? I thought it too bad to let that point pass without asking the distinguished Senator from Wisconsin whether he agrees with that economic theory.

Mr. PROXMIRE. In a moment I shall yield to the Senator from Louisiana, to permit him to state how he feels about the question asked by the Senator from Pennsylvania. But, first, I should like to say, for myself, that I do not attribute bad or evil motives to anyone, particularly to reputable officials of high integrity; and I think the members of the Federal Reserve Board—as I shall state during the course of my prepared remarks—sincerely and honestly believe that the way they have proceeded is the way to fight inflation. But I think they are badly mistaken, and I think I can show why they are badly mistaken.

In my opinion, the consequences of this policy are to reward those who have large amounts of capital to invest. There is no question that that is the consequence.

Mr. LONG. Mr. President, will the Senator from Wisconsin yield to me?

Mr. PROXMIRE. I yield.

Mr. LONG. To keep the record straight, I did not say that action was taken by some evil person with ulterior motives. I said it was done by Republicans, in line with the Republican policy.

I am here to say that I know—if the Senator from Pennsylvania does not know it, although I suspect he does—that no one is appointed to the Federal Reserve Board unless he is first cleared with the Secretary of the Treasury and also with the President; and if such a prospective appointee is opposed to the hard money policy, he is not likely to be appointed or reappointed. The Senator from Pennsylvania should know that, because it is very important to the country.

Mr. SCOTT. Mr. President, will the Senator from Wisconsin yield further to me?

The PRESIDING OFFICER (Mr. HARTKE in the chair). Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. PROXMIRE. I yield.

Mr. SCOTT. I understand that the Senator from Louisiana said that is a form of tribute which is exacted from the masses by the classes.

I have heard that sort of oratory many times, sometimes from the other side of the aisle and sometimes from my side of the aisle. I think that kind of oratory rather speaks for itself.

But I wish to develop the point a little further, and I am very glad that my friend, the distinguished Senator from Wisconsin, does not indulge in the kind of statement which would indicate that rises or declines in the interest rate are brought about in order to crush or take advantage of any segment of the population. There are economic reasons why these things happen. The Senator from Wisconsin has his own opinion about them. Frequently I may agree with him, or frequently I may disagree.

But I do not believe that there march across the land any powers or political bodies who are determined to crush the people of the country. I say that because it is obvious that neither political party could survive if it believed in any such doctrine. I may say that I, personally, do not believe it; and I rebut it here and now, insofar as my opinion is concerned.

Mr. LONG. Mr. President, will the Senator from Wisconsin yield again to me?

Mr. PROXMIRE. I yield.

Mr. LONG. I am not saying that every rise in interest rates is evil. But interest rates on Federal notes do not rise in 1 year from 1 percent to 3 percent without very handsome profits for moneylenders and without the cooperation of the President and his appointees.

Mr. PROXMIRE. The Senator from Louisiana is correct. This policy is a deliberate, premeditated one. What happens, as is well known, is that the Federal Reserve Board, through open-market operations, through raising or lowering the rediscount rate, and reserve requirements deliberately adjusts interest rates to the level it thinks desirable.

I am perfectly willing to attribute to the Board the best motive in the world, and to say that its motive is to stabilize the economy. But I wish to state that I believe the Board is wrong; and, in the second place, I believe such a result penalizes those who are in need of capital and who pay interest—whether small

businessmen, farmers, those in local communities who need to build schools, and so forth.

Mr. SCOTT. I think it proper at this time to observe that for the past year the cost of living in the country has remained relatively stable, and recently there have been reductions in the cost of living. Those have occurred under a Republican administration. If we are to be blamed when the cost of living rises, certainly we are to be credited when the cost of living remains stable.

If we, as a party, are to be blamed when the cost of living rises—and I am not saying, by any means, that the Senator from Wisconsin is saying that; I am referring to the entire colloquy in regard to the cost of living—then, by the same token, we should blame a party which is in power when the cost of living rises 4 or 5 times more, under a different administration, and in a different era.

I do not believe that these are party matters. I do not believe the cost of living rises or falls because a particular person at the time happens to be President of the United States—certainly not necessarily so.

But I wish to point out that we are very fortunate that the cost of living has remained relatively stable during the past year; and I hope that is also due to such wisdom as we may be able to generate in the two bodies of the national legislature.

Mr. PROXMIRE. I thank the Senator from Pennsylvania.

I should like to call his attention to the fact that this is one of the very few times in the history of our country or in the life of any free economic system when prices were actually rising at the same time when serious unemployment has existed simultaneously with very great excess capacity in industrial plants. It is true that in the last few months there has been relative price stability. Furthermore, we anticipate that the cost of living may go down. If so, it will again be at the expense of the farmers.

But, by and large, we have had the almost unparalleled situation of price rises, or at least no fall in prices, at a time when there have been serious unemployment and excess capacity in industrial plants.

Mr. SCOTT. Of course all of us are much concerned whenever unemployment exists, and we want to do everything we can to reduce it.

Mr. McNAMARA. Mr. President, will the Senator from Wisconsin yield to me?

Mr. PROXMIRE. I yield.

Mr. McNAMARA. I thank the Senator from Wisconsin for yielding.

I think it should be pointed out that today the cost of living is at an all-time high. Furthermore, while we are talking about the manipulation of the money market, is it not true that approximately 10 percent of every dollar paid in Federal income taxes now goes to the bankers?

Mr. PROXMIRE. The fact is—and it is a shocking one—that service on the national debt is now 10 percent of our total budget; in fact, it is by far the largest single increase in the Eisenhower budget, and it is now larger than any other item of expense, except expenditures for the national defense.

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

Mr. PROXMIRE. I yield to the Senator from Louisiana.

Mr. LONG. To broaden somewhat the record on this point, it might be well to point out that when people talk about increasing interest rates to fight inflation or keep prices down, such a statement bears analysis as to who is getting the benefit of the higher rates. If a person is buying a home with a 25-year mortgage, an increase of 1 percent in the interest rate means that he must pay 10 percent more every month for the next 25 years. Or, if a person is renting a house, and the landlord had to borrow money in order to build the house, the cost of rental housing is going to increase 10 percent if there is a 1 percent increase in the interest rate.

I believe the Senator is familiar with those facts. If not, I can provide that information from the record of the hearings.

Mr. PROXMIRE. The Senator is correct.

Mr. LONG. Some persons say that those who have money on deposit in banks are getting a lot of benefit as a result of increases in interest rates. I point out that in most instances those who have money on deposit in banks have the money on deposit in checking accounts, and therefore get no benefit from increased interest rates which bankers receive on the money deposited. A large portion of the holdings of banks are in savings—perhaps half, or a little less than half—and the money in savings accounts has had the benefit of about a 1 percent increase in interest rates. So that, on the whole, I should imagine that an average of about half or three-quarters of 1 percent additional interest is paid on money in banks, while the banks are getting on the average more nearly 2 percent extra. It appears to me that fact would be enough to result in a major increase in the profits of banks without depositors getting nearly so great a deal of increase in the interest received on the moneys on deposit.

I also believe the Senator will find there has been a great benefit resulting to insurance companies, who receive a stipulated amount of money each year and pay out a stipulated amount when an insured person dies. The insurance companies have based their risks on a certain assumed level of interest to be paid on the money they lend, while the interest on the money they have invested has greatly increased. There again the middleman is in a position to profit handsomely—particularly the stock insurance companies—without the person who holds the policy getting any particular benefit from the increase in the interest collected by the insurance company.

Mr. PROXMIRE. I thank the Senator from Louisiana. I certainly agree with his analysis.

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

Mr. PROXMIRE. I yield to the Senator from Pennsylvania.

Mr. SCOTT. I wish to comment on the reference just made to the increase in the cost of servicing the debt. It is perfectly true that the interest on our national debt is a very large part of our budget. I think it is also true that the greater part of our national debt arises from expenditures made in past wars and preparation for possible future wars, and from payments to veterans of our wars, and that in recent decades we have suffered as a result of two very terrible and expensive wars. Therefore, to blame on this administration the high cost of paying for obligations which we incurred because of wars, as I gathered may have been a part of the import of the interrogation by the distinguished Senator from Louisiana, reminds me a good deal of the story of the man who was on trial for having murdered his father and his mother, and who threw himself on the mercy of the court on the ground that he was an orphan. I thank the Senator.

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

Mr. PROXMIRE. I shall yield to the Senator from Louisiana in a moment. Before I do so I may say to the Senator from Pennsylvania that he is completely correct. There is no question that a large part of the national debt was incurred largely as a result of two wars. I think the Senator from Pennsylvania has put the problem in a nonpartisan and in a fair way. However, the point we have made, or are trying to make, is that the rate of interest on that debt is what determines, in very large part—in significant part, certainly—the cost of servicing the debt. If the interest rate on the overall debt doubles, then the service cost doubles, even though the debt remains the same.

The argument I am trying to make is that the Federal Reserve Board should have that fact in mind as one of the considerations in adopting the monetary policies it prescribes.

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

Mr. PROXMIRE. Yes, I yield to the Senator from Louisiana.

Mr. LONG. I wish to make it clear that I do not blame the Republican Party for the wars. I am quite satisfied the Republican Party is not responsible for the wars or the debt that grew out of them. All I am blaming the Republican Party for at this moment is doubling the interest rate, which means doubling the cost of carrying the national debt. That is all I am blaming the Republican Party for, and that cost is very heavy. Their high interest policy is especially bad for people who are trying to buy homes even though they have no direct connection at all with the national debt.

I am satisfied, and I believe the Senator is satisfied, that if there were in the White House an Executive who did not like the high interest rate policies, and was not committed to them, and had a desire to reverse the policies, he would

have all the cooperation from Congress he needed.

As a matter of fact, a majority of the Congress would like to stop the increasing of interest rates. The trouble is if Congress tried to tell the Federal Reserve Board how to do its job, and the Board did not want the policy of Congress to work, the Board could find a dozen different ways to prevent it from working in the way it should. If the Board is not willing to cooperate, it is almost impossible for the Congress to do the Federal Reserve Board's job for it.

On the other hand, if the President and the Congress cooperated together and made it clear to the Federal Reserve Board they were against high interest rates, I am very much inclined to the view that the Board would follow the views of the President when it knew he had Congress on his side.

So far as I am aware, there has never been a time when the Board has gone directly against the policy of the President. I would be curious to have someone point out to me an instance where that occurred. The nearest instance I have been able to discover was an instance when Secretary of the Treasury Humphrey testified that he thought the Board was going a little too fast in raising interest rates although he did not interpose any particular objection.

Mr. PROXMIRE. Mr. President, the Senator from Louisiana has made an excellent point, and one which needs emphasis. It is often said that monetary policy is the job of the Federal Reserve Board, and is not a part of the function of Congress. The Senator from Louisiana has pointed out the true situation, which is that in every single instance the policy of the Federal Reserve Board has simply been a reflection of the policy of the President of the United States.

In all fairness, the hard money policy is sincerely followed as a method of keeping prices down. But it is very badly mistaken. It proceeds on the assumption that high interest rates discourage borrowing by increasing its price, and in doing so prevents borrowed money from driving up the price of goods and services in short supply.

The theory is mistaken because goods and services are not in short supply now, have not been, and are unlikely to be for some time. More than 4 million people are out of work. Except for steel, which is producing heavily in anticipation of a possible strike or price increase on July 1, most industries have a great deal of unused capacity.

With farm technology virtually exploding, production of food, which is the biggest single factor in the cost of living, is in abundant supply. And there is little evidence that interest rates affect food prices, anyway.

The cost of shelter is another vital element in the cost of living. But higher interest is much more likely to have a price inflating rather than a price deflating effect, because of the enormously important element interest constitutes in the cost of housing.

Mr. President, the theory that high interest tends to reduce prices does indeed dominate many academic theoreticians today. But it was conceived, grew, and became imbedded in economic theory before any economic statistics became available on which to test it. It is only in the past 25 years that comprehensive statistics on prices, employment, wages, production, and other factors have been available.

For a long time now I have been challenging hard money proponents to support their position with empirical evidence. To date none of them have been able to do it. I have just received a letter from Gov. William McChesney Martin, Federal Reserve Board Chairman, in reply to my challenge on this issue. Martin argues eloquently, but can show nothing to prove that monetary policy can significantly assist in fighting inflation.

Mr. President, even if the hard money boys are completely correct in their theory, even their theory would not support their present policy. The theory does not suggest that prices will be kept from rising if we push interest rates up when there are millions unemployed and a vast excess of productive capacity. Indeed, classical economic theory would suggest lower interest rates under these circumstances. But the hard money boys claim to foresee all kinds of scarcities in the future so they drive up interest sharply. The result: This theory, which is wholly unproven, which is mistakenly applied under today's circumstances, is going to cost us an additional $1,080 million in annual spending before this year is out. For this cost, it will provide the American citizen and his Government with nothing. There is no excuse for this kind of waste.

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

Mr. PROXMIRE. I yield to the Senator from Louisiana.

Mr. LONG. I wish to commend the Senator for the very fine statement he has made. The Senator is completely correct in stating that there is simply no proof whatsoever that the manner in which the tight money, high interest rate policies have been used have done anything at all to control inflation. There is simply no evidence available to support that view, based on the experience we have had with the use of this type of policy. That has been the argument, and it has been said it might work, but while one can argue the matter in theory one cannot prove it.

I agree with the Senator that the additional $1 billion of taxes on the public, in order to carry the national debt for this one transaction, is bad enough, but I believe we should keep in mind that so far as the rank and file of American citizens are concerned—the homeowners, those trying to buy automobiles, those paying on mortgage notes, those who have to pay interest charges in various and sundry ways, and those who by buying commodities have to pay higher interest charges industry passes along to them—these increases are costing them about $15 billion a year, and not merely the $1 billion to which the Senator refers.

Mr. PROXMIRE. Once again I thank the Senator from Louisiana. I want to emphasize what the Senator said.

As I was about to say, this is simply one of a series of speeches which I intend to make in the coming weeks, with regard to the hard money policy, pointing out its total cost to the American citizens. As Federal taxpayers, we can be precise and explicit as to how much this policy is costing us, and the fact that this absolute waste gives the taxpayer nothing.

Furthermore, as the Senator from Louisiana has said, costs to the American citizen as a local taxpayer have increased tremendously. When the local governments desire to finance hospitals, schools, streets or any other kind of community construction, money has to be borrowed on a long-term basis, and interest constitutes a very important—often the most important—element of cost.

In addition to those items, of course, the farmers who have to borrow, the small businessmen who have to borrow, and the home buyers—and they are perhaps the largest single group of borrowers—are forced to pay more and more and more.

The reason I am emphasizing this matter in my first speech on interest rates is that our good friends of the Republican Party, as usual, have one issue and only one issue. This is economy in government. That is the one issue they have talked about for 20 years, and I am sure they will make it the big issue for the next 20 years. That is the No. 1 issue of the distinguished Vice President and the President of the United States for the coming campaign. They want to speak of economy in government, and the way economy in government relates to a balanced budget and relates to the cost of living. That is why I think it is very important to emphasize to the American people that the hard money policy being followed is completely wasteful. It means the spending of a billion dollars without getting a single thing in return for the money.

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

Mr. PROXMIRE. I yield to the Senator from Louisiana.

Mr. LONG. The Senator will find that the tight money program will not prevent depressions, and it will not reduce unemployment in any respect whatever. This policy will not to any noticeable degree prevent inflation. It can and will double the interest take of the moneylenders. I believe in that respect the policy has achieved that which those responsible for it had in mind when they put it into effect.

The Senator can, if he wishes, attribute the best of motives to those responsible, but I believe they knew what they were doing, and I believe they achieved what they set out to do, which was to double the income of certain people who were engaged in lending money. Conceivably they did not have that in mind and perhaps it was merely an accidental effect, but I think they knew it would happen. In my judg-

ment, the $15 billion annual increase in interest extractions from the public was the main purpose of the program. The rest of the argument looks to me like an effort to confuse the victims of the program and excuse it to those who would not be inclined to permit it.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that an article from U.S. News and World Report entitled "Bear Market in Bonds: Why It Worries Washington" be printed in the RECORD at this point.

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

[From U.S. News & World Report, May 4, 1959]

BEAR MARKET IN BONDS: WHY IT WORRIES WASHINGTON

(Bonds now sell at about the lowest prices and highest yields in 25 years. Result: Trouble for Government, other borrowers. This is the grim picture at a time when the Treasury faces a big deficit and heavy borrowing. And money is to get tighter, not easier, in months ahead. What's the solution? Here are informed views from official agencies and Wall Street.)

(Reported from New York and Washington)

At this time, on the average, you can get an income from high-grade bonds that is a full third higher than the income to be had from stocks bought at present prices.

In the past, a rise in bond yields to levels above stock yields always had led to a sharp decline in stock prices. Now, the advantage of bond yields over stock yields is the highest it has been in any period of stock-market boom since the weeks just before the market crash late in 1929.

Investors, even so, indicate that they strongly favor stocks over bonds. Prices of industrial stock have been bid up to levels that, on the basis of recent dividends, offer the investor yields averaging little more than 3 percent.

Bond prices, even after a modest recovery recently, are near their lowest levels since 1932.

You can buy Government bonds, maturing in just a little more than 4 years, at a price that offers a guaranteed yield of more than 4 percent.

Or you can put money into Treasury bills that mature in 91 days and get more than 3 percent on your savings. Good-grade corporation bonds can be bought at prices that offer yields of 5 percent.

TREASURY'S DILEMMA

It is against the background of bond prices that Government officials are surveying the serious financing problems of the Treasury.

If the Government should try to borrow for periods of more than 5 years, all indications are that it would fail, with the present limit of 4¼ percent interest that the Treasury can legally pay.

Yet the Treasury has an enormous amount of financing to do in the months ahead. Net borrowing of new cash with which to pay Government's bills is to be on a smaller scale than in months past. But it still will come to more than $7 billion in the rest of 1959.

In addition, there are old debts coming due, and these must be repaid with issues of new securities. Right now, for example, officials are in the process of offering about 4.5 billions in new securities to holders of issues that will mature in May. In August, 13.5 billions of debt will come due. And, before year end, an additional 9 billions will come up for repayment.

SEARCH FOR SOLUTION

In the present financial situation, the administration may be forced to do one or more of these four things:

1. Offer nothing but short-term securities, on which there is no legal limit to interest rates. Since these are likely to be bought most heavily by banks, this course runs the risk of expanding the money supply and fostering the inflation the administration is trying to avert.

2. Try to get Congress to permit the Treasury to pay more than 4¼ percent on issues of longer-term bonds. There is no prospect that the Administration will ask—or that Congress would grant—this authority.

3. Induce the Federal Reserve System to move in and buy Government bonds to support the market. The Administration is firmly committed against that.

4. Balance the federal budget and, so, ease Treasury borrowing schedules.

It is for the fourth of these courses of action that strong forces now are pushing.

INFLATION THE KEY

Talk to Government officials and to dealers in the bond markets, and you find that behind the slump in bonds and the spectacular rise in stocks is the fear of continued inflation—or, at least, inflation pressure—in the months and years ahead.

"The Treasury," says one well-known dealer in Government bonds, "is selling now in an environment in which buyers know they will have a loss tomorrow on the bonds they buy today. The Treasury's efforts to sell bonds overlook the fact that there is a 'secondary tax,' in addition to income taxes, on the return from its bonds. Buyers aren't overlooking that tax. It may be described as the 2 to 3 percent average annual erosion in the purchasing power of the dollar that results from inflation."

In the opinion of that particular dealer, the main thing the Government can do to avoid inflation, and quiet fears of inflation, is to balance its budget.

A Government official has a slightly different view: "I don't think people are convinced there will be more inflation. But I think they expect the threat of inflation to bring on 'tighter' money.

"After all," this official explains, "the business news is nearly all good, except for a sizable amount of unemployment. There are signs that the slowest element—business spending on new plant and equipment—may be moving up fairly well soon. Many investors look for a real business boom that will bring tightening money and, as a result, lower bond prices and higher interest rates. And who wants to buy a bond today if he thinks it's going down in price tomorrow?"

THE OTHER SIDE

Are many investors—individuals and institutions—exaggerating the prospect for rising interest rates and falling bond prices? Many bond dealers think so.

"Where," one asks, "can you see any big increases in the demands for money—increases of the sort that would force interest rates on up? The Treasury is going to be borrowing, sure—but it will not be coming to market for anything like the amounts it has required recently.

"Corporations are offering a smaller volume of bonds by far than they were a year ago. And, until there's a sharp upturn in spending on new plant and equipment or on inventories, corporations are going to have idle cash to buy Government securities.

"Only State and local governments and home builders are increasing their demands for long-term credit."

Against that picture of the demand side of credit this dealer notes that there is a huge flow of savings that must be invested each month. All in all, this dealer regards the Treasury's problems as serious, but not critical.

THE PROSPECT

Most bond dealers look for the Treasury to play a waiting game while it presses for a budget in balance, or near balance. If they are right, the Treasury will offer short-term securities and hope that more of them will be bought by ordinary corporations than by banks. Then, if time proves that fears of inflation and tightening money have been overdone, the Treasury can resume its efforts to sell long-term bonds.

What if a boom and an unbalanced budget produce a strong rise in demand for long-term credit? Then, dealers say, there will be real trouble, with a determined squeeze on credit by the Reserve System and some of the highest interest rates the United States has ever seen.

*Yields on bonds—a 25-year high—highs and lows in bond yields since 1920*

| | U.S. Government bonds (percent) | High-grade corporate bonds (percent) |
|---|---|---|
| 1920 high | 5.67 | 6.38 |
| 1928 low | 3.17 | 4.46 |
| 1929 high | 3.74 | 4.80 |
| 1931 low | 3.13 | 4.36 |
| 1932 high | 4.26 | 5.41 |
| 1946 low | 2.08 | 2.46 |
| 1948 high | 2.45 | 2.86 |
| 1950 low | 2.19 | 2.57 |
| 1953 high | 3.13 | 3.40 |
| 1954 low | 2.47 | 2.85 |
| 1957 high | 3.73 | 4.12 |
| 1958 low | 3.12 | 3.57 |
| 1959 latest | 4.05 | 4.22 |

Source: U.S. Treasury, Moody's Investors Service.

*The investor's return—up on bonds, way down on stocks—yields at stock-market highs since 1929*

| | Industrial stocks (percent) | High-grade corporate bonds (percent) | Spread—stock yields over bond yields |
|---|---|---|---|
| 1929 | 3.47 | 4.80 | −1.33 |
| 1937 | 3.81 | 3.32 | .49 |
| 1946 | 3.20 | 2.51 | .69 |
| 1953 | 5.18 | 3.02 | 2.16 |
| 1957 | 3.75 | 3.99 | −.24 |
| Latest week | 3.15 | 4.22 | −1.07 |

Source: Moody's Investors Service.

Mr. PROXMIRE. Mr. President, as I conclude I want to thank the distinguished Senator from Pennsylvania [Mr. SCOTT], who took such a helpful part in this colloquy. I want to thank also the senior Senator from Michigan [Mr. MCNAMARA]. I particularly want to thank the Senator from Louisiana [Mr. LONG] who was extremely helpful in emphasizing and underlining this issue, which I think is very important to the American people, and which will become increasingly important in the coming months.

Mr. President, I yield the floor.

## PAYMENTS TO MEMBERS OF CONGRESS UNDER THE FARM PROGRAM

Mr. YOUNG of North Dakota. Mr. President, in today's issue of the Washington Daily News there is this bold headline, "Payoffs to Hill Farmers Bared," and on the second page there is a subheadline also saying "Payoffs to Hill Farmers Bared."

This article is written by Dickson Preston. Mr. Preston in many of his articles, I think, has done a real service to the public in revealing some information which the public should have. If Mr. Preston would stick to the truth, however, he would do much more for the people of America. This article is so false that it is pitiful.

Mr. Preston has done a very good job of falsifying the record, and when one falsifies the record it is not much different from lying about it. Half truths can be equally vicious.

Mr. Preston mentions several Senators who participated in farm payments and programs.

In one paragraph of the story Mr. Preston writes concerning me:

> Senator MILTON R. YOUNG, Republican of North Dakota, an ardent friend of high price supports, together with his three sons has received $85,378.88. About $44,000 of this was in price support loans which the Youngs repaid.

I suppose if Mr. Preston had taken in all my kinfolk and all my neighbors he could have built this up into a sizable amount of money. He does not say how long a period of time is involved, but apparently he refers to a 3-year period, and it appears he refers to loans which we secured under the price support program. I myself do not participate in the soil bank program. My three sons do, to a limited degree on land they own. This item to which Mr. Preston refers might include some very small payments under the soil conservation program, but those payments would be very small indeed.

Mr. Preston says we paid back $44,000. That is where we paid back the loan and took possession of the grain. I assume that the balance or $41,000 was for price support loans under which my three sons and I turned over the grain to the Government.

Mr. Preston does not say in this article that for this $41,000 the Government obtained the grain, most of it wheat. No. 1 Hard Northern Spring wheat, which we produce in that area, if of very high quality is even now selling at near support price levels. It is a rare occasion when the cash price of this wheat is 5 percent below the support level. The support level at the present time is 75 percent of parity or 75 percent of a fair price. The most the Government could have lost would have been 5 or 6 percent of $44,000. The Government got the grain.

If one wished to go back a few years earlier, with respect to the grain which the Government acquired under the price support program previous to World War II, it would be found that the Government made a huge profit. It also made a large profit on the cotton obtained under the price support program during this period.

The implication in this article is that Senator YOUNG received a large part of the $85,000 as a subsidy check. Actually the only checks we received were for the grain which the Government took possession of, plus some very small soil conservation payments. If Mr. Preston had wanted to come to my office I would have been glad to let him look at all my books and records.

In another part of the article Mr. Preston says:

> Yet under today's outmoded farm program, many of them—
>
> Meaning Members of Congress—
>
> are collecting part of the $6 billion it is costing the U.S. taxpayers per year.

Here again is a falsification of the record which we hear so often these days. The average taxpayer or consumer actually believes that the farmers are receiving checks in the amount of about $6 billion a year.

Let me read a portion of a statement issued by the Department of Agriculture at the request of the Subcommittee on Agricultural Appropriations of the Senate Appropriations Committee, of which the distinguished Senator from Georgia [Mr. RUSSELL] is chairman. We practically had to pry this information out of the Department, but it gives a very fair picture as to the cost of the farm program.

The budget for 1959, the present fiscal year, is $7,341 million. The budget for next year is about $1 billion less, or $6,450 million.

What are some of the items listed in the $6,450 million which Mr. Preston thinks the farmers are getting checks for?

The first item is "Price support, supply and purchase programs, Commodity Credit Corporation."

The amount is $2,835 million. This is nearly the exact cost of the price-support program. The cost of this program is far too much. I am hopeful that this Congress will enact better legislation, which will mean less costly programs, but programs which will still assure the farmers a fair price for the commodities they have to sell. I believe that every farmer in America would be perfectly willing to go it alone, to abandon price-support programs, and all other subsidies of every kind, if other segments in the Nation's economy were willing to abandon all the subsidies and advantages they enjoy.

The second item is "Milk and other dairy products for Veterans Administration and Defense Department." The 1960 estimate is $45 million. This is for milk which goes to veterans in hospitals and elsewhere throughout the Nation.

The next item is "Title I of Public Law 480," for which the 1960 estimate is $1,033 million. A part of that goes for famine relief to foreign nations. A part of it represents food packages which church organizations and CARE distribute throughout the world. That is one of the finest programs the Government has ever undertaken. It represents a total loss to the Department of Agriculture and is charged as a subsidy to agriculture. However, it is impossible to measure the amount of good will created by this program among the hungry people of foreign lands.

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

Mr. YOUNG of North Dakota. I yield.

Mr. RUSSELL. Of course, considerable quantities of such foodstuffs are exchanged for housing for our troops, and other facilities which we use in foreign countries. There has been a very noticeable improvement in the troop housing in some countries, particularly France, since the program was inaugurated.

Mr. YOUNG of North Dakota. I am glad the Senator mentioned that program. That is a part of the program under which we receive the equivalent of dollars for our food surpluses.

Most of the rest of the program deals with the sale of our food for the currencies of foreign countries. The Department of Agriculture is reimbursed for the actual value of such currencies. The amount under that heading is $1,033 million. Based upon past experience, the Department will be reimbursed for about 75 percent of this sum or possibly even more. This is, in effect, a foreign aid program, and at least a part of the cost should be so charged.

Next, there is an item of $225 million for the "Barter program for supplemental stockpile." Of course, the Department of Agriculture has a cash outlay under the barter program; but under this program we obtain strategic materials, for which the Department of Agriculture is reimbursed, dollar for dollar. Most of the materials we have in the stockpile as a result of this program today are worth more than they were when we acquired them.

There are many additional items. I mention only a few. I invite attention to the item "Removal of surplus agricultural commodities," for which the 1960 estimate is $150 million. This program represents surplus food which we contribute to the school-lunch program. Schoolchildren all over the Nation receive the benefit of the $150 million in surplus food. Yet, in this article, as in many others, it is charged as a subsidy to agriculture. What an unjust and unfair situation.

I wish to read a few more items. One is entitled "Special milk program," and involves an estimate for 1960 of $74 million. This also represents milk given mostly to schoolchildren. Most people believe that the farmers are receiving checks for the $74 million.

Another item is entitled "Rural Electrification Administration," involving an estimate for 1960 of $335 million. These are funds from which the REA Administrator makes loans to REA co-ops. The REA co-ops have a record of repayment on these loans of nearly 100 percent; yet this item is charged as a subsidy to agriculture.

The next item is "Farmers Home Administration," and the estimate for 1960 is $216 million. These loans are made to farmers, mostly veterans of World War II and the Korean war who are unable to obtain credit anywhere else. Yet there is an amazing record of repayment of almost 90 percent.

The next item is "School-lunch program," in the amount of $101 million. Does any Senator think any fairminded person would charge that item as a subsidy to agriculture?

Another item is entitled "Agricultural Research Service," with an estimate of $174 million. This program has been of great benefit not only to farmers, but to the entire Nation. I wish we spent for

agricultural research 5 percent of the money which we spent for all other purposes.

The next item is "Forest Service," and the 1960 estimate is $174 million. This item is charged as a subsidy to agriculture. It goes mostly for the administration of forests held by the Federal Government, and for the building of forest roads. Through the sale of timber and other forest income the Federal Government is reimbursed far more than the $174 million which the program costs.

The next item is "Soil Conservation Service," and the 1960 estimate is $129 million. This is mostly for technical assistance to farmers, to enable them to do a better job of conserving the soil. I submit that this program is of great importance to everyone in the United States.

There are many other items to which I should like to invite attention, but time will not permit.

Mr. President, I ask unanimous consent that the entire statement furnished by the Department of Agriculture be printed in the RECORD at this point as a part of my remarks.

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

*U.S. Department of Agriculture: Net expenditures, fiscal year 1954 to 1960 (estimated)*

[Millions]

| Program | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 estimate | 1960 estimate |
|---|---|---|---|---|---|---|---|
| Price support, supply and purchase programs (Commodity Credit Corporation) | $1,333 | $3,049 | $2,874 | $1,058 | $940 | $3,073 | $2,835 |
| Milk and other dairy products for Veterans' Administration and Defense Department | ------- | 26 | 24 | 29 | 47 | 45 | 45 |
| Title I of Public Law 480 | ------- | 130 | 615 | 1,338 | 1,073 | 1,049 | 1,033 |
| International Wheat Agreement | 59 | 100 | 92 | 90 | 82 | 65 | (1) |
| Barter program for supplemental stockpile | ------- | ------- | ------- | 217 | 84 | 129 | 225 |
| National Wool Act | ------- | ------- | 2 | 61 | 57 | 21 | 81 |
| Acreage reserve program | ------- | ------- | 4 | 344 | 620 | 713 | 1 |
| Removal of surplus agricultural commodities | 178 | 59 | 179 | 171 | 125 | 150 | 150 |
| Sugar Act | 66 | 70 | 65 | 67 | 70 | 68 | 75 |
| Acreage allotments and marketing quotas | 40 | 40 | 39 | 40 | 41 | 40 | 39 |
| Other | 13 | 12 | 7 | 15 | 12 | 33 | 6 |
| Subtotal | 1,689 | 3,486 | 3,901 | 3,430 | 3,151 | 5,386 | 4,490 |
| Title II of Public Law 480 and predecessor laws | 74 | 91 | 94 | 125 | 121 | 106 | 94 |
| Special milk program | ------- | 22 | 46 | 57 | 67 | 74 | 74 |
| Conservation reserve program | ------- | ------- | ------- | 37 | 113 | 141 | 343 |
| Agricultural conservation program | 171 | 235 | 215 | 262 | 214 | 231 | 230 |
| Rural Electrification Administration | 217 | 204 | 217 | 267 | 297 | 325 | 335 |
| Farmers Home Administration | 187 | 170 | 185 | 259 | 282 | 308 | 216 |
| School lunch program | 84 | 83 | 83 | 99 | 100 | 144 | 101 |
| Agricultural Research Service | 86 | 103 | 128 | 139 | 151 | 174 | 174 |
| Forest Service | 112 | 107 | 129 | 152 | 164 | 184 | 174 |
| Soil Conservation Service | 68 | 74 | 83 | 88 | 100 | 127 | 129 |
| All other (EXT, AMS, FAS, etc.) | 229 | 62 | 96 | 91 | 115 | 141 | 90 |
| Total | 2,917 | 4,637 | 5,177 | 5,006 | 4,875 | 7,341 | 6,450 |

[1] Continuation of the International Wheat Agreement is currently under consideration.

Mr. YOUNG of North Dakota. I am sorry that Mr. Preston saw fit to write a story which is so far from the truth as the one to which I have referred. It is true that the farm program is costing a great deal of money. Anyone who owns a farm probably participates in the program in one way or another. He could hardly do otherwise, because the Government has something to do with the prices directly or indirectly of most all commodities. I do not know why we have not adopted the domestic parity or some form of a two-price system for wheat and a few other commodities long ago. It is a sensible program, and would save us a great deal of money. We would not have to pay any export subsidies. But that program is opposed by Secretary Benson.

In closing, Mr. President, I wish to thank the Secretary of Agriculture, Mr. Benson, and his associates, for making this information available to Mr. Preston. I wished it had been more complete and accurate. It is his type of Secretary we had in office back in the late twenties and early thirties which helped bring on the depression of the 1930's. If Mr. Preston wishes to go back to those years, he will find that Senator YOUNG, of North Dakota, had to take out several feed and seed loans in the late twenties, and also in the early thirties. I paid back every one of them with interest, and that interest amounted to more than the principal. It is a record of which I am proud. I was never on relief, but probably I should have been. I was broke like most other farmers.

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

Mr. YOUNG of North Dakota. I yield.

Mr. RUSSELL. Mr. President, there has come to my attention what is apparently a news release in the form of a newspaper column entitled "This Week in Washington With Clinton Davidson." The subtitle of the article is "Billions for Farmers?"

I shall not read all of the article, but I do wish to read a few paragraphs from it, particularly the last two paragraphs, which read as follows:

When all of the nonfarm items in the budget are removed, only a little more than $1 billion actually will reach farmers, and that mostly for carrying out practices prescribed by the Government for conserving our soil, water and other natural resources.

The irresponsible attacks cast unfair reflections upon all farmers and upon the largest and most vital section of our economy—agriculture. The press has a responsibility to get the facts—and to print them.

Mr. President, I ask unanimous consent that all of the article may be printed in the body of the RECORD at this point. It is in line with the statement made by the Senator from North Dakota, in which he analyzes the charge that $7 billion has been appropriated to finance the Department of Agriculture.

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

BILLIONS FOR FARMERS?

When Congress takes up the 1960 fiscal year budget for the U.S. Department of Agriculture in a few days it will be the signal for another public indignation outburst against subsidizing farmers.

The House Appropriations Committee has worked out a budget that calls for the appropriation of almost $7 billion for financing the Department in the fiscal year starting next July 1. The entire amount will be labeled farm aid.

The city press and Congressmen from urban districts will, as they have in the past, complain that farmers are being fattened financially out of the Federal Treasury at the expense of taxpayers. They'll say, again, that Government farm programs are responsible for high food prices.

Farmers will take another public flogging in the press and over the radio. A prominent New York paper already has begun the whipping by charging that consumers must pay high prices for food while paying high taxes to keep prices high.

WHAT ARE THE FACTS?

The facts are that only a small portion of that $7 billion will ever reach the pockets of farmers, and food prices have increased less than almost any other item of living costs in the past 10 years.

Government programs have not increased food costs. The Government does not support the price of meat, poultry products, vegetables and fruits—food items, which have advanced most in price in recent years.

While food prices generally have averaged about 10 percent higher than in 1949, farmers are selling their produce for 20 percent less than they did 10 years ago. Meanwhile, their production costs have gone up by almost 20 percent.

Almost no one contends that the present farm program is a good one, or that it isn't costing too much. But whatever blame there is belongs to Congress and the administration for failure to adopt a better program, not to farmers.

WHERE THE MONEY GOES

About $3 billion of the $7 billion budget will be earmarked for price support loans on commodities which the Government will eventually sell for about $2.5 billion, or give away under various foreign aid programs.

Another $1 billion will be paid to private firms for storage of surpluses. Approximately $1.5 billion will be used to finance sales abroad at cut-rate prices. This is more foreign aid than farm aid.

One big chunk of the budget is half a billion dollars for school milk and lunch programs, food distribution to the needy, food label protection, pest and disease control, and improvement of food quality.

Part of the agricultural budget is to finance loans to the Rural Electrification and Farmers Home Administrations. These are gilt-edge investments and will be repaid in full, with interest. These total about $650 million.

When all of the nonfarm items in the budget are removed, only a little more than $1 billion actually will reach farmers, and that mostly for carrying out practices prescribed by the Government for conserving our soil, water, and other natural resources.

The irresponsible attacks cast unfair reflection upon all farmers and upon the largest and most vital section of our economy—agriculture. The press has a responsibility to get the facts—and to print them.

Mr. YOUNG of North Dakota. Mr. President, I thank the Senator for inserting the article in the RECORD. It is a very good article. I wish more articles like that were written and published.

## INFLATION

Mr. BRIDGES. Mr. President, a major domestic issue, which also has a direct bearing upon international affairs, is the question of inflation.

Nearly all thinking persons agree that inflation is bad, but apparently there is some confusion as to whether a little inflation may be necessary to attain a rate of economic growth needed for continuing prosperity at home and needed to meet the challenge of communism abroad.

My own opposition to even a little more inflation is well known, and I do not intend at this time to speak at length on this subject.

But I do wish to draw attention to a thoughtful article which appeared in the New York Times Magazine of May 3, entitled "Argument Against Creeping Inflation."

The author, Jules Backman, a noted economist, points out that inflation is not necessary for economic growth, but in fact actually slows growth and fosters unemployment.

The article first advances and then supports these six arguments against creeping inflation:

(1) It slows long-term economic growth; (2) it makes recessions worse; (3) it hurts fixed-income groups and savers; (4) not everyone can be protected against it by escalator clauses; (5) it leads to galloping inflation; (6) it is not inevitable in an expanding economy.

Mr. President, I suggest that this article will be of interest to all Senators, no matter what their own views on the subject may be, and I ask unanimous consent that it be printed at this point in the body of the RECORD.

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

### ARGUMENT AGAINST CREEPING INFLATION

(Those who believe it to be an inescapable price for economic growth are wrong, says an economist who holds that it actually slows growth and fosters unemployment.)

(By Jules Backman)

There is general agreement that economic growth is indispensable for a strong America. However, there has been considerable public debate about the ideal rate of growth and how to achieve it.

One school of thought asserts that an inescapable cost of a desirable rate of growth is creeping inflation. It holds that the alternatives are creeping inflation and economic growth or price stability and unemployment. In this way, creeping inflation is given respectability by association, while price stability is subject to guilt by association.

The second school of thought holds not only that we can have both a desirable rate of growth and stable prices, but that we can maintain our growth only by keeping prices stable.

Creeping inflation refers to a price rise of 2 percent or 3 percent per year. Prof. Sumner Slitcher, one of the exponents of the first school, states that this type of "slow inflation must be expected to continue more or less indefinitely." Such an annual rate of increase does not seem to be very large, but an annual rise of 2 percent will wipe out half of the purchasing power of the dollar in 35 years, and a 3 percent rate will result in a similar reduction in less than 25. This is the simple arithmetic of creeping inflation.

Nevertheless, apologists for creeping inflation argue that it is unavoidable if we are to achieve the rate of economic growth which is necessary to enable us to attain our aspirations at home and to meet the threat from Russia. They explain that it is inevitable because labor costs rise more rapidly than output per man-hour. According to this argument, trade unions are so powerful that these excessive increases in wages and other labor costs could be stopped only by stringent governmental monetary and fiscal controls. The result of such curbs would be large-scale unemployment, which would limit economic growth. We are told that we must, therefore, accept creeping inflation as a lesser evil.

There is no disagreement concerning objectives between the creeping inflationists and those who are opposed. We are agreed that our goal is a maximum achievable rate of economic growth. We are agreed that unemployment is undesirable and exacts a high social cost. We are agreed that inflation—creeping or any other kind—is not desirable as a way of life. We disagree as to the means by which we may achieve our goals. The creeping inflationists say that we cannot achieve all three goals, that we must choose among them. The anti creeping inflationists say we can achieve growth, a minimum level of unemployment and price stability.

The arguments against creeping inflation may be summarized as follows: (1) is slows long-term economic growth; (2) it makes recessions worse; (3) it hurts fixed-income groups and savers; (4) not everyone can be protected against it by escalator clauses; (5) it leads to galloping inflation; (6) it is not inevitable in an expanding economy.

#### (1) CREEPING INFLATION SLOWS LONG-TERM ECONOMIC GROWTH

There is general agreement that to meet the threat of the expanding Russian economy our own economy must continue to grow as rapidly as possible. Some say we must step up our rate of growth to about 5 percent a year as compared with our long-term record of about 3 percent. While the difference between 3 percent and 5 percent appears to be small, it becomes enormous with the passage of time. With a growth rate of 3 percent, total output of goods and services in our economy increases fourfold in about fifty years. With a 5 percent rate of increase, on the other hand, total output in a half century would be more than ten times as large as it is at present.

Everyone is in favor of the highest possible rate of economic growth. But there are practical limits to expansion which must be faced. When we exceed these limits the pressures for inflation become intensified. President Eisenhower properly has pointed out that a stable price level is "an indispensable condition" for achieving the maximum growth rate in the long run.

History does not support the assumption that economic growth must be accompanied by rising prices. Economic growth has occurred in many periods of stable or declining prices. Two such major periods in the 19th century—the 1820's and 1830's and the last third of the century—were periods of declining prices. During the 1920's, when prices remained relatively stable, national output rose about 4 percent a year. On the other hand, from 1955 to 1957, when prices crept upward almost 3 percent a year, national output rose less than 2 percent annually.

Two major factors have contributed to economic growth in this country: higher productivity and an expanding population. Two-thirds of our 3-percent annual rate of growth has been accounted for by rising output per man-hour, about one-third by increasing population. Increases in productivity, therefore, provide the key to future economic growth. Output per man-hour is affected by many factors but the most important has been the investment in new machines and equipment. The magnitude of such investments depends upon the level of savings. Savings will be discouraged by creeping inflation, and thus long-term economic growth will be stultified.

Confronted by creeping inflation, savers are more interested in speculating—to protect themselves against losses in purchasing power—than in providing capital for industry. There is ample evidence of this tendency in the rampant speculation now taking place in stocks. If inflation should continue to be a threat, more and more persons would try to protect themselves in this manner. The result would be a speculative binge which would ultimately collapse. Such a development could only act to retard economic growth.

To stimulate economic growth it is necessary to create an environment in which savings will be encouraged and business will be willing to convert those savings into new plant and equipment. Price stability encourages savings, while tax incentives could be used to induce new investments. This is the road to greater economic growth.

Creeping inflation also interferes with business planning. When protection against price rises becomes a dominant factor, businessmen are not likely to plan boldly for expansion. One result is an adverse impact on job creation.

#### (2) CREEPING INFLATION MAKES RECESSIONS WORSE

It is true that fear of higher prices may give a temporary stimulus to the economy. But this development induces speculation in inventories. Eventually, the inventories become burdensome, then the economy experiences a setback. The 1948–49 downturn properly has been described as an inventory recession. Inventory liquidation also was significant in the 1953–54 and 1957–58 recessions.

When protection against tomorrow's higher costs becomes a major factor in industry decisions to expand capacity today, the net result tends to be overexpansion—followed by a sharp decline in new investment in plant and equipment. The current lag in the capital goods industries reflects the aftermath of the overexpansion of 1955–57. Thus, creeping inflation means more cyclical unemployment. It is not an alternative to unemployment; it is a significant cause of unemployment. And it is little solace to those who become unemployed that they may have received overtime pay during the boom.

We normally anticipate that there will be 2.5 to 3 million workers unemployed even when the economy is operating at full speed. This frictional unemployment usually is short term, representing individuals changing jobs or seasonably unemployed (as in the construction, apparel, or retail trades). Therefore, when we have a total of 4.3 million unemployed, our real problem is how to create about 1.5 million jobs. The economic cost of unemployment must be measured in terms of this smaller figure.

The hardships attending unemployment should not be minimized. The price in terms of broken homes, loss of self-respect, loss of national output, and related developments is a heavy one indeed. This is why every effort must be directed to adopting the proper policies to reduce unemployment.

Creeping inflation exacts a double toll: First, a loss in the buying power of our money; second, added unemployment. It carries a high price tag.

(3) CREEPING INFLATION HURTS FIXED-INCOME GROUPS AND SAVERS

Persons with fixed or relatively fixed incomes—those who live on proceeds of life-insurance policies, pensioners, those who work for nonprofit organizations, Government employees and bondholders—are hardest hit by any cut in the purchasing power of money. Ask the pensioner who planned his retirement 20 years ago how he gets along today with the dollars that buy less than half of what they bought then.

With an increasing number of senior citizens in our population, and with the growth of private pension plans, this is a matter of serious national concern. The hardships experienced by these persons can be just as tragic as those suffered by the unemployed.

In addition, families with savings accounts, U.S. Saving Bonds and other types of savings find their purchasing power steadily eroding. These various forms of savings aggregate about $400 billions. Every increase of 1 percent in the price level, therefore, wipes out $4 billions in purchasing power.

This problem cannot be evaluated in terms of 1-year or 2-year results. As we noted earlier, creeping inflation could cut the total value of savings in half within 25 to 35 years. This is a heavy cost and cannot be ignored.

Nor can workers escape the adverse effects of creeping inflation. Higher prices cut the purchasing power of wages and benefits received under security programs. The part of a wage increase which is excessive is taken away—in whole or in part—by price inflation. Reduced profits mean reduced incentives to invest in new plant and equipment; one result is fewer job opportunities. And unemployment, which thus may attend excessive labor-cost increases, means that those who hold their jobs obtain part of their higher real earnings at the expense of those who lose their jobs or who fail to obtain jobs.

(4) NOT EVERYBODY CAN BE PROTECTED AGAINST CREEPING INFLATION BY ESCALATOR CLAUSES

It is significant that not even the apologists for creeping inflation regard it as something to be encouraged. Rather, we are told, it is an evil which must be tolerated and to which adjustment must be made. One suggestion is that "escalator clauses," such as those now contained in many union contracts, might be extended to pensioners, insurance beneficiaries, bondholders and the like. This proposal acknowledges the ill effects of inflation, but suggests that the burden could be neutralized.

But not everybody can ride the escalator. It is the height of folly to imagine that we can inflate without some groups paying the price.

Professor Slichter has suggested that under the conditions of creeping inflation people "should not hold long-term bonds or other long-term fixed-income investment unless the yield is sufficient to compensate them for the probable annual loss in purchasing power." What would happen to our financial system if bondholders should attempt to liquidate their investments en masse? The basic weakness of the apology for creeping inflation is reflected in the recognition of the problem in this area.

(5) CREEPING INFLATION LEADS TO GALLOPING INFLATION

Psychology plays an important role in economic decisions. As the purchasing power of money steadily erodes, more and more persons will seek to protect themselves against future price rises. The resulting flight from money into goods would accelerate the rate of increase in prices. Creeping inflation could then become galloping inflation, and finally runaway inflation.

It is true that such a development would require support from monetary and fiscal inflation. But that this support would be forthcoming seems probable as long as we persist in tolerating wage inflation and insist upon full employment.

(6) CREEPING INFLATION IS NOT INEVITABLE IN AN EXPANDING ECONOMY

Many factors are at work today to raise or hold up prices. They include the agricultural support program, the high level of Federal, State and local government spending, the increases in various sales and excise taxes, featherbedding and makework rules, controls affecting imports and the steady expansion in private debt.

The primary cause of creeping inflation, however, as Professor Slichter has pointed out, is wage inflation—labor costs rising faster than output per man-hour. When wage inflation abates, price inflation also is moderated. It is noteworthy that, despite business recovery in the past year, consumer prices have remained stable and wholesale prices have risen only fractionally. This temporary stability reflects the likelihood that output per man-hour has risen more rapidly than the long-term rate (a typical recovery performance), and that, as a result, wage inflation has been at a minimum—perhaps even nonexistent—for the economy as a whole during this period.

The basic problem, then, is to counteract wage inflation. Two factors make this difficult. One is the national objective to maintain full employment, the other is the growth of powerful labor unions.

The full employment policy makes it difficult to impose those stringent monetary and fiscal checks to rising prices which would create deflation and unemployment. The national concern over unemployment has assured union leaders that their wage policies will be underwritten by new inflationary measures when necessary. In other words, full employment policies have increased the bargaining strength of the unions.

The problem of wage inflation could be ameliorated if union leaders and the workers they represent accepted the fact that our average standard of living cannot rise faster than national productivity. Only as we produce more can we obtain more goods and services, or more leisure, or some combination of both.

However, since it is the job of union leaders to get as much for their members as fast as they can, there is little point in criticizing them for taking full advantage of the present situation.

We can make more progress by taking action on two fronts:

First, the power of the unions must be curbed. There is little agreement on how this may be accomplished. Some students of the problem have suggested applying the antitrust laws to limit unions' monopoly power. Others have proposed more drastic remedies, such as limiting the power to strike, or curbing the size of unions.

Each of these proposals involves serious difficulties which must be carefully evaluated. Possibly some other solution will be forthcoming. However, unless some means is found to curb excessive union power and its abuse, this source of pressure for creeping inflation will continue.

Second. The Employment Act of 1946 should be amended to include the goal of stabilizing the purchasing power of the dollar as well as the goal of maintaining high-level employment. This would provide a guide against which to measure proposed policies. It would not mean wage or price controls. Individual prices would continue to fluctuate as at present but public policy would have as one objective the prevention of marked changes in the general price level.

Uncertainty would be substituted for the present certainty that inflationary wage increases will be supported by governmental actions. The new element of uncertainty might impose some restraint upon unions. It might also make industry less willing to grant excessive wage increases because it would make their recovery through higher prices less certain.

One important caution must be noted. There is no magic in a stable price level. Stability of prices during the 1920's did not prevent the most catastrophic depression in modern history. Stability of prices from 1952 to early 1956 did not prevent the 1954 recession—or the 1955–57 boom. General price stability may conceal important disparities in price relationships or in cost-price relationships which in turn upset the effective functioning of the economy. In other words, general price stability is not a cure-all for the problem of the business cycle.

Nevertheless, if these limitations are kept in mind, the inclusion of the goal of price stability in the Employment Act will focus national attention on inflation and its causes. The public will be made aware of the dangers that are inherent in monetary and fiscal inflation with their impact upon total demand, wage inflation with its impact on costs, and other policies which act to raise or hold up prices. And, certainly, full awareness of the sources—and evils—of creeping inflation is an indispensable step in mobilizing public opinion against inflationary policies.

## RADIOACTIVE FALLOUT

Mr. BRIDGES. Mr. President, in the CONGRESSIONAL RECORD of April 24, 1959, I indicated my concern over the increasing fallout from nuclear experimentation. I had previously outlined a program to minimize the fallout risk which provided for explosions to be conducted in the ionosphere and in the earth's subterranean area. Those recommendations have since become the official position of the administration.

An editorial which appeared in the April 30, 1959, issue of the Exeter (N.H.) News-Letter illustrates the seriousness and magnitude of this problem. I commend its reading to my colleagues, and ask unanimous consent that it be printed in the RECORD.

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

[From the Exeter News-Letter, Apr. 30, 1959]

MOST IMPORTANT OBSTRUCTION

It is rapidly becoming clear that the most important obstruction to world peace today is the failure to reach agreement on nuclear explosion tests.

The threat of radioactive fallout is of more importance to the United States and Canada than it is to the rest of the world. Recently established as a fact is that radioactive fallout from nuclear explosions in the northern regions of the earth concentrate in the North Temperate Zone. By contrast the debris from atomic explosions over the Equator tend to distribute evenly over the earth.

The alarming aspect of the above conclusions is the estimate of prominent scientists that this year the radioactive fallout in the United States is expected to increase about one-third. This does not mean that the coverage of Strontium 90 over the United States has reached dangerous proportions. It does, however, indicate that the increase is caused by Soviet nuclear explosions in the Arctic regions, with the debris drifting over Canada and the United States.

If such be the case then the Soviet's deliberate evasiveness in working out an agreement on nuclear control would in time give the Kremlin tremendous bargaining power at the Summit meeting and thereafter. A continuation of test explosions in the Arctic can only mean that the health and well-being

of the peoples of the United States and Canada are endangered as the result of concentration of strontium 90.

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EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business for action on the nomination of Potter Stewart to be an Associate Justice of the Supreme Court of the United States.

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

Mr. MANSFIELD. Mr. President, for the information of the Senate, as soon as the distinguished Senator from Georgia [Mr. RUSSELL] has concluded his remarks, I intend to suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HART in the chair). The clerk will state the nomination.

The legislative clerk read the nomination of Potter Stewart to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. RUSSELL. Mr. President, it is always a matter of regret when I am impelled to withhold my consent to any nomination made by the President of the United States. Feeling as I do that the nomination of Mr. Justice Stewart is a part of a deliberate policy by the Department of Justice to perpetuate some recent decisions of the Court, which decisions were partly based on amicus curiae briefs submitted by the Department of Justice, I have no alternative. I shall vote against this nomination.

My opposition to Mr. Justice Stewart is not based on personal or professional considerations.

Mr. President, I have never met the nominee. I am advised by some of those who knew him in college that he is a personable man, of good character. All the information at hand indicates that he is a lawyer of ability. Indeed, in this instance the President has seen fit to nominate a man who has had some judicial experience. Mr. Justice Stewart has never presided on a trial bench, but he has served for more than 3 years on the circuit court of appeals, giving him much more judicial experience than a majority of the Court with which he is associated.

Mr. President, the deviation by the present Court from long-established rules of construction applied by great jurists to the 14th amendment poses to those I am honored to represent the most momentous issue of several generations.

I am convinced that these decisions were sponsored by the Department of Justice and that, through a process of screening and making recommendations to the President, that Department has made sure that no man will be nominated to the Senate who does not wholeheartedly embrace the 1954 decision of the Court on school segregation, which was admittedly based on psychology rather than law.

I do not know that any poll has been taken of outstanding judges and lawyers of the country relative to the departure from legal precedent set by real judges and to the obeisance to psychology and Myrdal of the 1954 decision.

Mr. EASTLAND. Mr. President, will the distinguished Senator from Georgia yield for a question?

Mr. RUSSELL. I yield.

Mr. EASTLAND. Does the Senator not believe that that decision was based on Communist dogma, because the Court cited and quoted from the Myrdal book, in which Myrdal said the Constitution of the United States had outlived its usefulness and was a plot against the common people?

Mr. RUSSELL. The statement that the Constitution of the United States was a plot against the common people; that the Founding Fathers were the wealthiest men in the new Republic; and that they were using their position as the authors of the Constitution to oppress the masses—has been one of the constant propaganda themes of communism since the first days of Lenin and Trotsky.

Mr. President, I was stating—that I did not know that any poll had been taken of the views of lawyers and judges on the 1954 school decision by the Supreme Court. However, I believe that more lawyers disagree with it than agree with it. I cannot help feeling that the Department of Justice has carefully selected for promotion only those who approve of and will continue to sustain that decision.

While it has been said that the Attorney General only makes recommendations to the President, it is a matter of common knowledge that of late—and particularly in the case of appointments to the Supreme Court—the recommendations by the Department of Justice have been conclusive.

I still have a vivid recollection of the first Supreme Court vacancy which the present administration was called upon to fill, namely that created by the death of Chief Justice Vinson in September 1953. The then Attorney General, Mr. Brownell, made a secretive and what the press called a sudden flight to Sacramento for a conference with Gov. Earl Warren, of California.

Upon Mr. Brownell's return to Washington, the newspapers reported with no air of doubt that Mr. Warren would be appointed the new Chief Justice on the basis of Mr. Brownell's recommendation to the President. Indeed, the headline in the New York Times of September 29, 1953, proclaimed: "Warren Slated for Appointment as Chief Justice—Action by Monday—Brownell to Urge Choice on President."

The following day, on September 30, President Eisenhower confirmed Mr. Brownell's selection of Mr. Warren as Chief Justice. I read the President's announcement from a transcript of the press conference:

> I could start off, I think, by confirming something that is certainly by no means news any more, and that is I intend to designate Gov. Earl Warren as Chief Justice of the United States.

Mr. President, I submit that this episode involving Mr. Warren's appointment shows clearly that the Justice Department did something more than merely make a recommendation. Since that first appointment, the Department's role has been no less influential in the selection of Supreme Court Justices.

The Eisenhower administration has now appointed four members of the Supreme Court, not counting the pending nomination of Justice Stewart. If his nomination shall be confirmed, he will be the fifth. The other four Justices have participated in various desegregation cases and have concurred in the astounding decision of the Supreme Court in the school cases of 1954.

In that decision, the Court undertook to rewrite and amend the Constitution by denying the States the right to operate separate but equal schools for the races. It found on the basis of textbooks and other writing on psychology—not lawbooks—that segregated schools were inherently unequal and a violation of the 14th amendment.

That decision overturned more than 75 years of law, history, and precedent upholding the right of the States to maintain separate schools for white and Negro children.

It not only reversed the judicial precedents established by a long and unbroken line of decisions written by eminent judges of the U.S. Supreme Court; it likewise struck down a number of decisions by supreme courts of States, including States wherein the movement for the adoption of the 14th amendment had originated.

It ignored the fact that 24 of the 37 States that made up the Union in 1868, at the time of submission of the 14th amendment, continued or adopted segregation statutes.

It disregarded the fact that Congress itself—which is supposed to have the sole authority to apply the 14th amendment—had explicitly sanctioned the right of the States to maintain separate but equal school facilities after the 14th amendment was ratified.

Furthermore, the present Court, as noted by Professor Wechsler in his Holmes lecture at Harvard last month, has extended the strange doctrine laid down in the school cases to other public facilities, such as transportation, parks, golf courses, bathhouses, and beaches This has not been done by decisions explaining the Myrdal doctrine in detail, as was the case in the school decision, but by per curiam orders which give no explanation.

It is no wonder that the trend of recent decisions by the Supreme Court has provoked mounting criticism from the most reputable and responsible sources.

The chief justices of the several States have voiced grave concern over the tendency of the Supreme Court to press extension of Federal power and to press it rapidly through its interpretation of the 14th amendment in the school cases and others.

Judge Learned Hand could well have been thinking of the school decision when he said:

> Another supposed advantage of the wider power of review seems to be that by the

moral radiation of its decision a court may point the way to a resolution of social conflicts involved better than any likely to emerge from a legislature. In other words, courts may light the way to a saner world and ought to be encouraged to do so. I should indeed be glad to believe it, and it may be that my failure hitherto to observe it is owing to some personal defect of vision; but at any rate judges have large areas left unoccupied by legislation within which to exercise this benign function. Besides, for a judge to serve as communal mentor appears to be a very dubious addition to his duties and one apt to interfere with their proper discharge.

Judge Hand is recognized by impartial members of the bench and bar throughout the Nation and, indeed, throughout the world, as one of the greatest judges ever to adorn the Federal bench. I must say that under the policy which now prevails in the Department of Justice of submitting nominations for Justices of the Supreme Court, I do not believe Judge Hand could ever have been nominated. It may be the reason why he never was nominated. He has been recognized as a great and outstanding judge for two or three decades. He is much too independent, and the Department of Justice could not know in advance whether he would accept their views and paraphrase their briefs in any case.

In view of the mounting criticism, the Court has now adopted the novel policy in cases in this legal area of having all nine of the judges "sing" decisions in chorus. In the case of Cooper against Aaron, Mr. Justice Warren and his eight colleagues all saw fit to sign the decision as authors. They do not state whose hand held the pen, but, from my standpoint, it appears that more than one had his hand on the pen. That probably accounts for some of the conflicts which appear in that decision.

I have not checked to see whether this is another first on the part of this Supreme Court, but in my study of the decisions of that body I have never run across any other decision where all of the judges found it necessary to coauthor a decision.

It is also worthy of note that not only did each and every Justice sign his name, but the Court pointed out that the three judges who had come onto the Court since the Brown decision all held to the same view.

That was a remarkable procedure. What was its purpose? It seems to me to have been an attempt to intimidate the judges of the lower courts, including the State courts, as well as citizens generally who might disagree with and protest against the decision of the Supreme Court.

Mr. President, appointment to the Supreme Court of course has been considered one of the greatest honors that could be conferred on any lawyer. I am not surprised that the Department of Justice has been able to find four or five appointees who are willing to become ardent disciples of Mr. Warren and who are willing to disagree with the legal giants of the past—such as Chief Justices Taft and Stone and Associate Justices Holmes and Brandeis—on the interpretation of the rights and powers of the States under the 14th amendment.

However, Mr. President, it is remarkable that none of the able men in the country who disagree with that philosophy—namely, that the Court has the power to amend the Constitution—and who are eminently qualified to serve on the Supreme Court have been selected for nomination and appointment to the Court.

Mr. President, on May 17, 1954, the day the Brown decision was rendered by the Supreme Court, I issued a statement in which I pointed out the danger to our system of government when the Attorney General, as the political spokesman of the administration, dictates to the Supreme Court. I referred to the great danger inherent in permitting the Attorney General, as the political spokesman of the Government, to influence directly or indirectly the decisions of the Court. Every event since I issued that statement has confirmed my conclusion that for political reasons the Department of Justice, through its process of screening and recommendation, can deny appointment to the Supreme Court to any lawyer or judge, however able he may be, who does not agree with the Department's position and does not approve of its part in the original decision in the Brown case.

Mr. President, the people I am honored to represent are more concerned over the violence done our Constitution by that decision and those which have followed it than by any other issue before the country. Under this system, as I have stated, it is impossible for any person who does not represent the views of the Department of Justice to be appointed to the Supreme Court.

Mr. President, in order to protest against this system and against the unconstitutional decision of the Supreme Court that this system is devised to protect, I shall be compelled to oppose all nominations to the Supreme Court that are a product of this system and of this philosophy.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD, as a part of my remarks, the statement I issued on May 17, 1954, dealing with this original decision.

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

STATEMENT OF SENATOR RICHARD B. RUSSELL, OF GEORGIA, ON SUPREME COURT DECISION IN SCHOOL SEGREGATION CASES, MAY 17, 1954

The decision of the Supreme Court in the school cases is a flagrant abuse of judicial power. It strikes down the right of the States, plainly guaranteed by the Constitution, to direct their most vital local affairs. It reverses and nullifies numerous decisions handed down by courts composed of real lawyers and experienced judges confirming the authority of the States to regulate the State-supported school system.

It is a clear invasion of the prerogatives of the legislative branch of our Government of divided powers. It demonstrates that the Supreme Court is becoming a mere political arm of the executive branch of the Government.

The Attorney General is now the political spokesman for the party in power. This has been particularly true of the present administration and its predecessor in office. Where political implications and pressure groups are involved, the Attorney General consistently intervenes in an effort to influence the votes of these groups in key States. This is true even where the United States is not a proper party to the case. The Court then supinely transposes the words of the briefs filed by the Attorney General and adopts the philosophy of the brief as its decision.

In the instant decision, the Court again proclaims its inability to maintain its position as a coequal and coordinate branch of the Government, by requesting the advice of the Attorney General in formulating its final decrees.

The decision is unique in one respect. For the first time, the Court admittedly substitutes psychology for law and legal precedent in construing the Constitution. If we are to permanently abandon law and precedent in favor of psychology, the rights of the American people should not be subjected to the findings of amateur psychologists whose chief background and experience is in the field of practical politics. Either trained psychologists should be added to the personnel of the Court; or, at the least, provision should be made for a Court psychologist of proper qualifications to appear with the Attorney General to help the Court in formulating its rulings.

In its grasping for more and more power, the executive department is now using the Court as its pliant tool to acquire the authority to direct every activity in the life of our people from Washington. This is making mere satrapies out of once sovereign States.

Ways must be found to check the tendency of the Court to disregard the Constitution and the precedents of able and unbiased judges to decide cases solely on the basis of the personal predilections of its members as to political, economic, and social questions. Unless this is done, the Court will bring about the destruction of the dual system of government which has enabled this country to achieve its present greatness.

The decision in this case will cause great confusion and will work a hardship on thousands of innocent people. It may well result in the destruction of the common school system of some States.

Mr. TALMADGE. Mr. President, will my colleague yield to me?

Mr. RUSSELL. I am glad to yield to my colleague, Mr. President.

Mr. TALMADGE. Mr. President, I desire to commend my distinguished senior colleague for the remarks he has made about this appointment. I associate myself with his remarks. I think one of the most calamitous things which has ever occurred in the history of our country has been the trend in recent years to appoint judges, not for what they knew, but for what they would do. We have witnessed a revolution in our country, a revolution which has taken place from the bench of the Supreme Court of the United States. We have seen the Constitution of the United States of America amended in fact by judicial usurpation. People are alarmed about this trend—not only the people of the great State my colleague and I have the honor to represent, but people throughout the length and breadth of the country.

Mr. RUSSELL. It is not confined to any area.

Mr. TALMADGE. Certainly it is not. That is clearly borne out by the fact that the chief justices of the supreme courts of all the States of the Union have severely criticized the United States Supreme Court. As I recall, the vote was

approximately 36 to 8, among the chief justices of the supreme courts of the States of the Union.

We have also seen the American Bar Association—which normally refrains from any criticism of any court—adopt resolutions regarding this trend of the Court. Many newspapers and magazines throughout the country, in all parts of the land, have become alarmed about it.

With reference to the question of confirmation of the nomination of Associate Justice Potter Stewart, let me say that I do not know whether my colleague has had occasion to read the decision in the case of *Henderson* v. *Bannan,* cited as 256 Federal 2d, at page 363.

Mr. RUSSELL. I am not familiar with that decision, I regret to say.

Mr. TALMADGE. That case deals with a Negro who raped a white woman in Michigan. He was apprehended. He plead guilty. He was sentenced to life imprisonment.

Then a writ of habeas corpus was issued in behalf of James Henderson; and the issue finally reached the Circuit Court of the United States for the Sixth District. At that time Justice Stewart dissented; he wanted to release the criminal in that case.

The strange thing was that he was the only judge who took that position. The case went all the way from the trial judge in Michigan to the U.S. Supreme Court. The decision was affirmed, of course, by the judge who tried the case. The decision was also affirmed by eight judges of the Supreme Court of Michigan. The decision was reviewed by three Federal court judges, before it went to the U.S. Supreme Court. It was participated in by most of the Justices of the U.S. Supreme Court. Yet, among all that vast array of legal talent, State and Federal, Associate Justice Potter Stewart is the only one who dissented and took the position that the criminal should be freed after he had committed that atrocious crime.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the decision referred to and the dissent therefrom, in the case of *Henderson* v. *Bannan.*

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

JAMES HENDERSON, APPELLANT, *v.* WILLIAM H. BANNAN, WARDEN, APPELLEE, No. 13208—U.S. COURT OF APPEALS, SIXTH CIRCUIT, JUNE 4, 1958

Habeas corpus proceeding by accused who, on the same day, was arrested and was sentenced in State court to life imprisonment on his plea of guilty to rape charge. The U.S. District Court for the Eastern District of Michigan, Arthur F. Lederle, chief judge, denied the petition for the writ, and the petitioner appealed. The Court of Appeals, McAllister, circuit judge, held that where accused understood the rape charge against him and accused knew whether the act of intercourse was with the girl's consent, in which event he would be innocent, or whether it was by threat of killing her, in which event he would be guilty, and accused knew that he could be sentenced to life imprisonment on his guilty plea, the failure of Michigan trial court to appoint counsel for accused did not constitute denial of due process of law.

Affirmed.

Stewart, circuit judge, dissented.

1. Habeas corpus (85.5(4, 9)): In habeas corpus proceeding by State convict who, on the same day, was arrested and was sentenced in State court to life imprisonment on his plea of guilty to rape charge, record failed to show that rape case was rushed through in order to keep accused from obtaining counsel, changing his plea, and requesting a trial.

2. Habeas corpus (85.5(2, 4)): In habeas corpus proceeding by accused who, on the same day, was arrested and was sentenced in State court to life imprisonment on his plea of guilty to rape charge, record disclosed that accused was arraigned before a justice of the peace and that accused waived examination.

3. Habeas corpus (85.5 (2, 7)): In habeas corpus proceeding by accused who, on the same day, was arrested and was sentenced in State court to life imprisonment on his plea of guilty to rape charge, evidence failed to show that accused was denied permission to get in touch with his brother or that his confession and guilty plea were induced by fear of mob violence.

4. Criminal law (264): Under Michigan law, where an accused is not offered legal counsel, he must establish, in order to invalidate a plea of guilty, that because of lack of counsel, an ingredient of unfairness actively operated in the process that resulted in his being sent to prison.

5. Habeas corpus (85.5 (4, 9)): In habeas corpus proceeding by accused who, on the same day, was arrested and was sentenced in State court to life imprisonment on his plea of guilty to rape charge, evidence disclosed that accused knew the consequences of his guilty plea and that he knew that he was entitled to counsel, and that he did not request counsel.

6. Constitutional law (268): Due process does not require that counsel be made available to defendants in a criminal prosecution, except in certain cases; it is only when, because the defendant does not have the benefit of counsel, an ingredient of unfairness actively operates in the process resulting in his conviction, that there is a denial of due process (U.S.C.A., constitutional amendment 14).

7. Constitutional law (268): Where accused understood the rape charge against him and accused knew whether the act of intercourse was with the girl's consent, in which event he would be innocent, or whether it was by threat of killing her, in which event he would be guilty, and accused knew that he could be sentenced to life imprisonment on his guilty plea, the failure of Michigan trial court to appoint counsel for accused did not constitute denial of due process of law (U.S.C.A., constitutional amendment 14).

8. Constitutional Law (268): That a counsel, if appointed for accused, might have advised accused to plead not guilty to rape charge, and might have obstructed and delayed the prosecution as much as possible and might have compelled the complaining witness to submit to cross-examination, did not justify the conclusion that there was a denial of due process because of failure of trial court to appoint counsel for accused (U.S.C.A., constitutional amendment 14).

Ernest Goodman, Detroit, Mich. (Goodman, Crockett, Eden & Robb, G. Leslie Field, Detroit, Mich. on the brief), for appellant.

Samuel J. Torina, Lansing, Mich. (Thomas M. Kavanagh, attorney general, Daniel J. O'Hara, Perry A. Maynard, assistant attorneys general, on the brief), for appellee.

Before McAllister, Miller and Stewart, circuit judges.

McAllister circuit judge.

This is an appeal from an order of the district court denying appellant's petition for a writ of habeas corpus.

Appellant was arrested on August 5, 1942, for the crime of rape. He pleaded guilty on that day and was sentenced to life imprisonment by the circuit court for Macomb County, Mich. More than 5 years after he had been sentenced to prison, on October 20, 1947, appellant filed with the Circuit Court for Macomb County an application for leave to file a delayed motion for a new trial and to set aside the sentence imposed upon him. In his motion for a new trial, he set forth among other contentions, that his constitutional rights were disregarded on his trial, and that he did not have the assistance of counsel. He further set forth that he had not known the full consequences of a plea of guilty; but he did not claim that he was innocent of the crime charged. The circuit court thereafter denied appellant's application to file a delayed motion for a new trial, on March 31, 1948.

On June 24, 1952, a further motion for a new trial was filed by counsel presently representing appellant. The circuit court for Macomb County denied this motion also.

Thereafter, application for leave to appeal to the Michigan Supreme Court was filed, and, in June 1953, was denied without opinion.

A petition for a writ of certiorari was then filed with the U.S. Supreme Court; but before that court had taken any action upon the application, the Michigan Supreme Court, on the petition of the Attorney General of Michigan, in 1953, remanded the case to the circuit court of Macomb County for the purpose of taking additional evidence, and for reconsideration.

On the remand, the circuit court for Macomb County heard 12 witnesses in open court, including appellant, and in a written opinion, again denied the motion for a new trial.

An appeal was taken to the Michigan Supreme Court, which, in a comprehensive opinion, *People* v. *Henderson* (343 Mich. 465, 72 N.W. 2d 177) affirmed the order denying a new trial. Thereafter, a motion for rehearing was denied. Subsequently, a petition to the U.S. Supreme Court for a writ of certiorari was denied (351 U.S. 967, 76 S. Ct. 1033, 100 L. Ed. 1487).

After the conclusion of all the above proceedings, appellant filed the petition for a writ of habeas corpus in this case, on August 1, 1956, in the district court, and, on December 21, 1956, Judge Lederle, after filing findings of fact and conclusions of law, denied the petition for the writ. From the denial of the petition, appeal was taken to this court.

On this appeal from the order of the district court denying the writ of habeas corpus, Henderson claims: (1) That his conviction and sentence were not in accordance with the due process clause of the 14th amendment, under the circumstances disclosed by the record, since he was without legal counsel and was not offered counsel; and (2) that appellant was denied due process, under the circumstances disclosed by the record, since his plea and conviction took place at a specially convened night session of the court, and that he pleaded guilty because of fear of action by a mob then surrounding the courthouse.

The more detailed factual background of the case, as appears from the State court hearing on the plea of guilty, is as follows: Appellant, a Negro, had resided in Mount Clemens, Macomb County, Mich., for about 7 years before the incidents herein related. On the morning of July 29, 1942, he obtained a job at a tavern near Mount Clemens. This job required that he live on the premises. At about midnight of his first day of work, the manager of the tavern asked a waitress,

who was a young married white woman, to drive appellant, in her car, to the place where he stayed in Mount Clemens, in order that he could pick up his clothing, and then to bring him back to the tavern. She agreed, and proceeded to drive appellant to the place where he stayed. It was during this drive that, after midnight, she claimed rape occurred. Immediately thereafter, appellant disappeared. In the morning, the woman filed a complaint against him, charging him with the crime of rape committed against her. It appears that appellant went that night to Detroit, afterward to Ypsilanti, and then to Chicago where he got a job for a few days. He subsequently went to South Bend, Ind., and on August 5, came back to Ypsilanti, on his way to Mount Clemens, where he had been waiting to be drafted into the Army. He returned because he thought the time had arrived for the draft. While in Ypsilanti, he stopped with friends who told him that the police had been at their home looking for him; and they showed him a newspaper stating that he was wanted for rape. Appellant's friends then told him that if he were not guilty, he had better go back to Mount Clemens and see what he was wanted for. Appellant replied to them that there was nothing for him to do except turn himself in. He went to the State police office in Ypsilanti and identified himself. The State police then took him to their barracks near Detroit, where the Mount Clemens police met him and took him to the jail in Mount Clemens. Appellant stated that he was questioned at the jail and that he there signed a confession. Some hours later, he was taken to the courtroom of Judge James Spier, the circuit judge for Macomb County, about 10 p.m. Thereafter, Judge Spier arrived and opened court about 10:20 p.m. The case against appellant was then called and the information which charged him with rape was read, in open court. There then took place a comprehensive questioning and examination by Judge Spier, and by the prosecuting attorney.

PROCEEDINGS ON PLEA OF GUILTY

Judge Spier first inquired of Henderson whether he knew what he was charged with, and appellant replied that he did. In answer to the questions of the court, appellant stated that he wanted to plead guilty of his own free will; that nobody had threatened him, or "beat up" on him, or promised him anything to get him to plead guilty; and that the reason he pleaded guilty was because he had actually forced the woman to have intercourse with him. In response to questions of the prosecuting attorney, appellant stated, in open court, that he had wanted to tell the prosecutor "all about it" when the latter came to the jail; that the prosecutor had explained what his constitutional rights were; that everything the appellant told the prosecutor was of his own free will, and done with knowledge that it could be used against him; that he wanted to make a full confession and get the matter over; that he was told, by the prosecutor, that no threats or promises or inducements of any kind could be made or offered to get him to make any statement; that no one could in any way intimidate him or use any force to make him confess; that no such tactics were used upon him, by any police or law enforcement officer; and that no one had laid hands upon him, or touched him.

Appellant told the court, further, that he had never seen the woman before that one day that he worked at the tavern, where she was a waitress. He stated that his job was to rise early in the morning, to clean the place up. It was understood that he was to stay out of the public part of the tavern. Appellant further stated that the manager of the place, in his presence, had asked the young woman if she would drive appellant to his place to get his clothes; and that she, at the request of, and as an accommodation to the manager, agreed. Appellant then told the court that, that night he had with him a piece of steel about 14 inches long, with black cloth around it; that, after the young woman had driven him a certain distance, he took the steel out of a bag and "made out" that it was a knife; that he then threatened her with the "knife," to frighten her into submitting to intercourse with him; that he made her stop and get out of the car; that the girl was in fear of her life, because of his threats with the knife, and told him: "Don't hurt me, I will do anything you want"; and that, because of her fear of being killed, she let him have intercourse with her. After getting into the car again, he had her continue to drive and then forced her to have intercourse again with him; that "the second time I did not threaten her, but I guess she was still scared from the first time from seeing (the knife) so she said 'put it away, I am going to do what you said.'" In answer to the question of the circuit judge, appellant stated that when he had intercourse with the girl, he knew she was in fear of her life and that that was the reason she submitted. Finally, on the highway to Detroit, appellant had the car stopped and got out. He stated that he had taken everything the girl had in her purse, amounting to $2.90. She had practically no gasoline left, and when he was leaving her in the midst of the country, sometime after midnight, and had no money to get any gas, as he told the court, he gave her back 50 cents of the money that he had taken from her.

Appellant at the time he pleaded guilty, told the court that he had previously been convicted of robbery, unarmed, in Detroit, Mich., and had been sentenced to serve 1 to 10 years. After serving 18 months in the Ionia Reformatory, he had been released. Appellant had also been arrested in Cleveland, Ohio, for having intercourse with a girl under the age of consent, but told the court that he had been released because it had taken place in a disorderly house. He further admitted to Judge Spier, at the time of the hearing on his plea of guilty, that he had had syphilis, but had been cured. As to appellant's knowledge of the fact that his guilt of the rape might carry a life sentence, appellant stated that, in spite of that fact, he would not change his plea because he knew he was guilty and that there was no use trying to fight it.[1]

A reading of the long and comprehensive examination of the appellant in open court, by Judge Spier and the prosecuting attorney, that runs to 27 printed pages, leaves the impression that both the sentencing judge and the prosecuting attorney were actuated by a sincere desire to accord to appellant his constitutional rights; to ascertain the facts; to make sure that appellant understood what he was charged with committing, and that his plea of guilty was of his own free will, and was not made as the result of threats, promises, or inducements of any nature, by police officers or law enforcement authorities of any character, and that no one had used any force upon appellant—that no one had laid any hand on him or ever touched him.

After the extensive examination of appellant, and upon the motion of the prosecuting attorney for the maximum sentence on the ground that Henderson was guilty not only of rape but of armed robbery, and that he was not "the type that should ever be allowed to mingle with society again," the court imposed a life sentence.

MOTION FOR A NEW TRIAL

In his motion for a new trial, or, in the alternative, a motion for leave to file a delayed motion for a new trial—under the liberal Michigan practice in such cases—which was here filed 10 years after he had been sentenced, appellant contended that the sentence was illegal and void for the reason that he had been interrogated, arraigned, convicted, and sentenced "without the advice of counsel or the opportunity to obtain an attorney, without the counsel of friends or the opportunity to communicate with friends, without a public trial, without the interrogation of the complaining witness against him, and solely on the basis of a confession of guilty made by the defendant following threat of mob violence by persons gathered outside the court building at the time." Appellant, in his motion, further contended that the trial, conviction, and sentence, under the circumstances set forth in his attached affidavit, constituted a denial of due process, contrary to the provisions of the 14th amendment to the Federal Constitution; that appellant confessed to the crime of rape only because of the circumstances surrounding his detention and interrogation, and because of the threats made against him, and not because he was guilty of the crime; that he would not have pleaded guilty if he had had the opportunity of consulting with counsel or friends or relatives, and if the entire proceedings had not been hastily rushed through at a closed night session, during a period of approximately 3 hours; that he was entitled to have his guilt or innocence determined by an impartial jury at a public trial, with sufficient time for preparation, after being afforded the right of counsel, without intimidation by a hostile mob outside the courtroom and after presentation of evidence against him, and particularly the testimony of the complaining witness; and that there had been a substantial miscarriage of justice and denial to defendant of his rights under the Michigan and Federal Constitutions, which could only be rectified by the granting of a new trial.

Appellant's motion for a new trial was based upon his affidavit attached thereto, in which he set forth a number of alleged facts, which he claimed sustained his motion for a new trial.

Among the sworn statements in his affidavit attached to his motion for a new trial, appellant set forth that he was interrogated in the Mount Clemens jail, on the evening of his arrest, by the chief of police and the justice of the peace; that he had denied that he was guilty of the crime of rape and told them of the incidents which had occurred during the night of July 29, and the early morning of July 30, 1942, negating any such crime or intent to commit any such crime; that while he was in the cell at the Macomb County Jail, several policemen told him that a mob had gathered on the outside of the jail and that unless he confessed to the crime, they would turn him loose to the mob; that thereafter, and at approximately 9 p.m., to the best of his knowledge and belief, he was taken out of the cell and

[1] In reply to Judge Spier's questioning on this point, appellant answered:

"Q. You know the seriousness of what you have done? A. Somewhat, sir.

"Q. What kind of sentence you think you ought to get? A. I am ready for anything that is supposed to come to me.

"Q. What? A. I am will for anything supposed to come to me, sir.

"Q. You know it carried a life sentence, do you? A. I didn't know that, no sir, I didn't know that, sir.

"Q. Do you have any idea what kind of sentence it carried? A. Somewhat, sir. I have heard of cases, sir.

"Q. What? A. I have heard of several cases, sir.

"Q. The fact it might carry a life sentence, that make any difference in your plea of guilty? A. I wouldn't change my plea because I know I am guilty; no use trying to run around—trying to fight it."

led through a tunnel from the jail to the Macomb County Courthouse and there taken by elevator to the ninth floor where he was brought into the courtroom of Judge Spier; that while in the courtroom, he was further interrogated by police, detectives, and officials in an effort to obtain from him a confession of the crime; that he continued to deny that he had committed any crime and requested that his brother or some other member of his family be called so that he could talk to them. This and similar requests were denied. That during the period of this questioning, a police officer told him to look out of the window to the street below, that a mob had gathered and that he would be turned loose to the mob if he did not confess. That he did look through the window and saw a large number of people below, some of them looking up in his direction. That as the interrogation continued, he again asked to see a relative or a lawyer. He was advised by the persons who were interrogating him to confess to the crime. He was told by one of the persons who interrogated him that he would get a break if he confessed. He asked on several occasions why the police didn't bring the complaining witness to court. He was told that she was not available. Finally, despondent, under the continuous questioning and because of the lack of a friend, adviser, or lawyer, by reason of the threat of the mob on the street below and despite the fact that he then knew, as he does now, that he was innocent of the charges against him, agreed to confess to the crime of rape which he did not commit. All of these claims formed the principal basis of appellant's contention that his conviction and sentence were illegal and void, and that he had been deprived of due process of law.

In addition to the foregoing, appellant set forth in his affidavit attached to his motion for a new trial, that shortly after 10 p.m. on that same day of his arrest, Judge Spier convened court; that numerous statements were made by the judge and the prosecuting attorney, and that he was questioned at considerable length, during which questioning he admitted that he had committed the crime of rape; that during the entire period he was in the courtroom, it was not open to the public, and no members of the public, to the best of his knowledge and belief, were even permitted to come into the courtroom, and that the only persons present were the court officials, attachés, police, detectives, and newspaper reporters; that so far as he knew, appellant was not arraigned before the justice of the peace, nor was he asked to waive an examination, nor did he do so; that he was sentenced at approximately 11 p.m., and taken by the police to the prison in Pontiac, and the following day to the State prison at Jackson. Appellant further set forth that he had obtained copies of the Mount Clemens daily newspaper published on July 30, July 31, and August 6, 1942, "with respect to the threats and the mob," which he attached to his motion for a new trial; and appellant deponed that the information was true to the best of his knowledge and belief.

DENIAL OF NEW TRIAL

In denying appellant's motion for a new trail, Judge Spier in a detailed opinion that runs to 10 printed pages found that appellant's statements in his affidavit attached to the motion for a new trial were untrue, and that the principal claims set forth were, to the personal knowledge of the court, completely false.

As to the contention that appellant pleaded guilty because of fear of a mob, Judge Spier found, in his opinion denying the motion for a new trial, that the claimed existence of a mob was a fabrication. In discussing this aspect of appellant's claim, the court referred to appellant's affidavit in support of his motion for a new trial, in which he swore that he had been taken out of his cell and led through a tunnel from the jail to the Macomb County Courthouse. The court found that this statement was false, as there was no such tunnel in existence, and that the only way prisoners could be taken from the jail to the courthouse was across a main thoroughfare, to the opposite side of the street where the courthouse was located. The salient point of this circumstance is obvious. If there was a mob gathered around the courthouse when appellant was removed from the jail to be taken to court, he would have seen the mob at that time and have been obliged to pass through the mob to get to court. But, of course, he did not pass through such a mob; nor did he claim that he did; nor did he claim that he saw a mob when he came from the jail to court. To account for the fact that he did not see the mob at that time, and was not forced to pass through the mob to get to court, he had recourse to the story of the tunnel; and the only explanation why he concocted the story of the tunnel must be that he had remembered, from the time he was previously sentenced in Detroit, on the charge of robbery unarmed, that, in that city, prisoners came from the jail through a tunnel to the courthouse; and he, evidently, assumed that there was also such a tunnel at Mount Clemens. But his statement was false.

As to appellant's statement in his affidavit that when he was taken to the courtroom, during the period before the judge appeared on the bench, he looked through one of the windows of the courtroom and could see the mob below in the street, the court observed that the affidavits of the officers who were in charge of appellant at that time declared that appellant had not been allowed to go about freely in the courtroom; that he was kept close to them; and that at no time, was he near any window. Furthermore, Judge Spier found that "Because of abutments it is physically impossible to see the street or sidewalks from the courtroom windows where defendant was arraigned, with the exception of one window from which can be seen the intersection of streets and sidewalks located one block west of the intersection on which the jail is situated. Neither the jail, nor street intersection located there, nor the sidewalk between the jail and the main entrance of the county building, can be seen from this one and only unobstructed window." Judge Spier further stated, in his opinion denying the motion for a new trial, that if there had been any unusual number of people interested in the proceedings, there was nothing to stop them from coming into the building or courtroom; that all doors were unlocked at the time, and an elevator was running for public use, as other public gatherings were going on in the building; and that defendant's affidavit itself indicated that only the usual persons customarily found present at arraignments—even at morning or afternoon sessions, namely, newspapermen and court attendants—were present. Judge Spier went on to say, in his opinion, that he himself would have been aware if there had been any unusual number of persons either around the jail or the courthouse, and would have had a lasting memory of such a situation; that, in his experience of 23 years as a judge, there had never been the formation of a mob, in connection with any case before his court, and that there had never been even an intimation of such a mob, prior to the filing of appellant's affidavit. In finding that the allegation of the existence of a mob was a fabrication, the court stated that it was based upon a newspaper article that had quoted the officers as merely saying that their fear of violence was the reason for asking for an immediate hearing; but that the news article in no way intimated the existence of imminence of any mob, or even curious groups; and that the affidavits of the officers showed that no mob existed.

With regard to appellant's claims that he had been in fear of a mob because of statements of officers at the jail before he had admitted his guilt, and that he had been denied opportunity to advise with his friends, the court remarked that he had every opportunity, while before the court, to make known any such desire in the course of the free discussion that took place at the time of his plea of guilty and his questioning, which, as mentioned, extended through 27 printed pages of the record. The court further observed that appellant had some familiarity with court proceedings since he had been through an identical experience in 1936 when he pleaded guilty in court; and that, then, the next day, he had changed his plea to not guilty, and had a lawyer appointed; and then had later pleaded guilty again. Judge Spier mentioned after reviewing the record, that appellant, at the conclusion of his examination in open court, had finally stated: "I wouldn't change my plea because I know I am guilty; no use trying to run around trying to fight it."

While Judge Spier declared that false statements by officers to an accused, of threatened or probable mob violence could readily be held to be sufficient grounds for a new trial if the accused were intimidated thereby—even though no actual mob ever existed—nevertheless, in this case, appellant had destroyed the reliability of his claims as to threats or intimidation, by falsely swearing to the actual existence of a mob, and to having seen it with his own eyes.

In the course of his opinion denying the motion for a new trial, on January 15, 1953, Judge Spier observed that appellant had previously filed, on October 23, 1947, an application for leave to file a delayed motion for a new trial and to set aside the sentence, together with a motion for a new trial and a writ of habeas corpus ad testificandum, as well as a brief in support of the motion for a new trial and to set aside sentence; that these papers consisted of 50 typewritten pages; that the motion was argued before the court on February 9, 1948, by counsel who had filed appearance for appellant 3 weeks prior to that time; that, on February 24, 1948, the court had filed a 15-page opinion denying the motion for a new trial, analyzing the principal grounds on which it had been submitted and argued, namely, the absence of counsel for the defendant at the time of arraignment; that on March 31, 1948, the motion was denied; that on May 15, 1948, counsel for appellant filed a motion for rehearing of the motion for a new trial; that in neither of the motions was there any claim that appellant had been intimidated, or that he was innocent; that the court had read every paper filed by appellant or his counsel during the 10-year period, subsequent to his plea of guilty, and that nowhere did appellant, or his counsel, make any claim that he had entered his plea of guilty by reason of any fear or intimidation or threats of violence, or mob violence, nor did any of these papers filed by appellant or his counsel discuss any claim, or give any intimation that appellant was not guilty of the crime to which he had pleaded guilty; and that the entire claim and theory of appellant and his counsel in all the proceedings during that 10-year period was only that he had been denied his constitutional rights, in that he was not represented by counsel at the time of his arraignment. In this regard, Judge Spier said that neither the Constitution nor the decisions of the Supreme Court requires that counsel be appointed in every case, when not requested; that appellant had every opportunity to make such a request; that there was no denial of this right; that the court knew, and the record showed that appellant knew

what he was doing when he pleaded guilty; and that he knew the possible consequence of his plea.

Accordingly, Judge Spier found that appellant had not pleaded guilty as a result of fear or intimidation; that the plea of guilty was voluntarily made; that the court was satisfied that the defendant was guilty of the offense charged; and that he pleaded guilty because of that fact.

As above mentioned, after entry of the order denying the motion for new trial, appellant filed, with the Michigan Supreme Court, application for leave to appeal, which that court denied. Appellant then filed application for a writ of certiorari to the U.S. Supreme Court, and while that application was pending, the Supreme Court of Michigan, on motion of the attorney general of that State, set aside its order denying leave to appeal, and remanded the case to the court below for the purpose of taking testimony in the trial court from witnesses who might have knowledge of the truth or falsity of appellant's assertions.

HEARING ON REMAND

On December 28 and 29, 1953, the testimony of all witnesses desired by either the appellant or the prosecution was taken in open court. Appellant was present with his counsel at all times, and unlimited cross-examination was accorded appellant's counsel. Appellant himself took the witness stand; and the prosecuting attorney confined his cross-examination to the sole issue of appellant's claim that his plea of guilty was induced by fear and intimidation. The court found that there was obvious falsity in some of the basic allegations in appellant's affidavit; that, for instance, appellant's claim of a lengthy interrogation and threats while in the courtroom to get him to confess was false—he had already signed a confession in jail; that the claim that there was "a mob in the street below" was false; and that appellant's claim that he was led through the tunnel was false—there was no tunnel. The court further considered other claims of appellant: that he had denied to the officers that he was guilty of any crime; that he had been told there was a mob outside the jail; that there had been threats to turn him loose to the mob, if he did not confess; that his requests to see his brother, or other members of his family, while in the courtroom; and that he had been taken to a courtroom window by an officer and shown a mob, or a large number of people on the street, some of them looking up in his direction. Every one of these allegations, said the court, had been denied by several witnesses under oath. Sergeant Campbell also testified that he heard Chief of Police Rosso ask appellant if he had an attorney or wanted one, and the appellant replied no, that he would like to get it over with as soon as possible. It is not necessary to augment the details of all the facts and circumstances. The trial court observed that appellant had just procured a job in the tavern. "If he were innocent of any wrongdoing that night, why did he not return to that job and keep up his contact with his newly found and willing (as he claims) sexual outlet? Is it not more logical to assume that, having assaulted, and had intercourse with a married woman, he disappeared for a few days, banking on the possibility that the victim would not want to face the disgrace and publicity of making a criminal complaint, which frequently happens, especially in the case of a married woman with children; and that when he found she had made a complaint, he gave himself up, and, as he said, 'wanted to get it over with as soon as possible'?"

However, the trial court recognized that "there are certain features of the case requiring the closest scrutiny of all testimony of all parties. Those are the rapidity of the disposition of the matter, and the calling of a night session of the court." But, the court went on, as to the actual arraignment, there was nothing hasty; the appellant had been examined at length in an atmosphere and surroundings that were quiet and free from any tension or antagonism and questioned by a judge who did all he could to make sure the defendant knew what he was doing and what he wanted to do. The trial court, after the remand, denied the motion for a new trial.

APPEAL

On leave granted, appeal was taken from the denial of the new trial to the Supreme Court of Michigan, which, in a comprehensive opinion by Mr. Justice Boyles, speaking for a unanimous court, held that the record left no room for doubt that appellant was guilty of the crime of rape to which he had pleaded guilty 10 years before; that the claim that he was induced to plead guilty by coercion and fear was not supported by the record; that the fact that there had been such a speedy trial did not establish that justice required that appellant be given a new trial; and that appellant, having pleaded guilty, was not entitled, under the Constitution, to a trial to determine his guilt, since his plea of guilty was not refused, or set aside, by the trial court. The order denying the motion for a new trial was, accordingly, affirmed (343 Mich. 465, 72 N.W. 2d 177).

A petition to the U.S. Supreme Court for a writ of certiorari was subsequently denied (351 U.S. 967, 76 S. Ct. 1033, 100 L. Ed. 1487).

HABEAS CORPUS

In his petition in the district court for a writ of habeas corpus, appellant alleged that his detention was in contravention of the U.S. Constitution in that his confession was induced by fear of mob violence; that he was denied a public trial; and that he was denied the right to counsel.

After discussing all of the various State court proceedings, and the decision of the Supreme Court of Michigan in the case, the district court, in its conclusions of law, held that appellant's claim that his confession was induced by fear of mob violence had been given full and fair consideration by the State courts, and no sound reason had been advanced why the district court should not accept the State court's determination that this claim was false, citing *Brown* v. *Allen* (344 U.S. 443, 73 S. Ct. 397, 97 L. Ed. 469). The court further held that, while it was admittedly unusual for court proceedings to be held at 10 p.m., it appeared that the courthouse and courtroom were open for any spectators that had wanted to attend, and that receiving appellant's plea of guilty at that time did not introduce such an element of unfairness into the proceedings as to justify voiding the sentence. With regard to the fairness of proceedings without counsel for a party, in noncapital cases, that, said the court, depended on the circumstances of the case, the most important of which was the ability of the accused to understand the charges against him and the consequences of his plea of guilty without the aid of counsel; and the court held that the record of the case affirmatively shows that the petitioner understood the charge made against him, and that he could be sentenced to life imprisonment on his plea of guilty.

In conclusion, the district court held that the petitioner had failed to sustain the burden of proving such a disregard of fundamental fairness in the imposition of punishment by the State as would justify a Federal court's invalidating the sentence by reason of the due process clause, citing *Quicksall* v. *People of State of Michigan* (339 U.S. 660, 70 S. Ct. 910, 94 L. Ed. 1188), and *Brown* v. *Allen*, supra; and the court denied the writ.

(1) Appellant claims that while the fear of mob violence motivated the police and prosecutor in the lightning rapidity with which they expedited the proceedings, Judge Spier had a different motivation—concern that the appellant might obtain counsel, change his plea, and request a trial. In the argument before this court, appellant's counsel stressed, more than any other consideration, this claimed motivation of Judge Spier—that the case was rushed through to keep appellant from obtaining counsel, changing his plea, and requesting a trial. This claim is based upon a statement Judge Spier made during the oral argument on the motion for a new trial, before remand by the Michigan Supreme Court. We are of the view that this contention is based upon a misreading of an excerpt of Judge Spier's comment at that time, and appears to be an unjustified reflection upon the judicial competence and character, as well as the humane concern, of the judge for this accused man. A reading of the judge's observations during the oral argument is convincing that the judge was not motivated by any consideration of preventing appellant from obtaining counsel, changing his plea, and having a trial.

Because of the paramount importance attached by appellant's counsel, to the trial judge's observations as disclosing the alleged motivation of the judge to prevent appellant from obtaining counsel, and, in order to place the matter in its proper perspective, which indicates the true concern of the trial judge that appellant should know what he was charged with, and that the court should be certain his plea was voluntary, a more extensive part of the judge's observations during the oral argument for a new trial—including the excerpt relied upon by appellant—is set forth in the margin.[2]

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[2] During the argument on the motion for a new trial, Judge Spier made the following observations:

"I should make some statement here in respect to the practice that used to exist some 10 to 20 years ago and previous, the practice that still continues, I think counsel will find, in many rural areas, holding court at any hour of the day or night at convenience of the public officials, witnesses, parties interested, and that was the practice in this circuit until I doubt if it happened within the past 8 or 10 years. This is 10 years ago this happened. I think we are fairly safe in saying that is about the time the practice ceased. It is not to be commended in criminal cases. I think those of us engaged in judicial work have frowned upon it and through our practice and conclusions because of the fact in some instances it did result in injustice, resulted in the adoption of court rules which now practically stop this objection of so-called speedy justice.

"The court rules now outline the proceeding to be followed and they also prescribe that before sentence the defendant should be referred to the probation department. In other words, we are constantly putting safeguards around anyone accused of an offense to insure fair and impartial consideration under any and every circumstance. I think I can safely say that perhaps the most difficult work of any judicial officer, the thing that causes him to lie awake nights, is the worry and fear that in some moment of haste or inadvertence there may be an injustice committed, particularly in a criminal case where the liberty of an individual is involved. For that reason I think that every court should exhaust every means at hand to ascertain that the party brought before him knows what he is doing and understands the nature of the charge against him, and that he enters any plea of guilty freely and voluntarily, without any intimidation or force. That certainly has been the practice of the courts in this circuit.

(2) Appellant stresses, as one of his principal points indicating that he was wrongfully denied counsel, the fact that, upon the remand by the Michigan Supreme Court to the circuit court of the motion for a new trial, he testified, on arraignment before the Justice of the Peace, that he asked the Justice "why they wouldn't let me call my brother and why wasn't it possible to have an attorney," and that, to this plea, the Justice's only answer was that there was nothing he could do and that his hands were tied; and that this testimony of appellant was uncontradicted by the Justice or by the assistant prosecutor who was present. At the hearing, as previously stated, the testimony of all witnesses desired by either the appellant or the prosecution was introduced, and unlimited cross-examination was accorded by the Court to both parties. Neither the Justice of the Peace nor the former Assistant Prosecutor was called as a witness by either party. But the testimony of appellant that the justice of the peace stated that "his hands were tied" and that he could do nothing about letting appellant call his brother, or secure an attorney, was strongly rebutted by other testimony on the part of the prosecution.

In his affidavit for a new trial, appellant swore that, as far as he knew, he was not even arraigned before the justice of the peace, "nor was he asked to waive an examination, nor did he do so," although he testified that he knew the Justice in question personally. The return to the circuit court of Frank E. Jeannette, the justice of the peace, shows that appellant was brought before him, that the charge of the crime was distinctly read to him, and that he thereupon expressly waived an examination before the Justice, as to the matters charged in the complaint and warrant. While, in his affidavit for a new trial, apellant stated he was not arraigned and did not waive an examination, he did not, in his subsequent testimony, mention any claim that he was not arraigned, or that he did not waive examination; and, therefore, it appears from the record of arraignment, and from the testimony of other witnesses, that the statements in appellant's affidavit that he was not arraigned before a justice of the peace, and that he did not waive examination were without any foundation.

(3) During appellant's examination as a witness on the hearing of the motion for a new trial, after remand, he was questioned as to whom he asked, during the course of the evening, for permission to get in touch with his brother, and his answer was: "I just made my appeal in general to anybody when I was in the office and they wouldn't listen. Several times, it wasn't done once, several times."

Sgt. Stanley Campbell and Sgt. Eugene Smith, the police officers who brought appellant from the State police barracks to Mount Clemens testified that appellant freely admitted the rape to them on the trip to Mount Clemens, and told them he wanted to get it over as soon as possible. Campbell testified that when appellant was first put in his cell, Chief of Police Rosso asked him if he had an attorney, or wanted an attorney, and that he said, "No, he would like to get it over as soon as possible." Chief Rosso's testimony was not available, in this regard, as he had died before the last hearing. Sergeant Campbell's testimony that appellant said he did not want an attorney was uncontradicted. Sergeant Smith testified that appellant had freely told what had happened; that he made no denial; and that his admission of what had taken place was so close to what had been told by the young woman who had made the complaint against him of rape that there was no need of further investigation in the matter. "We were satisfied, because of the two stories coinciding as they did, that Mr. Henderson was telling us the truth when he made this admission." When Sergeant Smith was asked whether appellant was interrogated by police, detectives, and officials in the courtroom, before Judge Spier took the bench, in an effort to obtain from his confession of the crime, as appellant had claimed in his affidavit, Sergeant Smith answered that no such interrogation was made; that he and Sergeant Campbell were sitting in the courtroom on either side of appellant, "and because of the fact, as I have already told you, that he willingly told us the entire story, there was nothing further to question him about." As to appellant's claim that officers continued their efforts to obtain a confession from appellant in the courtroom before Judge Spier arrived, this appears in-

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"As I say, some 10 years ago or better this practice of entertaining pleas of guilty during the evening hours was not infrequent, although no longer practiced. Now, the purpose back of that was purely one of disposing of the case promptly; secondly, for the reason that it is a known fact that a party arrested and accused, associating over in jail any length of time with more experienced criminals, very often was talked into fighting the case regardless whether he was guilty or innocent, and very often advised that it cost him nothing to put up a fight, why plead guilty, the State will appoint an attorney. It resulted in many times trials that resulted in the same net expense, except it was at considerable more expense to the taxpayers and no injustice to our knowledge was incurred other than—well, I can't say * * * no, because there have been cases before me that I have set aside pleas of guilty because I was satisfied that the respondent did not know his full rights, he had not had experience before, or for some reason I was not satisfied that the plea was free and voluntary.

"It happens every year. I recall certainly not less than 2 years ago one Negro boy case that was remedied. I think any court will be quick to set aside a plea of guilty and sentence where the court feels there is any question about the voluntariness of such a plea, but back in those years at the request of the prosecutor or State police, it was occasionally resorted to—we have someone who has confessed, has waived examination, and they want to dispose of it, before he changed his mind. That is, frankly, the situation that used to exist. There were occasions then when the court was opened, the building was opened, the elevators were running, the public had access to the courtroom, the parties would be openly brought across and arraigned, if they were not out on bond, and arraignment and plea entered and record made here.

"That apparently was done in this case, the unusual feature being that he had only been arrested that same afternoon apparently. Now, counsel is correct in saying that is a circumstance to be carefully considered in determining whether or not the plea was a free and voluntary one. Counsel is correct on the other points he has raised. We have no quarrel whatever with any of the law counsel cited. He is correct, and I will say counsel very ably presented the picture in taking advantage of every point that apparently could be raised in this case.

"Counsel is absolutely correct in saying that had there been the least intimation there was a mob or threats made that the court should not have accepted such a plea. There apparently is nothing in the record or anything about any mob or crowd or group or threats made against the defendant, only his own affidavit now made 10 years later, but somewhere along the line apparently subsequent to the other motion for a new trial there must have been some intimation made to the court because there was some inquiry made at that time and the court was informed that there was no truth of the mob story insofar as any mob was concerned, that there were six or seven people, curiosity seekers, around the jail, such as would normally be found where there had been an arrest and police cars come in with someone under arrest. There was no undue commotion or 'unusual crowd.' That is not to say this defendant might not be informed there was, but from the factual standpoint the court was informed at that time. I do not understand why there is not some affidavit in that respect in the record but we will have to take the record as it is. We have only the mob article. We are bound to take the point that newspaper writers are bound to seize upon the spectacular and prone to exaggerate for the purpose of making a story sometimes. That standing all by itself, the newspaper article would certainly not justify granting a new trial.

"Another circumstance which we should consider carefully is the fact that this respondent filed—and obviously with the help of somebody because he certainly had help and advice in order to prepare—the pages are not even numbered, but there are obviously some 30 pages of typewriting in very legal language—counsel has probably perused it—he had some assistance in filing a motion which was heard here in 1948, February, and at that time, even though apparently counsel who argued the motion did not prepare the motion, he had full opportunity, of course, and presumably did, interview the respondent, covered the motion, and, with a reputation as capable attorneys, firm well known, most presumably have taken advantage of every angle, every then existing reason for seeking a new trial.

"Now, there is no point in any of those papers filed or in the argument was the claim made by the defendant—that was back in 1948 or 1947 when it was filed—that would be about five years after the offense—at no time did he make any claim then that the plea was not voluntary or that it was made by reason of any force or intimidation. The main issue was he was not accorded counsel which was guaranteed him under the Constitution. It is significant that he did not at any time up to that point deny he was guilty. He merely stated he was not accorded his rights in having counsel. That point was clearly argued. Every other point raised, none of them included this question of intimidation or this mob question.

"The Court gave it very careful consideration, great many hours spent in studying the case and lengthy opinion filed. Still there was no claim of any force or intimidation."

In his opinion denying the motion for a new trial, after remand by the Michigan Supreme Court, Judge Spier said:

"This type of problem is a source of great concern and worry, to the trial judge. He accepts the defendant at face value as he appears before the court. If he appears ill at ease, or worried, or frightened, his statements are not accepted without serious questioning, or further investigation However, when the defendant, as in this case, has been through the similar court proceedings before, and has asserted and been given his rights, and has every appearance of knowing what he is doing and wants to do, and indicates freedom of thought by denying certain details and correcting the court in others, the judge naturally places more reliance upon the defendant's own representations, appearance, and statements. When under such circumstances the defendant tells the court: 'I wouldn't change my plea because I know I am guilty; no use trying to runaround—trying to fight it,' the court believes him, unless there is something to indicate to the court to the contrary"

credible since appellant had already signed a confession prior to the time he was arraigned before the justice of the peace. Both Sergeant Campbell and Sergeant Smith testified that they were in the jail, while appellant was there, and were so placed that they knew who was talking with him; that no one threatened appellant with respect to a mob, or told him about any mob, contrary to appellant's claim in his affidavit and in his testimony; that appellant never asked permission to call anybody, or to get in touch with anybody; that he never said he was not guilty; that he said he was guilty; and wanted to get it over as soon as possible.

There is no evidence that anyone said anything to appellant about a mob, except his own statement; and appellant's testimony in this regard, was denied under oath by several witnesses. An attempt was made to attribute statements, intimidating appellant, to Chief Rosso, who died 5 years after appellant's plea of guilty. No charge, however, was actually made that Mr. Rosso had ever, in any way, intimidated appellant or had ever mentioned anything to him about taking precautions against demonstrations by angered citizens. It does appear that Chief Rosso, because of the nature of the case, did consider that precautions should be taken; but appellant knew nothing about this at the time of his plea of guilty, or for a long time afterwards. But all of the claim of mob action appears to have subsequently taken form as a result of appellant's learning of certain newspaper articles after he had been sent to prison. In the articles, Chief of Police Rosso was quoted as saying that half a dozen men, neighbors of the woman who was attacked, visited the jail the night of July 30, 1942, threatening to avenge the crime. Appellant was arrested 5 days later, and a news story was carried "rehashing," as the court said, "the previous story * * * and again referring vaguely to 'rumblings indicated possible violence from incensed Harrison Township acquaintances.'" Neither of these articles came to appellant's attention prior to his plea of guilty. The trial court referred to them by saying that "We are bound to take the point that newspaper writers are bound to seize upon the spectacular and prone to exaggerate for the purpose of making a story sometimes." The court further said: "There is every indication that the claim of threats was an afterthought and inspired by the newspaper articles, which were all based on one conversation some neighbors allegedly had with the chief of police, now deceased, on the night of the offense, and this was some 6 days prior to defendant's arrest and arraignment. All testimony clearly shows there were no untoward incidents of tension or unusual conditions or gatherings on the night of August 5, 1942" (the night appellant pleaded guilty). Further, the court said: "The news article in no way intimates the existence or imminence of any mob or even curious group. The affidavits of the officers also show no mob existed." And in his observations, during the argument of the motion for a new trial, the judge remarked: "That standing all by itself, the newspaper article, would certainly not justify granting a new trial."

In this case the Michigan courts did not believe appellant's allegations that he had not been allowed to communicate with his family, his friends, or a lawyer, and that his confession and plea of guilty had been induced by fear of mob violence; and appellant's testimony was disbelieved by the tribunal especially qualified to sit in judgment on his credibility. His claim that he had been brought through a tunnel between the jail and the courthouse while a mob surrounded the courthouse was proved to be entirely false—and was finally admitted to be, since there was no tunnel. His claim that he looked through the window of the courtroom and saw the crowd below was proved to be false, since it was impossible to see the street below from the window because of stone abutments. His claim that police officers rigorously questioned him to secure a confession while he was in the courtroom before Judge Spier opened court, seems unbelievable since he had already signed a confession before he had been arraigned before the justice of the peace. Opposed to his claim that he had repeatedly asked to see his relatives and a lawyer is the testimony of the officers that, when they first went to bring him to Mount Clemens after he had surrendered to the authorities, he had freely admitted the crime, and later told the chief of police that he did not want a lawyer but wanted to get the matter over with as soon as possible. The examination of appellant by Judge Spier in open court, the absence of tension or antagonism during the proceeding, the detailed questioning by the judge, in quiet surroundings, in an effort to find the true facts, the denial by appellant of certain details, and correcting other details, of his story, the statement by appellant that he would not change his plea, even if it resulted in a life sentence, because he knew he was guilty, all contribute to give his answers during the examination the imprint of truth, and negate coercion and intimidation.

Appellant's explanation why he failed to return to his job after 1 day of work, as well as his explanation why he left the State for several days immediately after the claimed crime, undermine his credibility as a witness from still another aspect, in addition to his claim that he came through a tunnel, and that he had seen a mob as he looked from the courtroom window.

It is to be recalled that the girl who filed the charge of rape against appellant was a young, white, married woman, living with her husband, and with a child 4 years old. She had never seen appellant until the night when she was asked by her employer to drive appellant to his place so that he could pick up his clothes there, and then return him to the tavern. Appellant himself stated that he had never seen the girl before, did not know who she was, and had not even heard of her previously. Appellant was a man 25 years old, who had been married, but was not living with his wife. He had previously been arrested in Cleveland when he had intercourse with a girl under age, but was released because the girl was in a disorderly house. He had had syphilis. He had been convicted of robbery unarmed, and served more than a year and a half in prison. The first time, appellant says, that he thought of having intercourse with the girl, in this case, was after she had started to drive him from the tavern to his home to get his clothes that night. He had intercourse with her, in a matter of minutes after they left the tavern, which the girl charged was a rape, and which appellant, 10 years later, claimed, for the first time, was voluntary on her part. The last of the 2 occasions he had intercourse with her was just past midnight, on a lonely road in the country. Later, on the same day, the girl filed the criminal charge that appellant had criminally assaulted and raped her.

When appellant, on the hearing of the motion for a new trial, was asked the reason why he had disappeared that night and left the State, and why he had not returned to his job at the tavern, he gave this explanation: "Well, after having relations with this girl, she got afraid she would talk to her husband or somebody, and would come out, and would be some trouble, and she didn't think I should stay around, so having concern for herself and myself also, I decided the best thing maybe was to leave."

The conclusion that appellant's credibility was worthless appears inescapable, from this testimony, and from his testimony that his plea of guilty was induced by the fear of a mob which he saw gathered at the courthouse. The State court disbelieved appellant's claims, after giving them full and fair consideration. Since no sound reason was advanced why the district court should not accept the State court's determination that appellant's claims were false, the district court's conclusion in this regard should be sustained on the authority of *Brown* v. *Allen* (344 U.S. 443, 73 S. Ct. 397, 97 L. Ed. 469).

No request was made by appellant to Judge Spier for legal counsel.

In *Quicksall* v. *People of State of Michigan* (339 U.S. 660, 665, 70 S. Ct. 910, 913, 94 L. Ed. 1188), in a somewhat similar case, involving, however, a plea of guilty to a charge of murder, Mr. Justice Frankfurter, speaking for the Court, said:

"Petitioner makes no claim that he did not know of his right to be assisted by counsel, see Michigan Statutes Annotated, section 28.854 (Henderson 1938), Comp. Laws 1948, section 763.1 and in view of his 'intelligence, his age, and his earlier experiences in court,' the Supreme Court of Michigan rejected the notion that he was not aware of his right to be represented by an attorney (322 Mich. 351 at p. 355, 33 N.W. 2d 904, at p. 906. Cf. *Gryger* v. *Burke* (334 U.S. 728, 730, 68 S. Ct. 1256, 1257, 92 L. Ed. 1683)). Since the Michigan courts disbelieved petitioner's allegations that he had not been allowed to communicate with his family, his friends, or a lawyer, and no request was made by him for legal aid, the only question is whether, in the circumstances of this case, the failure of the record to show that he was offered counsel offends the due process clause.

"At least 'when a crime subject to capital punishment is not involved, each case depends on its own facts' (*Uveges* v. *Commonwealth of Pennsylvania* (335 U.S. 437, 441, 69 S. Ct. 184, 186, 93 L. Ed. 127); *Betts* v. *Brady* (316 U.S. 455, 462, 62 S. Ct. 1252, 1256, 86 L. Ed. 1595)). To invalidate a plea of guilty the prisoner must establish that 'for want of benefit of counsel an ingredient of unfairness actively operated in the process that resulted in his confinement' (*Foster* v. *People of State of Illinois* (332 U.S. 134, 137, 67 S. Ct. 1716, 1718, 91 L. Ed. 1955); see *Gibbs* v. *Burke* (337 U.S. 773, 781, 69 S. Ct. 1247, 1251, 93 L. Ed. 1686)). Here petitioner's claim * * * was disbelieved by the tribunal especially qualified to sit in judgment upon its credibility. See *Wade* v. *Mayo* (334 U.S. 672, 683-684, 68 S. Ct. 1270, 1275-1276, 92 L. Ed. 1647). In the light of what emerged in this proceeding upon a scrutiny of what took place before the same judge 10 years earlier, when petitioner's plea of guilty was tendered and accepted, it would stultify the due process clause to find that any right of the petitioner was infringed by the sentence which he incurred" (*Foster* v. *People of State of Ilinois*, supra (332 U.S. at p. 138, 67 S. Ct. at p. 718); *Bute* v. *People of State of Illinois* (333 U.S. 640, 670-674, 68 S. Ct. 763, 778-780, 92 L. Ed. 986)).

(4) In the Quicksall case, as appears, appellant therein, at the time he pleaded guilty, had not requested counsel, and the court did not offer to appoint counsel for him. Appellant in the instant case, as in the Quicksall case, made no claim that he did not know of his right to be assisted by counsel. As the trial court found, he was familiar with criminal proceedings. He had been arrested in Cleveland, in connection with the underage girl. "He had been arrested in recorder's court, Detroit, pleaded guilty to robbery unarmed, changed his plea to not guilty, then upon the State furnishing him with a lawyer, who consulted with him in jail, he pleaded guilty on his lawyer's advice,"

and served a term in prison. From the decision in the Quicksall case, it appears that where an accused is not offered legal counsel, he must establish, in order to invalidate a plea of guilty, that because of lack of counsel, an ingredient of unfairness actively operates in the process that resulted in his being sent to prison. In the instant case, the district court held that appellant had failed to establish such a disregard of fundamental fairness in the process that resulted in his imprisonment by the State, as would justify the district court in invalidating the sentence by reason of the due process clause of the U.S. Constitution.

Appellant relies on *De Meerleer* v. *People of State of Michigan* (329 U.S. 663, 67 S.Ct. 596, 91 L.Ed. 584), in which it was held that, under the circumstances of that case, a sentence to life imprisonment on a plea of guilty, entered without benefit of counsel, was a denial of due process. In that case, the defendant, who was a boy 17 years old, of limited education, being confronted with a serious criminal charge, was hurried through unfamiliar legal proceedings, and the court did not explain to him the consequences of his plea of guilty. None of those circumstances are present in the instant case.

Since the argument of this case, our attention has been directed by counsel for appellant to the recent case of *Moore* v. *State of Michigan* (355 U.S. 155, 78 S. Ct. 191, 195, 2 L. Ed. 2d 167). There the defendant in a case in which he was charged with rape and murder was offered counsel by the court, but refused the offer, and pleaded guilty. After serving 12 years of a life sentence, he made application for leave to file a delayed motion for a new trial, which was denied by the State trial court, and the State Supreme Court affirmed. On certiorari to the U.S. Supreme Court, the judgment was reversed, and the case remanded for further proceedings, in a five to four opinion. In the prevailing opinion, the Court held that the defendant was denied due process, inasmuch as he did not intelligently and understandingly waive his right to counsel, and that the trial court should have appointed counsel for him in spite of his disavowal of a desire to have such counsel, and the circumstances of the case compelled the conclusion that the defendant's rights could not have been fairly protected without the assistance of counsel.

In the Moore case, the court pointed out that the defendant, at the time of his plea of guilty, was 17 years of age, and had a seventh grade education; that the record showed possible defenses which might reasonably have been asserted at trial, but that the extent of their availability raised questions of considerable technical difficulty obviously beyond the defendant's power to comprehend; that one of these possible defenses, shown by the record, was insanity, and another such defense, shown by the record, was mistaken identity; that the proceedings to determine the degree of murder, the outcome of which determined the extent of punishment, introduced their own complexities, and that with the aid of counsel, the defendant might have done much to establish facts and make arguments which would have mitigated the sentence. The court went on to say that the defendant developed evidence at the hearing on the delayed motion for a new trial which sustained his burden of showing that the disavowal of a desire for counsel was not intelligently and understandingly made, and was not a waiver; that this evidence was not known to the trial judge who sentenced him, and was brought out on cross-examination of the county sheriff on the hearing of the delayed motion, and concerned conversation between the sheriff and defendant before the petitioner confessed to having committed the crime. In this regard, the sheriff testified that he had told defendant that if he was guilty, "he might better own up on it because I says there could be trouble. Tension is very high outside, and there could be trouble." The sheriff testified he told him that if he was not guilty, "I would stand pat forever after." He further told him that he would have to take him to municipal court for his arraignment, and then back again; that he would be entitled to a hearing in the lower court. He then said that he told the defendant: "It is my duty and it is up to me, to protect you, to use every effort at my command to protect you, but I says, 'the tension is high out there and I am just telling you what could happen if it was started by someone' * * * what I was putting over to him was the fact that if you are guilty and will be sent away, you might better be getting away before trouble, because I had information there was certain colored fellows, a group of them that was going to interfere with me, and also that there was a bunch of Holland fellows going to meet me when I go to Jackson, they would meet me there at Galesburg there, and, therefore, when he was sentenced, I avoided the main route and went way through by Gull lake and across over in the hills there."

Although the trial court rejected defendant's testimony as unworthy of belief, the Supreme Court pointed out that, in this instance, the sheriff corroborated the defendant who testified that the sheriff had told him "that if I didn't plead guilty to this crime, they couldn't protect me, under those conditions, they says, during the riot they didn't know what people they would do, and that they couldn't protect me." Defendant further testified he pleaded guilty because of this statement of the sheriff, and said: "After the man tell me he couldn't protect me then there was nothing I could do. I was mostly scared than anything else." With regard to the circuit court's finding that the sheriff's testimony was insignificant because other evidence showed there was no mob or riotous gathering, and that there was nothing to indicate defendant had been coerced into a false plea, or that he had been placed in fear of insisting upon his constitutional rights, the Supreme Court held that it was of no moment that the situation described to the defendant by the sheriff did not exist, and that expectation of mob violence planted by the sheriff in the mind of the boy raised an inference that his refusal of counsel was motivated to a significant extent by the desire to be removed from the jail at the earliest possible moment. "A rejection of Federal constitutional rights," said the court, "motivated by fear cannot, in the circumstances of this case, constitute an intelligent waiver. This conclusion against an intelligent waiver is fortified by the inferences which may be drawn from the age of the petitioner * * *, and the evidence of emotional disturbance * * *."

None of the circumstances deemed controlling by the court in *Moore* v. *State of Michigan*, supra, are present in the instant case.

Instead of a 17-year-old boy, there is, here, a man 25 years of age; instead of a 7th grade education, an 11th grade education; instead of a possible defense, as disclosed by the record, of insanity, no such evidence; instead of a possible defense, as disclosed by the record, of mistaken identity, an admission of identity, with only the question, in this regard, whether the complaining witness consented to the act; instead of a boy with limited mental capacity, a man "whose self-possession, conduct, and demeanor on the stand, showed him," as the trial court stated, "to be a very intelligent and aggressive personality, keenly alert to his legal rights and defenses, as borne out by his handling of his answers and testimony"; instead of a defendant whose vital testimony was corroborated as truthful by the chief witness for the prosecution, a defendant whose principal statements were demonstrably false; and instead of a defendant who was motivated, to a significant extent, in pleading guilty, by the expectation of mob violence—and the desire to be removed from the jail, and to prison—admittedly planted in his mind by the sheriff, we have, in the instant case, a defendant, all of whose claims of intimidation and inducement of his plea of guilty because of fear of mob violence, are either patently false, or are denied by several witnesses under oath. The circumstance that the chief of police, now deceased, was afraid that there might be mob violence, when the appellant was arrested, was never communicated to appellant, according to the testimony of the two officers who were in charge of appellant, and were present whenever the chief of police saw him. As the trial judge stated: "False statements by officers to an accused, of threatened or probable mob violence, could readily be held to be sufficient grounds for a new trial, if the accused were intimidated thereby, even though no actual mob ever existed. However, as pointed out, the accused here has destroyed the reliability of his claims of threats or intimidation by falsely swearing to the actual existence of a mob." In view of this record, the trial court was not obliged to accept appellant's uncorroborated testimony that the officers intimidated him and induced him to plead guilty by threats of mob violence, or by communicating such fears to him, in the face of the direct testimony on behalf of the State that there was no such intimidation or communication to him.

One other recent case appears deserving of consideration in this regard. In United States ex rel. *Savini* v. *Jackson* (2 Cir. 1957, 250 F. 2d 349), the court had occasion to pass upon the appeal of the respondent from an order of the district court granting a writ of habeas corpus on the petition of Savini, who had been sentenced by the New York State court under the State multiple offender law, penal law, McKinney's Consolidated Laws, chapter 40, section 1941, as a second offender. The first offense claimed had resulted in petitioner's conviction of rape in a State court in Michigan. Thereafter, in various proceedings, he had attempted to review the validity of the conviction, variously, by petitions for writs of error coram nobis, which were denied. On appeal, the Supreme Court of Michigan had vacated the last order denying his petition for a writ of error coram nobis, and directed a hearing, and remanded it to the lower court for a hearing, if and when Savini found it possible to be present in open court. He was, however, then imprisoned in New York and could not arrange for such required presence. He thereafter filed a petition for a writ of habeas corpus in the District Court for the Northern District of New York, in which the court, after finding that appellant had exhausted his State court remedies, took jurisdiction of the case, and granted the writ.

The factual background was as follows: Savini, the petitioner for the writ, was a man 21 years old, married, and a private in the U.S. Army, on duty at Fort Custer at the time of the claimed offense. He was arrested on a charge of rape, and after a night in solitary confinement, was arraigned the next morning. When, on his arraignment, an information was read, charging him with rape, he immediately pleaded guilty. In answer to questions from the court, he stated his plea was given without inducement by promise of leniency, or by coercion. After an interview with the judge in his chambers, Savini was immediately thereafter sentenced to a prison term of from 7½ to 15 years. He had never been advised that he was entitled to counsel—and did not have counsel. On the hearing of the petition for the writ of

habeas corpus in the district court in New York, he testified, without contradiction, that, at the time of the alleged offense, both the prosecutrix, whom he had met for the first time on the date of the offense, and he himself were intoxicated; that, at his arraignment, he was scared and confused; that he never understood the implications of the charge, and the consequences of his plea of guilty; that although he could not deny he had committed the offense, he did not actually know that he was guilty either. He had not been advised what could be a defense to the charge, which, among others, was that specific intent might be negatived by proof of voluntary intoxication.

The district court found that, in the Michigan case, Savini had failed to understand and appreciate the gravity of the offense charged; that he was unaware of his right to be represented by counsel; and that he was ignorant of the consequences of his plea.

(5) The Savini case is distinguishable in all important aspects from the instant case. In the Savini case, the uncontradicted and unimpeached evidence, on the hearing, showed that the petitioner had a defense to the charge, and that he did not know it; that he did not know he could have had counsel, and did not know what might be the consequences of a plea of guilty. The evidence in the instant case shows that, according to appellant, he knew he did have a defense but did not assert it because of fear—although his present claimed defense is impeached by overwhelming evidence. The evidence further shows that he knew he was entitled to counsel; and that he knew of the consequences of his plea of guilty. In the Savini case, the court granted the writ on the ground that the circumstances were such as to lead to the conclusion that the petitioner was not given the traditional protection afforded persons charged with crime, because of the undisputed proof of ignorance on the part of petitioner as to what constituted the crime charged; because of petitioner's ignorance of his right to counsel; and because of petitioner's ignorance of the consequences of his plea. In the instant case, the district court denied the writ because it concluded that the State court, after full and fair consideration, had found that appellant's confession was not induced by fear of mob violence, and that there was no sound reason advanced why the district court should not accept the State court's determination that appellant's claim that his confession had been so induced, was false; that the record showed appellant understood the charge against him and the consequences of his plea; and that, subsequent to his confession and plea of guilty, appellant had failed to sustain the burden of proving such a disregard of fairness as would justify a Federal court invalidating the State court's sentence, by reason of the due process clause.

We have heretofore stated our concurrence in the reasons given by the district court for denial of the writ.

There remains for discussion and comment, the arguments most strongly emphasized by appellant with regard to the speed with which the criminal proceedings were conducted, and the failure of the trial court to appoint counsel.

It is argued by appellant that the speed of the proceedings was due to fear of possible mob violence; that this fear was communicated to the two officers guarding appellant; that it was also communicated to one of the assistant prosecuting attorneys; and that it was further communicated to a newspaper reporter. Yet the Michigan courts found, upon substantial evidence after a full hearing, that appellant's testimony that he had been told of, or was aware of such possible mob violence, was false. The district court accepted such finding, and as pointed out in the accompanying opinion, this court also properly accepts such finding. In sum, there is before us for determination no question of appellant's pleading guilty because of being intimidated by fear of mob violence. He was not so intimidated.

(6, 7) In conclusion, there is only the final argument to be considered—whether the failure of the trial court to appoint counsel for appellant in this case resulted in his conviction, and was, therefore, so unfair to him that it constituted a denial of due process of law. We are agreed that due process does not require that counsel be made available to defendants in a criminal prosecution, except in certain cases. It is only when, because a defendant does not have the benefit of counsel, and an ingredient of unfairness actively operates in the process resulting in his conviction, that there is a denial of due process. Clearly, there is no rule which requires the appointment of counsel for indigent defendants in all criminal cases in State courts *Betts* v. *Brady* (316 U.S. 455, 62 S. Ct. 1252, 86 L. Ed. 1595). As said in that opinion, failure to have counsel or denial of counsel is not automatically lack of due process. The question is to be tested by an appraisal of the totality of facts in a given case. "That which may, in one setting, constitute a denial of fundamental fairness, shocking to the universal sense of justice, may, in other circumstances, and in the light of other considerations, fall short of such denial" (316 U.S. at p. 462, 62 S. Ct. at p. 1256).

The cases have referred to circumstances which make the failure to appoint counsel constitute lack of due process. In *Betts* v. *Brady*, supra, the opinion refers to the situation where the defendant is unable to employ counsel and is incapable adequately of making his own defense "because of ignorance, feeble-mindedness, illiteracy, or the like" (316 U.S. at p. 463, 62 S.Ct. at p. 1257). In *Wade* v. *Mayo* (334 U.S. 672, 68 S.Ct. 1270, 92 L.Ed. 1647), it is said that there are some individuals who, by reason of age, ignorance or mental capacity, are incapable of representing themselves adequately in a prosecution of a relatively simple nature and that where such incapacity is present, the refusal to appoint counsel is a denial of due process (334 U.S. at p. 684, 68 S.Ct. at p. 1276).

The case before us ultimately boils down to the question, whether by reason of such disability the trial court should have appointed counsel to represent appellant, even though he did not request it. On this issue, some statements made in *Wade* v. *Mayo*, supra, seem particularly pertinent. It is there said that this incapacity is purely personal and can be determined only by an examination and observation of the individual; and the court indicates that the finding on this issue is a purely factual one, peculiarly within the province of the trial judge, which finding should be accepted unless clearly erroneous.

In the instant case, the district court pointed out that the important question, in this regard, was the ability of the accused to understand the charges made against him and the consequences of his plea of guilty without the aid of counsel. The court then declared that the record of the case affirmatively showed that the appellant understood the charge made against him and that he could be sentenced to life imprisonment on his plea of guilty. This finding, in our opinion, was not clearly erroneous, and is controlling on the issue (*Wade* v. *Mayo* (334 U.S. 672, 683, 684, 68 S.Ct. 1270, 92 L.Ed. 1647)).

(8) It seems relevant, in the light of appellant's argument, to consider how he could have been helped by court-appointed counsel, and why failure of the court to appoint such counsel was denial of due process. The mere fact that such counsel might have advised appellant to plead not guilty, or to obstruct and delay the prosecution as much as possible, does not justify the conclusion that there was a denial of due process because of failure of the court to appoint counsel; nor does the fact that such counsel might have compelled the complaining witness to submit to cross-examination, result in failure of due process on the ground that such counsel was not appointed.

It is not meant to be suggested that appellant would have been convicted, whether he had counsel or not, and that, therefore, the question of counsel is unimportant. On the contrary, what is to be emphasized in this regard, is that appellant knew what he had been charged with; that he knew that his guilt or innocence depended upon the simple proposition of whether he had forced the girl, or whether she had consented; that, admittedly, appellant was under no fear or intimidation when he stated that he had forced her at knife point to submit to him; and that, assuming, as we must, that he was under no fear or intimidation when he admitted forcing the girl, appellant would not have needed a lawyer to furnish him with advice as to whether he was guilty. It is true that in some cases guilt of a criminal offense depends upon many complicated factors. But not in this case. If he forced her at knife point, he knew that he was guilty; if she consented, he knew that he was innocent. It was that simple.

If appellant was guilty of the crime of rape, he had the right to plead guilty and get it over with, as he said at the time, as soon as possible. It is not unusual for one accused even of a heinous crime to want to plead guilty, voluntarily, and be sentenced at once. The charge in this case was not complicated. Appellant knew whether the act of intercourse was with the girl's consent, in which case he would be innocent, or whether it was by threat of killing her, in which case he would be guilty. The only reason appellant gives for his pleading guilty now, 12 years after, is that he was intimidated into so pleading by threats of mob violence. But that claim has been resolved against him as false. Appellant does not now claim that he did not understand what he was charged with. On the contrary, he did understand what he was charged with. He does not claim that legal counsel would have been able to explain anything more about the charge than he already knew. If appellant was not subjected to intimidation or threats when he told the court that he forced the girl to submit to him by threatening to kill her if she refused, it is difficult to see how legal counsel could have helped him except to tell him not to plead guilty under any circumstances. If appellant knew that he was charged with forcing the girl to submit to him under threat of killing her; if he was not subjected to threats or intimidation by fear of violence, when he pleaded guilty, then, under the record before us, the trial court's finding that his plea of guilty was voluntarily and intelligently made, must be sustained; and if appellant intelligently and voluntarily pleaded guilty, and wished to get the matter over with as soon as possible, then the speed of the proceedings does not require that the conviction be set aside for denial of due process.

A careful reading of the proceedings, both on the original hearing and plea of guilty, and the proceedings on remand, indicate the most careful consideration by the trial judge; and the dispatch, now complained of, does not disclose that the trial judge himself was hurried, precipitous, or prejudiced in his consideration or determination.

During the hearing in open court, at the time of the plea of guilty, appellant gave a detailed circumstantial account of the places where he forced the girl to stop the car, and where, on two different occasions, he forced her, at knife point, to submit to him. His entire claim now is that she willingly consented to the intercourse; and his claim as to her consent is belied and contradicted by

the girl's swearing out a warrant charging him with rape, that same day.

Of course, it is not here suggested that it was unnecessary to give appellant an opportunity to consult a lawyer, because he had completed the eleventh grade of school, and was a man 25 years old, who had gone through one criminal case with court-appointed counsel. These facts are referred to, as showing that the trial court, the Michigan Supreme Court, and the district court were justified in their view that appellant's plea of guilty was intelligently and voluntarily made. These considerations, upon which the various courts based their determination, were, as heretofore mentioned, strikingly like those which were discussed, and controlled decision, in *Quicksall* v. *People of State of Michigan* (339 U.S. 660, 70 S. Ct. 910, 94 L. Ed. 1188).

Appellant's contention that the Government now claims that he did not need a lawyer, since he had completed the 11th grade in school and was familiar with criminal proceedings, is therefore, seen to be not at all what the Government claims. If such were the case, we would be confronted by a high-handed and arbitrary attitude of the Government. But that is not this case. In this regard, as above mentioned, the Government contends that, as the trial court found (and as is apparent from many parts of the record), appellant was an intelligent and aggressive personality, keenly alive to his legal rights and defenses, as borne out by the handling of his answers and testimony. Counsel may, at times overlook the fact that the trial court has a far better opportunity of judging the character and the intelligence of a witness with regard to his rights and his understanding of the questions asked him, than does an appellate court. The trial court is consequently a better judge, and, in law, the sole judge, of the credibility of such a witness and of the weight to be attached to his testimony; and we would act contrary to the firmly established principles of an appellate court's review of a trial court's findings if we were to ignore its conclusions as to an appellant's demeanor, intelligence, and credibility as well as his ability to understand the questions asked him. As far as appellant's statement that his request for counsel was denied, this was not claimed to have occurred before the court in which he pleaded guilty, but before the justice of the peace—and, in any event, rests only on appellant's own statement. In this, too, the Government's evidence is that, even prior to his appearance before the justice of the peace, appellant was asked whether he wished the opportunity to have counsel, and he clearly stated that he did not. If the Michigan trial court, and supreme court, as well as the district court accepted the Government's evidence in this regard, it would not seem proper for this court to reject such evidence, and accept, instead, appellant's testimony that he had always insisted on his right to counsel.

Appellant, in our opinion, has not shown that the trial court's failure to provide him with legal counsel resulted in fundamental unfairness to appellant in the criminal proceedings in the Michigan court.

In accordance with the foregoing, the order of the district court dismissing appellant's petition for a writ of habeas corpus is affirmed on the findings of fact and conclusions of law of Judge Lederle.

Stewart, circuit judge (dissenting).

I

Late in the afternoon of August 5, 1942, James Henderson learned from a friend that the police of Mount Clemens, Mich., were looking for him in connection with an alleged rape that had occurred a few days earlier. He went to the office of the State police, identified himself, and was taken into custody.[3] About 7:30 that evening he was turned over to the Mount Clemens police, and at about 8:30 p.m. was delivered by them to the Mount Clemens jail. Two and a half hours later he had been sentenced to prison for the rest of his life.

The brief period Henderson spent in the Mount Clemens jail was an eventful one. He was registered and fingerprinted. He was taken to the office of the police chief in the jail, where he was questioned by the chief, by his assistant, and by an assistant prosecuting attorney. At about 9:30 p.m., he signed a typewritten confession. Then, arraigned before a justice of the peace who had been summoned to the jail, he waived examination, and on default of bail of $100,000 was ordered held until the present term of the circuit court in and for said county to answer to such information as might be filed against him. The assistant prosecuting attorney next prepared and lodged an information charging Henderson with the crime of rape. Finally, at about 10 o'clock Henderson was taken to the courthouse across the street from the jail.

Court was convened at 10:20 p.m. The information was read, and Henderson pleaded guilty. He was then questioned as to the circumstances of the alleged offense by the same assistant prosecutor who had obtained his confession scarcely an hour earlier. He was also interrogated by the judge. The only others in the courtroom were the police chief, the two police officers in whose custody he had been since 7:30 p.m., another prosecutor, and the court stenographer. At no time during these proceedings in court was Henderson, thus friendless and alone, advised by the judge or by anyone else of a right to counsel, asked if he wanted counsel, offered the assistance of counsel, or given an opportunity to obtain counsel. When the interrogation was concluded the judge imposed sentence. Henderson was then hustled to another jail in a neighboring county where he was held overnight. On the following day he was transferred to the State prison to spend the remainder of his life.

II

What was the reason for these speedy proceedings in the dead of night? The motivation seems clearly to have been fear of possible mob violence.[4] The record shows that this fear was communicated to the two officers charged with guarding Henderson. It was communicated to one of the assistant prosecuting attorneys. It was also communicated to the press, and thereby to the general public.[5]

The day after Henderson's arrest and sentence the same newspaper carried an article which stated: "Moving with lightning rapidity to avoid possible mob violence, and at the same time, to mete out swift justice, Mount Clemens courts and law enforcement officers combined late last night to send a 27-year-old Negro to prison for the rest of his natural life following his confession to having twice attacked a 26-year-old white Harrison Township housewife.

"To minimize the possibility of violence the man, James Henderson, was rushed to Pontiac for safekeeping overnight and was picked up there by Macomb County deputy sheriffs this morning for transfer to the Southern Michigan Prison at Jackson." * * * "Held [the prosecutor] and Police Chief Arthur I. Rosso, both said that rumblings indicated possible violence from incensed Harrison Township acquaintances of the outraged white woman had prompted them to rush through arraignment and sentence of the confessed attacker."

At the hearing on the motion for a new trial Henderson testified that he too had been told of the authorities' fear of mob violence:

"A. I can't remember all the questions that was asked me. I do know during the course somebody was questioning me somebody would say now and then about hurry up and talk, they are not going to be responsible for me if the mob breaks in, they are not going to lose their lives protecting me."

The Michigan courts have found, however, that this testimony of Henderson's was false, and that the fear of mob violence which pervaded the jail and courtroom on the night he was sentenced was in no way communicated to him. That finding, made upon substantial evidence after a full hearing, was accepted by the district court and must be accepted here. This was conceded in oral argument by Henderson's counsel. Further discussion of this aspect of the case would therefore be bootless.

III

It is upon an issue quite different that my dissent is based. I am convinced that the undisputed circumstances made this a case where the intervention of counsel, unless intelligently waived by Henderson, was an essential element of the due process of law guaranteed by the 14th amendment of the U.S. Constitution.

It is of course settled that due process does not require that counsel be made available to every defendant in a State criminal proceeding: *Betts* v. *Brady* (1942, 316 U.S. 455, 62 S. Ct. 1252, 86 L. Ed. 1595). The principles which determine when it is that Federal organic law does require a State to give a criminal defendant in a noncapital case the opportunity to obtain the assistance of a lawyer have been elaborated in many decisions of the Supreme Court. *Smith* v. *O'Grady* (1941, 312 U.S. 329, 61 S. Ct. 572, 85 L. Ed. 859); *Rice* v. *Olson* (1945, 324 U.S. 786, 65 S. Ct. 989, 89 L. Ed. 1367); *Canizio* v. *People of State of New York* (1946, 327

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[3] "Q. And did anything arise there which prompted you to go to the State police? A. Mrs. Smith showed me a newspaper article stating there was a warrant out for me, which alleged the crime of rape, and the State police had been in her house looking for me.

"Q. She told you that? A. Yes.

"Q. So what did you then do? A. I read the article and asked if she believed I had done it and she said no and she asked me what I was going to do and I told here there was nothing else for me but to go down and turn myself in and I told here then, 'I will see you on Friday.'

"Q. Did you go to the State police office? A. Directly.

"Q. How did you go there? A. Walked."

[4] The record suggests only one other possible reason for rushing through the proceedings, a reason considerably less commendable. During argument of the motion for a new trial several years later, the trial judge observed: "* * * As I say, some 10 years ago or better this practice of entertaining pleas of guilty during the evening hours was not infrequent, although no longer practiced. Now, the purpose back of that was purely one of disposing of the case promptly; secondly, for the reason that it is a known fact that a party arrested, and accused, associating over in jail any length of time with more experienced criminals, very often was talked into fighting the case regardless whether he was guilty or innocent, and very often advised that it cost him nothing to put up a fight, why plead guilty, the State will appoint an attorney."

[5] Two days after the alleged attack Mount Clemens' only newspaper had published an article which stated: "Meanwhile, Rosso said that a half dozen irate Harrison Township men—neighbors of the woman—visited the jail last night where they threatened to avenge the crime. 'If you've got that ——— ———, we want him,' Rosso quoted them as saying."

U.S. 82, 66 S. Ct. 452, 90 L. Ed. 545); *De Meerleer* v. *People of State of Michigan* (1947, 329 U.S. 663, 67 S. Ct. 596, 91 L. Ed. 584); *Foster* v. *People of State of Illinois* (1947, 332 U.S. 134, 67 S. Ct. 1716, 91 L. Ed. 1955); *Gayes* v. *State of New York* (1947, 332 U.S. 145, 67 S. Ct. 1711, 91 L. Ed. 1962); *Bute* v. *People of State of Illinois* (1948, 333 U.S. 640, 68 S. Ct. 763, 92 L. Ed. 986); *Wade* v. *Mayo* (1948, 334 U.S. 672, 68 S. Ct. 1270, 92 L. Ed. 1647); *Gryger* v. *Burke* (1948, 334 U.S. 728, 68 S. Ct. 1256, 92 L. Ed. 1683); *Townsend* v. *Burke* (1948, 334 U.S. 736, 68 S. Ct. 1252, 92 L. Ed. 1690); *Uveges* v. *Commonwealth of Pennsylvania* (1948, 335 U.S. 437, 69 S. Ct. 184, 93 L. Ed. 127); *Gibbs* v. *Burke* (1948, 337 U.S. 773, 69 S. Ct. 1247, 93 L. Ed. 1686); *Quicksall* v. *People of State of Michigan* (1950, 339 U.S. 660, 70 S. Ct. 910, 94 L. Ed. 1188); *Palmer* v. *Ashe* (1951, 342 U.S. 134, 72 S. Ct. 191, 96 L. Ed. 154); *Chandler* v. *Fretag* (1954, 348 U.S. 3, 75 S. Ct. 1, 99 L. Ed. 4); *Massey* v. *Moore* (1954, 348 U.S. 105, 75 S. Ct. 145, 99 L. Ed. 135); *Commonwealth of Pennsylvania ex rel. Herman* v. *Claudy* (1956, 350 U.S. 116, 76 S. Ct. 223, 100 L. Ed. 126); *Moore* v. *Michigan* (1957, 355 U.S. 155, 78 S. Ct. 191, 2 L. Ed. 2d 167). It must be shown that for want of benefit of counsel an ingredient of unfairness actively operated in the process that resulted in the defendant's conviction. *Foster* v. *People of State of Illinois* (332 U.S. at page 137, 67 S. Ct. at p. 1718); *Gibbs* v. *Burke* (337 U.S. at p. 781, 69 S. Ct. at p. 1251); *Quicksall* v. *People of State of Michigan* (339 U.S. at p. 665, 70 S. Ct. at p. 913). Due process requires that counsel be afforded where it is shown that the lack of a lawyer's assistance made the State criminal proceedings so apt to result in injustice as to be fundamentally unfair (*Uveges* v. *Commonwealth of Pennsylvania; Moore* v. *Michigan; De Meerleer* v. *People of State of Michigan*, all supra).

The mere recital of the headlong succession of events which culminated in the imposition of Michigan's extreme penality in this case is enough to evoke grave doubt that the fundamentals of due process of law could have been observed without counsel to assist the defendant. A closer inspection of the record is even more revealing. For the record clearly shows that the help of a lawyer was essential to protect Henderson's rights.

The gloss which Michigan decisions have put upon the rape statute of that State has made the question of a defendant's guilt of that offense far from the simple matter that an ignorant layman might be led to believe (*United States ex rel. Savini* v. *Jackson* (2 Cir., 1957, 250 F. 2d 349, 353)). Thus the Michigan Supreme Court has held that to constitute rape "resistance to the utmost" is an essential element (*People* v. *Geddes* (1942, 301 Mich. 258, 3 N.W. 2d 266, 267)). It has held that if there has been "consent by the prosecutrix during any part of the act" the offense of rape cannot be committed (*Brown* v. *People* (1877, 36 Mich. 203)). In Michigan rape cases the court must, if requested by counsel, instruct the jury on each of the three cognate offenses of rape, assault with intent to commit rape, and simple assault (*People* v. *Jones* (1935, 273 Mich. 430, 263 N.W. 417)). Noting these distinctions which the Michigan courts have made, the court of appeals for the second circuit recently made an observation which applies directly here: "If in contemplation of State law a lay juror, to understand the essentials of the offense charged, needs such instruction, surely the lay accused, under the pressures normally attendant upon arraignment, needed more than the legal language of the formal information as it was read to him in the courtroom in order intelligently to formulate a plea" (*United States ex rel. Savini* v. *Jackson* (250 F. 2d 349, 353). Cf. *Mullreed* v. *Bannan* (D.C.E.D. Mich., 1956, 137 F. Supp. 533).

Instead of giving Henderson any intimation of the elements of the crime of which he was charged, and its included cognate offenses, the judge and the assistant prosecutor by a series of leading questions constructed the case against him. The following interrogation is illustrative:

"Q. Now, James, the first time you had intercourse with her you knew she was in fear of her life because of acts and words spoken at that time, is that right? A. That is correct.

"Q. She had no reason to presume other than what you would use violence to get her to have intercourse? A. That is correct.

"Q. She was in fear of her life at that time and that is the reason she submitted to your act? A. Yes."

Moreover, the entire transcript of the proceedings at the night court session reveals that the judge assumed the truth of the statement which had been made by the complaining witness, although she was not present, and although there is nothing to indicate that the judge had ever even seen her. At the very end of the interrogation, and a moment before sentencing the prisoner to life imprisonment, the judge stated: "If her story is true it is even worse than your story here today. There is no reason for doubting her story."

Finally, it is clear from reading the transcript that at the time he entered his plea of guilty Henderson did not know that it could result in a life sentence. When this fact was indicated to him late in the proceedings and after his responses to the judge's and prosecutor's leading questions had placed him in a completely irretrievable position, the vital information was imparted in a most tentative and hypothetical way:

"Q. You know it carried a life sentence do you? A. I didn't know that, no sir, I didn't know that, sir.

"Q. Do you have any idea what kind of sentence it carries? A. Somewhat, sir, I have heard of cases, sir.

"Q. What? A. I have heard of several cases, sir.

"Q. The fact it might carry a life sentence, that make any difference to your plea of guilty? A. I wouldn't change my plea because I know I am guilty; no use trying to run around—trying to fight it."

This record thus convinces me that the absence of counsel operated to deny Henderson the elements of due process of law under the circumstances of this case. Had a lawyer been available to assist Henderson, he first of all could have forestalled the precipitous haste of the proceedings. He could have investigated the prosecuting witness and checked her story against the surrounding circumstances. He could have investigated the possibility that, if not completely innocent, Henderson was not guilty of rape, but of a lesser included offense under Michigan law. He could have unequivocally explained to Henderson the significance and consequences of a guilty plea. He could have seen to it that any hope for Henderson was not demolished by leading questions.

IV

A suggestion which seems to pervade the majority opinion, unless I have missed the point, is that even if counsel had been provided, Henderson would after all probably have been convicted anyway. The complete answer to that suggestion, if suggestion it is, is well expressed in the recent words of Circuit Judge Pope: "It is my interpretation of the decisions of the Supreme Court that it will not compromise with a denial of a constitutional right. Thus it is inconceivable to me that that Court would listen to an argument that although the accused had been improperly denied his right to assistance of counsel, yet the evidence of the defendant's guilt was so overwhelming that counsel could not have done him any good; * * * When a defendant has been denied due process, his guilt or innocence is irrelevant. He has not been tried by civilized standards, and cannot be punished until he has been" (*Riser* v. *Teets* (9 Cir., 1958, 253 F. 2d 844, at 847) (dissenting opinion)).

The point has also been made throughout the postconviction proceedings, State and Federal, that Henderson was no doubt completely aware of his legal rights and defenses because he had gone through the 11th grade in an orphan's school, was 25 years old, and was familiar with criminal proceedings. In the light of the record this reasoning is unconvincing. Henderson's previous experience with court proceedings, about which so much has been made, was hardly instructive. The entire evidence on this point came from Henderson and was as follows:

"Q. What did you do which caused your arrest? A. Well, I was on my way out to Ford's one morning walking out West Fort Street, and about 4 o'clock the police picked me up and said, told me stick them up, and I asked what was the matter and they said, 'You are the one, all right,' and I said, 'One what?' They said I had held up a woman and took some money. I didn't have no money on me at that time because when I left my uncle's house I didn't have a red cent on me, so carried me back to the Forest Street Station. That is the first time I was ever in jail in my life. I didn't know just what to do at the time. They carried me back and took me out and talked to me and carried me back again and called me out and talked to me and talked to me again and they carried me in a little room and I got afraid and pleaded guilty and they carried me to Central Station about 9 that morning and I changed my plea from guilty to not guilty and they sent me State's lawyer and he listened to the case and told me to plead guilty and I would get off easy and I did plead guilty and sentenced me from 1 to 10."

His one other brush with the law was even less edifying:

"Q. Have you ever had any difficulty of a sexual nature with any other person? A. Well, one time I went to a disorderly house, so next day I didn't know the girl was under age and her mother tried to have me arrested. I was over at Berea. I went over to Cleveland where they wanted me at police headquarters and she told them to turn me loose; was no charge against me because this girl was in a disorderly house."

V

If then, as I think, the record conclusively shows that for want of benefit of counsel an ingredient of unfairness actively operated in the process that resulted in Henderson's confinement, the question that remains is whether or not he waived the right to the assistance of counsel.

The Michigan courts apparently found that there was such a waiver. But in Michigan the rule seems to be that a plea of guilty without benefit of counsel itself amounts to a waiver of the right to counsel. In re *Elliott* (1947, 315 Mich. 662, 668–669, 24 N.W. 2d 528); *People* v. *De Meerleer* (1946, 313 Mich. 548, 21 N.W. 2d 849, reversed 1947, 329 U.S. 663, 67 S. Ct. 596, 91 L. Ed. 584). As aptly stated in the appellant's brief, the application of that rule in the present case would end consideration of the constitutional issue at the very point where it should begin. (See *People* v. *Henderson* (343 Mich. 465, 72 N.W. 2d 177.))

In any event, such a rule has no place in the standard of the Federal Constitution. A plea of guilty without benefit of counsel is not of itself a waiver of the right to counsel under the 14th amendment (*Rice* v. *Olson* (1945, 324 U.S. 786, 788, 65 S. Ct. 989, 89 L. Ed. 1367); *Smith* v. *O'Grady* (1941, 312 U.S. 329, 61 S. Ct. 572, 85 L. Ed. 859); *Williams* v. *Kaiser* (1945, 323 U.S. 471, 65 S. Ct.

363, 89 L. Ed. 398); *Tompkins* v. *State of Missouri* (1945, 323 U.S. 485, 65 S. Ct. 370, 89 L. Ed. 407); *De Meerleer* v. *People of State of Michigan* (1947, 329 U.S. 663, 67 S. Ct. 596, 91 L. Ed. 584); *Foster* v. *People of State of Illinois* (332 U.S. 134, 137, 67 S. Ct. 1716, 91 L. Ed. 1955); *Uveges* v. *Commonwealth of Pennsylvania* (1948, 335 U.S. 437, 441, 69 S. Ct. 184, 93 L. Ed. 127); *Commonwealth of Pennsylvania ex rel Herman* v. *Claudy* (1956, 350 U.S. 116, 122, 76 S. Ct. 223, 100 L. Ed. 126)).

The only suggestion in the record that Henderson waived his right to counsel appears in the testimony of one of the police officers given in 1953 at the hearing upon Henderson's second motion for a new trial:

"Q. Did you or anyone in your presence question him at the time he was put in the cell? A. I didn't question him myself. The chief at that time asked him——

"Q. Who was that? A. Asked him if he had an attorney or wanted an attorney.

"Q. What did he say? A. Said no, he would like to get it over with as soon as possible.

"Q. Who was the chief? A. Arthur Rosso."

Arthur Rosso was dead at the time of the hearing.

On the other hand, Henderson testified at the same hearing that when arraigned before the justice of the peace in the jail he asked for a lawyer, and that his request was refused:

"Q. Did you say anything to Mr. Jeannette? A. I asked him why they wouldn't let me call my brother and why wasn't it possible to have an attorney. He told me there was nothing he could do; his hands were tied."

This testimony was uncontradicted.[6]

In view of the judge's failure to advise Henderson of his right to counsel at the nig t proceeding of the court—his failure to make any inquiry whatsoever upon the subject—and in view of Henderson's uncontradicted testimony that his request for counsel had been denied, I think the burden of showing that he did not waive his right to counsel has been sustained.

The uncorroborated statement of the police officer as to what the chief asked Henderson in his jail cell was insufficient in my opinion to support a conclusion that Henderson was either apprised of or intelligently waived a constitutional right which the circumstances of this case made such a vital one. "Where the right to counsel is of such critical importance as to be an element of due process under the 14th amendment, a finding of waiver is not lightly to be made." (*Moore* v. *State of Michigan* (355 U.S. 155, 161, 78 S. Ct. 191, 195, 2 L. Ed. 2d 167)).

The prompt and vigorous administration of the criminal law is to be commended and encouraged. But swift justice demands more than just swiftness. Fully mindful that the extraordinary writ of habeas corpus is to be vigorously guarded and sparingly used, I would set aside the district court's order of dismissal with directions to issue the writ.

Mr. TALMADGE. Mr. President, I assure my colleague that I shall vote against confirmation of this nomination; and I thank my distinguished colleague for yielding to me.

Mr. RUSSELL. I thank my colleague.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The question is, Will the Senate advise and consent to this nomination?

Mr. KUCHEL. 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. KUCHEL. 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. EASTLAND. Mr. President, as chairman of the Committee on the Judiciary, I presided over the hearings respecting the nominee. I think Mr. Stewart is an able lawyer, a man of integrity, a man who is very conscientious, and I think he will be an improvement over what we now have on the Supreme Bench. And when I say "what we now have," I am not speaking with a laudatory inflection in my voice.

I cannot vote for the nominee because of several reasons. First, as pointed out in the minority views filed by the distinguished senior Senator from South Carolina [Mr. JOHNSTON]—and I think it is evident from the hearings—the nominee endorses the Brown case.

Mr. President, in addition, he is a victim of a system. I believe it is inherently wrong that the Department of Justice select the individuals whom the President appoints Supreme Court Justices and then appears before the Supreme Court as a party litigant in cases. It puts the other side at a tremendous disadvantage. Mr. Stewart, even though he is honorable, in my judgment is bound to be swayed by the position the Department of Justice takes in cases which will come before him. It is something that is natural.

Last year there came to the Supreme Court, from Little Rock, the case of Aaron against Cooper, reported in 358 U.S., page 1.

I ask unanimous consent that excerpts from that opinion be printed in the RECORD at this point in my remarks.

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

Justice Warren for a unanimous Court:

The constitutional rights of children not to be discriminated against in school admission on grounds of race or color declared by this Court in the Brown case can neither be nullified openly and directly by State legislators or State executive or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted ingeniously or ingenuously.

It is, of course, quite true that the responsibility for public education is primarily the concern of the States, but it is equally true that such responsibilities, like all other State activity, must be exercised consistently with Federal constitutional requirements as they apply to State action. The Constitution created a Government dedicated to equal justice under law. The 14th amendment embodied and emphasized that ideal. State support of segregated schools through any arrangement, management, funds, or property cannot be squared with the amendment's command that no State shall deny to any person within its jurisdiction the equal protection of the laws. The right of a student not to be segregated on racial grounds in schools so maintained is indeed so fundamental and pervasive that it is embraced in the concept of due process of law. *Bolling* v. *Sharpe*, 347 U.S. 497. The basic decision in Brown was unanimously reached by this Court only after the case had been briefed and twice argued and the issues had been given the most serious consideration. Since the first Brown opinion (May 17, 1954) three new Justices (Harlan, Brennan, Whittaker) have come to the Court. They are at one with the Justices still on the Court who participated in that basic decision as to its correctness, and that decision is unanimously reaffirmed. The principles announced in that decision and the obedience of the States, according to the command of the Constitution, are indispensable for the protection of the freedoms guaranteed by our fundamental charter for all of us. Our constitutional ideal of equal justice under law is thus made a living truth.

Mr. EASTLAND. Mr. President, it is very peculiar that in that case the Chief Justice stated:

Since the first Brown opinion * * * three new Justices (Harlan, Brennan, Whittaker) have come to the Court and that they are at one with the Justices still on the Court who participated in that basic decision as to its correctness, and that decision is unanimously reaffirmed.

Mr. President, so far as I have been able to determine, that was the first time in the history of the United States when new Justices coming on the Court have had it said for them that they have endorsed a record they have never read, and have endorsed a decision in a case in which they did not participate. It shows the weakness of a system whereby Supreme Court Justices are recommended by the Department of Justice and are, therefore, beholden to the Department of Justice. It means litigants on the other side of the case cannot get a square deal.

In Little Rock, Ark., according to the press of yesterday there sat a judge—one of three—who I know was selected for appointment by the Department of Justice. I say that when the Department of Justice goes before him, states its side of the case, and outlines in minute detail what remedies it thinks should be adopted, the people of the city of Little Rock cannot get a square deal at his hands.

Of course, it is basic, under our system of government, that there must be a judiciary that is fair and square and that will render justice in every case.

I think the case from Little Rock last year was an attempt by the Department to coerce and intimidate the Federal judiciary, and it was able to do so because of a system which has prevailed in both Republican and Democratic administrations—it is not a party or partisan matter—of permitting the Department of Justice to do what actually amounts to a de facto appointment of judges.

Mr. President, on yesterday the Supreme Court, in the Scull case, destroyed all the rights of the States of the Union when it stripped the States of their police powers. The Court arrogated to itself the right to determine what a State legislature could or could not investigate under its legislative powers. It denied to

[6] Henderson had two brothers living in Mount Clemens. He was acquainted with the justice of the peace, Mr. Jeannette, because his cousin had worked for Mr. Jeannette's mother. Jeannette's was the one familiar face that Henderson saw during the whole night.

the courts of the great Commonwealth of Virginia the right and power to determine whether a witness before a legislative committee, in refusing to answer questions, was warranted in his action under the circumstances.

The Supreme Court of Virginia, the highest court of the Commonwealth, had ruled on that question. Of course, it has been a rule throughout all the history of this country that when the highest court of a State makes a decision on a statute of the State or the law of the State, it is binding. That rule was swept away yesterday by the Supreme Court of the United States when it overruled the Legislature of Virginia and overruled the courts of Virginia and held that questions asked by a legislative committee of a State were not pertinent and that the witness had not been notified of the pertinency of the questions and the purpose of asking them. Mr. Justice Stewart participated in that decision. Because of that, among other reasons, I do not think that his nomination should be confirmed.

Mr. President, in the case of Clemons against the Board of Education of Hillsboro, reported in 228 Fed. 2d, 853, Mr. Justice Stewart, in an opinion of the court written by him, reversed a U.S. district judge and required the integration of white and Negro children in the public schools of Hillsboro, Ohio. In that case he went far beyond the Brown decision, which shows that with regard to the racial integration question, one of the great domestic questions before the country, indeed, in my judgment, the greatest domestic question which confronts the people of the United States, he cannot be fair. In fact, he so testified under oath before the Judiciary Committee, when he stated he believed in the logic of the Brown decision because he was reared north of the Mason and Dixon Line.

As I have said, I think Mr. Justice Stewart is an honorable, forthright man. I consider him to be a good lawyer, but I do not believe he can do justice to every section and to all the people of the United States, which is the first requirement of a Supreme Court Justice.

Mr. President, I think it is perfectly plain from the hearings that Mr. Justice Stewart thinks the Court can amend the Constitution and the statutes of the United States in order to meet modern conditions. I say, Mr. President, that the fundamental of all fundamentals in our system of government is the premise that the Constitution of our country shall be interpreted strictly in accordance with the understanding of the members of the Constitutional Convention who submitted it and of the States which adopted it. In fact, if that fundamental is not adhered to then we shall have lost our system of government—and we have a school of thought which believes our Constitution can be molded to meet the whims, the predelictions and the thoughts of the temporary occupant of a very high position.

I make these remarks with all due deference to Mr. Justice Stewart. In my judgment, even though he denied it before the committee, it is implicit from the record that he believes the Court can change by judicial construction the basic charter of liberties of the American people. That is another reason I shall vote against the confirmation of his nomination.

Mr. DIRKSEN. Mr. President, first I pay a compliment to the distinguished chairman of the Committee on the Juidicary for putting his case on high ground. He pays testimony to Justice Stewart. He takes issue, of course, with Justice Stewart's views insofar as they have been expressed in his decisions and also in the testimony before the committee on several occasions.

Mr. President, I attended the sessions of the committee when it took testimony, and I was deeply impressed with the nominee. First, I wish to mention that in 1954 Mr. Justice Stewart was suggested to the Department of Justice and to the President as a desirable person for appointment as a justice of the Sixth Circuit Court of Appeals, which circuit embraces Kentucky, Tennessee, Michigan, and Ohio. The interests of that area are varied, and Justice Stewart served in that capacity for something over 4 years.

The distinguished Senator from Ohio appeared before the Committee on the Judiciary and reaffirmed his confidence and faith in Justice Stewart, indicating that in his judgment he would make an excellent Justice of the Supreme Court of the United States and, with the factor of age on his side, would in due course of time, become one of our truly great jurists.

Justice Stewart was nominated to serve on the Circuit Court of Appeals, and his nomination was confirmed by the Senate. There is no question as to what is in the record. We had abundant opportunity to note it. All the information which is available to the FBI comes to the attention of our chairman, so we had a clear field when Justice Stewart's nomination first came up, by virtue of a recess appointment last fall, which was not passed upon by the Senate at that time because the Senate was not in session.

Under the rule, and under the Constitution, the name of a person given a recess appointment must be resubmitted. The Constitution is quite clear on that point, and gives to the President authority to fill vacancies by making what we commonly refer to as recess or interim appointments. Such appointments endure after the nomination has been resubmitted until the end of the next session of the Senate. That is the language of the Constitution.

It is interesting to note that the provision was borrowed from the charter of North Carolina, as I understand, when the question was being thrashed out in the Constitutional Convention in Philadelphia. Evidently the provision for the filling of vacancies and the making of recess appointments came to the attention of some of those who attended the Constitutional Convention, so the language found its way into the Constitution of the United States, and it completely clothes the President with the authority to make recess appointments.

So Justice Stewart was appointed in a recess period. His nomination was submitted when the 86th Congress convened, and it is now before the Senate, after having gone through the customary procedures. We were first notified under the 6-day rule that his nomination was before us. Second, everyone who wished the opportunity was given the opportunity to appear for or against the confirmation of the nomination. We went through the ceremony of hearings not before the subcommittee of the Judiciary Committee but before the entire committee.

Justice Stewart is a rather interesting person, in my judgment. First of all, he is only 44 years of age. I do not have the comparative figures in mind, but I presume he will be the youngest Justice on the Supreme Court of the United States.

The early education of Justice Stewart was at Yale and also at Cambridge, and then he was admitted to the practice of law. He is a member of the American Bar Association, of the Ohio Bar Association, and also of the Bar Association of the city of New York.

In the course of World War II Justice Stewart did his stint as a patriot in the U.S. Navy.

I was impressed with the personality of Justice Stewart. I was impressed also, as I have from time to time been impressed, with the delicacy of the proceedings, when a sitting member of the U.S. Supreme Court comes before the appropriate committee of the Senate for hearings with regard to approval of his nomination so that his name can go on the executive calendar and the confirmation of his nomination can be considered.

It is not an easy thing for a Justice fully and without inhibition to express himself with respect to questions which are asked. Sometimes matters are referred to about which there will be litigation, and the question will then be whether in future days he should disqualify himself. Then come the more pointed questions which seek to ascertain his general point of view. They can be somewhat political in a refined sense, or they can be economic, or social. I think he was very forthright in his answers to all the questions put to him by members of the committee.

I never quarrel with anyone who opposes a nominee on the high ground that he disagrees with his viewpoint, and therefore has the conviction that, perhaps, in the judgment of the person who opposes him, he cannot deal fairly with all the problems and controversies which arise in various sections of the country. I thought the nominee's answers were quite forthright, and that he gave an excellent account of himself.

Moreover, I believe he indicated that he was a competent lawyer, with a knowledge of constitutional history. I think he manifested the judicial temperament so indispensable in a man who sits on the bench and is called upon to resolve the equities and questions of justice which arise among our citizens, as well as between citizens and the State, in all the fields in which the Supreme Court

has at the same time original and appellate jurisdiction.

I am heartily in favor of the nomination, which comes before the Senate by reason of an overwhelmingly favorable vote of the Senate Judiciary Committee.

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

Mr. DIRKSEN. I yield.

Mr. BUSH. I compliment the Senator on his comments with respect to Mr. Justice Stewart, whom I happen to know very well. I applaud his appointment wholeheartedly.

I ask the Senator from Illinois if it is not true that before his retirement from the Senate Senator Bricker of Ohio strongly supported the nomination of Potter Stewart.

Mr. DIRKSEN. The Senator is correct.

Mr. BUSH. I mention that fact because of Senator Bricker's long connection with this body, extending over a period of 12 years, because of the many friends he had here during those years, and because of the great respect in which he was held, as well as because of his great respect for the Supreme Court as an institution.

I believe that the support by former Senator Bricker of the nomination of Potter Stewart is very significant. It might very well be taken into consideration by Senators who today are raising questions about the nomination.

I very heartily join my friend the distinguished Senator from Illinois and compliment him upon his analysis of the nomination. I hope the nomination will be confirmed by an overwhelming vote.

Mr. DIRKSEN. I appreciate the comments of my friend from Connecticut.

Mr. MORSE. Mr. President, I join the distinguished Senator from Illinois in support of the nomination of Mr. Justice Stewart. I know the nominee. He has a brilliant legal mind. He has demonstrated that he has a fine judicial temperament. I think those are the two controlling qualities which we should look for in a judicial appointee. I am very pleased to join in support of the nomination.

Mr. DIRKSEN. I thank the distinguished Senator from Oregon.

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

Mr. DIRKSEN. I yield.

Mr. LANGER. I checked this nomination very carefully, as the distinguished Senator knows.

One of my nephews was a classmate of the nominee at Yale. As the Senator says, Mr. Stewart is an outstanding lawyer. He was one of the most outstanding men in his class. I am delighted to join in support of the nomination.

Mr. DIRKSEN. Mr. President, I should like to add one comment. No judicial nomination is impersonal with me, even though the nominee might come from another State.

It has been my good fortune to name and to secure the confirmation of 10 or more members of the judiciary, 3 on the Circuit Court of Appeals for the Seventh Circuit, 7 on the District bench, also one on the Court of Tax Appeals.

I have always operated on the theory that the Congress and the President may sometimes feud; they may have political differences. We may feud with the courts, and sometimes we do. Upon occasion we have taken exception to the decisions of the courts and have charged the high tribunal with the usurpation of legislative power.

But when all is said and done, the real hope of perpetuity of freedom in this country reposes in our judiciary.

At long last, a citizen of this country, no matter how humble he may be, can place himself before the Court, and there ask for justice and obtain it. So, no matter what our excesses may be in the legislative branch, no matter what our feuding may be, no matter how misguided we may be as to policies, when it comes to the essential factors which are the very essence of a free land, the citizen can go before the State courts or the Federal courts and be assured of justice.

I think it was John Fiske who said, in commenting on the Constitution of the United States, that were it not for the judicial system as it is established, it is doubtful whether the Constitution could have been made the practical working document it turned out to be.

So I regard every nomination to the Court with respect to which I am successful in obtaining confirmation as something of a monument. After having been trustees for a transient hour in our own jurisdiction, we shall be gone; but those who will be left on the courts will be the real monuments.

To the degree that we find good judges with a solid sense of equity and justice, judges who are mindful of their high responsibilities, and who, in the language of the day, will "call them as they see them," we may have assurance of the continued well being of this great free land.

I am glad to vote for the confirmation of the nomination of Potter Stewart.

I share the opinion and hope expressed by the distinguished Senator from Connecticut [Mr. BUSH] that the nomination will be confirmed by an overwhelming vote.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. YOUNG of Ohio. I hold in the highest esteem and admiration the statements made by the distinguished minority leader regarding the great history of the Supreme Court of the United States, and of U.S. courts in general.

As a citizen of Ohio, I have been a practicing lawyer in that State for many years. At the time of my election last November, I was the head of my law firm. I had been president of the Cuyahoga County Bar Association, which is the second largest bar association in the United States.

As a trial lawyer, I came to know of and to hear about various lawyers and judges in Ohio. In my judgment, President Eisenhower, in nominating Potter Stewart, of Cincinnati, to be an Associate Justice of the Supreme Court has made a fine choice. I predict, I may say to the distinguished minority leader, that not only will Potter Stewart be a great Justice of the Supreme Court, but he will become an outstanding Justice of the Supreme Court of the United States.

I believe that everyone in Ohio who knows him or knows of him will feel great satisfaction today when the Senate confirms his nomination to be an Associate Justice of the Supreme Court.

I conclude these few remarks by saying that it is my opinion that the present Supreme Court is a fine Supreme Court, and that the addition of Potter Stewart to the Supreme Court will add to its prestige. He will become a truly great Justice.

I am proud to have this opportunity to add my word of commendation.

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

Mr. DIRKSEN. I yield.

Mr. LANGER. Mr. President, I intend to vote for the confirmation of this nomination, as I have stated. However, frankly, as I said in the committee, I do not like the situation in which the retirement of Justice Burton of Ohio, who has been on the bench for 15 years, is followed immediately by the nomination of another man from Ohio to take his place.

Time and time again I have brought to the attention of the Senate the fact that there are approximately 30 States which have never had an appointee on the Supreme Court of the United States. Those States should be represented. Seven States have never had an Ambassador or member of the Cabinet. I once more wish to bring to the attention of the Senate the fact that these States, sooner or later, are entitled to have one of their citizens, who is capable, appointed to one of those positions.

If I may have the attention of the Senator from Florida [Mr. HOLLAND], I should like to say that Florida has been a State for 109 years, and on one occasion when I spoke on this subject, he corrected me and said, "Why, we have had a member of the Cabinet from Florida. Jefferson Davis, who headed the Confederacy, named a man from Florida to be Secretary of the Navy." In 109 or 110 years that is the only man from Florida who had ever been appointed to a Cabinet post. It is typical of what has happened with respect to other States.

I remember that President Roosevelt had six members of his Cabinet who had been appointed from New York State. I realize that New York is a great State. However, Montana is a great State, also. So is Idaho, and so is South Dakota. I am not speaking about North Dakota, because, as all Senators know, we finally got an Ambassador appointed. He was the State chairman of the Republican Party. He was appointed by a Democratic President, Harry Truman. I am speaking in behalf of States with small populations. I believe the time has come when we in the Senate, who confirm nominations to public office, should let the powers-that-be know that sooner or later the small States, that is, small from the standpoint of population, should be represented.

Mr. KEATING. Mr. President, I should like to say to my distinguished friend from North Dakota that on this very day New York State has had the interest of North Dakota at heart. This morning I received a call from a constituent of mine in New York telling me that there was a vacancy in the chairmanship of the Federal Trade Commission. He very strongly recommended my support for a man from North Dakota for that position. I was happy to say to him that it was not prejudicial to this gentleman in any way that he should come from North Dakota; in fact, that my experience with North Dakotans indicated that the people from that State with whom I have come in contact are people whom I very much admire and respect, as they are also admired and respected by my colleagues. I desired to make this short statement to make sure that the Senator from North Dakota understood that New York has the interest of North Dakota at heart.

Mr. LANGER. I thank my friend from New York. However, I am not speaking for North Dakota today. We finally got an Ambassador. I am speaking in behalf of the numerous States of small population, that have never had an Ambassador or a member of a Cabinet appointed from among their prominent citizens; or have never had a Supreme Court Justice appointed.

I believe it would be wise for those who make appointments to look around to see if they could not find some qualified men or women in the small States who could fill some of these positions.

Mr. HART. Mr. President, as a junior member of the Committee on the Judiciary, this has been my first experience in considering the nomination of a Justice of the Supreme Court of the United States. I had always assumed that there would be difficulties whenever a committee attempted to carry out its responsibilities to the full Senate in preparing the record on which the Senate might give its advice and consent to the nominee of the President. However, the difficult position in which both the nominee to the Supreme Court and the members of the committee are placed when the nominee has been given an interim appointment by the President and has been sitting on cases at the time of his confirmation hearings, had never been fully brought home to me.

Mr. President, I believe that the practice of making interim appointments to the High Bench and the appointee taking his place on the Court is one which should cease. I believe it was not merely because I am a very junior member of the Committee on the Judiciary that I felt a great handicap in properly interrogating the nominee when the nominee is a Justice of the Court and has been sitting for some 6 months. I am reasonably sure that it is embarrassing and difficult for a nominee under such circumstances to have to come before the the Senate committee and be subjected to questions which may in some manner bear on cases before the Court.

It is my considered opinion that the Senate might well inform the President that it is the sense of this body that the practice of making such interim appointments—a practice which had not been followed for more than 52 years before the interim appointment of Chief Justice Warren—is seriously hampering the Senate in fully performing its constitutional duties. I suggest further that it is not in the best interest of the Supreme Court, the nominee who may be involved and, conceivably, litigants before the Court during such interim period.

It should be remembered that it is for the benefit of litigants, not for the comfort of the Senate or of the appointee, that appointments to the Federal Court are for a lifetime. It is done to assure the judge's complete independence of mind. I would suggest that something less than that is the case when the judge is sitting in the Court and must come before a Senate committee where hearings are held.

I have read with a great deal of interest the excellent brief which has been prepared by the chairman of the committee, the Senator from Mississippi [Mr. EASTLAND], and the senior Senator from South Carolina [Mr. JOHNSTON], and submitted as the minority views of the committee. Their discussion of the constitutional history of interim appointments to the Supreme Court is most persuasive. I desire to make it clear that I do not feel, as they have concluded, that the Senate should withhold its advice and consent from this nominee. Actually I believe a better case might be made that the Senate—faced with an interim appointee—should have moved with more speed to bring the matter to an early decision, while at the same time taking some positive action to indicate its views to the President that extreme restraint be practiced in making further interim appointments.

Fifteen Justices of the Supreme Court have been given recess appointments and were subsequently confirmed by the Senate. But for more than 100 years before the appointment in 1953 of Chief Justice Warren, no recess appointee to the Supreme Court took his seat in advance of Senate confirmation. The only instances previous to 1953 where an interim appointee took his seat in advance of confirmation were Justice Rutledge in 1795, and Justice Curtis, in 1851. In this administration we have seen interim appointees taking seats on the bench and participating in decisions prior to Senate confirmation in the instances of Chief Justice Warren, Justice Brennan, in 1956, and now Justice Stewart, appointed October 14, 1958, taking his seat the same day, and now awaiting confirmation, on this day of the Lord May 5, 1959.

I for one advise the present administration that I feel interim appointments to the Court are most unfortunate and should be avoided except in the most extreme cases. Certainly the participation of such an appointee in Court work prior to Senate confirmation is unwise. I realize that this may cause difficulties during the interim months when the Court is under strength, particularly at a time when the Court may be evenly divided on many crucial cases. However, it is my feeling that in such situations the Senate of the United States would understand the need for all due speed, and would be far better able to perform its constitutional responsibilities in giving its advice and consent.

For myself, I believe Justice Potter Stewart will make an outstanding Justice. I believe he answered many difficult questions put to him during the hearings with honesty and with a show of most substantial ability. His record as a judge of the Sixth Circuit Court of Appeals, which circuit includes Michigan, was outstanding. I expect to vote for the confirmation of his nomination, and welcome the opportunity to do so.

Mr. DIRKSEN. I wish to make one comment on the observations of the distinguished Senator from Michigan. The Constitution does not make it mandatory on the President to make interim or recess appointments. It says that the President has the power to do so. Consequently, he may do so or not, as he may delay the matter or not, as he chooses. Many nominations have become practical considerations.

One other matter comes sharply to mind. I believe it was at the end of the first session of the 85th Congress that the name of a judge was pending before the Committee on the Judiciary when a circumstance came to the attention of one member of the committee who felt that we ought to bring the nominee before us for further testimony. It was the last week of the session. Having concluded the testimony—and it was a little on the dramatic side—the Senator in question suggested that the nomination go over for a week. But by going over for a week, the Senate adjourned, and that was the end of the matter. So the nomination automatically had to be a recess appointment, if it was to be effective at all.

But there are problems of judicial congestion today. If the Senate is not in session, and there is a hiatus period, I doubt very much whether it is wise to incur a long delay and thus burden the other members of the court, whether it be a court of district judges or appellate judges, or members of the Supreme Court.

In every case, practical considerations are involved, plus the fact that if the conditions are such as to require the filling if a vacancy, the President has the power to appoint, but does not have to exercise it unless and until the Senate is here to entertain the nomination and to pass judgment upon it.

Mr. HART. I was not unmindful of those considerations. Still, for more than 100 years the Nation and its judicial establishment survived and avoided a situation which I think we all agree should be avoided if it is at all possible to do so.

In the absence of a showing of urgency, I think it is very desirable that an appointee not sit until after the Senate, through its committee, has had an opportunity to review his qualifications to sit on the Supreme Court.

Mr. DIRKSEN. I make one observation with respect thereto. The growth and the complexity of the affairs of the country have obviously enhanced and augmented the business of the judiciary.

Not only is there the Supreme Court; there are also the special courts, such as the Tax Court, the Customs Court, and the Court of Customs and Patent Appeals. I think today there are, roughly speaking, 243 Federal district judges, including those who sit in Washington, D.C. There are now 11 Circuit Courts of Appeals, including the one in the Nation's Capital. They are a part of a judicial system whose growth has, I think, reflected the growth of the Nation, the growth of its commercial business, and the growth of its judicial business.

Mr. JOHNSTON of South Carolina. Mr. President, I commend the distinguished junior Senator from Michigan [Mr. HART] for having raised the particular question which the distinguished Senator from Mississippi [Mr. EASTLAND] and I discussed in great detail in our minority views. We did not say that such an appointment could not be made. I think the newspapers have misinterpreted our minority views. But we did call the attention of the Senate and the Nation to the fact that, in our opinion, this is a bad precedent to establish, especially with respect to the Supreme Court.

I make this statement because the Supreme Court attempts to lay down the law, so to speak, when it interprets the laws of the Nation. Recess appointments, such as the one under consideration when not investigated and confirmed by the Senate are much more dangerous because the Court has such great power. The Senator from Mississippi and I tried to bring this point as clearly as we could to the attention of the Senate, in order that it might then be brought to the attention of the people of the Nation, including the present President and future Presidents, that we do not approve of the system which has been followed in this particular case.

Another reason why I oppose the confirmation of the nomination of Judge Stewart is that I am a believer in States rights. If his nomination is confirmed and he takes his seat on the Supreme Court, I do not believe we can expect any decisions to be made by the Court which will be different from the decisions made in recent days.

I believe all lawyers must agree that the Supreme Court has gone far afield in the interpretation of the Constitution in order to give the Federal Government more power and the States less power. I believe that is interpreting the Constitution in reverse, because the Constitution provides that all power not delegated to the Federal Government is reserved to the States. I believe that doctrine means something. I believe it means that if power is not delegated to the Federal Government, then the Supreme Court ought to make certain that the power delegated to the States is not taken from them.

I believe that if the decisions of the Supreme Court in recent years are studied closely, it will be found that time and time again the Court has not followed that section of the Constitution in rendering its decisions. We have heard that statement made on the floor of the Senate, not only on the Democratic side of the aisle, but also on the Republican side. We have heard it made by judges of the State supreme courts and the attorneys general of the States. We have heard it made also by the American Bar Association. It is not only the South which is speaking; it is not only the North, the East, or the West which is making that statement. We hear from all over the land the plea: "Please do not let the Supreme Court delegate to the Federal Government the rights which properly belong to the States."

For these reasons, after hearing the testimony concerning the nomination, I am convinced that Potter Stewart will continue to render decisions on the Supreme Court along the same line as the decisions handed down by the Supreme Court in recent years. I shall, therefore, vote against the confirmation of his nomination.

Mr. KEATING. Mr. President, I desire to deal with some of the arguments which are advanced in the minority views against the confirmation of the nomination of Potter Stewart, and to speak also concerning his qualifications.

I believe the President of the United States is to be commended for advancing this relatively young man, who has already established himself as a brilliant jurist, to the Highest Court. His outstanding record as a judge of the Court of Appeals for the Sixth Circuit won him widespread acclaim. He will bring to the Supreme Court a trained legal mind, a mind already accustomed to the special requirements of appellate practice. His reputation for fairness, his intellectual talents, his personal integrity, and his dedication to his mission as a jurist are qualities which aptly fit him for the important role he is to assume.

I was gratified to hear the chairman of the committee, in expressing his opposition to the confirmation of the nomination, describe Potter Stewart as an able lawyer, a man of integrity, and conscientious. I would not be sure that he would represent an improvement over the present members of the Supreme Court, because there are many members of the Supreme Court in whom I have great confidence. I feel that the nominee from Ohio will be a valuable addition to the Supreme Court.

Potter Stewart has been a practicing lawyer, as well as a judge. That is most important to those who will practice before the High Court. His training at the bar and on a court is responsible, perhaps, for his rather widespread reputation as a lawyer's judge. To me, this is a particularly appealing reputation for any nominee to the High Court, since it implies a dedication to our system of law beyond any personal predilections and objections.

Mr. President, I believe we can confidently expect Potter Stewart to remain true to the tradition of growth in our law without undermining confidence in the stability and permanence of its principles.

Potter Stewart was a forthright and an honest witness before the Senate Committee on the Judiciary. He answered all questions as best he could without interfering with his future duties or position in judging cases. I feel sure that his candor won him the respect of all of the members of the committee, even including those who disagreed with some of the views he expressed.

I know that his service on the Court will win him the respect and admiration of all the American people. Seldom has a nominee to the Supreme Court enjoyed the training, the experience, and the all-around ability possessed by Potter Stewart. His background and his outlook ideally suit him for this high honor and this sacred obligation.

Mr. EASTLAND. Mr. President, will the Senator from New York yield to me?

Mr. KEATING. I am glad to yield.

Mr. EASTLAND. Mr. President, I understand that the Senate rule does not permit the printing in the RECORD of minority views in their entirety. Therefore, I ask unanimous consent that page 6 and the top of page 7, down to the heading "Judges' Commissions," of the minority views, be printed in the body of the RECORD at the conclusion of the remarks of the distinguished junior Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EASTLAND. Mr. President, I thank the Senator from New York for yielding to me.

Mr. KEATING. Mr. President, I apprehend that this is neither the time nor the place to discuss the merits of specific decisions by the Supreme Court. In the light of remarks which have been made, I desire to say that I am completely in personal agreement with the unanimous decision of the Supreme Court in the case of Brown against Board of Education. I think it would have been a most surprising evolution in the law if the Supreme Court had reached any other decision.

I find myself in disagreement with certain other decisions of the Supreme Court, and no doubt I will be in disagreement with other of its decisions in the future. But this is not the place, in my view, to deal with that question.

I call attention to the minority views, which comprise 10 pages. With the exception of the last, one-sentence, paragraph, they in no way deal with the qualifications of this particular nominee. They deal, rather, with a problem which has been discussed here, namely, that of interim appointments. They are directed to some constitutional inhibition against such interim appointments. I now read the next to the last paragraph of the minority views:

> If this be interpreted to mean that the President, by means of a recess appointment, can place a man on the Federal bench with no recourse even in the Congress to challenge such placement, then it would appear that the only sanctions open to either House of Congress are (1) for the Congress to enact legislation to deal with this subject—

Mr. President, I have no quarrel with that. If the Congress sees fit to do so, and if it is within constitutional limitations for the Congress to say that such interim appointments shall not be made,

let us bring that question out into the open and thresh it out, both pro and con. My inclination would be to oppose such a proposal; but certainly that is the direct way to deal with that problem.

Then, in this part of the minority views, we find the following—

and (2) for the Senate to seek to discourage the making of such recess appointments, by refusing to confirm the subsequent nomination of any such recess appointee, without regard to the qualification of the appointee himself.

Mr. President, I repeat the last words, "without regard to the qualifications of the appointee himself."

That is truly an astounding observation, namely, that we should deny confirmation without giving any consideration to the qualifications of the appointee; that, no matter how good he may be, no matter whether he is the paragon of all the virtues as a judge—regardless of considerations of that sort—his nomination should be rejected by us, because of that argument.

Mr. President, there are questions about the entire problem of interim appointments. I am conscious of the difficulties involved. But it strikes me that there can be no question about the constitutionality, legally, of recess appointments to the Supreme Court. In my opinion there is no doubt, under the clear provision of the Constitution, that such appointments are valid. The language of the Constitution is explicit in this regard. In article II, section 2, clause 3, the Constitution states:

The President shall have power to fill up all vacancies—

"All vacancies," Mr. President—

that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

That provision does not state an exception in the case of Justices of the Supreme Court, and none can reasonably be added by any process of inference. The plain language supported by historical practice dating back almost to the time of the adoption of the Constitution. In all, 15 Justices have been granted recess appointments, and their nominations have subsequently been confirmed by the Senate. It is noteworthy that if this practice had been ended, there would have been eliminated from service on the Supreme Court bench such giant figures as Rutledge, Curtis, Harlan, Holmes, and many others. A practice which is so well entrenched in our constitutional history and is evidenced by the action of the father of our country, George Washington, in granting a recess appointment to Justice Thomas Johnson, in 1791, cannot be lightly disregarded.

Mr. HART. Mr. President, will the Senator from New York yield to me?

Mr. KEATING. I am happy to yield to the distinguished Senator from Michigan.

Mr. HART. I wonder whether the Senator from New York intended to make the sweeping statement that we would have lost such giants from the bench. Is it not true that the only way we could have lost them would have been if the appointing authority had changed his mind in the interim?

Mr. KEATING. That is true; and the explanation the Senator from Michigan has given is correct, with this modification: All of us know that the circumstances at the time in connection with a nomination to the Supreme Court have much to do with the turn of events. Whether it would have happened that the same nomination would later have been made, and whether the action of the Senate would have been the same, no one can know.

However, I think my statement was too sweeping. However, I intended to convey the impression that among those who had been appointed by recess appointment, under whatever the circumstances were, however great the need was at the moment, are some of our leading justices.

What I have said deals with the constitutional question raised in the minority views. The letter of the Constitution, and the spirit which has been breathed into it by the long line of unbroken precedents dating from the very founding of the Republic, destroy any force of the minority's position as a legal matter.

This does not mean that there is not some merit in the position taken as a practical matter, since anyone can appreciate the added difficulties raised by the confirmation of recess appointments. Some of the difficulties are unavoidable. But, the Supreme Court which, year after year, has more and more business, should be kept at full strength, and the possibilities of an equally divided Court should be reduced to a minimum. If one Justice is taken away from nine, eight remain. There have been so many decisions on a five to four basis that some litigants might very well be placed in the position of not really having had their cases decided at all, if we were to take away the power, which is to be exercised with restraint, to name interim appointees.

There may be some merit in the suggestion which has been made, and which might obviate some of the difficulties, namely, of having a sitting judge give notice in advance that he intends to resign. Such notice, of course, would not cover every case, but it would cover a great many cases. We all realize it is not always possible to do so. A vacancy may come about because of other events. Such notice should not, in any event, be required by law.

I concede that recess appointments complicate the process of confirmation both for the incumbent—in this case Mr. Justice Stewart, who had to skate so carefully, and I believe he did so skillfully, in his answers to questions—and for the Senate itself. When recess appointments can be avoided without interfering with the operations of the Court, certainly they should be avoided; but it is carrying a practical objection altogether too far to urge such considerations as a bar to the approval of the present nominee.

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

Mr. KEATING. Yes.

Mr. HART. Lest the RECORD in any respect be uncertain, I share the view which has just been stated by the Senator from New York; namely, it goes beyond all reasonable bounds to suggest that the nomination of this very able man be rejected in order that we can make the point that recess appointments are undesirable. I do not associate myself with the last sentence of the minority views. I most certainly welcome the suggestion the Senator from New York has just made, that, as I understand, recess appointments are to be avoided unless there is a very compelling circumstance.

Mr. KEATING. Mr. President, the minority views, in all 10 pages, with the exception of the last sentence, deal with the question of interim appointments. Then is added this sentence:

We are further opposed to Justice Stewart because it is evident from the hearings that Justice Stewart thinks the Supreme Court has the power to legislate and to amend the Constitution of the United States.

If that reason were advanced in utmost seriousness as an objection to this nominee, I think it would merit more than a single sentence of that kind. However, I desire, in order that the record may be abundantly clear—and the nominee has made it clear in his extensive judicial experience—to refer to two or three instances where it seems to me he very clearly set forth the proper role of the Supreme Court and showed his complete agreement with fundamental constitutional principles.

The Senator from South Carolina [Mr. JOHNSTON] asked:

Senator JOHNSTON of South Carolina. Do you not think that each case should be dependent upon the record in that particular case?

Mr. STEWART. That is the way I have decided cases. You have a specific case before you, based on the record of that case and applying to it, the law and the Constitution.

At another point the distinguished Senator from the State of Wyoming [Mr. O'MAHONEY] put to him this question, which relates to a portion of the Constitution of the United States:

Let me ask you this question: Do you, in contemplation of the necessity of taking an oath to support and defend the Constitution of the United States, understand that such oath will demand that you support and defend the provisions of article I of the Constitution? [Reading:]

"All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate, and House of Representatives."

Mr. Stewart's forthright answer was:

Yes, sir; I do.

He added:

That article and the entire Constitution.

Sentor O'MAHONEY. And by that I take it you mean that you will be bound by such oath not to participate knowingly in any decision to alter the meaning of the Constitution itself or of any law as passed by the Congress and adopted under the Constitution?

Mr. STEWART. May I have that full question?

Senator O'MAHONEY. Let me give it again.

Mr. STEWART. I didn't quite understand it.

Senator O'MAHONEY. Therefore, you will be bound by such oath not to participate knowingly in any decision designed to alter the meaning of the Constitution itself, or of any law as passed by the Congress and adopted under the Constitution?

Mr. STEWART. Yes, sir; I will.

Finally the chairman addressed this question to the prospective nominee:

Do you think that the Supreme Court has the power to amend the Constitution of the United States?

Mr. STEWART. Certainly not to amend it. No.

The CHAIRMAN. You kind of qualified that statement. Just in what way do you mean?

Mr. STEWART. Well, the Constitution itself provides how it can be amended. That is well known.

The CHAIRMAN. Yes.

Mr. STEWART. And it cannot be amended by the Supreme Court.

It seems to me, Mr. President, Mr. Justice Stewart has clearly indicated his approach to his duties as a Supreme Court Justice will be such as should commend itself completely to the Members of the Senate who are called upon to perform the important task of voting on the confirmation of his nomination.

There was only one other point raised in the debate as to which I should like briefly to comment. It was said by several Members that it was a bad thing to have the appointment of Supreme Court Justices recommended to the President by the Department of Justice. I understand the basis for that argument. I have some sympathy with it. I simply do not know, under our system, where the President can best turn for advice as to who would serve in the finest manner as a Supreme Court Justice if he cannot turn to the Justice Department.

On this I can speak with some personal knowledge. The President of the United States today does not necessarily take the recommendation made to him by the Department of Justice. In a specific instance with which I am personally familiar the President of the United States asserted on his own responsibility his desire to name a person to the Federal Bench, and he made the decision practically singlehandedly.

I do not understand where the President should turn, if not to the Department of Justice. I recognize the fact that the Supreme Court will have before it cases which will involve the interests of the Department of Justice, and to that extent there is something approaching a built-in conflict of interest.

It has been the practice, as I understand, for the President to confer with the Department of Justice about appointments to the Supreme Court since the Department of Justice was established in the early days of the Republic. It may be that the Senate of the United States could come up with a better suggestion. Certainly it is something which should engage the attention of the Executive.

It has been my experience that the Attorney General, both the present Attorney General and those in the past—at least those in the immediate past, with whom I have a closer familiarity—have been extremely careful in making selections for the Bench, as of course he should be.

Mr. DIRKSEN and Mr. RUSSELL addressed the Chair.

Mr. KEATING. I am happy to yield to the Senator form Illinois.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays on the confirmation of this nomination.

The yeas and nays were ordered.

Mr. KEATING. Mr. President, I yield to the Senator from Georgia.

Mr. RUSSELL. For the RECORD, I should like to ask the distinguished Senator from New York, if he does not object to answering, whether the appointment to which he referred, was the appointment of a member of the Supreme Court of the United States?

Mr. KEATING. No; it was not.

Mr. RUSSELL. I realize the strength of the Senator's argument that this has been the process for a long time, and I certainly did not make my argument as a partisan one. When Presidents of my own party were in power, they took the advice of the Attorney General even as to the appointment of an Attorney General to succeed him. Of course the Senator is correct in stating this is not an entirely new process.

When an issue of this nature which has political aspects—we might as well be frank about it—is concerned, the President should insist on more than one recommendation before he makes a nomination.

Mr. KEATING. I entirely agree with the distinguished Senator. I feel reasonably certain that in this specific case the President had more than one recommendation. I cannot state that as a fact. Certainly the President should make some independent investigation of his own, and should not rely solely upon the advice of the Attorney General. In fact, I feel sure that he does not do so entirely, although undoubtedly the President is guided more by the advice of the Attorney General than by the advice of any other person.

Mr. President, it seems to me that since the actual qualifications of this nominee are without question, except in the minds of those who may differ with the legal conclusions he draws, since there is no constitutional inhibition against his appointment, his nomination should be confirmed, and I hope it will be confirmed by a large majority.

EXHIBIT 1

(Excerpt from minority views on nomination of Potter Stewart, Executive Rept. No. 2, 86th Cong., 1st session)

Fifteen Justices of the Supreme Court have been granted recess appointments, and subsequently confirmed by the Senate. They were Thomas Johnson, appointed August 5, 1791, nominated after Congress reconvened on October 24, 1791, confirmed on November 7, 1791, and seated at the August term of the Supreme Court in 1792; John Rutledge, appointed July 1, 1795, nominated after Congress reconvened on December 7, 1795, confirmed December 17, 1795, and seated August 12, 1795; Bushrod Washington, appointed September 29, 1798, nominated after Congress reconvened on December 3, 1798, confirmed December 20, 1798, and seated in the February term of 1799; Alfred Moore, appointed October 20, 1799, nominated after Congress reconvened on December 2, 1799; confirmed on December 10, 1799, and seated in the August term of 1800; Henry B. Livingston, appointed November 10, 1806, nominated after Congress reconvened on December 1, 1806, confirmed on December 17, 1806, and seated in the February term of 1807; Smith Thompson, appointed September 1, 1823, nominated after Congress reconvened on December 1, 1823, confirmed on December 19, 1823, and seated February 10, 1824; John McKinley, appointed April 22, 1837, nominated after Congress reconvened on September 4, 1837, confirmed on September 25, 1837, and seated in the January term of 1938; Levi Woodbury, appointed September 20, 1845, nominated after Congress reconvened on December 1, 1845, confirmed on January 3, 1846, and seated in the January term of 1846; Benjamin Curtis, appointed September 22, 1851, nominated after Congress reconvened on December 1, 1851, confirmed on December 20, 1851, and seated December 1, 1851; David Davis, appointed October 17, 1862, nominated after Congress reconvened on December 1, 1862, confirmed on December 8, 1862, and seated in the December term of 1862; John M. Harlan, appointed March 29, 1877, nominated after Congress reconvened on October 15, 1877, confirmed on November 29, 1877, and seated December 29, 1877; Oliver W. Holmes, appointed August 11, 1902, nominated after Congress reconvened on December 1, 1902, confirmed on December 4, 1902, and seated December 8, 1902; Earl Warren, appointed October 2, 1953, nominated after Congress reconvened on January 6, 1954, confirmed on March 1, 1954, and seated October 5, 1953; William J. Brennan, appointed October 15, 1956, nominated after Congress reconvened on January 3, 1957, confirmed on March 19, 1957, and seated October 16, 1956; Potter Stewart, appointed October 14, 1958, nominated after Congress reconvened on January 7, 1959, nomination pending action in the Senate, and seated October 14, 1958.

WARREN BROKE 100-YEAR PRECEDENT

It is significant that for more than a hundred years before the appointment of Chief Justice Warren, no recess appointee to the Supreme Court took his seat in advance of Senate confirmation. The only previous instances where this was done were in the case of Mr. Chief Justice Rutledge, seated August 12, 1795, and not confirmed until December 15, 1795,[1] and Mr. Justice Benjamin Curtis, who although appointed September 22, 1851, deferred taking his seat until the same day Congress reconvened, December 1, 1851, and was not confirmed until December 20, 1851, about 3 weeks later. After Curtis, no other Justice until Warren took his seat before confirmation by the Senate.

Following the Warren precedent, Mr. Justice Brennan took his seat October 16, 1956, though not confirmed until March 19, 1957.

[1] On July 1, 1795, the President of the United States issued a commission to John Rutledge of South Carolina as Chief Justice of the United States, to serve "until the end of the next session of the Senate." The Senate next met on December 9, 1795, and the following day the nomination of Mr. Rutledge "to be Chief Justice of the Supreme Court of the United States" was transmitted. On December 15, 1795, the Senate rejected this nomination. Notwithstanding this fact, the Congress appears to have recognized Rutledge as having been a Chief Justice of the United States, at least to the extent of having authorized the execution of a bust of Mr. Rutledge to be placed in the Supreme Court chamber, along with the busts of other Chief Justices. It is perhaps noteworthy that Rutledge had served earlier as a Justice of the Supreme Court, under a regular appointment, "with the advice and consent of the Senate."

And Mr. Stewart, appointed October 14, 1958, took his seat the same day.

Mr. THURMOND. Mr. President, I rise in opposition to the confirmation of the nomination of Potter Stewart to be an Associate Justice of the U.S. Supreme Court.

The greatest enemy of the United States and of the free world today is communism. Communism is a satanic, brutal, wicked enemy. We must keep this country prepared and be ready to combat any aggression which might be attempted by the Communists.

Even a greater danger than the Communists, I believe, Mr. President, from an outward standpoint, are two things which are taking place in this country today. The first is the big spending by the Congress, and the second is the decisions of the U.S. Supreme Court which encourage Communists and subversion.

Last week I sent out in a weekly newsletter a few words along this line, which are as follows:

RED BILL OF RIGHTS

In recent years the U.S. Supreme Court in decision after decision has been drawing up for American Communists and their fellow travelers and sympathizers a long bill of rights, which the Communists say have made it much easier for them to operate in this country. In a recent issue of the Worker, the official news organ of the Communist Party, the paper's general manager, Mr. William L. Patterson, urged more boldness by party members with these words:

"Let's be bolder, McCarthyism has sustained a heartening defeat in our country. American reaction has in fact sustained a number of defeats on the political as well as moral front.

"We say this because it must be made clear that the prevailing political atmosphere permits increasing activities with lessening danger of victimization."

Here is the Supreme Court's bill of rights for Communists:

1. A citizen can be a member of the Communist Party without being in violation of the law (SACB case).

2. A Communist—or any other citizen—may legally advocate forcible overthrow of the Government as an abstract doctrine (Yates case).

3. A Communist organizer cannot be prosecuted for forming new Communist cells (Yates case).

4. A Federal employee cannot be fired from a nonsensitive job merely for association with Communists (Cole and Service cases).

5. A witness before a congressional committee cannot be compelled to answer questions about Communist affiliations unless the questions are shown clearly to be pertinent to the subject under investigation (Watkins case).

6. A defendant can compel the Government to show him, through the trial judge, statements that witnesses against him made to the FBI in secret, pretrial investigations (Jencks case).

7. A person cannot be denied a passport to travel abroad merely because of Communist beliefs or associations (Dayton case).

8. A professor cannot be questioned by a State agency as to his belief in communism or his advocacy of communism in the classroom (Sweezy case).

9. A board of education cannot fire a teacher for refusing to answer questions about Communist activity (Slochower case).

10. A Communist cannot be prosecuted by a State for the crime of sedition (Nelson case).

11. A State cannot deny bar membership to a lawyer who refuses to say whether he is a Communist (Schware and Koningsberg cases).

12. A Communist who has been told to leave this country under a deportation order more than 6 months old cannot be kept under surveillance by the U.S. Attorney General (Witkovich case).

13. An alien who violates the Internal Security Act by joining the Communist Party after entering the United States can wipe out this crime by leaving the country, quitting the party, and then reentering the country (Bonetti case).

For the latest favoritisms to Communists, watch your Supreme Court decisions.

Sincerely,

STROM THURMOND.

Today, Communists in the United States are enjoying a field day. I do not know of any group, including the Communists themselves, which could have written a platform that would better suit the Communists than the decisions which have recently been handed down by the Supreme Court of the United States. In my opinion the Supreme Court of the United States is a menace to the people of this country. When I say that, I have a high regard for the Court as an institution, but I am speaking of the nine temporary occupants of seats on that Court. When they hand down decisions such as those to which I have just referred, which encourage and foster communism, and apparently do everything in their power, in their decisions, to promote communism, they are indeed a dangerous menace to our country.

It is my opinion that internal subversion in this country is even more dangerous than the threat of an attack from outside.

I am cognizant of the situation in which we find ourselves in Berlin, in Korea, and in various other places throughout the world. In order to combat communism we must remain strong—the strongest nation on the face of the earth.

We know that Lenin said in 1917 that the aim of the Communists is to be the gravediggers of, and the heirs and successors to other governments of the world. We know that the aim of communism is to take over the United States and the free world. We know that it is a great danger. But it is my opinion that the decisions of the U.S. Supreme Court which have been handed down in recent years constitute a much greater danger than the threat of communism from without.

I do not expect to support this nomination. I understand that Mr. Stewart was asked whether or not he approved of the decision in Brown against Board of Education. He stated that he did. If Mr. Stewart believes in that decision, then he believes that the Constitution of the United States can be amended by the Supreme Court. If he believes in that decision, he does not believe in the division of power which is clearly set out in the Constitution.

The 10th amendment to the Constitution of the United States provides that all powers not delegated to the Federal Government are reserved to the States. There were States before there was a Federal Government. The States formed the Federal Government. The Federal Government did not give the States their powers. The States gave the Federal Government its powers. The States gave the Federal Government its powers when they adopted the Constitution drafted in Philadelphia in 1787. In examining the powers which were delegated to the Federal Government, we note that the field of education was not covered. It has not been covered by an amendment since then. The word "education" is not even to be found in the Constitution of the United States. Therefore, the field of education is reserved to the States under the Constitution.

I do not feel that I can permit myself to vote to seat as an Associate Justice of the U.S. Supreme Court a man who would construe the Constitution in such a way.

In my opinion such a decision is erroneous. In my opinion, affirming such a decision is erroneous; and if that is his judgment in that sort of case, I am sure it will be equally bad in some other respects.

On behalf of Mr. Stewart, I will say that I understand he is an honorable and a capable man. From all I have heard about him, he would be an improvement over the other occupants of seats on the Supreme Bench; but when I make that statement, I must add that in my opinion he would not have to be too good a lawyer to be an improvement.

In my opinion the members of the Supreme Court of the United States today are very mediocre lawyers. I believe that in most cases they were placed on that Court for political purposes—either to pay political debts, to swing blocs of votes, or to get votes in the future.

I do not believe that the members of the Supreme Court of the United States today are unbiased judges who can justly pass on the lives and rights of the people of the country, and on questions dealing with the property of the people.

Mr. President, I could speak at much greater length on this subject. I wish to be on record as opposing confirmation of the nomination of Mr. Stewart, for the reasons I have cited.

Mr. PROXMIRE. 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. MONRONEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is, Will the Senate advise and consent to the nomination of Potter Stewart, to be an Associate Justice of the Supreme Court of the United States?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Utah [Mr. MOSS], the Senator from Montana [Mr. MURRAY], and the Senator from West

Virginia [Mr. RANDOLPH] are absent on official business.

I also announce that the Senator from Missouri [Mr. SYMINGTON] is necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Utah [Mr. MOSS], the Senator from Montana [Mr. MURRAY], the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Indiana [Mr. CAPEHART], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Nebraska [Mr. CURTIS], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from New York [Mr. JAVITS] are necessarily absent.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from Wisconsin [Mr. WILEY] would each vote "yea."

The result was announced—yeas 70, nays 17, as follows:

YEAS—70

| | | |
|---|---|---|
| Aiken | Frear | Mansfield |
| Anderson | Goldwater | Martin |
| Bartlett | Gore | Monroney |
| Beall | Green | Morse |
| Bennett | Gruening | Morton |
| Bible | Hart | Mundt |
| Bridges | Hartke | Muskie |
| Bush | Hayden | Neuberger |
| Butler | Hennings | O'Mahoney |
| Byrd, W. Va. | Hruska | Pastore |
| Cannon | Humphrey | Prouty |
| Carlson | Jackson | Proxmire |
| Carroll | Johnson, Tex. | Saltonstall |
| Case, N.J. | Keating | Schoeppel |
| Case, S. Dak. | Kefauver | Scott |
| Chavez | Kennedy | Smathers |
| Church | Kerr | Smith |
| Cooper | Kuchel | Williams, N.J. |
| Cotton | Langer | Williams, Del. |
| Dirksen | Lausche | Yarborough |
| Dodd | McCarthy | Young, N. Dak. |
| Douglas | McGee | Young, Ohio |
| Dworshak | McNamara | |
| Engle | Magnuson | |

NAYS—17

| | | |
|---|---|---|
| Byrd, Va. | Holland | Russell |
| Eastland | Johnston, S.C. | Sparkman |
| Ellender | Jordan | Stennis |
| Ervin | Long | Talmadge |
| Fulbright | McClellan | Thurmond |
| Hill | Robertson | |

NOT VOTING—11

| | | |
|---|---|---|
| Allott | Hickenlooper | Randolph |
| Capehart | Javits | Symington |
| Clark | Moss | Wiley |
| Curtis | Murray | |

So the nomination of Potter Stewart to be an Associate Justice of the Supreme Court of the United States was confirmed.

Mr. DIRKSEN. Mr. President, I move that the vote by which the nomination was confirmed 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 to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, I wish to state that the bells in the New Senate Office Building are not ringing. The Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. DWORSHAK], and I accidentally heard that a yea-and-nay vote was being taken in the Senate; and we got here just in time to participate in the vote. I think the employees should be advised that the bells in the New Senate Office Building are not ringing, and steps should be taken to have them ring properly.

Mr. JOHNSON of Texas. Mr. President, I appreciate the statement the Senator from South Dakota has made; and I hope the attachés on both sides will take proper notice.

Mr. CASE of South Dakota. I thank the Senator from Texas.

Mr. JAVITS subsequently said: Mr. President, I wish to make a brief statement on the nomination of Justice Potter Stewart. Because of a luncheon speech engagement in New York and a delay in an airline flight, I was unable to be present during the consideration of the nomination.

I wish to state that I favor what the Senate has done today on the nomination. I think it is a very wise decision on our part to confirm the nomination of Potter Stewart as an Associate Justice of the Supreme Court.

I should like to call attention to what I consider to be an historic answer in American life in connection with the qualifications of the Justice of the U.S. Supreme Court. When Mr. Justice Stewart was asked about his views in the case of Brown against Board of Education, the school desegregation case, and was strongly pressed on the subject by a member of the Judiciary Committee, he said, "I would not like you to vote for me upon the assumption that I am dedicated to the cause of overturning that decision, as I am not. I have no prejudgment against that decision."

Mr. President, I think under the circumstances, when a man whose nomination is up for confirmation for a very high office demonstrates this kind of quality, this kind of character, and this kind of American outlook, which we have every right to expect, we should be extremely pleased. I am delighted that Associate Justice Potter Stewart has brought to realization our hopes and expectations in that way.

I make this statement only because I did not have the privilege of voting for the confirmation of his nomination, and I wish to be recorded as very much in favor of it.

I am very grateful to my colleague from Illinois for yielding to me for this brief time.

## LEGISLATIVE SESSION

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

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

## AMENDMENT OF THE RAILROAD RETIREMENT ACT OF 1937

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of House bill 5610, to amend the Railroad Retirement Act.

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 5610) to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act, so as to provide increases in benefits, and for other purposes.

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 (H.R. 5610) to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act, so as to provide increases in benefits, and for other purposes, which was read the first time by title and the second time at length.

Mr. JOHNSON of Texas. Mr. President, if I may have the attention of the Senator from Oregon [Mr. MORSE], let me say that the House passed, on May 4, H.R. 5610, which amends the Railroad Retirement Act. H.R. 5610 is identical with Senate bill 226, which was passed by the Senate on April 29, and which had been reported by the Senator from Oregon [Mr. MORSE].

The House adopted every line, every word, every punctuation mark in the Senate bill—including a misplaced quotation mark.

I am informed that the House took that action because the bill contained a revenue feature, inasmuch as the bill increases the rate of tax on employers and employees under the railroad retirement system. However, the tax-increase provision is only one of many charges effected by the bill in the railroad retirement law.

Senate bill 226, as passed by the Senate, is not primarily a tax measure. The increase in tax is only part of a bill which is designed to provide much needed increases in the benefits under the Act. In my mind there is no doubt about the constitutional power of the Senate to initiate such a measure. The Supreme Court has long held that the Senate can initiate and can pass general legislation which contains, as an incidental feature, a revenue provision. The case of Millard vs. Roberts, decided in 1906, is specific on this point. The annotated Constitution, compiled by Professor Corwin, contains numerous citations in support of this view.

I have conferred with the distinguished chairman of the subcommittee who handled the bill, the Senator from Oregon [Mr. MORSE]. It is our conclusion that we do not wish to quibble over the matter; we are primarily concerned with sending this proposed legislation to the

President at an early date. In our judgment, the power of the Senate to initiate and to dispose of proposed legislation such as Senate bill 226 is clear and beyond any doubt; and we do not intend to delay the taking of final action on this matter by arguing the procedural question. It is far more important to the railroad workers that such a bill be passed and go to the President and be signed by him into law, rather than that there be long argument over the question of whether the bill bear a House bill number or a Senate bill number.

So, Mr. President, after conferring with the Senator from Oregon and other members of the committee, I urge immediate Senate consideration of House bill 5610, which is identical in every respect with Senate bill 226, which was passed by the Senate on April 29, I believe, by unanimous vote.

Mr. President, I yield now to the Senator from Oregon, so that he may make whatever comments he desires to make, and that then the Senate may perhaps take action on the bill.

Mr. MORSE. Mr. President, the majority leader has explained the reason why there has been some confusion in regard to railroad retirement legislation. In my judgment he has stated the law accurately. There is no question about the fact that it was within the province of the Senate to initiate such proposed legislation and to pass it. I quite agree with the Senator from Texas that we should proceed to repass the bill, this time in the form of House bill 5610.

In making legislative history on the bill, our obligation is to make sure that no question at all in regard to the legislative process can be raised successfully by anyone in any future litigation.

Mr. President, until yesterday we had thought a conference would be necessary in order to resolve a difference between the bill which was passed by the Senate—Senate bill 226, the Morse bill—and the bill which was passed last Wednesday by the House—House bill 5610.

Yesterday, however, the House passed a new bill, numbered H.R. 5610, with language identical to that of the Morse bill, Senate bill 226, as passed by the Senate.

It is much to be desired that the Senate now pass House bill 5610, and thus permit a railroad retirement bill to reach the White House as soon as possible. In urging that the Senate take this action, I assure this body that such action by it will merely reaffirm the action the Senate took last week in passing Senate bill 226.

Mr. JOHNSON of Texas. Mr. President, I yield to the minority leader first. Then I shall yield to the Senator from Louisiana [Mr. LONG].

Mr. DIRKSEN. Mr. President, I think we had some discussion of this matter when the bill first came up in the Committee on Labor and Public Welfare. I did not feel there was any doubt whatsoever that the Senate had authority to consider this bill originally and send it to the House. I do indeed concur in the opinion expressed by the majority leader; but, in the interest of felicity as between the two Houses, if this is what it takes in order to expedite action, certainly I have no objection.

Mr. LONG. Mr. President——

Mr. JOHNSON of Texas. I yield now to my friend from Louisiana.

Mr. LONG. Mr. President, as one of those who greatly admire the majority leader, I hope he is not going to permit the House, in matters of this sort, continually to downgrade the Senate. This type of procedure can hardly be more than an excuse for the House to claim to be the author of legislation by acting first. If the House had proceeded expeditiously, it could have acted first on this measure, rather than second, as it has. Then the Senate might properly be denied credit for being the body of Congress to act first on this bill. The Senate is already bound in a number of ways when the House insists, unreasonably in some instances, on having its way. For example, the Senator from Louisiana has several times sponsored legislation involving veterans insurance, which the House has failed to consider because of objection on the part of a single Member of the House.

I urge the majority leader to see that the responsibilities, duties, and powers of the Senate are maintained. I hope he will try to do something about it, as time goes on, so that the House will act reasonably in such matters.

Mr. JOHNSON of Texas. I appreciate the remarks of the Senator from Louisiana. I shall do all I can, in a constructive manner, to see that the responsibilities of the Senate are recognized. In this instance I do not agree with the way the House has acted, but I do not see that there is any good purpose to be served by further quibbling and delay, and I certainly do not want to emulate the action of the House in this instance.

Mr. President, if we can get action on this bill——

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

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.

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## THE STRAUSS NOMINATION

Mr. DIRKSEN. Mr. President, on April 7 there was inserted in the CONGRESSIONAL RECORD an editorial from the Courier-Journal of Louisville with respect to the pending Strauss nomination. An answer to that editorial, in the form of a letter signed by Mr. Strauss, was also published in the Louisville Courier-Journal on April 13, 1959.

I ask unanimous consent to have the entire letter printed in the RECORD as a part of my remarks.

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

SECRETARY STRAUSS DEFENDS AN EXPORT BAN

It has been brought to my attention that a facsimile of your March 16 editorial dealing with my rejection of an application for a license to export large diameter steel line pipe to the Soviet Union is being sent to members of the U.S. Senate in a campaign against confirmation of the President's nomination of me to be Secretary of Commerce.

With respect to trade with the Communist dictatorships, it is your privilege, of course, to express your convictions which appear to differ from my position and that of the Government. But in doing so in the instanced editorial, you have based your conclusions on complete inaccuracies as to the facts and as to my action.

Since I feel sure that you would not deceive your readers by misrepresentation, I rely upon your fairness to correct the false impression which you have created and therefore to publish this letter.

DENIAL OF A LICENSE

Your editorial accused me of stirring up "interdepartmental mischief" because in keeping with the U.S. policy, I denied a license for export of 28–30 inch line pipe to the Soviet Government. The editorial further stated that this was my "third rejection of the same application" and declared that "this time the State Department took the unusual step of making public the fact that it had advised" me not to reject the application. The editorial also states that the Department of State "questioned" my account of the proceedings, which you termed "an even more unusual performance." The editorial continues with a prejudiced attack on my motives. All of these statements in your editorial are false.

An entirely different picture is presented by the facts, including those released by the Commerce Department on the date of my decision, March 11, substantiated the next day by the State Department and on March 18 described in full detail at the Senate hearing on my confirmation.

First, as to action on the license: Ten months before I became Secretary of Commerce, the initial application was considered and denied in accordance with policy established through an interdepartment Advisory Committee on Export Policy, on which are representatives of the Departments of State, Defense, Treasury, and Commerce, among others.

The application was submitted a second time in November 1958, and was again denied by the Department in accordance with the same policy determination that was applied in the first denial and which had been reviewed by the committee and reconfirmed by my predecessor just prior to the receipt of the second submission of the application. Early this year, a third effort was made to override the two previous rejections. This was brought to my attention—the first and only time it had come before me. I sought the counsel of the committee on this particular case. (Your editorial falsely states: "This is the first time he has consulted the interdepartmental committee although this was his third rejection of the same application.") Acting on the composite advice of the committee, and from my own convictions, and in concord with precedents established before I became Secretary, I denied the application for the export license.

As to your contention that the State Department advised me not to reject the license application, it is possible that you may have echoed a story that an unidentified source in the State Department had hinted that I had acted unilaterally. You would have learned had you checked it that this story had no foundation in fact.

On the same day that this untrue story appeared in the press, the State Department's official spokesman announced, "The Department of State did not object to the decision by the Department of Commerce to deny this (line pipe) license. The decision was taken by the Secretary of Commerce after consulting his Advisory Committee on Export Policy of which the State Department is a member."

"THE NECESSARY VIGILANCE"

Furthermore, my denial of the license and previous denial by my predecessor, were in conformity with the export Control Act of 1949, which specifically directs the Secretary of Commerce to exercise "the necessary vigilance over exports from the standpoint of their significance to the national security"—and for some other restricting reasons.

For doing my pledged duty under the law and for acting in what I sincerely believe is the national interest, you have published a false and biased picture of my actions and my attitude, which you describe as "dangerous."

Moreover, you either did not know or, if knowing, failed to inform your readers that many peaceful goods have been licensed for shipment to the European Soviet bloc. In fact, more than 900 products require no specific license at all. We shall continue to favor the export of goods for peaceful purposes which the underprivileged people of Russia need—that is to say, to the extent that the Russian Government, which alone does all the importing, will permit the Russian people to have such goods. But we do not propose to lower our guard simply to raise our level of trade.

Though your editorial indicates that you differ with this policy, we shall, nevertheless, deny licenses for exports which we have reason to conclude are susceptible of use by the Soviet Government in a manner inimical to the national interest of the American people.

Sincerely,

LEWIS L. STRAUSS.

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## NAVAJO IRRIGATION AND SAN JUAN-CHAMA PROJECTS, NEW MEXICO

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 142, Senate bill 72.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 72) to authorize the Secretary of the Interior to construct, operate, and maintain the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River storage project, and for other purposes.

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. ANDERSON. Mr. President, during the 85th Congress the senior Senator from New Mexico [Mr. CHAVEZ] and I introduced S. 3648, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River storage project. The bill was favorably reported by the Senate Interior and Insular Affairs Committee, and passed the Senate unanimously. The passage came too late in the session for action by the House.

At the beginning of the present session of Congress the senior Senator from New Mexico [Mr. CHAVEZ] and I introduced S. 72, which carries the same authorizations and same language as S. 3648 of the 85th Congress. The pending bill, S. 72, was reported unanimously by the Senate Interior and Insular Affairs Committee April 8, 1959.

Senate bill 72, as did S. 3648, has as its objectives:

First. The irrigation of 110,630 acres of land, and provides approximately 17,000 Navajo Indians with an economy equal to that of non-Indians in the area.

Second. The construction of the initial stage of the San Juan-Chama diversion with sufficient capacity for future diversion from the San Juan River of an annual average of 235,000 acre-feet.

The total amount of the authorized appropriations for the two developments is $221 million, plus such amounts as may be required by reason of changes in construction costs.

Both of these developments were contemplated when the upper Colorado River storage project was authorized by the Act of April 11, 1956.

In fact, the initial development of the Indian phase—Navajo Dam and Reservoir on the San Juan River—was authorized and is now under construction. When completed in a few years, water will be stored for the irrigation phases of the project. With the authorization of the irrigation features, the stored water will be released and put to beneficial use.

The Navajo Indians represent an important segment of the economy of New Mexico. The irrigation development contemplated by S. 72 will stimulate their ability to sustain themselves. The estimated cost of the Navajo irrigation development approximates $135 million. The benefit cost ratio over a 100-year period is 1.61 to 1, which approximates the average for reclamation projects in the West. Over a 50-year period the benefit cost ratio is 1.3 to 1.

Under the provision of the Colorado River Storage Act of 1956, the Indian irrigation costs are deferred as long as the lands remain in Indian ownership.

SAN JUAN-CHAMA INITIAL STAGE

The initial stage of the San Juan-Chama project contemplates an average annual diversion of about 110,000 acre-feet from the Colorado River system for utilization in the Rio Grande basin. This water would be principally for additional municipal, industrial, and national defense purposes. The city of Albuquerque, one of the Nation's fastest growing cities, is particularly in need of supplemental water. We are all aware that this need arises as a result of some of our most important defense installations being located in and near Albuquerque. These defense needs must be met.

The project will also provide supplemental irrigation water for tributary irrigation units and the Middle Rio Grande Conservancy District.

The estimated construction cost of the initial phase of the San Juan-Chama diversion is $86 million, which includes $400,000 for basic recreation facilities.

The benefit cost ratio of the initial stage of the San Juan-Chama diversion over a 100-year period is 1.26 to 1. Over 50 years, it is 0.81 to 1. Both ratios compare favorably with other projects in the Upper Colorado River development.

OTHER STATES PROTECTED

In recommending S. 72 as in the case of S. 3648 last year, the Committee on Interior and Insular Affairs was zealous in seeing that the interests of other States in the Colorado River basin and Texas are protected. That assurance is renewed in Senate Report No. 155.

The committee is satisfied that the water to be diverted and used under S. 72 is clearly within New Mexico's entitlement under the Upper Colorado River Compact. Further particular attention was given to the interests of Colorado in the proposed Animas-La Plata project. Assurances are that adequate water for the Colorado phases of this latter development are available.

Mr. President, we are happy and pleased to have provided in the language of the bill protection of the State of Arizona and other States.

I am happy the coauthor of the bill, the senior Senator from New Mexico [Mr. CHAVEZ], is present.

Mr. CHAVEZ. Mr. President, I was in the midst of a committee hearing at the New Senate Office Building when I was notified that this bill had come before the Senate. In order to save time, I ask unanimous consent that a statement which I had prepared on the bill be printed at this point in the RECORD.

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

STATEMENT BY SENATOR CHAVEZ

I should like to say that I believe Senate bill 72 is one of the most important pieces of legislation to come before the Senate in a long time. The bill introduced by Senator ANDERSON and myself would authorize the construction of the Navajo Indian irrigation project and the initial stage of the San Juan-Chama project.

These two projects were assigned priorities insofar as planning work is concerned in Public Law 485, 84th Congress, 2d session, which authorized the initial units of the Colorado River storage project. The investigation on these two projects has been underway for many, many years and we in New Mexico have worked long and hard in bringing the plans for these projects to their present status. We have helped to make many other water resources projects become a reality. I have always favored such projects as I know their value to our national strength and economy.

The projects, I am sure, have been very carefully planned and present a program for the best utilization of New Mexico's portion of the upper Colorado River water. This water comes from the San Juan River and its tributaries and is the last remaining undeveloped water resource available to the State of New Mexico. Every other stream and river in the State has been completely developed and in many cases uses have reached the point where there is insufficient water to supply the demands. We have several water salvage, and also a salinity alleviation, projects in the State in order to make available additional usable water for my State.

The Navajo Indian irrigation project will include a net area of 110,630 acres. As I

mentioned before, the proposal to develop a large irrigable acreage in the area has been considered for many years and such a plan was actually initiated in the early 1900's. Ever since that time, the people of northwestern New Mexico have been looking to the day when this project would become a reality. We have finally succeeded in having work started on the Navajo Dam which will be needed to serve this project.

The Navajo irrigation project is one of the measures of a program to help the Navajo people in solving their very difficult problem. The Navajo population is now in excess of 80,000 and their agricultural resources on which they depend is very limited. The poverty among these people is a disgrace to our Nation. We have foreign aid programs to help underdeveloped countries, yet we have great difficulty in helping our own people. We took an initial step in helping the Navajo people when we enacted the Navajo-Hopi Rehabilitation Act of 1950. At that time, we recognized that the construction of this and other irrigation projects is essential in attempting to solve the Navajo Indian problems.

It has been estimated that the Navajo irrigation project would place about 1,100 Navajo families on the irrigated farms which would be provided. It is estimated that another 2,000 families will find employment in service and other activities. This project means that about 15,000 to 18,000 Navajo men, women, and children would be direct beneficiaries of the project.

To understand the problem of the Navajo people, one must go across the Navajo reservation and observe the difficult situation under which these people live. The only opportunity to obtain any large amount of water being along the San Juan River. In the valley of the San Juan River, the Government has developed two very successful irrigation projects of the Navajos. They are the Fruitland and Hogback projects which are contributing substantially to the agricultural development of the valley. In spite of the handicaps of small holdings on these two projects, the Navajo families are at least deriving a subsistence from them. With the Navajo irrigation project it will be possible to have larger farms and allow the Navajo to have sufficient land on which to earn a living and raise his family.

The Navajo Tribal Council is now spending over $100,000 in maintaining a school to train their people in irrigated farming in order to equip them to make the best use of the irrigated land which the Navajo irrigation project would provide. In addition the Navajo Tribal Council spends large sums in developing industries which will provide for a local economy balanced between agriculture and industry. Their aim is to make the Navajo people self-supporting and develop a prosperous community contributing its share to the wealth of our Nation. All of this is of course dependent on intensive water development.

The estimated cost of the Navajo irrigation project is about $135 million and the benefit to cost ration of the project has been determined to be 1.6 to 1 on the basis of total benefits. I do not believe that this expenditure is at all out of line in developing a project which is as essential in the rehabilitation and improvement of the lot of this important segment of the population of our country. There is much more involved than cost—we cannot assign a dollar value to something which is needed to supply the human need of our own people.

The San Juan-Chama project, which would divert water from the headwaters of the San Juan River into the Chama and the Rio Grande, has been under study since the early 1930's and after many years of study and negotiations by the people of the San Juan, Chama and Rio Grande basins agreement has been reached between these people which enabled us to come forth with the plan for this project.

The San Juan-Chama project is designed to divert an average annual amount of 110,000 acre-feet of water from the San Juan basin into the Chama and the Rio Grande basin. The water diverted into the Rio Grande basin would be used to replace water used for the irrigation of additional lands on the Chama River and in the vicinity of Questa, Cerro, Taos, Espanola, Nambe Creek, and lands in the Middle Rio Grande Conservancy District. The water would also be used to provide municipal and industrial water supplies to Albuquerque and other communities.

The project plan for the San Juan-Chama calls for the utilization of 57,300 acre-feet of water for municipal and industrial uses which would be used largely by Albuquerque, Espanola, Bernalillo, Belen, and Socorro. The plan calls for the use of 30,100 acre-feet for supplemental irrigation on 39,330 acres of land along the tributaries of the Rio Grande and lands along the Rio Grande above Espanola. The plan also provides for supplemental supply of water for about 81,610 acres of land in the Middle Rio Grande Conservancy District in the amount of 22,600 acre-feet. The tributary units in the San Juan Chama plan are as follows:

Cerro unit: Involving a storage reservoir on Red River, a diversion canal from Red River to lands located at Questa and in the vicinity of Cerro. Also, several diversion dams and canals to improve diversion of water from Cabresto, Rio Medio, Rio Primero and Latir Creeks to lands in Questa-Cerro area. The total irrigable lands amount to 11,820 acres.

Taos unit: Provides for the construction of a dam and reservoir on the Rio Hondo and a dam and reservoir on the Rio Grande del Rancho, the construction of 9 new diversion dams and 30 miles of connecting canals. The plan provides works for serving an irrigable area of 20,550 acres between Ranchos de Taos and Arroyo Hondo. Some 4,050 acres of this land is owned by the Taos Pueblo Indians.

Llano unit: The Llano unit would be located along a narrow beach paralleling the main stem of the Rio Grande in the vicinity of Espanola. Lands in the upper end of the unit would be adjacent to the lands of Alcalde Village and the San Juan Pueblo. Lands in the lower end of the unit would comprise lands of the Santa Cruz irrigation district. The project works would consist of a diversion dam on the Rio Grande near Velarde and about 19 miles of main canal plus a distribution and drainage system. The area to be served includes 1,900 acres of Indian lands and 2,620 acres of the Santa Cruz Irrigation District lands.

Pojoaque unit: The plan for unit provides for supplementing the water supply for about 2,440 acres of land along Pojoaque and Nambe Creeks through the construction of a dam immediately above Nambe Falls, two diversion dams and a canal system. Both Indian and non-Indian lands would be served by the project.

It is my understanding also, the Secretary of the Interior would be authorized to contract with communities such as Farmington, Gallup, and other municipalities for municipal and industrial water supplies.

The Rio Grande Valley is the oldest continually occupied area in the United States and the site of the first Spanish settlement, and is also one of the oldest agricultural areas in the United States. The pressing need for water in the basin vitally affects the welfare of more than half the population of the State and the water supply condition, already critical, has been aggravated by continued drouth and increased uses. Shortage of water supplies has resulted in the inability to satisfy the irrigation and other demands and has resulted in many complex problems.

The economic plight of the small communities on the tributary streams in the northern part of the basin in New Mexico has long been recognized as a major problem. The residents of these areas depend largely on irrigated agriculture with water supplies being obtained by diversion of the unregulated flows of the streams. The only other opportunity for a livelihood has been to seek wage work outside the area. The most critical need in most areas is to expand the present resources by developing an adequate water supply and to permit optimum utilization of the lands now served by irrigation water and to extend facilities to serve additional lands. The need for storage reservoirs is not only to regulate stream flows for irrigation, but to protect diversion works from floods which frequently occur. I believe that such improvements are very essential to the economy of the upper Rio Grande area of New Mexico and since New Mexico is entitled to this water, we should utilize it to improve the economic condition of those people who have been unable to help themselves.

We have a large number of Indian pueblos located in the Rio Grande basin and they have small irrigated tracts (and could have more) which should be provided with a supplemental water supply. I was pleased to observe that the Bureau of Reclamation, in their criteria for water supply studies, has given a high priority to the irrigation needs of the Rio Grande tributary areas because of the large number of rural people both Indian and non-Indians who depend on irrigated land for subsistence.

The plan provides for additional water for the Middle Rio Grande Conservancy District, which also contains a large number of Indian and non-Indian families, who certainly can use a supplemental water supply.

The city of Albuquerque, the largest city in the State, which has had phenomenal growth during the past few years is in need of municipal and industrial water. The city is presently obtaining its water supplies from wells which are located to a large extent in the valley floor adjacent to the Rio Grande. It has been stated by authorities that the pumping of these wells has affected the flow of the river and it would therefore follow that as the city grows and additional water supplies are obtained from wells there would be a continued effect on the flow of the river. The city of Albuquerque must do everything possible to maintain the stability of the agricultural development in the area since it is one of the principal trade centers in the State. If this city is to grow and supply the water needs of the city and the military installations at Sandia Base and Kirtland Field, additional water will be required.

It is noted that the total estimated construction cost of the initial stage of development would amount to about $86 million and that of this amount over $29 million is allocated to municipal and industrial water which will be fully reimbursable with interest. Other reimbursements would be made by the irrigators to the extent of their repayment ability and other costs would be taken care of out of New Mexico's share of the income from the power projects in the upper Colorado River storage system. In other words this will be a fully reimbursable project with the exception of a small amount for basic recreational facilities at the reservoirs.

I can think of nothing more vital to the economy of my State and the strength of our Nation than the development of these water resources. I not only apply this philosophy to my own State but to every State and Territory in our country. How else can our country progress and be strong if we fail to provide the basic commodity, which is water.

Mr. HAYDEN. Mr. President, we are all aware that section 14 of the act of April 11, 1956, authorizing the Secretary of the Interior to construct, operate, and maintain the Colorado River storage project provides:

In the operation and maintenance of all facilities, authorized by Federal law and under the jurisdiction and supervision of the Secretary of the Interior, in the basin of the Colorado River, the Secretary of the Interior is directed to comply with the applicable provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, the Boulder Canyon Project Act, the Boulder Canyon Project Adjustment Act, and the Treaty with the United Mexican States, in the storage and release of water from reservoirs in the Colorado River Basin.

That question was evidently before the committee, and in relation thereto the committee report states:

That the rights of all other States in the waters of the Colorado River system, in the Rio Grande, and all other affected streams are fully protected and that the two developments proposed to be authorized impinge in no way on these rights of any State.

Mr. President, I have conferred with my colleague from Arizona and the Senators from Navada and California. In order to make double sure, we think an amendment should be made in the bill. We believe it would do no possible harm and would clarify the bill. A law enacted by one Congress can be amended by a law enacted in another Congress. So as to make sure that this bill will not in any way change the Upper Colorado River Basin Act, I submit an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment submitted by the Senator from Arizona for himself and other Senators will be stated.

Mr. ANDERSON. Mr. President, I ask unanimous consent that the reading of the amendment may be waived.

The PRESIDING OFFICER. Without objection it is so ordered; and the amendment will be printed in the RECORD.

The amendment offered by Mr. HAYDEN, for himself, Mr. KUCHEL, Mr. BIBLE, Mr. CANNON, Mr. GOLDWATER, and Mr. ENGLE, is as follows:

On page 12, after line 9, insert the following:

"SEC. 10. The diversion of water for either or both of the projects authorized in this Act shall in no way impair or diminish the obligation of the 'States of the Upper Division' as provided in article III (d) of the Colorado River Compact 'not (to) cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre-feet for any period of 10 consecutive years reckoned in continuing progressive series beginning with the first day of October next succeeding the ratification of this Compact.'"

Mr. ANDERSON. Mr. President, both Arizona Senators have approached me on this subject, and both California Senators have mentioned it. If my colleague, the senior Senator from New Mexico [Mr. CHAVEZ], will agree, I am prepared to accept the amendment.

Mr. CHAVEZ. I am happy to accept it.

Mr. ANDERSON. Mr. President, we are prepared to accept the amendment.

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

Mr. ANDERSON. I yield to the Senator from Oregon.

Mr. MORSE. I understand the primary purpose of the bill is to provide sufficient water for an Indian reservation. I also understand that white farmers off the reservation will get some aid in the way of a limited amount of water, but as to them the 160-acre limitation will apply.

Mr. ANDERSON. I assure the Senator from Oregon that is correct.

Mr. MORSE. I have no objection to the bill.

Mr. LAUSCHE. Mr. President, I should like to ask the sponsors of the bill whether there has been an opinion expressed on the bill by the Bureau of the Budget and by the other governmental agencies directly in contact with this item.

Mr. ANDERSON. I do not believe the Bureau of the Budget has expressed an opinion on it this time. The bill has been up for consideration several times. It involves an obligation to trust Indians, and contains a financing provision which is different from those in ordinary irrigation project bills. The Indians will be permitted to have the construction work without the usual repayment provisions required by other similar bills.

Mr. HAYDEN. I may point out that there is contained in the report a letter written by Phillip S. Hughes, Assistant Director for Legislative Reference, to the chairman of the committee, commenting on the bill.

Mr. LAUSCHE. Has there been made a study as a result of which the Bureau of the Budget has been able to say that the project should go forward?

Mr. ANDERSON. The Bureau of the Budget has not made the study. The Department of Interior is responsible for the complete study, and it believes the project to be entirely feasible. The Bureau of the Budget reported that the study which they had contemplated had not been completed.

Mr. CHAVEZ. I will say to the Senator from Ohio that, to my knowledge, study has been going on with regard to this project for 15 or 20 years.

At the time the Colorado River Compact was entered into, a certain amount of water was designated for the Upper Basin States of Utah, Wyoming, Coloradio, and New Mexico. Some of that water was to go to the Navajo Indian Reservation. The main provisions of the bill under consideration are for the construction of the Navajo Dam, to irrigate approximately 125,000 acres of land for the Navajo Indians.

Under the same compact the white people of New Mexico are entitled to a small amount of water. All the bill would do would be carry out the compact made among the States.

Mr. LAUSCHE. It is my understanding that the Department of the Interior sent a letter to the committee stating that an adequate study had not yet been made and, therefore, it was recommending unfavorable action on the bill. Am I correct in that understanding?

Mr. HAYDEN. That statement is correct, according to the Bureau of the Budget. The letter says:

Accordingly the Bureau of the Budget would recommend that your committee defer action on S. 72 until a report has been submitted to the Congress in accordance with established procedures.

The point is that we are considering authorizing legislation which does not provide for the appropriation of any money. In my view the Bureau of the Budget would come into the picture when a request is made for money to do some work. If there were any question at that time, the Bureau of the Budget could raise it.

Congress can authorize anything it pleases. If we appropriated the money, the President would not have to spend it if it did not satisfy him to do so.

Mr. KEATING. Will the distinguished Senator yield to me?

Mr. HAYDEN. I yield.

Mr. KEATING. The Department of Interior says, as stated on page 13 of the report:

We are not in a position to make any recommendation with respect to the enactment or provisions of the bill, and it is suggested that the committee may wish to defer action on authorizing legislation until the planning report has been submitted to the Congress.

The Department of the Interior would naturally be the Department to make a recommendation as to authorizing legislation. The department does not request affirmative action.

Mr. CHAVEZ. There is one exception. I believe the two Senators from Arizona and the two Senators from California—and I know this is true with regard to the Senator from New Mexico—know more about Indians than all those in the Indian Bureau put together. If the Senator will go to the Commissioner of Indian Affairs, who happens to come from New Mexico and who is deeply interested in the Indians, I am sure the Commissioner will tell the Senator he is favorable to the bill.

I know that we talk about how nice we are to the Indians, but when we try to pass some proposed legislation which will be beneficial to the Indians, then Senators start to worry about a report from the Bureau of the Budget.

The Bureau of the Budget should come into the proposition when the money is proposed to be spent. We are now talking about authorizing a project which will be beneficial to the Indians.

We have been promising the Navajos certain projects, under treaty obligations. The Navajos derive their original rights not as citizens, which they are now, but originally under treaty obligations between the entire nation of the Navajos and the United States of America. Included in the treaties were provisions for the development of the land. This is what the proposed legislation would cover.

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

Mr. CHAVEZ. I yield.

Mr. LAUSCHE. The thought I wish to express is that in the report from the Department of the Interior and the report from Mr. Phillip S. Hughes, Assistant Director for Legislative Reference, Bureau of the Budget, it is pointed out that an adequate study has not yet been made about the feasibility of this project, and therefore they are in no position to recommend it.

I should like to read the language. I read first an excerpt from the letter of the Department of the Interior:

The processing of the report has not yet been completed. Therefore, we are not in a position to make any recommendation with respect to the enactment or provisions of the bill, and it is suggested that the committee may wish to defer action on authorizing legislation until the planning report has been submitted to the Congress.

Further in the report it is stated:

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Further in the report which has come from the Bureau of the Budget it is stated:

The review of the proposed report of the Secretary of the Interior on the Navajo Indian irrigation project and the San Juan-Chama project under the procedures set forth in Executive Order No. 9384 has not been completed. Until this review has been completed, the Bureau of the Budget has no basis for appraising the merits of S. 72.

My position is that it is rather difficult to vote affirmatively on an authorization bill of this type, when neither of the responsible administrative agencies is in a position to say that the project is feasible. These agencies ask that we delay the matter, to enable them to complete their studies, so that they can tell us whether the project is or is not feasible.

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

Mr. LAUSCHE. I have finished.

Mr. HAYDEN. From the point of view of the actual expenditure of the taxpayers' money, when the time comes to spend the money we will then have to have a budget estimate and we will have adequate engineering studies.

In my experience I have found many times that authorization bills hasten the day when we can get construction started. That is the reason why I think it is entirely proper to pass the bill now.

I know the Senator is desirous of protecting the American taxpayer, but he can be sure that not one red cent will the taxpayer be called upon to pay until we have adequate budget estimates and adequate engineering information before the Appropriations Committee.

Mr. CHAVEZ. I should like to add a word for the information of the Senator from Ohio.

If the bill is passed, the Senator can rest assured that the Department of the Interior will get busy. Unless the bill is passed, it perhaps might be 10 years before the Department finished its study.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. WILLIAMS of Delaware. The Senator from Arizona has suggested that no money could be spent until after the project is approved and a report submitted. Would the Senator have any objection to incorporating in the bill a specific provision that no money can be spent until there has been an affirmative report from the departments?

Mr. CHAVEZ. We cannot get any money.

Mr. HAYDEN. As a practical matter, what is the Senator asking?

Mr. WILLIAMS of Delaware. As a practical matter, the authorization would be void unless there were an affirmative report from the departments.

Mr. HAYDEN. It would void the law.

Mr. WILLIAMS of Delaware. I am not desirous of voiding the law if a favorable report is submitted. We have all seen bills passed on the basis that they were mere authorizations and would not cost any money. Then after the authorization bill passed, the appropriation request came in, and many times it was passed over the objection of the Bureau of the Budget.

Certainly there is no object in passing the bill presently under consideration if we do not expect to appropriate the money. I agree with the Senator from Ohio that the wise thing to do would be to postpone action until we receive the report.

Mr. CHAVEZ. I feel differently. I take my responsibility rather seriously, and I would dislike to promise anyone that I would not ask for a dime for the Navaho Indians unless the Secretary of the Interior and the Bureau of the Budget approved it. I would rather have Congress determine that matter.

Mr. WILLIAMS of Delaware. I was sure that would be the position the Senator and the Senate would take. We all know it would be a very simple matter, once the project is authorized, to come forward tomorrow to ask for the money.

Mr. CHAVEZ. That is correct.

Mr. WILLIAMS of Delaware. I think now is the time for us to stop the proposed legislation until we at least get a report from the Department.

Mr. CHAVEZ. Mr. President, I think the bill is good. I know that if anyone deserves fair treatment at the hands of this body it is the Navajos. I hope the Senate will pass the bill.

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

Mr. CHAVEZ. I yield.

Mr. LAUSCHE. My expressions should not be construed as opposing eventual construction of this project. I want to be of help, but I think it is not prudent to go forward when both responsible departments of the Government tell us that adequate studies have not been made.

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

Mr. CHAVEZ. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill be passed over temporarily until the other author of the bill has an opportunity to appear on the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## SAN LUIS UNIT, CENTRAL VALLEY PROJECT, CALIFORNIA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 141, Senate bill 44.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 44) to authorize the Secretary of the Interior to construct the San Luis unit of the Central Valley project, California, to enter into an agreement with the State of California with respect to the construction and operation of such unit, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments.

## WORLD COURT AND WORLD LAW

Mr. HUMPHREY. Mr. President, I was pleased to note, in the Washington Post of May 4, 1959, an excellent editorial entitled "Undercutting World Law," which advocates repeal of the so-called Connally reservation to our country's declaration of acceptance of compulsory jurisdiction of the International Court of Justice.

The widespread support for my proposal, Senate Resolution 94, to delete such reserve clause has been most encouraging and welcome. If we truly desire to strengthen the United Nation's International Court of Justice as an instrument of world peace, deletion of the reserve clause is a necessary first step.

When I submitted my resolution on March 24, I mentioned that the President in his state of the Union message in January made reference to the International Court of Justice and indicated that he would make certain recommendations concerning our own relationship to the Court. I expressed hope that such recommendations would be shortly forthcoming.

On April 13, Vice President NIXON, in a major address in New York City, spoke in favor of the International Court of Justice and he indicated that shortly the administration would present to the Senate its recommendations for modification of the reserve clause.

I commended the Vice President on his speech, and I indicated how pleased I was to have assurances that the administration would soon take action. To date, however, the administration has come forth with no proposals.

To be perfectly frank, I am beginning to wonder when the administration expects to present its recommendations. It has been telling us since the first of the year that it intends to do so. It is now the middle of spring, and we are still waiting.

The time has come, in my opinion, for more than mere words. Those of us who are supporting the strengthening of the World Court through concrete proposals such as my resolution welcome, of course, the administration's general statements on the World Court, but we would welcome even more some definite indication that the administration proposes to work actively and strive for deletion of the Connally amendment.

The simple truth is that if we sincerely desire to promote world peace through law, a fundamental required first step is adoption of my resolution. This fact is brought out in two recent

newspaper articles. I refer to a column by Roscoe Drummond entitled "Life for World Court" from the Washington Post of April 25, 1959, and an article by Thomas Hamilton entitled "New World Court Proposal Requires U.S. Policy Shift" from the Denver Post of April 26, 1959.

Mr. Drummond writes:

The fact is that unless the Senate repeals or radically amends the Connally amendment—the amendment which almost completely nullifies our adherence to the World Court—the United States is effectively inhibited from doing anything to promote the wider and better use of the Court

Mr. Hamilton states:

If the United States really wants to encourage the use of the Court, repeal or revision of the Connally amendment offers the best opportunity.

I ask unanimous consent that both of these articles, along with the editorial from the Washington Post of May 4, be inserted at this point in the RECORD.

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

[From the Washington Post, May 4, 1959]

UNDERCUTTING WORLD LAW

Belgium and the Netherlands are giving the world a significant demonstration of the manner in which international disputes ought to be settled. They are now arguing their conflicting claims to 35 acres of land on the border in the Baarle-Hertog area before the International Court of Justice. Both governments have bound themselves to accept the verdict. A legal controversy between two nations will thus be settled through the judicial process without any diplomatic crisis, threat of war or military coup.

In view of the thousands of international disputes that today cloud the horizon, cases of this kind ought to be routine in the World Court. Actually that tribunal has handed down only 10 decisions in 13 years. It has not emerged as a common arbiter of legal disputes between nations largely because the United States, the greater exemplar of rule by law in its domestic affairs, has not expressed confidence in the rule of law internationally or in the integrity and fairness of the International Court.

To be sure the United States is a member of the Court, but in voting to accept such membership the Senate attached the Connally reservation which makes this country, rather than the Court itself, the judge of whether any case filed against it is domestic or international. Actually the World Court has no jurisdiction over domestic disputes in any event. So the Connally reservation was not necessary to keep all truly domestic disputes in American courts. It has served only to chill world confidence in the adjudication of international disputes and as Charles S. Rhyne recently noted, to reduce the World Court to the status of a forgotten forum where 15 judges are paid $20,000 each year to waste their time waiting to decide cases that are never filed.

The effect of the Connally reservation came into very sharp focus when the United States filed a claim for damages against the Soviet Union for shooting down an unarmed American plane. Russia's answer was that the shooting was within her domestic jurisdiction. This forced the Court to dismiss the case. The Connally reservation thus swung around and hit the United States a powerful blow in the back of the neck.

The world would understand a lawless nation sabotaging the World Court with such a restriction. It cannot understand the United States doing so. Or to put the matter another way, in the light of what this country has done to the World Court, many of our friends abroad, to say nothing of our enemies, find it impossible to believe that Americans are interested in the promotion of world law as a means of bringing order and stability into the relations between nations. It is time to bring repeal of the Connally reservation out of the category of desirable objectives and put it alongside those issues requiring urgent action.

[From the Washington Post and Times Herald, Apr. 25, 1959]

LIFE FOR WORLD COURT—SENATE MUST REPEAL CONNALLY AMENDMENT FIRST

(By Roscoe Drummond)

The American Bar Association is getting terrific support for its crusade in behalf of world peace through law.

Its objective is to put some life and law into the World Court and to begin to use it by giving it some business.

Not many projects can enlist the backing of President Eisenhower, Prime Minister Harold Macmillan, Chancellor Adenauer, Premier Nehru, President Frondizi of the Argentine, President Garcia of the Philippines, Sir Winston Churchill, John Foster Dulles, and Thomas E. Dewey. Vice President NIXON is for it—and so is Senator WAYNE MORSE, of Oregon. Attorney General William Rogers is for it—and so is Senator HUBERT HUMPHREY, of Minnesota.

This is, indeed, an impressive endorsement. In fact, it suggests that this move to activate the World Court is either exactly the right step at the right time or it is a wistful, meaningless gesture which nobody quite has the heart to oppose.

I believe it is radiantly right.

But there is one great danger. The danger is that as the leaders of this crusade are generating mounting and massive support for the large ideal of putting the World Court to work, they will fail to generate adequate support focused sharply on the vital, first step without which the whole thing will falter and fall to pieces.

The fact is that unless the Senate repeals or radically amends the Connally amendment—the amendment which almost completely nullifies our adherence to the World Court—the United States is effectively inhibited from doing anything to promote the wider and better use of the Court.

This means that unless President Eisenhower and the leaders of both parties, who say they are for strengthening the Court, and the leaders of the American Bar Association, who have sparked this whole thing, set about promptly to persuade the Senate to alter the Connally amendment, they will end up with a cargo of idealism and no engine in the ship.

Or at least the engine won't work because the Connally amendment disconnects it.

Here is what happened: In 1946 the Senate approved our adherence to the Court and accepted "compulsory jurisdiction" by a vote of 62 to 2. Simultaneously, the Senate stipulated that not only would we refuse the Court's jurisdiction in domestic disputes, but also that the United States alone would decide what constituted a domestic dispute.

Thus, by action of the Senate, the United States has simultaneously accepted compulsory jurisdiction of the Court and reserved the right to escape jurisdiction of the Court any time it wants to say that the issue is domestic.

When we sought to hail the Soviet Union before the Court for damages caused by shooting down an unarmed American plane over the Sea of Japan, Moscow blandly denied the Court's jurisdiction on the ground that it was a domestic matter. The Court had to agree on the premise that so long as the United States reserved to itself the right to decide when an issue was domestic, the right must be conceded to all countries.

The American Bar Association is keenly aware that the Connally amendment must be changed, or the grand design of its crusade will come to nothing.

So far the Eisenhower administration, though avowing its intention to propose changes in the Connally amendment, has put nothing before the Senate. The alert Senator HUMPHREY has introduced a repeal resolution.

This whole American Bar Association-World Court project is so right, so timely, that it ought to have wide ranging bipartisan initiative and it seems to me that the active leadership of the President is indispensable.

[From the Denver Post, Apr. 26, 1959]

NEW WORLD COURT PROPOSAL REQUIRES U.S. POLICY SHIFT

(By Thomas J. Hamilton)

Vice President RICHARD M. NIXON has performed a useful service by appealing for the increased use of the International Court of Justice in settling legal disputes among states.

The basic philosophy of NIXON's speech was promptly endorsed by Secretary General Dag Hammarskjold, who had previously drawn attention on many occasions to the potential usefulness of this neglected United Nations organ.

With his customary discretion, Hammarskjold made only a veiled allusion to the fact that United States policy was one of the reasons why the 15 judges on the court have had so little to do.

Although the United States has accepted the compulsory jurisdiction of the Court, the Senate attached a crippling reservation with the Connally amendment, which provides that Court jurisdiction shall not apply to "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America as determined by the United States of America."

Thirty-four of the 82 members of the United Nations, plus Switzerland and Lichtenstein, have accepted the compulsory jurisdiction of the Court.

However, most of them have attached reservations, and France and Pakistan have copied the limitation of the Connally amendment.

This was invoked by the United States last year in denying that the Court had jurisdiction in the Interhandel case.

This involved Switzerland's request that the Court order the United States to hand over $200 million in shares of the General Analine & Film Corp. to the Interhandel Co., a Swiss firm.

Although the court ruled last month in favor of the United States, it did so on the technical ground that Interhandel had not exhausted the remedies available to it in American courts.

Some of the judges, in fact, declared the suits involved an issue of international law, the Connally amendment notwithstanding.

Since any government that the United States might bring before the Court has the right to invoke the Connally amendment on its own behalf, this reservation has greatly limited the Court's jurisdiction.

But the effect has not been as serious as the refusal of the Soviet Union to accept compulsory jurisdiction.

In the early days of the cold war, Albania accepted the Court's jurisdiction in the Corfu Channel case.

However, Albania refused to pay when the Court held her responsible for mines that had damaged British warships and handed down an award of $2.4 million.

Otherwise, the Soviet satellites have followed Moscow's example, which emphasizes the ironic fact that three of the nine cases now before the Court involve claims for

damages against Bulgaria by the United States, Britain, and Israel.

These arose from the loss of life resulting when Bulgaria shot down an Israeli passenger plane over her territory in 1955.

Back in the 1920's Bulgaria accepted the compulsory jurisdiction of the Court's predecessor, the Permanent Court of International Justice.

The three plaintiff states took advantage of the failure of the Communist Government in Sofia to realize that this document is still valid.

The International Court of Justice is the direct descendent of the Permanent Court of International Justice, which was a part of the League of Nations.

Judges are elected jointly by the General Assembly and the Security Council, and only one judge can come from any one country. The Soviet Union and Poland are the only Communist countries which are now represented on it.

Other pending cases involve minor boundary questions or disputes over business enterprises established in foreign countries.

Apart from the case of the Israeli plane, the only important political issue is Portugal's 3-year-old complaint against India's refusal to permit Portuguese officials to cross Indian territory in going from the Portuguese colony of Goa on the coast to Portuguese enclaves in the interior.

The court's slowness seems to be part of a cautious policy it has adopted as a result of the obvious fact that great political disputes must be settled by political means.

The only major international issue with which the International Court has attempted to deal, the oil dispute between Britain and Iran, is an instructive example. The court accepted Iran's claim that it lacked jurisdiction.

With other business lacking, the court has devoted much of its time to advisory opinions interpreting the United Nations Charter.

Here it has expounded a doctrine of implied powers that is similar to the Supreme Court's interpretation of the U.S. Constitution.

However, the International Court's policy of broad interpretation cannot overcome a basic flaw in the United Nations system: while the charter forbids member nations to take the law into their own hands, the court's jurisdiction is limited to those states that are willing to accept it.

Is there any way out of this dilemma? Hammarskjold suggested the other day that it would be useful to separate the legal and the political aspects of an international issue, then try to solve the legal questions first.

This is the method that the Secretary General has used in his continuing efforts to prop up the shaky Israeli-Arab armistice settlement.

Moreover, he has had under consideration for some time the idea of referring to the court the legal aspects of the Berlin crisis—if they could ever be separated from the political.

Nixon has recommended that the United States include in future treaties and agreements with the Soviet Union a provision that disputes over interpretation be referred to the court.

However, this has already been tried many times in the post-war era, and almost invariably the Russians have refused to accept language calling for either arbitration or a decision by the court.

If the United States really wants to encourage the use of the court, repeal or revision of the Connally amendment offers the best opportunity.

This was suggested by President Eisenhower in his state of the Union message last January. But the spirit that produced the Bricker amendment is not dead and it remains to be seen whether the Senate will agree.

Mr. MORSE. Mr. President, will the Senator yield at that point?

Mr. HUMPHREY. I yield to the distinguished Senator from Oregon.

Mr. MORSE. I am very happy that the Senator from Minnesota has once again raised the question of the need for an amendment to the original resolution which the Senate adopted in connection with the compulsory jurisdiction of the World Court.

It so happened that in 1945 I was the author of that resolution. It bore my name; but I have many times given credit where credit is really due. Credit is really due the International Law Committee of the American Bar Association, the committees of Catholic church organizations, the Council of Christian Churches, the Friends Organization, and a group of other committees which were represented in Washington at that time, and really supplied me with the support I needed in order to get that resolution through the Foreign Relations Committee.

In 1945, the resolution was unanimously reported favorably from the Foreign Relations Committee to the Senate. There was debate on the resolution, as the CONGRESSIONAL RECORD will show, and Senator Connally, of Texas, then chairman of the Foreign Relations Committee, offered the so-called Connally amendment. The Connally amendment, in effect, contains the reservation that the resolution shall not apply to domestic issues.

I was opposed to the amendment, as the RECORD will show, but I also wish to point out that the Senate finally adopted the resolution. I remember very well the conferences we had with Senator Vandenberg at the time. He was one of my great sources of strength in pressing for action on the resolution on the floor of the Senate during that debate.

There were conferences with some of the outstanding international law experts of the State Department. We realized that after the amendment had been adopted, we should press for the adoption of the Morse resolution with the so-called Connally reservation added to it.

Let me say to the Senator from Minnesota that several weeks ago I had conferences with representatives of the State Department who were sent to me to discuss some of the international law features of this problem.

Although I am very much of the opinion that, for purposes of clarity, we should repeal the Connally amendment, I say most respectfully that there is a great deal of misunderstanding in the Congress and in the country as to the import of the Connally amendment. The fact is that the World Court would not have jurisdiction over a domestic issue anyway.

Mr. HUMPHREY. The Senator is correct.

Mr. MORSE. That was brought out in the debate. I remember very distinctly pointing out in 1945 that the Connally amendment did not mean what a great many newspaper editors who are not lawyers sought to read into it.

The question of jurisdiction is up to the World Court. The World Court has jurisdiction to pass upon questions of jurisdiction, just as any court has jurisdiction to pass upon questions of jurisdiction. The World Court has no jurisdiction, and never has had jurisdiction, over a purely domestic issue without the consent of the parties to the issue; but the question of whether an issue is a domestic issue is, after all, for the Court to determine.

I say most respectfully that, in my judgment, the World Court has been rather timid in exercising its judicial power to pass upon the question of jurisdiction. I can well understand that the World Court has been feeling its way in this field of international law, so I have always taken the position—and I wish to restate it today—that there is nothing in international law which would prevent the World Court from taking jurisdiction over an issue which, in fact, is not a domestic issue, irrespective of what reservation any country might make. It is a paradox for a country to say, "We accept the jurisdiction of the World Court over any international law issue in a contest with any other country which likewise accepts the jurisdiction of the court, but we reserve the right to deny the jurisdiction of the court."

Mr. President, that is an anomaly and a paradox. I have always said that technically and strictly the Connally reservation has never in fact barred the World Court from taking jurisdiction over any issue which it might believe in fact is not a domestic issue.

However, I also quite agree with the Senator from Minnesota that the very presence of the reservation in the American acceptance of compulsory jurisdiction of the World Court, contained in the Morse resolution of 1945, seems to have the tendency to cause the Court to lean over backward, so to speak, in respect to taking jurisdiction.

At some time in the future, I shall discuss the precedents at length. I am working on a major speech on this subject matter in support of the Senator from Minnesota and of the position he is taking. However, I wish to say that the precedents which are being cited in regard to the World Court's refusing to take jurisdiction are not on all fours with what I am talking about when—to use a hypothetical—there comes before the World Court an issue which could not possibly be considered to be a domestic issue, and over which the World Court would agree to exercise jurisdiction, and the United States says, "We reserve the right not to go before you if we say we do not want to go before you, because the issue is a domestic issue."

In my judgment, under existing international law, the World Court could say to the United States—and under the circumstances should say to the United States—"We take jurisdiction because it is in fact, under international law, not a domestic issue, and you are bound by the compulsory jurisdiction of the World Court over any issue that is nondomestic in nature."

Mr. President, I wish to make these comments this afternoon because I believe they outline the question of international law in respect to the assumption of jurisdiction.

However, I quite agree with the Senator from Minnesota that what we ought to do is to clean up the World Court resolution, so to speak, by making an amendment to it in the Senate, or adopting a resolution which would strike the Connally reservation from the resolution.

Mr. HUMPHREY. Mr. President, I wish to express my thanks to the distinguished Senator from Oregon for his very fine explanation of the situation which prevailed at the time the Connally amendment to the Morse resolution was adopted.

At the time I presented S. 194, I referred to the legislative history of the amendment and the resolution, and noted with considerable pleasure the splendid activity of the Senator from Oregon in his proposal that our Government accept the jurisdiction of the World Court. I shall await with interest the remarks of the Senator on this subject, because he is a very highly respected lawyer, particularly in the field of World Court jurisdiction.

## ORDER FOR ADJOURNMENT TO THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it adjourn to meet on Thursday next at noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE PROGRAM

Mr. KEATING. Mr. President, may I ask the acting majority leader if he can inform us as to what the first order of business will be on Thursday?

Mr. MANSFIELD. At the conclusion of consideration of Calendar No. 141, Senate bill 44, which is now the pending business, it is the intention of the leadership to take up Calendar No. 185—S. 1120—to amend section 19 of the Federal Reserve Act with respect to the reserves required to be maintained by member banks of the Federal Reserve System against deposits; and Calendar No. 186—S. 1062—to amend the Federal Deposit Insurance Act to provide safeguards against mergers and consolidations of banks which might lessen competition unduly or tend unduly to create a monopoly in the field of banking.

Both the latter bills have been reported by the Committee on Banking and Currency, and both will be considered at that time.

Mr. KEATING. Is it the intention to take up either Calendar No. 185 or 186 tonight?

Mr. MANSFIELD. No; on Thursday.

Mr. KEATING. Could the Senator inform us with any degree of certainty how long the debate on those two measures will take? Do they involve seriously contested issues?

Mr. MANSFIELD. So far as I know, several Senators have filed supplementary views on both measures. I anticipate that there will be some discussion of the bills, but I expect that both will be disposed of on Thursday.

## FOOD FOR PEACE ACT

Mr. HUMPHREY. Mr. President, with greater interest and emphasis on education, it is most encouraging to see the increasing activity on the part of our own Government in the field of international education. Since 1938, when the U.S. Government entered this field through the establishment in the State Department of a Division of Cultural Affairs, significant strides have been made.

Excellent résumés of what our Government has been doing to promote international education are contained in two articles by George W. Oakes in the Washington Star. I ask unanimous consent, Mr. President, that these articles be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, in the International Food for Peace Act of 1959, S. 1711, which I introduced this past month on behalf of myself and 15 other Senators, it is proposed that Public Law 480 be amended to authorize the President to negotiate and carry out agreements with friendly nations to provide for the establishment in such countries of nonprofit binational foundations to foster and promote education in addition to research, health, and public welfare. It is my contention, Mr. President, that our food surpluses should be treated not as a curse but rather as a blessing and a means whereby we may assist in alleviating famine, poverty, and illiteracy.

The time is propitious for America to inaugurate such a program. We are a Nation of generous and warm-hearted people who have never failed when the opportunity presented itself to aid those in need. Passage of the International Food for Peace Act would be in keeping with the humanitarian spirit of our great country. We have the means whereby we can institute such a program; let us not now miss this opportunity to use our God-given food supplies to aid our fellow man.

Mr. President, I wish to note for the RECORD, with respect to the bill, that the support which has come to me from all over America for S. 1711 is most gratifying and encouraging. I have received articles and letters and editorials by the dozen. They indicate the interest of the American people in converting what is a problem in the domestic economy, namely, our food abundance, into a great asset for the economies of other nations who have food deficits.

We can make food a powerful instrument of foreign policy. The time is at hand to do it.

EXHIBIT 1

[From the Washington Sunday Star, Mar. 22, 1959]

FOREIGN EDUCATION A BIG BUSINESS TO UNITED STATES

(By George W. Oakes)

International education has become such an extensive activity in government that the need has arisen for its operations to be concentrated in one spot. The State Department has accepted the responsibility for dovetailing all the programs involving scores of governmental agencies, thousands of American and foreign exchange students. In money about $150 million a year is involved.

The State Department last December appointed a special assistant to the Secretary to fit together the many and varied programs now in operaion and to devise ways of making them more effective.

Congress is interested, too. During this session, under the leadership of Senators FULBRIGHT and HUMPHREY and Representatives FRANK THOMPSON, JR., and WAINWRIGHT, legislation is expected that will give the State Department statutory authority over other departments, to try to assure joint policy and planning of these multifarious international education activities.

The U.S. interest in international education dates from 1938, when the State Department formed a Division of Cultural Affairs. During the early war years Nelson A. Rockefeller put great stress on cultural and scientific exchanges with Latin America and thus laid the foundation for the present activity.

In 1946 Senator FULBRIGHT established an extensive academic program outside Latin America by using funds obtained from the sale of surplus war property. Two years later Congress authorized a permanent global education exchange program.

In January Representative PORTER HARDY, JR., of Virginia, chairman of the International Operations Subcommittee of the House, published a voluminous report describing in detail present Government programs. It suggested that Government policy in international education be more clearly defined and directed by one department.

Now the State Department is collecting data from all agencies concerned and also is informing itself on the many private operations carried out for many years by foundations like Ford, Carnegie, and Rockefeller.

THE LARGEST PROJECTS

The Government's two largest programs are conducted by the State Department's International Educational Exchange Service and the International Cooperation Administration.

In the State Department the Fulbright and leader-grant programs, in operation for a decade, bring annually to the United States about 4,000 foreign students, teachers, lecturers, and specialists from 80 countries and send about 2,000 Americans overseas.

The ICA technical assistance program arranged last year for some 5,600 foreigners from about 60 countries to receive special training in the United States and sent 500 non-Government specialists abroad.

Yet these Government programs, plus those conducted by such diverse organizations as the Defense Department, Public Health Service, Atomic Energy Commission, National Science Foundation, and Library of Congress, are responsible for only a small proportion of the 47,000 students, 7,500 doctors and 1,400 faculty members who will be studying in the United States this year.

Nearly 70 percent of these visitors will be supported by their own funds or by private organizations, according to the Institute of International Education, the chief organization in this country concerned with both Government and private programs.

Although the present number of foreign students in the United States is almost twice as many as 10 years ago, it still is only 1.5 percent of our total higher education student population. In Britain, for example, 12 percent of the students are from foreign countries. To have the same proportion of foreign students enrolled here as in England or France would mean a foreign student population of 400,000.

A third of all foreign students in the United States come from the Far East. Twenty-one percent come from Latin America. As might be expected, Canada with over 5,000 sends more than any other country.

EXCHANGES WITH RUSSIA

The State Department's most significant exchange activity this past year has been the new program with Russia.

Here is the way it has developed: January 28, 1958, to January 26, 1959—

| | Americans to U.S.S.R. | Soviets to the United States |
|---|---|---|
| Scientific and technical | 392 | 267 |
| Cultural, including sports and entertainment | 355 | 254 |
| Academic | 205 | 44 |
| Total | 952 | 565 |

These exchanges ranged from cotton growers to pediatricians, from geologists to foresters, from architects to veterinarians. Most of them stayed for relatively brief periods of time, varying from days to a few weeks. However, there are now 22 American graduate students enrolled in 2 Soviet universities for the 1958–59 academic year and 17 Russian students in 5 American universities. At Columbia, for example, three are studying American history and one journalism.

In many ways the international education activities of ICA—largely of a technical training nature—are the most widespread in that they affect more different U.S. Government departments. Hence this may be the area in which the State Department may have the widest scope. Essentially ICA's education activities involve training foreigners in the United States and third countries, as well as supplying U.S. technical advisers and funds to foreign education systems and institutions.

The program whereby American universities, under contract with ICA, loan their outstanding experts to guide the economies and governments of underdeveloped countries is perhaps one of the most useful, as well as least expensive, of any now in operation. These specialists conduct education research and training programs in economics, engineering, medicine, agriculture, public and business administration.

Acting on the conviction that many Far Eastern countries must develop a competent civil service in order to survive, University of Indiana professors in Thailand have been trying to revise concepts of civil service and public administration. Also, in the Philippines, the University of Michigan and the University of the Philippines have established an Institute of Public Administration to instruct officials and render advisory services to the Government.

TRAINING IN TAIWAN

In Taiwan, Purdue University has trained hundreds of Chinese engineers to assist its industrial development. This project meant furnishing engineering professors to advise Cheng Chung University in modernizing its courses, laboratories, text books, and library facilities.

In India, where basic knowledge of nutrition is hardly known, University of Tennessee specialists have helped Indian educators improve college curricula in home science and train hospital dieticians and home economics workers.

However, many opportunities are missed because American university faculties, hard pressed by increasing student bodies, meet considerable domestic resistance to detaching their staff for oversea duty. It is estimated that 300 from the University of California faculty alone are now abroad.

Not long ago an Indonesian Government request to the University of California for six government administration specialists to work with their cabinet secretariat had to be refused. Yet participating American universities have found that such foreign experience has broadened the knowledge of their faculty and thus improved their teaching and research performance at home. From a practical viewpoint, Cornell University learned certain agricultural techniques working in Southeast Asia that have been useful in upstate New York.

Educators believe it important to mesh the technical training and academic programs. For example, more Indian philosophers, poets, and intellectual leaders should come to the United States not only to widen our horizons but also to make Indians feel that we are not trying to dominate their culture but that we recognize that education exchange can be mutually beneficial.

As the State Department prepares to exert its leadership role, it faces the task of devising an international education policy that will develop fully our national potential—both public and private—in line with our foreign policy without impairing our long-range cultural programs that have won worldwide recognition.

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[From the Washington Sunday Star, June 22, 1958]

SURPLUS FARM PRODUCTS BARTERED ABROAD FOR CULTURAL BENEFITS TO UNITED STATES

(By George W. Oakes)

Surplus American farm products are making it possible for many peoples throughout the world to learn more about American cultural and educational life.

Our agricultural surpluses sold abroad earn millions of dollars in foreign currencies to defray essential U.S. Government expenses. These range from paying a large portion of military maintenance costs to financing American-sponsored educational institutions and establishing cultural centers devoted to increasing knowledge of American life.

The oversea sale of such agricultural commodities as wheat, rice, cotton, tobacco, dairy products, poultry, fats and oils, fruits and vegetables was authorized by Public Law 480 5 years ago. More than $1.5 billion worth of these products have been shipped under agreements negotiated with 35 countries. Most commodities have been accumulated as a result of the Government's price support program to aid American farmers. Although a substantial amount of the foreign currencies earned are loaned to the respective countries for development projects, the agreements provide that a large proportion of the money is to be used for U.S. Government expenses in each country—construction of military housing, pay for U.S. troops to spend abroad, upkeep costs of American Embassies, etc.

Eleven countries have so far agreed that some funds generated by the sale of American surplus from farm products should be spent on certain educational and cultural activities that will promote a greater understanding of the United States. These are only one facet of the Government's extensive and diverse programs that include libraries, book publication, art, music, etc.

MILLIONS FOR SCHOOLS

Nearly $3 million was allocated in the current fiscal year for American-sponsored schools. Such institutions must be non-sectarian and nonprofit making. They cover the field, from elementary schools to colleges. The purpose in supporting and expanding these schools is to establish and improve institutions where foreign students can obtain an education oriented both for their own local needs and a greater knowledge of American life and culture. Many American teachers take a 2-year leave of absence to instruct in these schools which are in a way demonstration centers of American educational methods in the broadest sense.

The policy objective of this program is directed towards furthering a wider appreciation of American life, ideals and objectives by educating those who may influence opinion and thought in their countries.

SCHOLARS IN GREECE AIDED

Robert College in Istanbul, which has won a distinguished academic reputation in the Middle East as a center of learning, has received the largest grant. Ninety percent of its 1,200 students are Turkish. One hundred thousand dollars in counterpart funds has been given out of a possible allocation of $1 million to enable this institution to build a newly equipped engineering building and thus meet the technical needs of Middle East students. Robert College will supplement these Government funds by raising $100,000 additional for engineering purposes.

The equivalent of half a million dollars has been allocated to three outstanding American-sponsored educational centers in Greece—Athens College, Anatolia College and the American farm school in Salonika. The majority of their student bodies are Greek or foreign nationals. These funds will make it possible for the three schools to raise salaries of their American teachers, to provide scholarships for deserving Greek students and to expand their plant facilities. The farm school operates on the lines of an American agricultural college teaching the latest methods in improving farm production.

Approximately a million dollars will be made available for two institutions in Italy—the Bologna Center of International Studies, conducted by Johns Hopkins, and the American oversea school in Rome.

American schools in Latin America are important beneficiaries under this program, including seven in Mexico, five in Colombia and several in Ecuador, Peru and Brazil. For example, the American school in Quito, established in 1940, has 936 children from elementary through 12 grades of whom 80 percent are Ecuadoreans. Former President of Ecuador Galo Plaza was a graduate. This school is scheduled to receive $40,000 in local currency to expand its facilities and improve the calibre of its curriculum.

ACTIVITY IN SOUTH AMERICA

Ever since 1948 the State Department has been supplying a small amount of money to 33 private schools in Latin America. During the war the impact that German schools throughout South America had on public opinion was deeply impressed on American officials. Now the private American-sponsored schools are regarded as vital in the struggle to counter Communist influence.

This 10-year experience in assisting Latin American schools is proving useful in expanding such operations just at the time when the need for greater American cultural activity has been highlighted both by Vice President NIXON's recent trip and conversely by the enthusiastic reception given American symphony orchestras.

The State Department receives essential support in operating the school and college programs from such professional organizations as the American Council on Education and other technical advisers on educational curricula. The academic standards of the institutions being aided meet the American college accreditation requirements. As a result many graduates of these American schools overseas attend universities in this country.

Another important cultural activity financially being aided by funds from the sale of surplus farm products is the cultural center program of USIA. These centers, of which 70 are operating in Latin America, are run by groups of distinguished private citizens, partly nationals of the country and partly resident Americans.

The centers are nonpolitical, nonsectarian, autonomous institutions organized to promote closer cultural understanding between the United States and the host country.

Their activities include teaching English, providing library facilities, as well as a community building, for the study of American art, music and films. Funds supplied by tuition fees and voluntary contributions from individuals and business organizations cover about 60 percent of the cost of these establishments.

NEW BUILDINGS PLANNED

The local currencies accumulating from the sale of agricultural commodities are now sufficient so that plans are actively underway to improve the facilities and construct new buildings for these centers in the following countries: Peru, Colombia, Brazil, Bolivia, Mexico, France, Greece, Turkey, India, Iran, Pakistan, Thailand and Burma. The first new center with an expenditure of $100,000 in counterpart funds will soon be under construction in Peru on a $60,000 site which the government has contributed.

The USIA is also using farm surplus funds to translate, publish and distribute American textbooks for school and college use. These books are mainly to be sold to Ministries of Education and to students at prices low enough to attract purchases. Initially this program will soon operate in Austria Colombia and Turkey and later will be extended to eight other countries as diverse as Yugoslavia and Thailand. For example, in Austria $75,000 in counterpart funds will be spent on the publication of science textbooks whereas in Turkey the equivalent of $10,000 will enable books to be distributed mainly for use in the elementary and secondary schools.

The State Department's academic exchange activity also substantially benefits from Public Law 480 money in all countries where both programs function. Local currencies, resulting from the sale of farm surplus, pay the travel and living expenses of visiting American Fulbright professors, teachers, lecturers and students. In addition these funds defray the travel cost of foreign Fulbright fellows visiting the United States.

## SOIL STEWARDSHIP

Mr. HUMPHREY. Mr. President, I wish to draw to the attention of the Senate the fact that this week of May 3 to 10 inclusive is Soil Stewardship Week. While we here are most often engrossed with the economic and legislative aspects of the farm problem, it is well that we broaden our vision to consider the soil itself, and man's relationship to it.

Soil Stewardship Week is sponsored by the National Association of Soil Conservation Districts and various national church organizations who have chosen this as a time to observe throughout the United States that "the earth is the Lord's and the fullness thereof" but that man has a sacred trust of responsibility for its stewardship.

This observance has been carried out since 1946, reaching each year an ever-growing number of people who believe, with John Ruskin, that "God has lent us the earth for our life. It is a great entail. It belongs as much to those who are to come after us as to us and we have no right, by anything we do or neglect, to involve them in any unnecessary penalties, or to deprive them of the benefit which was in our power to bequeath.

The soil conservation districts deserve high commendation for their untiring efforts to build understanding of both the techniques and the value of soil and water conservation. And our deep gratitude should go to the churches throughout our land who reaffirm the meaning of the spiritual link of man to earth that has been strong through the ages.

In too many nations of this world, hunger and famine are everpresent realities. Men and women live out their lives without knowing how it feels to have enough to eat. Life hangs in a precarious balance between existence and starvation. In many of these countries, the land was once bountiful. But unwise use of the land permitted erosion to steal away the productive power of the soil and changed abundance into want.

Those who live in cities, and devote most of their time to consideration of urban affairs, are nevertheless just as dependent on the soil and water resources of this country as were the first colonists. All share in the responsibility to protect the soil which gives us life, and clothing, and shelter.

We here in this Chamber have a special responsibility, for the decisions we make here regarding soil and water conservation will shape the kinds of lives our grandchildren and those who come after will live.

"One generation passeth away and another generation cometh; but the earth abideth for ever."

Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

## A TRIP TO THE WEST

Mr. HUMPHREY. Mr. President, it was my privilege recently to make a quick trip through several of our Western States.

Every time I have had an opportunity to visit the western areas of our country, I have been strongly impressed with the vigor and friendliness of its people, with its determination to overcome any obstacles to progress, and with its exemplification of the real spirit of American enterprise that has made this a great country. This trip was no exception.

The population of the West is still soaring by leaps and bounds, yet its officialdom is unafraid to plan boldly and imaginatively for even greater progress than already achieved.

It was my privilege to visit with three Governors, to at least talk by telephone with a fourth, to meet with many State legislators, and to address briefly one State senate.

As a midwesterner, I can find many common bonds with the people along our west coast and the western mountain country. The pioneer spirit is still evident—the willingness to work together for progress, to take a real sense of pride in every civic development and achievement. Perhaps too often some of us come to be too complacent about the underlying spirit of our country. If that is so, let me suggest a trip throughout the West as the tonic needed.

I want my colleagues from Washington, Oregon, California, Utah, and Wyoming to know how deeply impressed I was with the warm welcome of the people in their States, and with the drive and energy these western people are displaying in tackling complex problems resulting from their rapid growth.

I am convinced the West is going to make its voice increasingly heard in national affairs. And I am convinced, too, that the voice of the West will be good for the entire Nation—not just the West. For we need infused into our entire national thinking the spirit of progress and expansionism that is symbolized by the West, contrasted with a complacent satisfaction with the status quo that prevails too often in some parts of the country.

Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

## THE AMERICAN STUDENT

Mr. HUMPHREY. Mr. President, recently I had occasion to call to the attention of the Senate the increasingly vital function of the American student community in meeting the grave challenges confronting this country. The significance of the attitudes and activities of our student community has been multiplied by the critical impact which the attitudes and activities of students elsewhere often have these days on the destiny of their countries.

In the face of the energetic efforts of the Communists to gain the sympathy and support of young people and of the intellectual leadership of the great emerging areas of the world, the unconcern of our students has seemed discouraging at times. But surely it is an important and encouraging part of the record that, despite the general lethargy, the student leadership of the United States and of our friends around the world have together been able to construct an effective democratic forum for the discussion of ideas, the exchange of personnel, and the extension of assistance to oppressed or needy students wherever they may be.

This forum, the Coordinating Secretariat of the International Student Conference, with its headquarters in Leiden, Holland, could hardly have survived, let alone have made the great contributions to international understanding which have marked its brief existence, without the unflagging support of the American student community, expressed through the representative American national student organization, the United States National Student Association.

But invaluable as such overall participation in the affairs of the world student community is, it is not, of course, all that is necessary. There must also be aroused on individual campuses in this country a greater awareness of America's problems and a far greater interest in the problems of human beings elsewhere.

In this connection, it is especially heartening to see an issue of the Amherst Student, the weekly newspaper published by the students of Amherst College in Amherst, Mass., devoted entirely to examining and explaining the American educational system in an objective and comprehensive manner designed to be of interest to the students of Moscow University.

This is an ambitious project, one whose value as a means of opening communication with Russian students on problems of common interest is perhaps equaled only by its value in making thoughtful young Americans aware of their own educational system and of their relationship to the student community everywhere.

The project to exchange college papers with the University of Moscow was conceived by the senior board of the Amherst Student last spring. Agreement was obtained from the Soviet Government to permit such an exchange with the University of Moscow, and the students at Amherst then proceeded with the not inconsiderable task of preparing their edition. This work was carried out under the direction of Paul Dodyk, the editor of the Amherst Student, a young man whose talents and dedication to high purpose I had occasion to appreciate and benefit from last summer, when he was a member of my staff.

Mr. President, not only is this publication a tribute to the energies and initiative of Paul Dodyk and his colleagues at Amherst, but it attains a standard of journalistic excellence of which all Americans can be proud. It is extensive in its coverage, scrupulously honest, and, overall, an impressive indication of the intelligence, integrity, and concern for humanity of American college students. One thousand copies have been flown to the University of Moscow, and I think that if it is distributed, as agreed, to the English-speaking students at the university, it will make a significant contribution to the kind of better understanding which is the best hope for peace.

I would be remiss, Mr. President, if, in this connection, having paid tribute to the staff of the Amherst Student and to the American student community in general, I did not add a word or two of tribute to that stanch little college which bears the proud name of a great English soldier who fought any enemies of his sovereign "who came within his sight, and looked around for more when he was through." Amherst College is now in its 138th year of adding luster to an already illustrious name; her intellectual excellence, her free spirit, and her warm concern for human beings has produced the kind of academic atmosphere and of concerned citizens of which America has greater need now than ever before.

I am pleased to have this opportunity to call attention to yet another significant contribution from this center of significant contributions. I am sure this special edition of the Amherst Student will prove an inspiration for similar efforts in many other colleges to reach out and come closer to students in distant places.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of an editorial printed in both Russian and English in this special edition. This editorial explains clearly and cogently the impetus behind the expenditure of time, effort, and money that went into the preparation of this edition.

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

[From the Amherst Student, Jan. 29, 1959]

PROSPECTUS

This issue of the Amherst Student has been written primarily for the English-speaking students of the University of Moscow. It is an attempt to sketch briefly the rough outlines of higher education in the United States; but more important, it is an attempt to establish a channel of communication between the students of this country and those of the Soviet Union. We of the Student have high hopes that this issue will be the first in a series of exchanges through which the students of both nations may communicate their experiences and aspirations to one another.

In these times of tension when the Soviet Union and the United States so often seem perilously close to a war of mutual destruction and co-annihilation, it is of crucial importance that whatever differences exist between the two nations not be compounded by myth and misunderstanding. To dispel such myth and promote genuine understanding, this issue of the Student is dedicated.

It is only natural that the first of these exchanges should be devoted to education, the endeavor in which both we and our counterparts in the Soviet Union are most vitally concerned. If our treatment of the material seems too general and our scope too comprehensive for readers in this country, we ask them only to bear in mind our purpose, in reading the pages that follow.

## SAN LUIS UNIT, CENTRAL VALLEY PROJECT, CALIFORNIA

The Senate resumed the consideration of the bill (S. 44) to authorize the Secretary of the Interior to construct the San Luis unit of the Central Valley project, California, to enter into an agreement with the State of California with respect to the construction and operation of such unit, and for other purposes.

Mr. KUCHEL. Mr. President, S. 44 is authored by my distinguished colleague from California [Mr. ENGLE] and by me. It is endorsed by the Bureau of Reclamation and the Secretary of the Interior. The Bureau of the Budget has interposed no objection. The bill is recommended by the government of California presided over by the Honorable Edmund G. Brown, a Democrat; and it was recommended by the government of California presided over by his predecessor, Hon. Goodwin Knight, a Republican. Thus, my colleague and I are in the happy position of being able to say that the bill comes to the Senate floor recommended by all those agencies, State and Federal, which have an official interest in the subject matter.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. KUCHEL. I prefer not to yield until I have completed my opening remarks. Then I shall be glad to yield.

By way of background, I may say—and I have said it before in the Senate—that in population California is now the second largest State among the 49 States. California has 14 million people. Our State is a semiarid region. New citizens are coming to California at the rate of in excess of half a million a year.

Water continues to be our basic problem. We are grateful to the Government of the United States and to Congress for the multiplicity of times when, under the Constitution, Congress has acted in passing reclamation legislation to help the people of California solve their water problems.

Mr. President, the proposed legislation before us now is of great importance to the State of California. This is the second time such legislation, designed to authorize the San Luis project, has been before the U.S. Senate. Last year, in the 85th Congress, the Senate considered a bill essentially the same as S. 44, and voted its approval.

This year hearings were again held on this proposal by the Senate Subcommittee on Reclamation and Irrigation of the Senate Interior Committee. It was gratifying to all of us who have been urging this legislation for several years to find that every segment within the State of California now has given this bill its unequivocal endorsement. The people from southern California, the people from northern California, the State Government speaking through its Governor, every interested segment of our State, came before the subcommittee and gave vigorous endorsement of this legislation. I am grateful to Senator ANDERSON, of New Mexico, for the manner in which he handled this bill both in the subcommittee and before the full Senate Interior Committee. I thank the distinguished chairman of the full committee, Senator MURRAY, of Montana, indeed, every member of the full committee which sent the bill unanimously to the floor.

Briefly, the legislation before you envisages the construction of a giant, 2,100,000 acre-feet storage reservoir, jointly to be used by the State of California in sending northern surplus water on south through the lower San Joaquin, and through the coastal counties, and into all of southern California under a gigantic State system paid for by the State and its people; and used also by the Federal Government in rescuing 500,000 acres of land now in danger of destruction because of the vanishing water supply by adding that vast area to a Federal reclamation project, the Central Valley project.

Thus, two systems—one a Federal project in being; the other, a State project about to get under way—would both be served at San Luis, the point where they cross—by a single storage reservoir whose cost of construction and operation would be shared by both governments.

The importance of speedy action by Congress at this time has been heightened by various developments in California. Outstanding is the fact that a decision has been reached on the general routing of an imagination-challenging aqueduct to carry surplus waters of northern California to the heavily settled communities of the southern half of the State.

The bill provides for the building and operation of a 2,100,000-acre-feet reservoir at the San Luis site on the west side of San Joaquin Valley to store and furnish water for what are in actuality two

separate projects. These, as I say, are an additional unit of the vast Central Valley project, a Federal undertaking, and an integral part of the Feather River project, a purely State enterprise.

As for the Federal interest, the project will serve lands now completely dependent upon irrigation water pumped from underground sources. Years of overdraft have caused the groundwater table to recede at an alarming rate. The situation has become acutely critical in recent years. The supplemental water from this project would halt the inevitable abandonment of land which otherwise is liable to revert to semidesert. Thus, the Federal undertaking would be wholly in harmony with the objectives of our Federal reclamation policy of more than a half century, by assuring a livelihood for American families. At present, nearly three-quarters of a million persons would be benefited directly and indirectly by the San Luis development.

Here is a unique opportunity for pooling of Federal and State resources and abilities. The San Luis project would have a dual purpose and the one suitable reservoir site in the valley of the San Joaquin would be used by both governments, State and Federal. It will be an important link in the development of California, specifically in sections from the lower San Joaquin and Santa Barbara, and beyond the Tehachapi Mountains south to the Mexican border. These areas, with startling increases in population and industry, are vitally concerned with efforts to transfer excess water from the surplus counties of the north to the critical deficiency communities of the south where additional supplies are imperative to maintain the present economy, let alone meet forecast demands for greater quantities to accommodate the logically anticipated growth.

The physical plan of San Luis involves capturing a portion of the winter runoff which each year flows into the Sacramento-San Joaquin Delta and is wasted into the Pacific Ocean. The water would be transported by means of the existing Tracy Pumping Plant and the Delta-Mendota Canal of the Central Valley project to a point near the San Luis reservoir site. There, new facilities would be constructed to lift the water to the reservoir for storage, ultimately for either delivery to agricultural lands of the surrounding area for use during the irrigation season, or for transportation through huge new aqueducts to the residential, industrial, metropolitan and other areas of Los Angeles, Orange, Riverside, San Bernardino, Ventura and San Diego Counties. It will almost double the utility of the existing Delta-Mendota canal system by providing for its use at a time when otherwise it would be idle.

The California water plan, with an aggregate estimated cost to California of nearly $12 billion, envisions facilities basically similar in design and location to those proposed by the Bureau of Reclamation to serve the San Joaquin Valley. It is essential to provide a storage and regulating reservoir at a midway point on the route of the contemplated interbasin exchanges.

It is obvious that any effort to use a single reservoir and related facilities for discharge of Federal and State responsibilities can lead to complications and differences. Happily, these have been resolved and dissipated. Prolonged conferences and discussions have happily resulted in a meeting of minds and the drafting of this bill. Both State and Bureau officials are on record to the effect that there are no engineering, financial, legal or other obstacles to the coordination, for both Federal and State purposes, of construction and operation of the San Luis project as contemplated in S. 44.

As I mentioned earlier, this bill is essentially the same as the bill we considered last year. Let me touch briefly on the major differences between S. 44 and last year's legislation. One change, on page 3, line 25, relates to the cutoff date for the agreement to be entered into between the State of California and the Federal Government. The bill last year provided that the cutoff date for this agreement was to be July 1, 1960. The present bill extends this date to January 1, 1962. Another substantive change to last year's bill will be found on page 2, beginning on line 12. Here we have provided language to make it crystal clear that the Secretary of the Interior has a mandate to construct the dam and reservoir so as to permit the expansion into such construction of other joint-use facilities, subject to limitations and appropriations authorized, and the agreement with the State of California.

The purpose of this language is to clarify provisions of the bill to pave the way for the integration of the San Luis unit with the Central Valley project of the California State water plan. This arrangement will assure full protection for the Federal investment and at the same time evidence cooperation with the State of California in the conservation and development of its water resources.

While there are other amendments, they are largely of a technical nature. I will point out to you, however, that the bill that my colleague from California and I have introduced this year, through an inadvertence, did not contain what appears in the printed bill as section 6. This section relates to the application of Federal reclamation laws. The language in section 6 of the present bill is essentially the same as section 7 of last year's bill.

I have emphasized throughout these remarks the project would have a dual purpose, carrying out both a Federal and a State plan and supplying water for different uses. We envisage construction of a 2,100,000-acre-feet reservoir because that would be more economical, more practicable, and the commonsense way of proceeding to meet these varying requirements. Accordingly, the bill should unequivocally provide that in one area served by the Federal project, Federal reclamation law will apply, while in the other area, served by the Feather River project, California law will apply. It should be made crystal clear that the Federal acreage limitations will be enforced in the case of those benefiting from the Federal project in this joint venture. It similarly should unequivocably declare that Federal laws will not in any way or manner affect lands which may be supplied from features which are a part of the California water plan. Both those for and against this legislation should know beyond doubt that the project will handle purely intrastate waters which the Creator has sent to California, and that under the State system, these State waters will be used in accordance with State laws. I wish it equally clear and unmistakable that on the lands which are part of the Central Valley project, the waters will be used pursuant to Federal law. The fact that the same reservoir will be used to store two categories of water should not lead to the imposition of a Federal law and Federal obligations on persons who are beneficiaries only of the State expenditure and effort.

The bill thoroughly protects the interest of the United States. In the very unlikely event that an agreement with California cannot be reached, the Secretary of Interior must report that fact to the Congress and then wait 90 days before proceeding to construct the project according to Bureau of Reclamation specifications and plan. Under no circumstances can the Secretary initiate the project until he has secured, or has satisfactory evidence of his ability to secure, all rights to the use of water necessary for successful operation. Further, the entire Federal cost of the project allocated to water users will be repaid by them over a period not to exceed 50 years.

The bill likewise contains carefully framed provisions to protect and advance the interests of California. For example, should the State elect not to enter into the contemplated contract with the Federal Government, it can still preserve its interest in the site by making available to the Secretary sufficient funds to pay the additional cost of designing and constructing the dam and joint-use facilities to permit enlargement at some subsequent date. Thus, the State will acquire an irrevocable right to enlarge or modify those facilities at any time in the future and a perpetual right to the use of such additional capacity.

Based on a State-Federal agreement, the Secretary, as the bill now provides, can either initially construct the reservoir to full capacity, 2,100,000 acre-feet, and to corresponding capacity of other joint-use facilities, in order to permit immediate integration and coordinated operation of the works, or he can construct them to meet requirements of the Bureau of Reclamation but on a basis susceptible to future expansion by the State if later desired.

The benefits of this venture should be widespread. Its need is obvious from reference to the tremendous expansion of California population, industry and agriculture during recent years. From a population of less than 7 million in 1940, we have more than double that number of people today. The State department of water resources shows an almost unbelievable rise in consumption of water and foresees even harder to

comprehend increases in the rest of the present century. The department reported that back in 1950 the estimated seasonal shortage of developed water in California was about 2.7 million acre-feet and by 1965 some experts warn that, without this and other equally vital undertakings, the overdraft may reach 10 million acre-feet per season.

When the Governor of California was here several weeks ago, he appeared before our committee and urged that the bill in its present form be passed. I do, also.

There are one or two other things to which I wish to allude. First of all, before the committee, interested citizens who represented the areas in my State covered by the counties of Santa Clara, San Benito, Santa Cruz, and Monterey asked for an opportunity to be considered in the legislation with respect to the possibility of an additional source of surplus water for the people who are moving into those areas and who will need water for domestic purposes. The proposed legislation, I am glad to say, contains the following section:

(b) The Secretary is authorized to provide Central Valley project service, by way of the Pacheco Tunnel route, to lands and municipalities in Santa Clara, San Benito, Santa Cruz, and Monterey Counties: *Provided*, That construction of the works to provide such service shall not be undertaken until a report demonstrating their physical and economic feasibility has been completed, reviewed by the State, and approved by the Secretary and by the Congress, and in no event prior to July 1, 1964, unless, in the meantime, the Governor of the State of California shall have notified the Secretary that the State approves the construction of such works by the United States.

Thus, were the bill to become law, as I devoutly hope it will, Congress would have an additional responsibility to discharge under the section I have just read. But I think it fair to say that the one apprehension, about which I very much regret one or two of my colleagues have spoken to me, concerns another section. I want to try to meet any objection head on, if I can, and to spread the facts on the RECORD now.

Mr. President, there is every intention on the part of the authors of the bill to have the Federal reclamation law apply completely to every drop of water which goes into the San Luis Dam and which thereafter is to be used on properties lying within the expanded Federal reclamation area. There is every intention on the part of the authors of this measure that the water for storage in this reservoir which is to be used by the State of California in the State system, paid for by the people of California, and almost completely to be used for domestic purposes, shall be governed by the law of the State of California, and by the law of the State of California alone.

Thus, Mr. President, we have here a proposal for a joint-use reservoir utilizing the only area in the mountains of my State which is suitable for a great 2-million-acre dam by means of which Federal benefits under Federal reclamation law will flow to farmers in a Federal area, and by means of which benefits to the people of my State who will need water will be received from the waters stored in the dam which feeds the State system.

Mr. President, is it not just that, in such a situation, State law, and State law alone, shall govern? I think so; and it is on that basis that we have particularly provided in section 6(a):

The provisions of the Federal reclamation laws shall not be applicable to water deliveries or to the use of drainage facilities serving lands under contract with the State to receive a water supply, outside of the Federal San Luis unit service area described in the report of the Department of the Interior, entitled "San Luis Unit, Central Valley Project", dated December 17, 1956.

Mr. President, if there were two damsites at San Luis, the Federal Government could proceed to build one dam to serve the Federal reclamation area; and the State of California could proceed to build a dam immediately adjacent to it, and to have pass through the latter dam waters serving the State system only. But how ridiculous and how economically unfeasible such an arrangement would be.

Mr. President, is it not in the interests of the people of the United States and the people of California that one reservoir be constructed jointly at the one site the Creator has made available, and that it be used in a joint capacity? I think so. So does my colleague. So does the Governor of California. So does every member of the Senate Committee on Interior and Insular Affairs—whether Democrat or Republican.

So, Mr. President, this is a piece of proposed legislation which should be passed this year by the Senate, as it was passed last time, and this year in the hope that it will soon be on its way to the White House.

Mr. ENGLE. Mr. President, in the 85th Congress the Senate passed proposed legislation virtually identical in substance with the bill which now is before us. So most Senators are well acquainted with the merits of the San Luis project.

Furthermore, I may say that my distinguished colleague, the senior Senator from California [Mr. KUCHEL], has made an excellent explanation of this project.

Mr. President, in the last session of Congress, the corresponding bill was coauthored by the present senior Senator from California [Mr. KUCHEL] and by my predecessor, who then was the minority leader, Senator Knowland, then the senior Senator from California. So little can be added to the information my colleagues already have with respect to this project.

Mr. President, today I wish to emphasize only two or three points, which, although not new, are important, and should be kept in mind in connection with the consideration of this proposed legislation.

First and foremost, Mr. President, this project is a "rescue" project, not a new development. Almost no new land will be brought into agricultural production. The service area of the Federal San Luis unit already is almost fully irrigated from ground water pumped from deep wells which are almost as deep and as expensive as some oil wells. These tube wells go down from 600 feet to more than 2,000 feet. They cost approximately $75,000 to drill—each.

I can remember when we thought a ranch which cost $75,000 was a good-sized ranch and an expensive one. The water pumped from these depths costs $20 or more an acre-foot. But the worst feature of the matter is that the water is giving out; the water table is sinking lower and lower each year, because the required draft on this subterranean supply is so much greater than its annual natural replenishment. The figures shown by hydrologic studies are in the order of 1 million or more acre-feet of annual use, as against 220,000 acre-feet of annual replenishment. In other words, in order to sustain a developed and highly productive agricultural economy, this ground water is being "mined" to the point of exhaustion; and we are, in effect, consuming a capital resource. That is why I call the San Luis project a "rescue" project. It is a project to save good cropland from returning to sagebrush and sand.

Second, Mr. President, I should like to point out that the San Luis project will not add to price-supported agricultural production. Now that we have huge agricultural surpluses, I think that is an important point, because it would not make sense to develop any agricultural production which would be added to the existing surpluses. No corn, no tobacco, no rice, and no peanuts are grown in the service area. The cotton grown there is the long-staple variety which is not competitive with southern cotton; and in any event the cotton acreage will not be increased by this reclamation project.

My opinion is that the cotton acreage will decline, because with an assured water supply, the trend will be toward high value speciality crops and toward smaller farms, which are not typical of large-scale cotton production.

As for the wheat which now is grown in the area, it will disappear entirely under full irrigation, in favor of alfalfa, vegetables, fruits, melons, and similar crop versatility. I may say, Mr. President, that every time we have added water to the farms in the Western States we have decreased the size of the farms, we have increased the number of family-sized farms, we have moved in the direction of diversified farming, and we have moved away from large-scale farming.

Another significant point, Mr. President, is that the farmers of San Luis will pay for this project virtually 100 percent. The San Luis costs are allocated almost entirely to irrigation, except for a little which is allocated to municipal water supply, plus a small item of $100,000 which is allocated to recreation. No part of the cost is allocated to flood control or to electric power. Except for the recreation item costing $100,000, the full cost of the Federal San Luis unit will be repaid to the Federal Treasury by the water users under reclamation law.

Mr. President, with reference to the item for recreation—an item in the amount of $100,000—let me say that the cost of recreation facilities on these great lakes in California should not be charged

to the farmers. The irrigators should not have to pay for recreational facilities on these great projects. Such recreational facilities benefit the city dwellers and others who, on weekends and at other times, enjoy those water resources. In some instances, on the man-made lakes in California, there are as many as 35,000 persons on a weekend. They enjoy those facilities. The Government has erected them. In my opinion, the expenditure of $100,000, nonreimbursable, for recreational facilities is justified, because they are for the benefit of the general public, not for the benefit of the irrigators. To do otherwise would be to require that the irrigators pay the cost of recreational facilities which are used by others.

Finally, as the Governor of California emphasized at the committee hearings on Senate bill 44, the State of California is making a tremendous effort to solve its own critical water problem. My colleague already has referred to this effort. The Federal San Luis unit of the Central Valley project is part and parcel of the overall State water plan which the State is prepared to commence with expenditures of more than $1 billion of its own money in the next few years. For the joint-use facilities of San Luis alone, under the cooperative Federal-State plan proposed in Senate bill 44, the State's share of San Luis construction is estimated at $240 million, and the Federal share at $160 million. The San Luis reservoir and other joint-use facilities, whether constructed initially only to serve the Federal project, or whether built to enlarged capacity to serve both projects, will be operated by the Federal Government as a part of the Central Valley project, under agreement with the State.

To avoid any possible confusion, let me summarize the cost figures again: The Federal San Luis unit of the Central Valley project is estimated to cost $290,430,000, which is the top limit of Federal expenditure authorized by this bill.

Of that total, about $160 million is for works that may be utilized also by the State of California as a link in its great conveyance system to transfer Feather River water to southern California. Upon execution of the Federal-State agreement contemplated by S. 44, the State will contribute approximately $240 million to pay the cost of the enlarged capacities that will be required in the San Luis Reservoir and other joint-use facilities in order to accommodate the needs of both the Federal and State projects. Then, in addition, the State will spend approximately $420 million on the Oroville Dam and powerplants on the Feather River, plus another billion dollars in excess of its San Luis contribution to convey Feather River water from the delta to southern California. The ultimate cost of the entire State water plan is presently estimated at more than $11 billion—the figure mentioned by my colleague, the senior Senator from California.

As Governor Brown said in his testimony on S. 44, "No State ever has made a comparable proposal." Indeed, the Federal San Luis unit of the Central Valley project is but a small part of a tremendous self-help program of the State of California in which this Federal project will be integrated for the mutual benefit of both. Here is an ideal cooperative arrangement between the two levels of government that is an especially good reclamation bargain for the United States, and it is a good program for the needed water development of the State of California.

Mr. KUCHEL. Mr. President, on behalf of my colleague and myself, I ask unanimous consent that the committee amendments be agreed to en bloc. If I understand correctly, thereafter the able senior Senator from Illinois or any other Senator would have a right to offer amendments to the bill.

The PRESIDING OFFICER. Yes; any amendment would be in order.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that it be in order thereafter to offer amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 1, line 5, after the name "California," to insert "hereinafter referred to as the Federal San Luis unit service area"; on page 2, line 9, after the word "works", to insert "of the San Luis unit"; in line 13, after the name "San Luis Canal", to strike out "Those joint use facilities may be constructed to permit future expansion, and upon agreement by the State or some other public agency to equitably share the costs as later provided in this Act, shall either be so constructed or" and insert "The joint-use facilities consisting of the dam and reservoir shall be constructed, and other joint-use facilities may be constructed so as to permit future expansion; or the joint-use facilities"; in line 23, after the word "area", to insert "as hereinafter provided"; on page 3, line 14, after the name "San Luis unit", to strike out "or has otherwise made provision, in accordance with section 4 of this Act, for meeting the drainage requirements of the San Luis unit" and insert "or has made provision for constructing the San Luis interceptor drain to the delta designed to meet the drainage requirements of the San Luis unit as generally outlined in San Luis project report by the Bureau of Reclamation of May 1955, as transmitted to the Congress by the Secretary of the Interior, December 17, 1956."; on page 4, line 3, after the word "the", to insert "Federal"; in line 4, after the name "San Luis", to insert "unit"; in line 11, after the word "by", to strike out "July 1, 1960" and insert "January 1, 1962"; on page 5, line 10, after the word "State", to insert "shall agree equitably to share the total cost of constructing the joint-use facilities and as a part of its share"; in line 20, after the word "interfere", to insert "unduly"; on page 6, at the beginning of line 17, to strike out "appropriate" and insert "equitable"; on page 7, line 9, after the word "interfere", to insert "unduly"; in line 13, after the word "an", to strike out "appropriate" and insert "equitable"; on page 8, line 15, after the word "the", to insert "Federal"; on page 9, line 15, after "(60 Stat. 1080, 16 U.S.C. 662)", to insert "as amended"; on page 10, after line 21, to insert a new section, as follows:

"SEC. 6. (a) The provisions of the Federal reclamation laws shall not be applicable to water deliveries or to the use of drainage facilities serving lands under contract with the State to receive a water supply, outside of the Federal San Luis unit service area described in the report of the Department of the Interior, entitled 'San Luis Unit, Central Valley Project,' dated December 17, 1956.

"(b) The Secretary is authorized to provide Central Valley project service, by way of the Pacheco Tunnel route, to lands and municipalities in Santa Clara, San Benito, Santa Cruz, and Monterey Counties: *Provided,* That construction of the works to provide such service shall not be undertaken until a report demonstrating their physical and economic feasibility has been completed, reviewed by the State, and approved by the Secretary and by the Congress, and in no event prior to July 1, 1964, unless, in the meantime, the Governor of the State of California shall have notified the Secretary that the State approves the construction of such works by the United States."

And, on page 11, at the beginning of line 16, to change the section number from "6" to "7"; so as to make the bill read:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the principal purpose of furnishing water for the irrigation of approximately five hundred thousand acres of land in Merced, Fresno, and Kings Counties, California, hereinafter referred to as the Federal San Luis unit service area, and as incidents thereto of furnishing water for municipal and domestic use and providing recreation and fish and wildlife benefits, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to construct, operate, and maintain the San Luis unit as an integral part of the Central Valley project. The principal engineering features of said unit shall be a dam and reservoir at or near the San Luis site, a forebay and afterbay, the San Luis Canal, the Pleasant Valley Canal, and necessary pumping plants, distribution systems, drains, channels, levees, flood works, and related facilities. The works of the San Luis unit (hereinafter referred to as joint-use facilities) for joint use with the State of California (hereinafter referred to as the State) shall be the dam and reservoir at or near the San Luis site, forebay and afterbay, pumping plants, and the San Luis Canal. The joint-use facilities consisting of the dam and reservoir shall be constructed, and other joint-use facilities may be constructed so as to permit future expansion; or the joint-use facilities shall be constructed initially to the capacities necessary to serve both the Federal San Luis unit service area and the State's service area as hereinafter provided. In constructing, operating, and maintaining the San Luis unit, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) except so far as the provisions thereof are inconsistent with this Act. Construction of the San Luis unit shall not be commenced until the Secretary has (1) secured, or has satisfactory assurance of his ability to secure, all rights to the use of water which are necessary to carry out the purposes of the unit and the terms and conditions of this Act, and (2) received satisfactory assurance from the State of California that it will make provision for a master drainage outlet and disposal channel for the San Joaquin Valley, as generally outlined in the California water plan, Bulletin Numbered 3, of the California Department of Water Resources, which will adequately serve, by connection therewith, the drainage system for the San Luis unit or has made provision for constructing the San Luis interceptor drain to the delta designed to meet the drainage requirements of the San Luis unit as generally outlined in San Luis project report by the Bureau of Reclamation of May 1955, as transmitted to the Congress by the Secretary of the Interior, December 17, 1956.

"SEC. 2. The Secretary is authorized, on behalf of the United States, to negotiate and enter into an agreement with the State of California providing for coordinated operation of the San Luis unit, including the joint-use facilities, in order that the State may, without cost to the United States, deliver water in service areas outside the Federal San Luis unit service area as described in the report of the Department of the Interior, entitled "San Luis Unit, Central Valley Project," dated December 17, 1956. The Secretary shall not commence construction of the San Luis unit, except for the preparation of designs and specifications and other preliminary work, until the execution of such an agreement between the United States and the State, but if such an agreement has not been executed by January 1, 1962, and if, after consultation with the Governor of the State, the Secretary determines that the prospects of reaching accord on the terms thereof are not reasonably firm, he may proceed to construct and operate the San Luis unit in accordance with section 1 of this Act: *Provided,* That, if the Secretary so determines, he shall report thereon to the Congress and shall not commence construction for ninety calendar days from the date of his report (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three days). In considering the prospects of reaching accord on the terms of the agreement the Secretary shall give substantial weight to any relevant affirmative action theretofore taken by the State, including the enactment of State legislation authorizing the State to acquire and convey to the United States title to lands to be used for the San Luis unit or assistance given by it in financing Federal design and construction of the unit. The authority conferred upon the Secretary by the first sentence of this section shall not, except as is otherwise provided in this section, be construed as a limitation upon the exercise by him of the authority conferred in section 1 of this Act, but if the State shall agree equitably to share the total cost of constructing the joint-use facilities and as a part of its share shall make available to the Secretary sufficient funds to pay the additional cost of designing and constructing the joint-use facilities so as to permit enlargement, it shall have an irrevocable right to enlarge or modify such facilities at any time in the future, and a perpetual right to the use of such additional capacity: *Provided,* That the performance of such work by the State, after approval of its plans by the Secretary, shall be so carried on as not to interfere unduly with the operation of the project for the purposes set forth in section 1 of this Act: *And provided further,* That this right may be relinquished by the State at any time at its option.

"SEC. 3. The agreement between the United States and the State referred to in section 2 of this Act shall provide, among other things, that—

"(a) the joint use facilities to be constructed by the Secretary shall be so designed and constructed to such capacities and in such manner as to permit either (i) immediate integration and coordinated operation with the State's water projects by providing, among other things, a capacity in San Luis Reservoir of approximately two million one hundred thousand acre-feet and corresponding capacities in the other joint-use facilities or (ii) such subsequent enlargement or other modification as may be required for integration and coordinated operation therewith;

"(b) the State shall make available to the Secretary during the construction period sufficient funds to pay an equitable share of the construction costs of any facilities designed and constructed as provided in paragraph (a) above. The State contribution shall be made in annual installments, each of which bears approximately the same ratio to total expenditures during that year as the total of the State's share bears to the total cost of the facilities; the State may make advances to the United States in order to maintain a timely construction schedule of the joint use facilities and the works of the San Luis unit to be used by the State and the United States;

"(c) the State may at any time after approval of its plans by the Secretary and at its own expense enlarge or modify San Luis Dam and Reservoir and other facilities to be used jointly by the State and the United States, but the performance of such work shall be so carried on as not to interfere unduly with the operation of the San Luis unit for the purposes set forth in section 1 of this Act;

"(d) the United States and the State shall each pay annually an equitable share of the operation, maintenance, and replacement costs of the joint use facilities;

"(e) promptly after execution of this agreement between the Secretary and the State, and for the purpose of said agreement, the State shall convey to the United States title to any lands, easements, and rights-of-way which it then owns and which are required for the joint use facilities. The State shall be given credit for the costs of these lands, easements, and rights-of-way toward its share of the construction cost of the joint use facilities. The State shall likewise be given credit for any funds advanced by it to the Secretary for preparation of designs and specifications or for any other work in connection with the joint use facilities;

"(f) the rights to the use of capacities of the joint use facilities of the San Luis unit shall be allocated to the United States and the State, respectively, in such manner as may be mutually agreed upon. The United States shall not be restricted in the exercise of its right so allocated, which shall be sufficient to carry out the purposes of section 1 of this Act and which shall extend throughout the repayment period and so long thereafter as title to the works remains in the United States. The State shall not be restricted in the exercise of its allocated right to the use of the capacities of the joint use facilities for water service outside the Federal San Luis unit service area.

"(g) the Secretary may turn over to the State the care, operation, and maintenance of any works of the San Luis unit which are used jointly by the United States and the State at such time and under such conditions as shall be agreed upon by the Secretary and the State;

"(h) notwithstanding transfer of title or the care, operation, and maintenance of any works to the State, as hereinbefore provided, any organization which has theretofore entered into a contract with the United States under the Reclamation Project Act of 1939 for a water supply through the works of the San Luis unit, including joint use facilities, shall continue to have and to enjoy the same rights which it would have had under its contract with the United States and the provisions of paragraph (4) of section 1 of the Act of July 2, 1956 (70 Stat. 483, 43 U.S.C. 485h-1), in the absence of such transfer, and its enjoyment of such rights shall be without added cost or other detriment arising from such transfer;

"(i) if a nonreimbursable allocation to the preservation and propagation of fish and wildlife has been made as provided in section 2 of the Act of August 14, 1946 (60 Stat. 1080, 16 U.S.C. 662), as amended, the features of the unit to which such allocation is attributable shall, notwithstanding transfer of title or of the care, operation, and maintenance to the State, be operated and maintained in such wise as to retain the bases upon which such allocation is premised and, upon failure so to operate and maintain those features, the amount allocated thereto shall become a reimbursable cost to be paid by the State.

"SEC. 4. In constructing, operating, and maintaining a drainage system for the San Luis unit, the Secretary is authorized to permit the use thereof by other parties under contracts conforming generally to the provisions of the Federal reclamation laws with respect to irrigation repayment or service contracts and is further authorized to enter into agreements and participate in construction and operation of drainage facilities designed to serve the general area of which the lands to be served by the San Luis unit are a part, to the extent the works authorized in section 1 of this Act contribute to drainage requirements of said area. The Secretary is also authorized to permit the use of the irrigation facilities of the San Luis unit, including its facilities for supplying pumping energy, under contracts entered into pursuant to section 1 of the Act of February 21, 1911 (36 Stat. 925, 43 U.S.C. 523).

"SEC. 5. The Secretary is authorized, in connection with the San Luis unit, to construct minimum basic public recreational facilities and to arrange for the operation and maintenance of the same by the State or an appropriate local agency or organization. The cost of such facilities shall be nonreturnable and nonreimbursable under the Federal reclamation laws.

"SEC. 6. (a) The provisions of the Federal reclamation laws shall not be applicable to water deliveries or to the use of drainage facilities serving lands under contract with the State to receive a water supply, outside of the Federal San Luis unit service area described in the report of the Department of the Interior, entitled 'San Luis Unit, Central Valley Project,' dated December 17, 1956.

"(b) The Secretary is authorized to provide Central Valley project service, by way of the Pacheco Tunnel route, to lands and municipalities in Santa Clara, San Benito, Santa Cruz, and Monterey Counties: *Provided,* That construction of the works to provide such service shall not be undertaken until a report demonstrating their physical and economic feasibility has been completed, reviewed by the State, and approved by the Secretary and by the Congress, and in no event prior to July 1, 1964, unless, in the meantime, the Governor of the State of California shall have notified the Secretary that the State approves the construction of such works by the United States.

"SEC. 7. There is hereby authorized to be appropriated for construction of the works of the San Luis unit, including joint use facilities, authorized by this Act, other than distribution systems and drains, the sum of $290,430,000, plus such additional amount, if any, as may be required by reason of changes in costs of construction of the types involved in the San Luis unit as shown by engineering indexes. There are also authorized to be appropriated, in addition thereto, such amounts as are required (a) for construction of such distribution systems and drains as are not constructed by local interests, and (b) for operation and maintenance of the unit. All moneys received by the Secretary from the State under this Act shall be covered into the same accounts as moneys appropriated hereunder and shall be available, without further appropriation, to carry out the purposes of this Act."

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

Mr. KUCHEL. I yield.

Mr. MANSFIELD. It is evident the Senate will not be ready to complete action on the bill this evening. I understand there will be a yea and nay vote

on the measure on Thursday. I therefore ask unanimous consent that at the conclusion of the morning hour on Thursday, 1 hour be allocated to the bill, 30 minutes to a side; and 30 minutes on any amendment offered thereto, 15 minutes to a side.

Mr. DOUGLAS. Mr. President, reserving the right to object, on behalf of myself and other Senators, I shall offer an amendment to strike section 6(a) from the bill. I regard that section, which waives the 160-acre limitation of reclamation law on so-called State service land, as the crucial part of the bill. If the amendment were to carry, namely, if we were to strike out section 6(a) from the bill, I personally would vote for the bill. If the section is not eliminated from the bill, I shall be compelled to vote against the bill.

I regard the debate on section 6(a) as of equal importance with debate on the bill itself. I ask that the unanimous-consent request be modified so that we may have an hour upon the amendment dealing with section 6(a), as well as 1 hour on final passage of the bill.

Mr. MANSFIELD. It is my understanding the Senator from Illinois has an amendment to offer. Are there others to be offered?

Mr. DOUGLAS. I shall offer the amendment not only on behalf of myself, but on behalf of the senior and junior Senators from Oregon [Mr. MORSE and Mr. NEUBERGER].

Mr. MANSFIELD. Am I correct in assuming that is the only amendment which will be offered?

Mr. MORSE. Mr. President, reserving the right to object, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I cannot answer the question just now. I think it would depend on the progress which will be made on Thursday. I want to do everything I can to try to make this water available to the people of California, subject to the protection of some historic criteria.

I appreciate the superiority of my dear friend from Illinois in being able to speak on such a complicated matter as this as briefly as he has suggested in the unanimous consent agreement; but it is beyond my power of accomplishment. Therefore, I could not accept the unanimous consent agreement which the Senator from Montana suggests. I may say to him it is my honest judgment that action on the bill will be completed on Thursday afternoon within a reasonable period of time, if no unanimous consent agreement is offered. I think time will be saved without any unanimous consent agreement. However, I am willing to accommodate the Senator from Montana on a unanimous consent agreement, but it would have to provide for 2 hours on an amendment, 1 hour to each side.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately at the conclusion of the morning business on Thursday 2 hours be set aside for the consideration of the amendment, 1 hour on the bill, and that the Senate then proceed to a vote.

Mr. KEATING. Mr. President, reserving the right to object——

Mr. MORSE. Mr. President, reserving the right to object, I do not think we should accept that particular formula as a part of the unanimous consent agreement. It protects those who wish to speak on the Douglas-Morse-Neuberger amendment, but it does not state what the period of time on any other amendment shall be. As to the latter, I think a shorter period of time could be agreed upon. Possibly the original proposal of the acting majority leader of 30 minutes to a side on any other amendment might be acceptable.

Mr. MANSFIELD. Mr. President, I am gradually being whittled down. I withdraw my unanimous-consent request.

Mr. CHAVEZ. Mr. President, I should like to have the attention of the acting majority leader. Can he tell me to what time Order No. 142, Senate bill 72, went over? Will that bill be considered prior to the time the Senator has mentioned?

Mr. MANSFIELD. No. It has been held over temporarily, on the basis of objections raised and the strong possibility that no final action could be taken. It is the hope of the leadership that perhaps in the meantime the Department of the Interior can speed up its recommendation, and the same statement applies to the Budget Bureau, and that the bill may be considered when the Senator from New Mexico [Mr. ANDERSON] can be present on the floor.

Mr. CHAVEZ. Since the last discussion of the bill I had the committee staff obtain a report which was made by the Secretary of the Interior on the proposed legislation. We have it now and will be ready with it.

Mr. MANSFIELD. I may say to the distinguished senior Senator from New Mexico that we shall do our best to get that measure up for consideration later this week.

Mr. DOUGLAS. Mr. President, the record will show, I believe, that the Nation has expended to date nearly $750 million upon dams and irrigation systems of the Central Valley. These have been national expenditures financed through taxes borne by the people of the Nation, including the people of the Midwest and of those areas where there is and will be direct competition with the products grown in the irrigated regions of the Central Valley.

Mr. President, I have some knowledge of this region, since I have traveled through it by auto and have inspected some of the farms. I have acquainted myself over the years with the topography of the land and the water problems of the area.

It is now proposed directly in the bill under consideration to authorize the expenditure of an added $290 million for the main supply facilities of the San Luis project. The report, on page 10, specifically states that another $190 million will be needed to provide distribution systems, drains, and deep wells. An additional appropriation is authorized for this purpose. In all probability, therefore, there will be an added expenditure of very close to $500 million from the National Government, or a total expenditure of approximately $1¼ billion.

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

Mr. DOUGLAS. I am glad to yield.

Mr. KUCHEL. So that the record will be crystal clear, is it not true that the bill now before the Senate places a $290,430,000 ceiling on the Federal expenditures?

Mr. DOUGLAS. That is true of the dollar sums specifically mentioned in the bill. But I would invite my good friend from California to direct his attention to line 23 and following on page 11 of the bill. I read those lines:

> There are also authorized to be appropriated, in addition thereto, such amounts as are required (a) for construction of such distribution systems and drains as are not constructed by local interests, and (b) for operation and maintenance of the unit.

I invite the attention of my good friend also to the passage in the report to which I have already referred, which states:

> In addition to the main water supply features the San Luis area would require distribution systems, drains, and some deep wells.

As a matter of fact, these are the construction features referred to in the passage of the bill which I have just covered.

> The estimated cost of these works is $192,650,000.

Mr. KUCHEL. If I may, Mr. President, I should like to read the next sentence immediately after the point where the Senator concluded:

> The local districts could finance and construct these works by themselves, or request the Federal Government to do it.

Mr. DOUGLAS. Yes.

Mr. KUCHEL. It continues:

> In the latter event repayment for these works in 40 years would be required.

I wish to say to my friend from Illinois that under the rules and regulations governing the Department of the Interior the questions as to those surface distribution systems, when they arise, will arise in the background of what Congress then determines to do with respect to Federal participation or the question of whether the local conservancy districts themselves should undertake the cost of constructing them.

Mr. DOUGLAS. I again invite the attention of my friend to the phrase in the report that the local districts could request the Federal Government to do this work. The bill then specifically authorizes, in lines 24 and 25, page 11, Federal appropriations for the construction of such distribution systems and drains, so that there is authorization for an added appropriation for the distribution system included in the bill if the localities request it.

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

Mr. DOUGLAS. I yield to my friend from Oregon.

Mr. MORSE. I think it is very important for the legislative history and for future reference that we emphasize the point the Senator from Illinois is now making. I do not think there is any doubt about the fact that on page 11,

beginning on line 22, the bill in effect provides for an amount over and above $290,430,000. It provides for such funds as the Congress may in the future authorize to be appropriated. For what? It is "for construction of such distribution systems and drains as are not constructed by local interests." What that might amount to, I am not in a position to testify this afternoon.

Mr. DOUGLAS. The Department of the Interior testified that its cost would be about $190 million.

Mr. MORSE. I was going to say, we know it will be a "pretty penny." It seems to me that is the controlling language in reference to future unaccountable-for costs imbedded in the bill.

I want my friends from California to know I have not any doubt that the senior Senator from Oregon—and I am sure this would be true of my colleague and also the Senator from Illinois—will vote for it when the matter is brought forward at a later time, with supporting evidence to justify the building of distribution systems and drains not constructed by the local interests, for which authorization might be asked. I believe my colleagues will have our votes, because we have been supporting this kind of water resources development time and time again.

It seems to me that language I have read is controlling and is not in any way limited by what appears in subsection (b), which is "for operation and maintenance of the unit."

Appropriations could be provided for that purpose, also.

Mr. DOUGLAS. That is in addition to subsection (a) of section 7.

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

Mr. MORSE. Yes; that is in addition to subsection (a).

There is involved what I think is a sort of implied commitment on my part as an individual Senator. I speak only for myself, but I think if I vote for the passage of the bill with this language in it, by implication, at least, I shall be saying to the people of California, "I will do what I can to help you in the future, when you prove your case on the merits, to get Federal appropriations for construction of such distribution systems and drains as are not now constructed by local interests; and, secondly, I will help you get money for operation and maintenance of the unit." I should do so, because of the Federal interest involved. I do not think that the language which follows—

> All moneys received by the Secretary from the State under this Act shall be covered into the same accounts as moneys appropriated hereunder and shall be available, without further appropriation, to carry out the purposes of this Act.

in any way modifies the commitment I think we are asked to make beginning on line 22, page 11, and ending with the word "unit" on line 2, page 12.

When we vote for passage of the bill we ought to know that in effect we are voting for the expenditure of much more than $290,430,000. I am in favor of that. I am in favor of it, because I think the development of these water resources can be justified as sound. At the same time, I think we ought to make the RECORD perfectly clear, as the Senator from Illinois is doing, as to what the total cost is likely to be.

Mr. DOUGLAS. I thank the Senator from Oregon.

Mr. ENGLE and Mr. NEUBERGER addressed the Chair.

Mr. DOUGLAS. I will yield in a moment. I want to complete my statement on this point, and then I shall yield to the Senator from California, and after that I shall yield to the junior Senator from Oregon.

I think it is clear that we are most certainly asked to authorize the expenditure of an additional $290 million, and in all probability the expenditure of $480 million. This amount, added to the sum already appropriated in past years, will reach a figure well in excess of $1 billion, and, in all probability will reach $1¼ billion.

Mr. President, I have opposed reclamation projects on high land where the growing season is short and where the costs per acre have been extremely high. I opposed the irrigation features of the Upper Colorado Project. I think that was a very wasteful project, so far as the irrigation features were concerned.

As I have said, I have inspected this territory, and this is a different sort of project. This is probably the most promising irrigation project which can be carried out in the country. There is a growing season of approximately 365 days during the year.

If water is put on this land—and it is apparently proposed to put 28 inches of water, or something over 2 feet in depth, on each acre of the land—the land will blossom not like the rose, but will blossom like Jack's beanstalk. There are tremendous riches in this valley, and the land should be developed.

I wish to make it clear that although I have opposed irrigation projects in high altitudes where the costs are excessive, I am not opposed to this project. I believe that, taken by itself it is a proper expenditure of funds.

However, I address my opposition to section 6(a) which I hope the very fine Senators who are sponsoring the bill will agree to eliminate from the bill.

Section 6(a) would eliminate the application of the reclamation laws with respect to the land which in the future, will be serviced by water from the so-called State expenditures in raising the height of the dam above that provided by the Federal Government. Yet the State would use the Federal substructure and the facilities of the Federal Government that accumulate the water and make it available, without which the State investment would be ineffective.

If I may develop my argument a bit——

Mr. ENGLE. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I shall be glad to yield. I wish, though, to make one point clear. I hope my good friend the junior Senator from California, whom we are so happy to see in the Senate, who has made such a fine record in the House, and whose future is so promising, will agree to strike section 6(a) from the bill.

I now yield to the junior Senator from California.

Mr. ENGLE. I thank the Senator for his kind remarks, as well as for yielding to me.

Before the Senator proceeds to a discussion of section 6(a) I wish to clear up the question of distribution systems. They have always been part and parcel of every major project. When a project is authorized, the authorization act authorizes the main structure, which creates a reservoir behind the dam, but it does no good to impound water in a dam unless it can be spread out over the land.

As a consequence, distribution systems have always been an integral part of reclamation projects. That is the approved method in Oregon, or wherever such projects are built. They do cost more money, but the building of such distribution systems is optional. Local interests can build them if they so desire. The Senator says they can request the Federal Government to do it. Of course they can, because after the Federal Government invests money to build a dam, it will make the necessary investment to get the water on the land. But that may not be the most economical way to do it.

Farmers have learned that they can build so-called flat land ditches very much cheaper, with their own capital, paying interest on it, than if the job is done by the Bureau of Reclamation. That was the reason I was able to get through the Congress a part of the present law with respect to small projects legislation, which provides for local construction of small and simple projects.

Distribution systems are nothing more nor less than flatland ditches. The farmers have been building them for years. They do not require all the engineering features of great dams such as Trinity, Shasta, Hoover, Bonneville, and many others. The farmers build them themselves. It is actually cheaper to build them in that way than to have the project go through the Bureau of Reclamation Office in Sacramento, have it cleared by the Reclamation Office in Denver, and brought back here for survey. We have found cases in which administrative costs in connection with building flatland ditches ran as high as 47 percent.

So if the farmers can borrow money at 6 percent or less, they often build their own distribution systems. That is why the provision in the bill is optional. If they can do it cheaper, they will do it, without cost to the Federal Government. That is what is done in many cases.

I am sure the Senator knows that at least 80 percent of the irrigation works in California have been privately built by irrigation districts and by the farmers themselves.

Mr. DOUGLAS. Mr. President, I am afraid my good friend misunderstands my argument. I may have mentioned distribution systems, in assessing the possible Federal expenditures authorized in the bill. But I wish to emphasize the fact that fundamentally

what is proposed is the transfer of water from the northern part of California, where there is abundant rainfall, to the southern portion and the Central Valley, where there is a deficiency of rainfall. Is that not correct?

Mr. ENGLE. The Senator is correct.

Mr. DOUGLAS. Is it not true that the dams in upper California, north of Sacramento, federally financed, will, therefore, hold back the water and act as feeders for the system which is now going into effect in San Luis?

Mr. ENGLE. That is correct.

Mr. DOUGLAS. That is exactly the point. Past Federal expenditures, as well as those authorized in this bill, will contribute to this project.

Furthermore, is it not true that the water, coming south, will go through the Delta Mendota Canal, which has been federally constructed, and which I have inspected? Is that not true?

Mr. ENGLE. That is true of the Federal project. We are not talking about the State project.

Mr. DOUGLAS. If there is a State project, the water will also go through the Delta Mendota Canal, will it not?

Mr. ENGLE. No.

Mr. DOUGLAS. How will it get south unless it goes through the Delta Mendota Canal? And how will it get into the San Luis Reservoir itself, unless it goes through the Delta Mendota Canal?

Mr. ENGLE. The State will build its own system.

Mr. DOUGLAS. A duplicate system?

Mr. ENGLE. That is correct. The Delta Mendota Canal is full now, or soon will be full. The State project will be put on top of the Federal project, as a second story, or a second level, without any cost to the Federal Government.

Mr. DOUGLAS. Is the Senator now speaking of the dam?

Mr. ENGLE. Yes; I am. I do not wish to confuse the dam with the distribution system. I was talking about flatland distribution ditches.

Mr. DOUGLAS. The Senator was speaking of the final disposition of the water.

Mr. ENGLE. The Senator is speaking of the main canal.

Mr. DOUGLAS. Yes; and the reservoir, itself.

Mr. ENGLE. That is correct. With reference to those, there will not be a plugged nickel of Federal money in the State project, and everything the State does in order to put a bucketful of water on a square foot of land will be paid for with State money. That is the reason why we have a provision in the bill that the reclamation law shall not apply to a wholly divisible, completely separate program that is paid for, lock, stock, and barrel—powerhouse and all—by the State taxpayers. Of course, the State legislature might see fit to impose a limitation of 160 acres. That is its decision. But the Federal Government should not say to the State government, "You must impose a limitation of 160 acres"—or any other limitation—with reference to money which the State itself spends. All the Federal Government has done has been to build the first story of the structure. The second story goes on at no cost to the Federal Government.

Mr. DOUGLAS. Is it possible to have a second story without a first story?

Mr. ENGLE. No.

Mr. DOUGLAS. Is it possible to have a second story without a foundation, without the expenditures of the Federal Government on the foundation at the original level? It would be impossible to have a second story without the Federal expenditures on the foundation and the first story.

Mr. ENGLE. That is true.

Mr. DOUGLAS. The Senator is trying to do what Solomon once proposed—namely, to cut a child in two at the center, and award one-half to one mother and the other half to the other mother. What is proposed is a unitary dam.

Mr. ENGLE. This is a fine partnership between the Federal Government and the State government. The State government will pay every nickel of its share. Not a penny of it will be charged to the Federal taxpayers. That is the reason for this provision in the bill. The projects are completely severable. They do not overlap or intermix.

Mr. DOUGLAS. It is the same dam, is it not?

Mr. ENGLE. It is the same dam.

Mr. DOUGLAS. The Senator says the projects do not intermix, even though they involve the same dam.

Mr. ENGLE. I am speaking of the lands on which the water is delivered. They are completely severable. That is why we have said to the State, "Put up your money if you so desire, and build a second story on the dam, increase its size, and spread the water out on lands in the State projects." Now it is proposed to say to the States that, with respect to State projects, a limitation of 160 acres must apply. Why not apply the 160-acre limitation throughout? Why not apply the entire body of Federal reclamation law, if Senators wish to be consistent? I would be against that, too. But if the Senator wishes to be consistent——

Mr. DOUGLAS. Would the Senator from California support an amendment of that type?

Mr. ENGLE. I certainly would not; and I do not intend to support the Senator's amendment, which picks out one provision of reclamation law and says, "We are going to apply it because these projects are intermarried."

Mr. DOUGLAS. They are not only intermarried; they are Siamese twins.

Mr. ENGLE. Then the Senator ought to pick up the Reclamation Act of 1902, as amended, and apply the whole of it. That is the way to be consistent. If the Senator wishes to be consistent, he should include it all—even power preference. That would make a fine, consistent argument. At least a little piece would not be picked out of the reclamation law, and we would not say to the States, "We are going to apply this particular part of the law, but not the rest of it."

Mr. DOUGLAS. I have great respect—and, indeed, affection—for both Senators from California. I think the real issues have been revealed. The question is whether the reclamation law, and especially the 160-acre limitation, is to apply in this area.

Now my good friend from California says the 160-acre limitation will apply on the 440,000 acres of land which will be serviced by what is alleged to be wholly Federal water.

I would remind my friend of what he well knows, namely, that 120,000 acres of these 440,000 acres of land are owned by the Southern Pacific Railway. It is land which was given to the railway under a land grant for the construction of a railroad which was never constructed.

However I will waive that consideration. That occurred in the days of General Grant, in the days of the Credit Mobilier, in the days when the railroad barons dominated the Senate and the House, and when they bought Senators and Representatives at so much a head, as though they were so much livestock. I will waive that. That was 80 years ago. I will not question the right of the Southern Pacific Railway——

Mr. ENGLE. Mr. President, will the Senator yield for a correction?

Mr. DOUGLAS. I should first like to refer to last year's hearings, at page 196, in which the Southern Pacific Railway and the Southern Pacific Land Co. made a very clear statement. They said, in effect, that they did not intend to break up the 120,000 acres into 160-acre parts. I ask unanimous consent that the full text of the letter from the Southern Pacific Railway and its accompanying statement be inserted in the RECORD at this point in my remarks.

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

SOUTHERN PACIFIC CO.,
*San Francisco, Calif., April 4, 1958.*

Re Senate bill S. 1887.

Hon. CLINTON P. ANDERSON,
*Chairman, Subcommittee on Irrigation and Reclamation, Senate Office Building, Washington, D.C.*

DEAR MR. ANDERSON: Reference is made to exchange of telegrams concerning land owned by Southern Pacific Co. and Southern Pacific Land Co. within the San Luis unit of the Central Valley project.

Herewith statement of the above-mentioned companies with respect to its ownership.

Yours very truly,

L. FRANDSEN.

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STATEMENT OF SOUTHERN PACIFIC CO. AND SOUTHERN PACIFIC LAND CO. WITH RESPECT TO ITS HOLDINGS IN THE SAN LUIS UNIT OF THE CENTRAL VALLEY PROJECT

The subject of this statement is future irrigation water development in the San Joaquin Valley and, in particular, the Feather River project and proposed San Luis unit of the Central Valley project as they affect our landholdings.

Southern Pacific Co. owns about 65,000 acres within Westlands Water District in Fresno and Kings Counties, and an additional 55,000 acres outside of (westerly and above), said district but within the so-called San Luis service area. The company also owns about 30,000 acres in southern Kings and Kern Counties which might be served by the Feather River project.

These lands are not being offered for sale, but are being held for long-range management purposes. Nearly all of the land is

under agricultural-development leases varying in size from less than 1 section to about 30,000 acres.

The area in which our above-mentioned 120,000 acres are situated has been in agricultural production from irrigation wells for a considerable period of time. We are of the opinion that the acreage and other restrictions of the Federal reclamation laws should not, and probably were not intended by Congress to apply to areas of going agricultural economy which need supplemental irrigation water.

We now favor State or local development and control of water resources, but welcome Federal aid provided the conditions thereof are reasonable and bearable. Further, we neither seek nor expect any Federal subsidy in the form of 40-year interest-free money, but are willing to pay our fair share of the irrigation benefits provided the capital and operating costs are such that the land and crops can afford same.

We are progressive and we are anxious to see steps taken to preserve and increase the economic welfare. We will expect to cooperate in any equitable and reasonable water program.

If it is determined that the Federal Government, rather than the State or a partnership or both, shall undertake this project we will wish to cooperate. However, there appear to be present serious inequities in the reclamation law.

In connection with present regulations dealing with Bureau of Reclamation recordable contracts, it is our understanding that the landowner may not participate in the land appraisal. This seems unreasonable. Another unreasonable feature is, we believe, the lack of provision for price adjustments over the years (many years may be required to sell landholdings such as ours) to account for inflation and other economic factors not directly related to surface water availability.

There is, of course, no existing contract between the Bureau of Reclamation and Westlands Water District. As the terms of such a future contract are unknown, we have no present basis for judging how much interest cost our lands would need bear in order to be free of reclamation law restrictions and what the water would cost.

We would like to sit down with people in the Bureau of Reclamation to see if figures could be developed relative to paying our way and retaining our land free of Federal restrictions. Also it would be interesting to us to learn how the sale of the tremendous acreage of excess lands would be handled in a case like this and whether the landowners would be required under recordable contracts to conduct active sale campaigns.

If a Federal program is decided upon at San Luis, we will wish to cooperate and trust that the terms provided for will be equitable.

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

Mr. DOUGLAS. I should like to continue briefly. I call attention to a very important sentence: "We are of the opinion that the acreage and other restrictions of Federal reclamation law should not, and properly were not intended by Congress to apply to areas of going agricultural economy which need supplemental irrigation water."

Of course, all this water is supplemental water.

This year, in the hearings, they made a direct statement in the House hearings, saying, in effect, that their position remains unchanged. They referred to their statement of last year, which I have not read:

Very briefly, that letter stated that our lands are not on the market. They are not for sale. We do not wish to sell our agricultural properties or our timber properties or our grazing properties any more than we wish to sell our main line railroad.

Therefore the Southern Pacific Railway, which has dominated politics in the State of California for many years, does not intend to sell. While Hiram Johnson clipped its wings somewhat, it still has some powers in California about which my friend knows.

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

Mr. DOUGLAS. I yield.

Mr. KUCHEL. What dire conclusion does my honorable friend draw from what he has just said?

Mr. DOUGLAS. I draw the conclusion that the Southern Pacific Railway does not intend to abide by the 160-acre limitation, even on the 440,000 acres which are said to be federally serviced.

Mr. KUCHEL. Let us analyze this very carefully, because I say respectfully that my friend from Illinois is wrong. First of all, my able colleague wishes to point out that the figure as the amount of property the railroad owns in this area, if my able colleague from California will give me his attention——

Mr. DOUGLAS. I have the statement of the representative of the Southern Pacific Railway. The statement shows that the railway owns 120,000 acres.

Mr. KUCHEL. Not in the Central Valley service area.

Mr. ENGLE. I know that the Senator from Illinois wishes to be correct. In the district 58,000 acres are in Federal service area. The other acres are outside that area.

Mr. DOUGLAS. Is the Senator saying that the other acres would be in the so-called State service area?

Mr. ENGLE. Not necessarily in the State service area, but they would be outside. 120,000 acres is correct, but only 58,000 acres are in the water district which is inside the Federal service area.

Mr. DOUGLAS. I should like to read a part of the statement which I previously inserted in the RECORD today, from page 196 of last year's hearings:

Southern Pacific Co. owns about 65,000 acres within Westlands Water District in Fresno and Kings Counties, and an additional 55,000 acres outside of (westerly and above) said district but within the so-called San Luis service area. The company also owns about 30,000 acres in southern Kings and Kern Counties, which might be served by the Feather River project.

That is water coming from the north. Therefore I believed I was correct in saying that the Southern Pacific Railway owns 120,000 acres in this area, and 30,000 more which will also be served when the water from the Feather River is brought down and given to the State for distribution.

Mr. KUCHEL. Regardless of the accuracy of the acreage figure——

Mr. DOUGLAS. Does the Senator challenge my accuracy?

Mr. KUCHEL. Yes. I believe my colleague corrected that figure.

Mr. DOUGLAS. I believe the Senator's colleague finally wound up by saying that the figures are correct.

Mr. ENGLE. They are correct, but they are used incorrectly. The figure is 120,000 acres. However, only 58,000 acres are within the Federal service area.

Mr. DOUGLAS. On page 196 of last year's hearings, the railroad company makes a statement to the contrary.

Mr. KUCHEL. If the Senator will permit me to do so, I should like to say, regardless of the precise and arithmetical correctness of the acreage owned by the railroad within the projected Central Valley service area, this record is going to be important, and I believe that the grounds of my able friend's objection ought to be spelled out most carefully.

Does the Senator from Illinois, because the railroad owns some property in the area and because it has said it is not willing to break up its domain, oppose building a Federal reclamation project in that area?

Mr. DOUGLAS. No; but I believe in making the Southern Pacific Railway Co. obey the law. It has stated pretty directly that it does not intend to obey the law.

Mr. KUCHEL. I do not believe the Senator is correct in that statement. When a Federal reclamation project is created and when supplemental water is available, if I am in the area and I am a large landowner, I do not have to take supplemental water if I do not wish to do so. I do not have to take it. However, if my friend nearby needs it, he has a right to take it.

I should like to say, if the Senator from Illinois will permit me to do so, that I anticipated this question and I have before me a memorandum which was prepared by the counsel of the Committee on Interior and Insular Affairs. It is a short statement, and I should like to read it into the RECORD at this point.

Mr. DOUGLAS. I shall be glad to have the Senator do so. However, may I ask the Senator whether the Southern Pacific Railway Co. has agreed that it is willing to sell its land into 160-acre homesteads?

Mr. KUCHEL. I will say frankly that I do not believe it has. I say also that the question is irrelevant, because both the Federal Government and the State government have stated the project is feasible. The matter does not rest on whether the railroad, which acquired the property long before my friend and I were born, intends to take certain action.

Mr. DOUGLAS. Before my friend reads the memorandum, I should like to ask him whether the proposed project will pay out if the Southern Pacific Railway Co., with its tremendous ownership, refuses to come in, or whether it now in effect has a sort of veto power over whether the project will pay out?

Mr. KUCHEL. I have the precise and the specific answer to that question in the memorandum.

Mr. DOUGLAS. I anticipated that the Senator from California would try to answer it. Therefore I thought I would put the question first.

Mr. KUCHEL. I am not only going to try to answer it, but I will say that

this is the answer of the responsible counsel of the Committee on Interior and Insular Affairs. Let me read the statement to the Senator. It was written by Stewart French. The subject is Southern Pacific Railroad land in San Luis project. It reads:

SEC. 46. No water shall be delivered upon the completion of any new project or new division of a project until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or irrigation districts organized under State law. * * * Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of one hundred and sixty irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sale prices thereof fixed by the Secretary on the basis of its actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior.

Mr. DOUGLAS. Mr. President, may I interrupt the Senator to inquire whether he is reading from the law?

Mr. KUCHEL. Yes.

Mr. DOUGLAS. I am perfectly well acquainted with the statute. I suggest the Senator put it in the RECORD. I know that that is the law.

Mr. KUCHEL. I have already read the statute.

Mr. President, Mr. French, our committee counsel, continues:

On page 101 of the hearings on your S. 44 there is reprinted a communication addressed to Senator ANDERSON, as chairman of our Irrigation Subcommittee, signed by the manager of the land department, Southern Pacific Co., dated March 23, 1959, in which the company states—

Mr. President, I ask unanimous consent that that statement be printed at this point in the RECORD.

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

Please be advised that Southern Pacific is anxious to see both Federal and State of California water plans progress. We feel that the cooperative position in the San Luis legislation is excellent and do not wish to impede progress thereon. Therefore, we reaffirm our request that owners of land in excess of 160 acres be allowed the alternative of paying interest on the Federal irrigation investment and thus be allowed to retain their land holdings and obtain water for them.

Mr. KUCHEL. Mr. President, Mr. French then continues:

From the foregoing it is apparent that:
(a) Southern Pacific would not receive water for lands in excess of 160 acres under existing applicable law; and
(b) The company itself recognizes this limitation.

In the several hearings that have been conducted by the Senate and House Committees, no witness, either pro or con, has suggested that if Southern Pacific failed to participate as required by law, such failure to participate would in any way jeopardize the proposed project. In fact, the evidence is all to the contrary.

Therefore, it is my considered opinion—

Not the opinion of the Senator from California, but that of the counsel of our committee.

Mr. DOUGLAS. A very good man, too.

Mr. KUCHEL. An excellent man. I am glad the Senator from Illinois recognizes that fact. It hurts me that the Senator from Illinois does not hug unto his bosom the opinion which the able counsel of the committee submits.

Mr. DOUGLAS. This was not one of his better moments.

Mr. KUCHEL. That is the Senator's opinion; I disagree with him. Mr. French continues:

Therefore, it is my considered opinion that
(a) Southern Pacific could get water for its lands in excess in the project area only if it signed a recordable agreement to dispose of such lands within a 10-year period; and
(b) Refusal of Southern Pacific to enter into such an agreement would in no way jeopardize the project. The company itself has given formal recognition of both of the above facts to the committee.

Southern Pacific interests control 58,109 acres in Westlands Water District which are subject to the district tax whether or not they take any pay for water under recordable contracts.

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

Mr. KUCHEL. I yield.

Mr. NEUBERGER. I wish to ask a question with respect to Mr. French's able opinion. When he noted that the refusal of the Southern Pacific to enter into an agreement would not in any way jeopardize the proposed project, was he referring to imperiling it from a legal standpoint or from a feasibility of payout standpoint?

Mr. KUCHEL. From the latter—from the standpoint of economic feasibility.

Mr. NEUBERGER. It seems to me that that is a very important point.

Mr. KUCHEL. Counsel has just indicated to me that he agrees with what I said was the interpretation; that in indicating in his memorandum that the refusal of the Southern Pacific to enter into such an agreement would not in any way jeopardize the project, counsel meant it would not jeopardize it from the standpoint of economic feasibility.

Mr. MORSE. Mr. President, will my colleague yield at that point?

Mr. NEUBERGER. I yield.

Mr. MORSE. Simply because my question is on the point of the question he asked the Senator from California. I appreciate the courtesy of my junior colleague.

I am glad to reinforce the position of the Senator from Illinois by going back to the hearings on March 17, 1959, before the House committee. I may say, in regard to the French opinion, that we are taking care of it very well in our amendment. It makes the matter moot. Our amendment will take care of the course of action of the Southern Pacific Railroad one way or the other; but it is what the Southern Pacific Railroad plans to do, I think, that has become very pertinent now in this debate. The record is very clear, so I take the Senator from Illinois to page 219 of the House hearings of March 17 of this year. I would have him pay close attention to what the president of the Southern Pacific Railroad said on March 17, 1959:

Mr. ASPINALL. Mr. Van Loben Sels, is the area in which your company is interested a part of the area which will be developed by the Federal Government, or the part to be developed by the State Department, provided it is a joint-venture project?

Mr. VAN LOBEN SELS. The majority of it is within the Federal area. We also own lands elsewhere which might come under State development.

As I think those of us opposed to section 6 will show in our part of the debate, the State development cannot take place without the Federal development, so we have inseparabilities. As the Senator from Illinois has been trying to point out, it is necessary to have the Federal dam first in order to have any project at all. The water simply cannot be separated into Federal water and State water. The fact is that this project was born of the Federal Government. It is necessary to keep in mind the fact that it is the Federal interest which, after all is said and done, remains paramount.

Continuing from page 220 of the hearings:

Mr. ASPINALL. The next question had to do with the question of my friend from Florida, Mr. HALEY. It was whether or not you would make that area available to the 160-acre limitation provisions of the reclamation law, or whether or not you thought that would not be a part of the project.

Mr. VAN LOBEN SELS.—

He is president of Southern Pacific Railroad——

Mr. NEUBERGER. Is he not the president of the Southern Pacific Land Co.? I may be mistaken.

Mr. MORSE. The transcript shows him as associated with the Southern Pacific Railroad. From that identification, I took it to mean that he was president of the Southern Pacific Railroad; but maybe he is president of the Southern Pacific Land Co. At least, he is speaking authoritatively in regard to the Southern Pacific Railroad's land, about which the Senator from Illinois has been speaking.

I continue:

Mr. VAN LOBEN SELS. Mr. ASPINALL, Southern Pacific Co. wrote a letter last year to Senator ANDERSON's committee, which stated our position in the matter. It appears in the hearings on bill S. 1887.

Very briefly, that letter stated that our lands are not on the market. They are not for sale. We do not want to sell our agricultural properties or our timber properties or our grazing properties any more than we want to sell our main line railroad.

Mr. ASPINALL. Neither do you want to be put in a place where because of some development Uncle Sam goes in and takes care of that. You do not expect to receive any such profit.

Mr. VAN LOBEN SELS. We have stated we do not expect to receive any such profit, as you term it.

Mr. ASPINALL. If in the judgment of the committee they wished to tack on to this bill the provisions of the so-called Engle amendment, what would be your position on that?

Mr. VAN LOBEN SELS. We would be very happy if that were done. That would not be our first choice; our first choice would

be to be excluded entirely from all of the implications of the 160-acre regulation.

There it is on the nose.

Mr. ENGLE. If the Senator from Oregon will yield, they did not get it.

Mr. MORSE. I want to tell the Senate what the Southern Pacific Railroad contemplates and what it will try to do, in my judgment, if section 6(a) stays in the bill. That is why I say that in my opinion, everyone who is trying to protect the 160-acre limitation with regard to Federal projects is in debt to the Senator from Illinois. I think the head of the Southern Pacific Railroad or Southern Pacific Land Co.—whichever he is—makes perfectly clear what they have in the back of their mind; that is, to do everything they can to follow a course of action which will free them from the 160-acre limitation.

Mr. DOUGLAS. I thank the Senator from Oregon.

Now, I am glad to yield to the junior Senator from Oregon, who has made a deep study of the subject and who has been a stalwart fighter in trying to preserve the family-sized farm in the United States.

Mr. NEUBERGER. The Senator from Illinois is overly generous, as usual. I am grateful to him.

I am pleased to join with the distinguished Senator from Illinois and wih my colleague, the distinguished senior Senator from Oregon, in the sponsorship of the amendment. I voted for the San Luis project as a member of the Committee on Interior and Insular Affairs. I favor the project.

Mr. President, although S. 44, the San Luis project, was cleared by the Senate Interior and Insular Affairs Committee without adverse votes, I think that further analysis and study reveals the necessity for improving the bill to assure continuity of national water policy.

It has been brought to my attention that section 3g of the bill states:

> The Secretary may turn over to the State the care, operation and maintenance of any works of the San Luis unit which are used jointly by the United States and the State at such time and under such conditions as shall be agreed upon by the Secretary and the State.

I have received a number of letters and telegrams expressing apprehension that this may open the way for circumvention of the 160-acre limitation which is an historic part of reclamation law.

I ask consent to include a letter from the coordinator of the National Farmers Union dated April 10, 1959, detailing some of these objections and a telegram sent to me by the California Labor Federation, AFL–CIO, explaining that organization's views on shortcomings of the bill. These individuals are Angus McDonald and C. J. Haggerty, respectively.

I do not believe that the 160-acre limitation should be breached through approval of the San Luis project authorization. There may be some special circumstances—for reasons of climate, terrain, and other farming factors—which would justify revision or exemptions from the acreage limitation. I do not think those conditions apply to the area affected by this bill.

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

NATIONAL FARMERS UNION,
*Washington, D.C., April 10, 1959.*

Hon. RICHARD L. NEUBERGER,
*Interior and Insular Affairs Committee,*
*Senate Office Building, Washington, D.C.*

DEAR SENATOR NEUBERGER: I call your attention to S. 44 and H.R. 5687, companion bills which would authorize construction of the San Luis project in California. These bills contain language which would permit the undermining of Federal reclamation law.

The bill reads in section 1: "In constructing, operating, and maintaining the San Luis unit, the Secretary shall be governed by the Federal reclamation laws * * * except so far as provisions thereof are inconsistent with this act."

Section 3g reads: "The Secretary may turn over to the State the care, operation, and maintenance of any works of the San Luis unit which are used jointly by the United States and the State at such time and under such conditions as shall be agreed upon by the Secretary and the State."

We do not believe these sections provide an out and out exemption but we feel they leave the door open, and that in light of the four special circumstances existing on this project, additional, and special precautions are necessary. The special circumstances are:

(1) This is a joint State-Federal project and even under most favorable conditions, difficult administrative problems would arise.

(2) The so-called Federal service area is dominated by large landholdings. Some 12 percent of the owners hold title to over 75 percent of the land.

(3) One firm, Southern Pacific Railroad—admits to owning about 120,000 acres in the area—checkerboarded in odd-numbered sections. According to the Bureau of Reclamation this firm has indicated that it would not comply with reclamation law.

(4) Among other large owners in the San Luis are Anderson-Clayton (largest cotton marketing firm in the world), Boswell interests, and O'Neill interests, all of whom own land in the service area of an existing and adjacent Federal project (Pine Flat) which is supposed to be administered under reclamation law, but is presently operating outside that law because these same large owners have been able to stall on the signing of a permanent agreement. They have been receiving water for 5 years in violation of the law.

In light of these four special circumstances in the Federal service area we propose an amendment which would require excess landowners in the Federal service area to sign recordable contracts before construction begins. We feel there should be no objection to such a proposal if it is desired that reclamation law be strictly enforced in the Federal service area.

Such an amendment should secure reclamation law as far as the so-called Federal service area. The bills also contain specific exemptions for the so-called State service areas. These exemptions are included in section 3f, which reads in part: "The State shall not be restricted in the exercise of its allocated right to the use of the capacities of the joint use facilities for water service outside the Federal San Luis unit service area;" and section 6 which reads: "The provisions of the Federal reclamation laws shall not be applicable to water deliveries or to the use of drainage facilities serving lands under contract with the State to receive a water supply, outside of the Federal San Luis unit service area."

Proponents of these bills argue that the Federal reclamation law cannot apply to a project or part of a project which is paid for by the State. But we wonder about possible application of the Warren Act which requires that all waters passing through a Federal facility be subject to the law. We also are aware that the State is not constructing its project even outside of San Luis without Federal help.

The Federal Government will be providing nonreimbursable items such as flood control for the State's Oroville Dam and other facilities of the so-called State project.

This situation also raises serious policy questions. Is the Federal Government going to get the State water program under way at San Luis? Then help it along with nonreimbursable items? While the State steps in only just before the point at which reclamation law would be applied?

It appears to us that the large landowners in California's most fertile central valleys are preparing to hop on a gravy train at the expense of both Federal and State taxpayers.

Sincerely,

ANGUS MCDONALD,
*Coordinator.*

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SAN FRANCISCO, CALIF., *April 15, 1959.*

Senator RICHARD NEUBERGER,
*Senate Office Building,*
*Washington, D.C.:*

I have not yet received printed copy of hearing on S. 44, San Luis unit, Central Valley project. We have information that hearings remain unpublished although bill has been reported. Is this so? S. 44 opens door to vast water grab in California. The California Labor Federation, AFL–CIO, representing 1½ million members and insisting that San Luis bill shall comply strictly with Federal reclamation laws, requests access to published hearings. If S. 44 reaches floor of Senate with hearings unprinted and without ample time for public examination we request you read this telegram into the printed RECORD of the Senate and use our influence to postpone debate until hearings are printed and distributed to us and to other interested citizens. We desire to offer informed advice to Senators charged with responsibility for deliberation and decision. No bill such as S. 44 that raises issues of great principle and great substance, and in our opinion, endangers the public interest ought to be permitted to escape closest public scrutiny for lack of publicity and time for consideration.

C. J. HAGGERTY,
*Secretary-Treasurer, California Labor Federation, AFL–CIO.*

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OAKLAND, CALIF., *April 27, 1959.*

RICHARD NEUBERGER,
*Senate Office Building,*
*Washington, D.C.:*

Urge fight for unqualified 160-acre limitation in San Luis bill on behalf of California Democrats who seek a State limitation but are deceived into supposing this bill all right.

KEITH MURRAY.

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SAN FRANCISCO, CALIF., *April 27, 1959.*

Re San Luis bill

RICHARD NEUBERGER,
*Senate Office Building,*
*Washington, D.C.:*

Urgently request you exert energies to fight for 160-acre limitation, to apply without qualification.

MARY LOUISE ALLEN,
*State President, California Federation of Young Democrats.*

Mr. NEUBERGER. I do not believe the 160-acre limitation should be breached through approval of the San Luis project authorization. Let us approve the project but retain the historic limitation.

I wish to explain what I regard as Oregon's specific interest in this matter. Unlike the State of Illinois, in the area east of the Cascade Range in Oregon, those who operate farms are often dependent upon irrigation for their supply of water. The Senator from Illinois well knows that. He has tramped over much of Oregon, and he, himself, was a very illustrious member of the faculty at Reed College, one of the great educational institutions in Oregon.

We in Oregon regard California as one of our very best customers. This year marks Oregon's 100th anniversary of statehood. In 1849, 10 years before Oregon became a State, Oregon's economy really got started by the supplying of food to the gold rush immigrants to California. Furthermore, we know that the people of California will purchase a great deal of Oregon lumber and a great many of Oregon's rich agricultural products. But we also recognize that the 160-acre limitation applies to the reclamation projects in our own State—both those already in existence and those presently being constructed.

We in Oregon want California to prosper. That is why I have been pleased to support the San Luis project as a whole; and I feel certain that my distinguished senior colleague [Mr. MORSE] agrees with this. We know that as California prospers, Oregon and other nearby Western States with lesser populations will also prosper.

But, Mr. President, if the 160-acre limitation is breached in California, such action will set a precedent by means of which the 160-acre limitation can be breached throughout the West. After all, if, through a participating agreement with the State of California, the 160-acre limitation can be breached, similar participating agreements could be entered into with Oregon or Idaho or Washington or Montana or any of the other great Western States in which irrigation projects are located. It seems to me that if the 160-acre limitation was undermined—and that limitation dates back to the administration of President Theodore Roosevelt—and if it were undermined in that way—such action would constitute a precedent by means of which all the other Western States would be able to request a similar prerogative.

So it seems to me, Mr. President, that in Oregon and Washington, for example, there are a good many irrigation projects where State participating undertakings could be added. By adding them, they could do away with the 160-acre limitation in the domains which come under State jurisdiction. Once that happened, it seems to me there would be increasing difficulty in retaining the 160-acre limitation in the Federal portions of the projects, all over the West. I think it is important to emphasize that point.

If a reclamation project has both a Federal portion and a State portion, how can such an arrangement work effectively? The great President of the United States who founded the Republican Party—the immortal Abraham Lincoln—once said that there cannot be a nation that is half slave and half free. I realize that historic utterance does not apply to an undertaking as comparatively unimportant as this one, as related to the future of chattel slavery in the United States.

But in the case of the 160-acre limitation—and 160 acres are just about enough to support one family—if there were nearby vast agricultural empires which might involve 20,000 or 30,000 acres, it seems to me that the 160-acre limitation on the Federal projects would inevitably be doomed; I do not see how it could continue. I do not believe that those who farmed on the Federal side of a canal would be satisfied with 160-acre holdings, when they saw, on the other side of the canal, vast holdings of 20,000 or 30,000 acres. You could not mix tiny homesteads with immense agricultural kingdoms.

So that is why I support the distinguished Senator from Illinois [Mr. DOUGLAS] and the distinguished senior Senator from Oregon [Mr. MORSE] in the amendment they have submitted to this otherwise very fine bill.

Mr. MORSE. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. Yes; but first I wish to thank the junior Senator from Oregon [Mr. NEUBERGER] for his very statesmanlike and clear statement on this issue.

Mr. MORSE. Mr. President——

Mr. DOUGLAS. Now I am glad to yield to the senior Senator from Oregon.

Mr. MORSE. Mr. President, I wish the RECORD to show that I associate myself completely with the views which have just been expressed by the distinguished junior Senator from Oregon. I think he has pointed out unanswerably the position of the State of Oregon in regard to water-resource-development projects; and I am sure he will share my point of view when I say now to our two good friends in the Senate, the Senators from California [Mr. KUCHEL and Mr. ENGLE], that we are never happy to find ourselves at any variance—even over a matter such as this one in the bill—a variance which I say to them they could resolve very helpfully, for purposes of future reference, in support of our common western projects. I think the elimination of section 6(a) of the bill would not in any way jeopardize this great project which the two Senators from Oregon and the Senator from Illinois are enthusiastically supporting; in fact, we really think we are the best "friends in court" of the Senators from California, although they do not appreciate it this afternoon. But I think that in due course of time they will see that we are protecting their long-term interests.

At this time I wish to place in the RECORD, if the Senator from Illinois will permit me to do so, further rebuttal of the statements made by our dear friends, the Senators from California, who a few minutes ago made an argument which I believe is not borne out by the facts, as the record itself will show.

First, let me refer to page 222 of the hearings of March 17, where again Mr. Van Loben Sels testified in behalf of the Southern Pacific Railroad. On that occasion he was asked questions by a colleague of the two Senators from Oregon—Representative ULLMAN, a Member of the House of Representatives, who happens to be a member of the House committee which has jurisdiction of this subject matter.

I read now from page 222:

Mr. ULLMAN. Just a short question, Mr. Chairman.

Mr. Van Loben Sels, how much land do you have that would come under the proposed Federal project?

Mr. VAN LOBEN SELS—

And I assume that he knows what land his company has—

The figure we have quoted is 120,000 acres.

Mr. DOUGLAS. Mr. President, that is precisely what I have been contending—namely, that it is 120,000 acres in the Federal water service area. So I hope this record now can be made crystal clear that it is not 55,000 acres. It is 120,000 acres, plus an added 30,000 acres outside the Federal service area that may be served by the so-called State project which would be made possible by the joint Federal facilities.

Mr. MORSE. I think the Senator from Illinois is correct.

I wish to quote further from the statements made at the hearings by the spokesman of the Southern Pacific Railroad Co.:

There has been some deletion from that, because the Federal Government recently condemned some for a naval air station. That is in the courts now.

However, the amount required for the Naval Air Station would be relatively small.

I read further from the hearings before the House committee:

Mr. ULLMAN. How is this land being utilized today? Do you have a breakdown of that, of the land use today?

Mr. VAN LOBEN SELS. It is all under agricultural lease. It is all under irrigation, but not all of it is irrigated every year. It is being farmed under lease to actual operators on the property, to crops that are typical of that area, which I think were mentioned previously. But they include grains, cotton, melons, various seed, grass seed and alfalfa seed crops, a few more of the specialized crops, like potatoes and carrots, and other vegetables.

Mr. DOUGLAS. But they are very high yield, high value crops.

Mr. MORSE. However, Mr. President, what is the declaration of intent on the part of the Southern Pacific Railway Co.? It is to get water every year—to get enough water so it can operate year in and year out. That is obviously what the company is after and what it hopes to accomplish by means of this bill. So let us face up to that reality.

I read further from the House committee hearings:

Mr. ULLMAN. It is all relatively flat land, then, and all under cultivation; is that right?

Mr. VAN LOBEN SELS. It is all under cultivation. A lot of it has been leveled and brought to grade for surface irrigation. Some of it is sprinkler irrigated, and it is more of a rolling type.

Mr. ULLMAN. How long have these lands been owned?

Mr. VAN LOBEN SELS. We acquired this land during the 1860's, 1870's, and 1880's.

Mr. ULLMAN. In what manner?

Mr. VAN LOBEN SELS. They were acquired through Act of Congress as part of the consideration for building the western railroads.

Mr. DOUGLAS. May I interject? Acquired in this case for building a railway which was never built.

Mr. MORSE. I was going to digress to point that out. I shall touch upon it in the major speech which I shall make on the floor of the Senate. I emphasize—a railroad which it never built.

I continue to read:

Mr. ULLMAN. They were part of the Land Grant Program?

Mr. VAN LOBEN SELS. Commonly termed that.

Mr. ULLMAN. The railroads, of course, developed whatever water facilities they have?

Mr. VAN LOBEN SELS. Actually, our lessees did it as part of the lease, but we in effect did so. It was done under our direction.

Mr. ULLMAN. The railroads farmed none of this land directly? It is all leased?

Mr. VAN LOBEN SELS. That is correct.

Mr. ULLMAN. That is all, Mr. Chairman.

I only want to say I have offered this for the record to reinforce the position taken by the Senator from Illinois, and I would only add that this almost becomes one of the "Now you see it, now you don't" affairs when a discussion is had of a Federal interest in a State project.

I shall insist, so far as my presentation throughout this debate is concerned, that we must look at the origin. We must look at what really creates the project; what brought it into being, and consider why do we have this trouble on the floor of the Senate? What is it? The Federal project. Without the Federal participation in this matter this problem would not be presented on the floor of the Senate this afternoon. Therefore, I want to say to my very good friends from California, we are not hurting them by suggesting that section 6(a) be eliminated. In my judgement, in the future it is possible that will be in a much stronger position if they accept the amendment of the Senator from Illinois and take it to conference.

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

Mr. DOUGLAS. Mr. President, may I ask who has the floor?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DOUGLAS. I shall yield in a moment. First I should like to make a statement of my own.

I wish to rivet down, without any possibility of contradiction, the facts of the ownership of the Southern Pacific Railway and the extent of that ownership. The Senator from Oregon has pointed out that out of their own lips they have said they own 120,000 acres in the so-called Federal service area.

Let me call attention to the fact that the Associate Commissioner of Reclamation, testifying before the Senate committee itself, stated that the Southern Pacific Railway owns approximately 120,000 acres of land in the service area, 65,000 of which are in the Westlands district, which is one district in the area.

Then the Senator from Oregon quoted the statement the representatives of the Southern Pacific made before the House committee on March 17. Let me now quote another statement which they made on March 23, 6 days later, in a letter to the Senator from New Mexico [Mr. ANDERSON], published on page 101 of the Senate hearings.

Mr. ENGLE. Mr. President, if the Senator will yield, Was he talking about the Federal service area or the whole?

Mr. DOUGLAS. The Federal service area. He stated:

It is now our desire to reaffirm our previous position, that our agricultural properties are not for sale. They constitute an important natural resource asset of our organization, and we need them to maintain our diversified position in the economy of the Western States.

They want to be in the land business as well as in the railway business.

Now let me turn back for a moment to the opinion of the counsel for the Interior Committee referred to by the Senator from California [Mr. KUCHEL]. I give due weight to counsel's opinion that the project might be possible and feasible even if the Southern Pacific carries out its intention not to come in under the reclamation law or to sell its excess holdings. But I have very serious doubts. I have seen some detailed maps showing that the Southern Pacific owns a precise checkerboard of land in some of these areas.

I may say that was the tendency in the distribution of railroad land. They would take a section of land on the north of a railroad, or on the west of a railroad, skip another section, then take a section, then alternate on the south side of the line or the east side of the line, a section opposite the section which it held, and then skip. So that the railway holdings on the western lines as given by the land grant steal which some of the great founders of California put through in the 1860's and 1870's——

Mr. KUCHEL. The Senator is not visiting that sin on the two Senators who represent that State now, is he?

Mr. DOUGLAS. No; I am just reminding them of the unholy origins of the action. It was conceived in sin and begotten in iniquity.

Mr. KUCHEL. By some of my friend's Democratic forebears.

Mr. DOUGLAS. For every Democrat who participated in the scandal of the Credit Mobilier, there were at least 20 Republicans. It is true that they made James Brooks, of New York, something of a "fall guy"; but if one goes over the list of persons who participated in the stock of Credit Mobilier and who assisted in the land steal, he will find it consisted of prominent Republican Members of the House and Senate, including the then Vice President whose bust is upon the wall of this Chamber.

Mr. KUCHEL. I will stipulate it was bipartisan iniquity.

Mr. DOUGLAS. As is usual in cases of political iniquity, 5 percent were Democrats and 95 percent was Republicans.

Mr. KUCHEL. I question the Senator's arithmetic.

Will the Senator yield?

Mr. DOUGLAS. No; I want to complete this statement first.

I cannot see physically how the facilities can be constructed so as economically to serve the other lands with the Southern Pacific's checkerboard land taken out.

What I really suspect is that the Southern Pacific hopes to get the water and get away from acreage limitations at the same time.

The Southern Pacific's letter to the Senator from New Mexico [Mr. ANDERSON] to which I have referred bears this out:

We reaffirm our request that owners of land in excess of 160 acres be allowed the alternative of paying interest on the Federal irrigation investment and thus be allowed to retain their land holding and obtain water for them.

Mr. KUCHEL. That situation is taken care of by the bill.

Mr. DOUGLAS. The provision that reclamation law shall be applied by the Secretary of the Interior in the San Luis unit, is in the bill. But I have seen enough of the operations in the Department of the Interior in Pine Flats, and so forth, to know it is one thing to get it in the law, and it is another thing to get it carried out as you face a mighty combination of landowners.

Mr. ENGLE. There will be a Democratic administration soon, and the law will be enforced.

Mr. DOUGLAS. It will be enforced a little better, but not necessarily well, because sometimes Democratic Secretaries of the Interior go sour, too.

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

Mr. DOUGLAS. If I may say so, I notice that the interests that are trying to operate against the welfare of the country have representatives in both parties and they operate inside both parties.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

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

Mr. DOUGLAS. Yes; I yield.

Mr. KUCHEL. I appreciate the Senator's yielding.

Mr. DOUGLAS. I yield for a question only.

Mr. KUCHEL. Will the Senator yield for a series of questions?

Mr. DOUGLAS. I yield for one question.

Mr. KUCHEL. I can hardly get started with one question.

Mr. DOUGLAS. Very well.

Mr. KUCHEL. Let me ask the Senator from Illinois this question: If I heard him correctly, he proposes to strike out that section by which it is clearly provided that the State system shall be exempt from Federal reclamation law. Is that correct?

Mr. DOUGLAS. That is correct.

Mr. KUCHEL. If that section should be eliminated——

Mr. DOUGLAS. I hope it will not be necessary for me to offer the amendment. I hope the Senators from California, in their desire to get this project completed and to preserve the family-sized farms, will accept the amendment.

Mr. KUCHEL. Let me ask my next question.

Mr. DOUGLAS. Does the Senator dash my hopes in this way?

Mr. KUCHEL. Let me see whether my hopes, too, are being dashed.

If the Senator's amendment were to be adopted, then the Senator would be in favor of the project; is that correct? The Senator said that, did he not?

Mr. DOUGLAS. Yes; I think so.

Mr. MORSE. I would be.

Mr. DOUGLAS. Yes, I think so. I will say in this connection it is a great sacrifice for the interests of the Middle West to support any of these reclamation projects, because it means bringing into more intensive cultivation competing land.

Mr. KUCHEL. Very well.

Mr. DOUGLAS. Wait a moment. I am trying to impress the Senator from California with the fact that I am taking a national point of view on this issue despite the competitive aspects of the project.

Nevertheless, I think it is in the national interest that this amazingly fertile land should have water applied to it.

Mr. KUCHEL. Very well.

Mr. DOUGLAS. But I want to have water applied to the land so that we will preserve the small farm, the family-sized farm, and break up the huge estates which evolved from the Spanish hacienda system which dominated the Central Valley and tended to stifle democracy in that area.

Mr. KUCHEL. If the Senator supports the proposed legislation, assuming that the amendment he has in mind is agreed to——

Mr. DOUGLAS. Is it not going to be accepted?

Mr. KUCHEL. Then would the Senator understand that the proposed legislation would call for a dam to be used by the State government and by the Federal Government as well?

Mr. DOUGLAS. Let me point out to my good friend——

Mr. KUCHEL. Will the Senator answer that question?

Mr. DOUGLAS. I will answer it in my own way.

May I ask my good friend, if the acreage limitation feature of reclamation law is removed from the so-called State service land, how can we maintain an acreage limitation on the so-called Federal service land? One can no more have those two systems existing side by side than he can divide the reservoir which has been created with Federal money and the superstructure created with State money, or divide the dams that gather the water in the north, or pay the cost of putting on—is it a second story?

Mr. KUCHEL. My friend has not answered my question.

Mr. DOUGLAS. Wait a moment. Is it a second story on the Delta-Mendota Canal?

Mr. KUCHEL. My friend has not answered my question. I cannot make my friend answer the question, but he should answer it.

Is the Senator from Illinois prepared to accept the philosophy of the bill without the section to which he objects, under which a dam of 2 million acre-feet would be created, a part of which would serve a State system and another part of which would serve a Federal system? Is the Senator in favor of that?

Mr. DOUGLAS. I am not prepared to support such a system with Federal funds and facilities unless it carries with it a universal application of the 160-acre limitation.

Mr. KUCHEL. Let the RECORD be clear. Does that mean the Senator is going to subject the people of California to an acreage limitation under Federal reclamation law?

Mr. DOUGLAS. I am trying to save the people of California from the unwitting efforts of the senior Senator from California to perpetuate the system of big land holdings.

Mr. KUCHEL. The Senator is objecting to what the senior Senator from California, the junior Senator from California, the Governor of California and the Legislature of California all have asked the Congress to approve.

Mr. DOUGLAS. They want the project of course. But I do not think they want to abandon the 160-acre limitation.

I came to the Senate chamber this afternoon prepared to believe that once we stated the case the senior Senator from California and the junior Senator from California would withdraw section 6(a).

Mr. KUCHEL. Let me ask the Senator a few more question.

Mr. DOUGLAS. The Senator is disappointing me.

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

Mr. DOUGLAS. This is not in keeping with the Senator's usual attitude toward these issues. Usually the Senator from California is for the public interest.

Mr. KUCHEL. I want to be.

Is it not true the bill specifically provides that the Secretary of the Interior shall construct the dam under Federal reclamation law? Is that not the truth and the fact?

Mr. DOUGLAS. Yes. That is correct.

Mr. KUCHEL. Then how can the Senator say that anyone is trying to evade or violate any section of the Federal reclamation law?

Mr. DOUGLAS. It is true that the discussion thus far has been primarily centered upon some 440,000 acres which will be furnished with water from the Federal portion—or from the attempted Federal portion—of this project. Thus far there has not been much discussion as to what would happen on some 440,000 or 500,000 additional acres—we really have not been informed just how many—to be serviced with the additional 1 million acre-feet of water.

Mr. KUCHEL. It will be the rest of the State, if I may interrupt the Senator.

Mr. DOUGLAS. The Senator calls that State service land. Yet in order to construct the San Luis Reservoir we must have prior Federal investment. Indeed, we had to have prior Federal investment upstream on the dams and reservoirs north of Sacramento.

Mr. KUCHEL. Does the Senator object to that?

Mr. DOUGLAS. No. That has been done.

But those projects will be utilized.

Furthermore, I should like to ask another question of my good friend the junior Senator from California, who has such a bright future before him. How are we going to bring water from northern California down to the reservoir if we do not use the Delta-Mendota Canal?

Mr. ENGLE. They will build their own canal.

Mr. DOUGLAS. Will it be alongside that canal, or above it?

Mr. ENGLE. Just a little above it.

Mr. DOUGLAS. A second story?

Mr. ENGLE. No; it will not be on top, but it will be placed horizontally a little over the canal.

Mr. DOUGLAS. Will they not utilize a part of the construction for the Delta-Mendota Canal, which has been constructed by the Federal Government?

Mr. ENGLE. That is not the present plan.

Mr. DOUGLAS. Oh, it is going to be like our subway.

Mr. ENGLE. They will pay for it.

Mr. DOUGLAS. It will be one subway, and then another subway; is that correct?

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

Mr. DOUGLAS. I yield.

Mr. ENGLE. Does the Senator believe that if section 6(a) is stricken from the bill the reclamation law will apply to the State projects service area?

Mr. DOUGLAS. Yes, I do; and I want to make a record to show clearly that it would.

Mr. ENGLE. I want to make a record which is very plain indeed that in my opinion the section is surplusage. It is merely a statement of what the law is.

Mr. DOUGLAS. If it is surplusage, then eliminate it.

Mr. ENGLE. The people affected want this additional assurance.

Mr. DOUGLAS. Who are they? What people?

Mr. KUCHEL. I will tell the Senator what people they are. They are the people of southern California.

Mr. DOUGLAS. Does the Senator mean the big landowners of the Central Valley?

Mr. KUCHEL. I do not mean the big landowners of the Central Valley.

Mr. DOUGLAS. The Kern County Land Co.? The big land interests?

Mr. KUCHEL. I do not mean them. I mean the city government of the city of Los Angeles.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. KUCHEL. They are interested in getting supplemental water, so that when the housewife turns on the water tap she can get water.

Mr. DOUGLAS. Now the Senator is talking about city water, and I am talking about irrigation water. Surely the Senator does not oppose the application of the 160-acre limitation if he is just considering water distributed in the city

of Los Angeles. It is in the Central Valley that this issue arises. Let me say to my good friend from California that he has made a moving plea on behalf of the residents of Los Angeles. How would the people of Los Angeles be hurt by omitting section 6(a), which would in effect provide a 160-acre limitation in the Central Valley? That has nothing to do with Los Angeles.

We want Los Angeles to have water; but with respect to the water which goes on the land in the Central Valley, we believe in the family-sized farm, the American system. We do not want the Spanish system. We do not want the hacienda system, or the system of Mexico, which California had when it joined the Union. We do not want a system with a big manor house on the hill, and farm laborers living in hovels. We want a system in which the owner is the cultivator. That is the basis of American agrarian democracy.

Mr. KUCHEL. Does the Senator from Illinois believe that the State of California, through its State government, should determine what laws should govern the use of water in a State system of water distribution, paid for by the people of the State?

Mr. DOUGLAS. In reply, let me make two comments.

First, it is not a pure State system. It is inextricably mixed with a Federal system.

Second, I do not believe that the people of California have ever declared themselves in favor of huge estates. So far as I know, they have never said that they want a system of big landed estates. If my friend from California thinks that is what they want, let him propose it in a referendum, or bring it up before the Legislature of the State of California.

Mr. KUCHEL. The Senator has not answered my question.

Mr. DOUGLAS. The owners of the big estates cannot get what they want by State action alone. They also need Federal help, and they think they can come to Washington, with no one greatly concerned over the issue and push their proposal through Congress on favorable terms to themselves.

Mr. KUCHEL. The Senator has not answered my question. Does he believe that the people of California should have the right, by State law, to determine how water is to be used in California under the State system?

Mr. DOUGLAS. I do not believe that large landowners should be able to come to Congress and obtain an exemption from the Federal law.

Mr. KUCHEL. I respectfully submit that that is not answering the question.

Mr. DOUGLAS. There is a Federal responsibility in this connection. If the State of California would enact the Federal reclamation law, we might cede authority to the State of California. But if the State of California is to subvert Federal law on a joint Federal-State project, I am not for it.

Mr. KUCHEL. That is another way of saying that the able Senator from Illinois proposes to compel the people of California to apply the Federal reclamation law to a State project, if the two systems, State and Federal, happen to cross in a single reservoir.

Mr. DOUGLAS. The people of Illinois are paying taxes, and have paid taxes, to build these dams, reservoirs, conduits, and irrigation systems. They have paid taxes against their own economic interests, because they believed it was in the national interest; and I am ready to continue to do so, but on the condition that the money which we contribute shall be used to maintain agrarian democracy, and not huge agrarian estates. We are willing to have money spent for a democratic—with a small "d"—farm system, but we do not want to have it spent to build up the power and strength of huge landowners.

It is well known that in California a large portion of the land is locked up in huge estates. I say that is an evil inheritance from Spanish and Mexican days, and it is a good thing to get rid of it as soon as possible, instead of perpetuating and strengthening it.

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

Mr. DOUGLAS. I yield.

Mr. MORSE. I should like to have the attention of the two Senators from California for a moment.

I wish to pay my very high compliment to the able Senator from Illinois for the very brilliant record he has made on this issue this afternoon. He has set forth very clearly—I happen to think unanswerably—a public policy position which some of us in the Senate have held to for many years, in regard to protecting what we think is the public interest in the so-called 160-acre limitation provision.

The record has been made. I suggest to the two Senators from California that they ponder that record between now and Thursday afternoon. I assure them that the Senator from Illinois and the two Senators from Oregon are very reasonable men. We shall be open to conversations and conferences.

As I have listened to this debate, and particularly to some of the questions the two Senators from California have been asking the Senator from Illinois——

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

Mr. MORSE. In a moment.

There is something in my sense of intuition which leads me to believe that this debate might be very short on Thursday. I say this because I believe that conferences might result in some understanding between now and Thursday which would keep faith with the great principle which the Senator from Illinois has so brilliantly defended this afternoon.

I have the feeling that that would be the smart course of action for us to take tonight.

The Senator from Illinois has made a great record. Those of us who are standing in the background with reinforcements would like to suggest that we wait until Thursday, if it becomes necessary to give the Senator from Illinois any reinforcement. I believe that a study on the part of the two Senators from California of the record made this afternoon by the Senator from Illinois might make unnecessary any prolonged discussion Thursday afternoon.

Mr. ENGLE. Mr. President, will the Senator yield in order that I may propound a question to the Senator from Oregon?

Mr. DOUGLAS. I believe I still have the floor. I yield.

Mr. ENGLE. Does the Senator from Oregon agree with me that if we were to strike out section 6(a) we would not apply the reclamation law outside the Federal service area?

Mr. MORSE. Let me say to the Senator from California that I think that is exactly the kind of discussion which we had better have in conference between now and next Thursday.

Let me tell the two Senators from California what I would do if I were in their position. I would accept the amendment of the Senator from Illinois and run just as fast as possible with the bill to get it to the White House for signature. I do not believe we should take any chances with it.

Therefore I suggest that we close the debate tonight. Between now and Thursday we might find ourselves reaching an acceptable understanding, so that there would be a very short debate on Thursday.

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

The PRESIDING OFFICER. Does the Senator from Illinois yield the floor?

Mr. DOUGLAS. I have not yielded the floor, but I am glad to yield to my friend from California.

Mr. KUCHEL. There are some Members on our side of the aisle who would like to debate the proposed legislation. They have indicated to me that they would prefer to have further consideration of the bill postponed until Thursday.

I have talked with my colleague from California, and we both agree that what the Senator from Oregon has suggested would be in the public interest.

Mr. DOUGLAS. I thank the Senator from California. My faith in the Senator from California, which is deep and warm, finds reassurance, after being temporarily dimmed by the doubts he expressed about our proposed amendment. [Laughter.] I think he has made a good suggestion, but before the Senate adjourns for tonight, I wish to deal with the point raised by the junior Senator from California [Mr. ENGLE].

The question of what the State does in connection with a State project is irrelevant to the question now before the Senate. The question now before the Senate involves a joint project, in which large sums of Federal money are involved, and existing Federal structures are to be used, including Federal dams in northern California, as well as the Federal share of the dam at the San Luis Reservoir.

Therefore, this is not the injection of a Federal provision in a purely State project, but the assertion of Federal protections in a largely Federal project.

In closing, I wish to put into the RECORD this fact: One of the big issues before the Nation is whether we are to have concentrated ownership or diffused ownership. Some people think this is

an issue which is to be fought out solely in the industrial field—small business as compared with huge business, or with respect to antitrust policies.

The issue, however, relates to land and farming as well. I happen to be one—and I believe the American people agree with me—who holds that farming should be based on the family-sized farm, and that there is no real place in America for huge estates, with a few owners and a large number of farm laborers.

I have traveled through the Central Valley, and I have found communities in which virtually everyone is a laborer, leading a rather miserable life, I may say. Very frankly, I did not regard that as a part of the American tradition.

There are other communities in the valley where the land ownership is diffused, and where there is independent ownership and where self-respecting, independent people live. That to me is what America has meant in the past and what it should mean in the future.

I do not wish to see concentrated land ownership not only hold its own, but increase its grasp on these rich resources. When water comes to the valley, land which previously was worth little will be worth a great deal. Yields will multiply. The power of those holding the land will be enormously increased.

In my judgment the Federal expenditure of funds should be used to lay a broader basis for economic democracy in the Nation, and not a more restricted basis.

Inasmuch as the discussion is to be continued on Thursday, I shall yield the floor. I send an amendment to the desk, which I offer on behalf of the two Senators from Oregon and myself, and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. DOUGLAS. Mr. President, I now yield the floor, and I hope that my colleagues will read the RECORD, so that when we return on Thursday the good Senators from California will eliminate section 6(a).

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## HAWAII'S GOVERNOR QUINN IS VIOLATING HATCH ACT AND SHOULD RESIGN

Mr. GRUENING. Mr. President, most of the distinguished Members of this body were pleased to have the opportunity to help make statehood for Hawaii a reality this March. But I am quite sure that none of the Members—and there were several who were vitally involved, such as my able friend from Washington, HENRY M. JACKSON, who did such a fine job of managing both the Hawaii and Alaska statehood bills on the floor—were any more delighted than were my distinguished colleague, "BOB" BARTLETT, and I because we had been so recently involved in a similar effort.

I have been an advocate of Hawaiian statehood for a quarter of a century. When, in 1934, I was appointed as the first director of the newly created agency in the Interior Department, the Division of Territories and Island Possessions, I conceived it my duty to diminish as rapidly as possible the duties of that office—and its ultimate abolition. The way to do that was to confer on the outlying dependencies of the United States as nearly as possible the political status which they desired and which they could support consistent with the interest and policies of the United States. That would mean statehood for Hawaii and Alaska, the only two incorporated Territories, and thereby destined for no other status. It meant independence for the Philippines, which was achieved in 1946. It meant for Puerto Rico a special autonomous semi-independent status in response to the expressed will of that island's people. For the remaining areas, it should mean the maximum of self-government, consistent with the conditions in each.

Hawaii has long been ready for statehood. It was ready for statehood 25 years ago and should have had it then. It was ready for statehood long before Alaska was, and when both these Territories, over a decade ago, were actively engaged in trying to persuade the Congress that each should have statehood, I made no secret of my belief that Hawaii deserved—on its merits—prior consideration. I stated publicly that Hawaii deserved statehood more than Alaska, but that Alaska needed it more. I stated publicly my belief that it was more important for the United States to grant statehood to Hawaii than for Hawaii to receive it. By that I meant that the United States would be relatively an even greater beneficiary of Hawaiian statehood than would Hawaii be itself. I have not varied from that view, and feel that no year in my life will be more gratefully remembered as a year of achievement, in which I was fortunate to be able to participate, than the 10-month period in which the Congress voted to admit the 49th and 50th States.

Senator BARTLETT and I were particularly pleased at Hawaii's admission because we had the opportunity to help repay a very great American, delegate JOHN A. BURNS of Hawaii, for his far-sighted and statesmanlike performance last year. I refer to Mr. BURNS' leadership in separating the Alaskan and Hawaiian statehood bills and insisting on their being completely disassociated, so that each could be considered separately on its own merits. Had it not been for Delegate BURNS' enlightened action, which was made at no slight political risk to himself, both Alaska and Hawaii would, in my reasoned judgment, be still petitioning Congress for statehood, and their achievement of that goal indefinitely postponed.

Last year, as many Senators will recall, I was here serving as a "Tennessee-Plan Senator," and seeking, with my two colleagues, to influence the Members of Congress on behalf of Alaska's cause. We had many, many wonderful friends in both Houses. But perhaps no one played a more crucial and determining role than did JOHN A. BURNS, Hawaii's Delegate in the House. Even though Hawaii had been petitioning for statehood longer than Alaska—more or less for a half century, and actively for 40 years—Burns quickly appreciated that we of Alaska were in a more strategic position for success, and did not hesitate to allow us to go first. He resisted all pressures, all blandishments—and they were numerous, forceful and persuasive—to cause him to deviate from that course. The result of his wisdom was the sure and safe passage, after many heartbreaking and unsuccessful attempts in the past, of both pieces of legislation in the incredibly short time of ten months. What had for a long time seemed a lost cause was, in large degree, saved by the abnegation, restraint and statesmanship of JACK BURNS.

Since statehood for Hawaii passed Congress and was signed into law by President Eisenhower in March, I have been following developments in our newest State with attention and sympathy because we in Alaska have a deep community of interest with our sister State, Hawaii. We have fought side by side for a decade and a half for the equality of statehood. We are the only non-contiguous areas to be admitted to the Union. We represent America's farthest west and respectively America's farthest north and farthest south. We bring great diversity to the Nation.

Because of this interest, I find it necessary to report to this body, Mr. President, that one aspect of the situation in Hawaii at present is not quite as it should be. The present Territorial Governor, the Honorable William F. Quinn, has not been following either the letter or the spirit of Federal law in regard to the upcoming elections in Hawaii this summer. They are important to this body. Two more Senators will join us. A governor and a legislature of the 50th State will, for the first time, be elected. Mr. Quinn, I believe, has been violating section 9 of the Hatch Act, which makes it unlawful for any person employed in the executive branch of the United States Government "to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. No officer or employee in the executive branch shall take any active part in political management or in political campaigns."

The only exceptions to this section are the President and Vice President of the United States; persons whose compensation is paid for from the appropriation for the Office of the President; heads and assistant heads of executive departments; officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the nationwide administraton of Federal laws.

While Governor Quinn is a Presidential appointee, subject to Senate confirmation, his office is certainly not one in which are determined policies pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws. Having held the corresponding office as Governor of Alaska, I know what the limitations of that equivalent office are. So Governor Quinn is not exempt from the operation of the Hatch Act.

The facts in this case are these, Mr. President. Mr. Quinn formally announced his candidacy for the elected governorship of the new State of Hawaii early in February—more than a month before statehood was achieved. On April 5, he made his formal announcement of his candidacy, which was headlined in the Honolulu Advertiser of that date, "Quinn Will Run For Governor." He issued a statement at that time in which he said:

> I have decided to reaffirm my earlier announcement that I will be a candidate for Governor in the forthcoming State election.

Since his formal announcement 1 month ago, I have been informed by reliable sources that Mr. Quinn is spending virtually his entire time campaigning intensively throughout Hawaii's seven islands, at taxpayers' expense, and is using the prestige and mechanism of his present appointive office to advance his candidacy.

Contrast the campaigning of Mr. Quinn with the activities of Delegate Burns since the statehood act was passed by Congress. Delegate Burns has remained right here in Congress, effectively doing the job the people of Hawaii elected him to do.

I believe I can speak with some authority on this point, because we had a situation of a somewhat similar nature in Alaska last year, but with a different outcome. My opponent in the U.S. Senate contest, former Governor Michael Stepovich, was also an appointive officer, appointed by the same President on the recommendation of the same Secretary of the Interior. But at no time while he held the appointive governorship of Alaska was he an announced candidate for any political office, although, in the course of his duties, he certainly campaigned indirectly for whatever important office under statehood he would decide to seek.

But when Mr. Stepovich announced, on July 25, 1958, that he would run for the United States Senate seat against me, he resigned his appointive job. His resignation was promptly accepted by President Eisenhower. Governor Stepovich resigned because he realized that, as an announced candidate for an elective office, he could no longer effectively—or legally—serve the people of Alaska in his appointive post. So he did the proper thing and resigned.

In fairness both to the people of Hawaii and to the administration he represents, I believe Governor Quinn should take the same step immediately. Every day that he continues to campaign on behalf of his own candidacy while holding his appointive post as governor appears to be a further violation of Federal law.

Unfortunately, this is by no means the first time that Mr. Quinn has violated if not the letter, at least the spirit of the Hatch Act. During the election for United States Delegate in Hawaii last fall, Governor Quinn, time and time again, took the stump to make thoroughly intemperate political attacks against the present delegate from Hawaii, JOHN BURNS. He accused Delegate BURNS, among other things, of selling out the people of Hawaii by separating the Alaskan and Hawaiian statehood bills so that they could be passed separately. Delegate BURNS was violently attacked by Mr. Quinn for doing the very thing he deserved the highest credit for—separating the two statehood bills so that each one would be assured of passage. History has proved that Mr. BURNS was right, and it has proved that Mr. Quinn's intemperate attacks last fall were totally unwarranted and unjustified, and their validity disproved in an amazingly short time.

To illustrate the kind of intemperate campaign Mr. Quinn conducted last year for the Republicans, let me quote an article from the October 4, 1958, edition of the Honolulu Star Bulletin, which is headlined, "BURNS Lays Down on Statehood Job, Quinn Says in Attack on Democrats."

Here are excerpts from the article by Jack Teehan:

> Governor Quinn unlimbered a blackthorn shillelagh in a KGMB-TV address last night and belabored Delegate BURNS and the Democratic Party to a fare-thee-well.
>
> Quinn accused Delegate BURNS of lying down on the statehood job and other congressional matters.
>
> "Mr. BURNS himself actually was one of the chief reasons we didn't get statehood at the last session.
>
> "Now we have to start all over again in the next session," he (Quinn) said.
>
> "I assure you it is not going to be a very easy job."
>
> He said Hawaii can't succeed in its statehood fight with the "hyper-partisanship" that BURNS displayed.

The article continued on at length in this vein, but enough has been quoted to illustrate the type of campaigning that Mr. Quinn indulged in last year—and in direct violation of Federal law, the Hatch Act.

I also submit that it is difficult to believe that Governor Quinn was so little informed that he did not realize that Delegate BURNS' action in clearing the way for Alaska made Hawaii's passage in the 1959 session of Congress a virtual certainty. No, Mr. President, it was nothing but a partisan political attack on the only duly elected representative of the people of Hawaii. It was done, I am convinced, in clear violation of Federal law.

This display of partisan intemperance was not the only one on Mr. Quinn's part during the last campaign. Illustrative are some of the headlines from Hawaiian newspapers during the campaign:

From the Honolulu Advertiser, October 30, 1958: "Quinn Says Lease Bill Not BURNS'."

From the Honolulu Star-Bulletin, October 31, 1958: "Quinn Says BURNS Was Slow To Act on Magic Isle Bill."

From the Honolulu Advertiser, October 28, 1958: "Quinn Launches TV Attack on BURNS' Congress Record."

From the Honlulu Star-Bulletin, October 15, 1958: "BURNS Won't Push Statehood If Party Balks, Quinn Says."

From the Honolulu Star-Bulletin, November 4, 1958: "Eight Hundred on Kauai Hear Quinn Criticize BURNS' Record."

From the Honolulu Star-Bulletin, October 30, 1958: "Sixty-five Year Lease Law Passed Despite BURNS, Quinn Says."

This unwarranted display of intemperate political campaigning by Mr. Quinn is in direct contrast to the actions of his predecessor, the late Governor Samuel Wilder King of Hawaii. It is true that Governor King spoke in general terms on behalf of his party, the Republican Party. As the representative of a Republican administration, he had every right to do so.

During my 14 years as appointive Governor of Alaska under the Democratic administrations of President Roosevelt and President Truman, I, too, spoke on behalf of the Democratic Party. But, like the late Governor King, I never indulged in partisan attacks of this nature. Neither did my Republican successors, Governor Heintzleman and Governor Stepovich.

Let me say, Mr. President, that I am motivated by no personal animosity of any kind toward Mr. Quinn. I have met him only recently. He has an agreeable and pleasing personality. The reports I have received indicate that he is doing a conscientious job as Governor and that he is a fine family man of good moral character. He has every right to aspire to move from appointive to elective office.

The question involved here is one of principle, not personality. Because Mr. Quinn is an appointee of the National Republican administration, it is a question of ethics in Government that transcends in import the forthcoming elections in the State of Hawaii, important as they are.

Because of my own personal background as Alaska's appointive Governor, and now as a United States Senator; because of my concern—for a full quarter of a century—in Hawaiian statehood; because of my desire to see Hawaii get as fair a start as a State as Alaska has, I feel it my duty to raise this issue. I believe that Governor Quinn should immediately resign his post as Hawaii's appointed Governor. If he does not do so, I think the matter should be brought to the immediate attention of the Justice Department—inasmuch as this appears to be a clear violation of Federal law—for such action as that Department deems appropriate.

Mr. KEATING. Mr. President, will the distinguished Senator from Alaska yield?

Mr. GRUENING. With pleasure, I yield to the distinguished junior Senator from New York.

Mr. KEATING. Can the Senator from Alaska inform us whether Mr. Quinn has filed as a candidate for Governor?

Mr. GRUENING. He has announced his candidacy repeatedly.

Mr. KEATING. I realize that; but has he filed any papers in that regard?

Mr. GRUENING. I doubt whether he has.

Mr. KEATING. The answer which the junior Senator from Alaska has just given makes clear the legal situation with respect to Governor Quinn.

I realize that what little I may have to say will not have the same place in the headlines in Hawaiian newspapers which the remarks of the Senator from Alaska will carry. Those headlines will say: "Quinn Charged With Law Violations."

Down at the end, somewhere, it may be said that someone rose in Mr. Quinn's defense.

It is no coincidence, either, that this lavish praise of Delegate BURNS should be linked with the attack on Governor Quinn. The fact is that Congress was extremely careful in the act which it passed on March 18, 1959, to provide in section 7(c), in order that continuity of government might be maintained, that—

> Until the said State is so admitted into the Union, the persons holding legislative, executive, and judicial office in, under, or by authority of the government of said Territory, and the Delegate in Congress thereof, shall continue to discharge the duties of their respective offices.

Governor Quinn is the chief executive officer under appointment who comes squarely within that provision. This statute was enacted long after the Hatch Act, and certainly would take precedence over the provisions of the Hatch Act, since certainly the Congress of the United States had in mind the existence of the Hatch Act when it passed this law.

Although I cannot speak for Governor Quinn, and I have no authority to do so, I have no doubt that the time will come, as the elections in Hawaii proceed to their culmination, when the burdens of campaigning will be such that it will be necessary for him to resign and to have someone else appointed as acting Governor.

But I could not sit here and allow an attack upon the present Governor to be made without saying these few words in his defense, particularly when the statement was coupled with a reference to Mr. BURNS, for whom I entertain a high regard because of the work he has done at the other end of the Capitol, although there is a difference of opinion in regard to his tactics and policies in connection with the Hawaiian statehood bill.

Mr. President, I do know Governor Quinn as a man. He was born in the city in which I live. As the distinguished Senator from Alaska has said, Governor Quinn is a very fine man, with a fine family. He is not a law violator, either by inclination, intention, or otherwise. He has violated no law, and he should not be charged with the violation of a law.

Mr. GRUENING. Mr. President, will the able junior Senator from New York explain why it is entirely proper for Governor Quinn, after he has twice announced his candidacy for the governorship of the State, to continue in office, if he considers it entirely possible that the time may come when the combined duties of the governorship and the candidacy will make it proper and correct for him to retire?

Mr. KEATING. I should think that the time would come when the Delegate from Hawaii might see fit to resign, and to become a candidate for office. But I cannot say when either the Delegate from Hawaii—who also has not resigned—or the Governor of Hawaii will feel that his duties in campaigning are so arduous that it is necessary for him to leave the office he now holds.

Mr. GRUENING. The Delegate from Hawaii has neither announced his candidacy for any State office nor has he made any attacks, intemperate or otherwise, on the Governor of Hawaii. There seems to be a startling contrast between the performance of the two men who are mentioned in the remarks I made.

Mr. KEATING. But the Delegate from Hawaii is campaigning every day, and he has been for a long time—regardless of whether he has formally announced it. Certainly that is his privilege.

Mr. GRUENING. I should like to suggest that the only way the Delegate from Hawaii is campaigning is by the faithful performance of the duties of the office to which he was elected—a contrast with the activities of the Governor of Hawaii, who is spending his time campaigning in the seven islands for an office to which he was not elected, but which he now seeks, under statehood. I think that, in addition to a legal issue, there could be involved a moral issue, which was clearly pointed out in Alaska when my opponent, the former Governor of Alaska, immediately resigned upon announcing his candidacy for election to the Senate, and proceeded to campaign as an individual—which is precisely what Governor Quinn should do.

So I feel that the point the Senator from New York—with all his great ability and training—has made falls short of reality, and that the Governor of Hawaii would be well advised, for the benefit of his own reputation and, also, for the benefit of a party he represents, to resign his important office, strip himself of the benefits and emoluments of the staff he has, who help him to campaign, and to campaign as a private citizen.

Mr. KEATING. But Congress has given a mandate to the present officers—and did so as recently as March 18 of this year—to remain in office until their successors are elected.

I do not know the motivation of Governor Quinn or what is going through his mind; but I presume he is governed, and I hope he is, by the statute the Congress has enacted, which is very specific—and much more specific, I may say to my friend, as he probably knows—than the language of the comparable Alaska statute.

Mr. GRUENING. Then is it the belief of the Senator from New York that the Governor of Hawaii should remain in office until election day?

Mr. KEATING. No. I made myself very clear on that point. It is a matter for his decision. If he reaches the point where his duties in campaigning are so great that he cannot fulfill the duties of his office of Governor, I assume he will then resign—just as I hope the Delegate from Hawaii will resign when he becomes so actively engaged in the campaign that he cannot discharge his duties as Delegate.

It is true that oftentimes Members of Congress do not resign when they run for some other office. There is no legal obligation, I believe, on the Delegate from Hawaii to resign before continuing his campaign. But, certainly, he should consider that matter in the same manner in which I assume Governor Quinn will consider it; and if he cannot devote the time needed for his job, no doubt he will then resign, so that someone else may serve.

Mr. GRUENING. But that would be in violation of what the Senator from New York has said is an obligation to remain in office until election day.

Mr. KEATING. No; at no time have I said that he must remain in office. I said that the statute provides that the officers now holding legislative, executive, and judicial office shall continue to discharge the duties of their respective offices "until the said State is so admitted into the Union." But I have no doubt that there can be read into the language of the statute the necessity for the appointment of an Acting Governor or an Acting Delegate, although I do not know the provisions in regard to the appointment of an Acting Delegate; probably one could not be appointed by the Executive.

But certainly it would not, in my judgment, be a violation of his duties for the Governor to resign and have an Acting Governor appointed. Certainly there is no obligation on him to do so. Further than that, it is not appropriate to charge him on the floor of the Senate with a criminal offense, when he has no opportunity to reply to the charge made against him.

Mr. GRUENING. There is ample opportunity to reply by proper action. In view of the fact that he has twice announced his candidacy for the governorship, I feel that he is a candidate. The fact that he may not actually have filed papers seems to me to be apart from the issue.

Mr. President, I do not know that it is appropriate to prolong this discussion. I think there is not only a legal, but a moral, issue involved when the Governor of Hawaii makes use of Federal funds and personnel, which are supplied him for a wholly different purpose, to promote his candidacy. It is improper for him to do so. I rest my case with that statement. I hope Governor Quinn, who is a very kindly gentleman, and who comes from a fine family, will realize that a proper performance of his public duty would be the tender of his resignation, as was done in the case of Governor Stepovich, of Alaska, and proceed to run on an equal basis with whoever his opponent may be.

Mr. KEATING. I have no doubt the time will come, prior to the time of election, when Governor Quinn will do so; but that is a far cry from charging him with the commission of a crime for what he has done up to today, when he is not guilty of violating a law, either in letter or spirit.

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## ADJOURNMENT TO THURSDAY

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). If there is no further business to be transacted under the order previously entered, the Sen-

ate will now stand adjourned until Thursday next, at 12 o'clock noon.

Thereupon (at 7 o'clock and 13 minutes p.m.), the Senate adjourned, under the order previously entered, until Thursday, May 7, 1959, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate May 5, 1959:

DEPARTMENT OF THE NAVY

William B. Franke, of New York, to be Secretary of the Navy, vice Thomas Sovereign Gates, Jr., resigned.

Fred A. Bantz, of New York, to be Under Secretary of the Navy, vice William B. Franke.

FEDERAL POWER COMMISSION

Frederick Stueck, of Missouri, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1964. (Reappointment.)

PUBLIC HEALTH SERVICE

Thomas Edward Keys, of Minnesota, to be a member of the Board of Regents of the National Library of Medicine, Public Health Service, for the remainder of a term expiring August 3, 1962, vice Isidor Schwaner Ravdin, term expired.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Duard S. Harper, Fyffe, Ala., in place of J. H. Wilbanks, transferred.

ALASKA

Wallace G. MacNiece, Cold Bay, Alaska, in in place of J. L. Mealey, resigned.

COLORADO

Carroll A. Claymon, Amherst, Colo., in place of T. G. Weyerta, deceased.

CONNECTICUT

Antoinette A. Diani, Abington, Conn., in place of A. S. Holbrook, retired.

FLORIDA

Marie C. Stanger, Salerno, Fla., in place of G. G. Whitfield, retired.

GEORGIA

L. Blake Stiles, Blue Ridge, Ga., in place of J. M. Poston, deceased.

Jack D. Carter, Tifton, Ga., in place of W. M. Dewberry, declined.

ILLINOIS

Raymond C. Foley, Paris, Ill., in place of Grady O'Hair, deceased.

INDIANA

C. Benson Hufford, Frankfort, Ind., in place of R. M. Swaim, retired.

Jack S. Brown, Hillsdale, Ind., in place of L. J. Britton, deceased.

Roscoe H. Bockman, Huntertown, Ind., in place of Leta McComb, retired.

IOWA

Weldon E. Peters, George, Iowa, in place of M. C. Ennor, retired.

Joseph W. Sparks, Prairie City, Iowa, in place of D. C. Norris, retired.

Paul L. R. Schmidt, Sioux Rapids, Iowa, in place of D. D. Stanzel, transferred.

KANSAS

John E. Smith, Atchison, Kans., in place of H. G. Ham, deceased.

Carl E. Riggs, Burns, Kans., in place of E. F. Funke, retired.

Lewis R. Brust, Plainville, Kans., in place of B. J. Haworth, retired.

KENTUCKY

Ada Lee Davis, Hardyville, Ky., in place of Donald McDonald, transferred.

Robert E. Morehead, Hebron, Ky., in place of Elmer Goodridge, retired.

Amanda N. Blackford, Wilmore, Ky., in place of C. W. Mitchell, retired.

LOUISIANA

Kenneth L. Hardaway, Plain Dealing, La., in place of A. K. Allums, retired.

MARYLAND

James L. Christopher, Preston, Md., in place of E. W. Gallagher, retired.

MASSACHUSETTS

Ronald A. Urquhart, East Walpole, Mass., in place of S. A. Nickerson, deceased.

Stanley E. Johnson, Worcester, Mass., in place of J. A. Marshall, retired.

MICHIGAN

James O. Bowen, Benton Harbor, Mich., in place A. J. Jackson, retired.

Leonard Lundquist, Plainwell, Mich., in place of C. E. Nogle, transferred.

Robert C. Miller, Pontiac, Mich., in place of G. L. Stockwell, retired.

Jason D. Robinson, Saint Johns, Mich., in place of G. E. Osgood, retired.

MINNESOTA

Carmen J. Curtis, Noyes, Minn., in place of A. A. Rustad, retired.

MISSISSIPPI

Vance H. Dorman, Myrtle, Miss., in place of J. T. Miller, retired.

John H. McCracken, Jr., Walls, Miss., in place of H. P. Toombs, retired.

MISSOURI

Francis H. Luetkemeyer, Freeburg, Mo., in place of A. M. Willibrand, retired.

NEBRASKA

Lawrence H. Rogge, Johnson, Nebr., in place of J. M. Casey, resigned.

NEW HAMPSHIRE

Roland A. Dorr, Littleton, N.H., in place of E. J. Varney, retired.

NEW JERSEY

John V. Frame, Williamstown, N.J., in place of J. P. LaPorta, deceased.

NEW YORK

William P. Hurley, Dobbs Ferry, N.Y., in place of B. F. Mannion, deceased.

John J. Hogan, Flushing, N.Y., in place of F. J. Cassidy, retired.

Joseph M. Theil, Hunter, N.Y., in place of R. A. Dolan, retired.

Muriel M. Bonini, Oscawana, N.Y., in place of D. L. Clair, deceased.

NORTH CAROLINA

F. Ray Frisby, Marshall, N.C., in place of Grace Freeman, retired.

William L. Snypes, Ridgecrest, N.C., in place of P. R. Holman, deceased.

NORTH DAKOTA

Harley E. Ludwig, Portland, N. Dak., in place of L. I. Aamold, removed.

OHIO

Virginia G. Bortel, Grand Rapids, Ohio, in place of J. P. Minnick, retired.

Richard J. Neuhardt, Lewisville, Ohio, in place of C. R. Pollen, removed.

OKLAHOMA

Jimmie L. Roberts, Davidson, Okla., in place of L. C. Dobbs, retired.

Jettie E. Kirby, Eufaula, Okla., in place of J. L. McKinney, retired.

Floyd B. Walker, Mountain Park, Okla., in place of W. T. Barnes, retired.

PENNSYLVANIA

Lawrence E. Adams, Berwyn, Pa., in place of T. C. Lamborn, retired.

Virginia K. Eberhart, Clark, Pa., in place of Charlotte Moats, removed.

Edward L. Thomas, Drifton, Pa., in place of N. E. Breslin, retired.

Florence E. Blair, Hiller, Pa., in place of E. L. Pierro, deceased.

James D. Kinsley, Pocono, Pa., in place of L. B. Kinsley, deceased.

Ernest M. Ovell, Weedville, Pa., in place of J. C. Lewis, retired.

SOUTH CAROLINA

Ruth L. Lawson, Buffalo, S.C., in place of H. J. Snyder, transferred.

Cecil E. Mason, Hampton, S.C., in place of M. J. Stanley, retired.

SOUTH DAKOTA

Ivan G. Holter, Platte, S. Dak., in place of C. F. Brooks, retired.

TENNESSEE

Helen D. Norman, Heiskell, Tenn., in place of Perry Jennings, deceased.

Dorothy M. Hunter, Huntland, Tenn., in place of A. E. Staples, retired.

Paul K. Sadler, Red Boiling Springs, Tenn., in place of E. D. Hagan, retired.

TEXAS

Bernard E. Carr, Eldorado, Tex., in place of C. T. Waller, transferred.

Montie F. Cameron, Kirkland, Tex., in place of R. L. Toft, transferred.

Cassie F. Hudnall, Rhome, Tex., in place of Kate Shaw, retired.

Clara P. Landers, Van Horn, Tex., in place of C. M. Bean, retired.

UTAH

Leo J. Walker, Fort Duchesne, Utah, in place of C. S. Nebeker, resigned.

VIRGINIA

Dorothy S. Neblett, Kenbridge, Va., in place of O. M. Buchanan, retired.

WISCONSIN

Arlene O. Stoetzel, Beldenville, Wis., in place of I. I. Close, retired.

Harold P. Klebenow, Gillett, Wis., in place of M. E. Lang, transferred.

Norbert F. Kilsdonk, Little Chute, Wis., in place of Anna Metz, retired.

John F. Whitmore, Madison, Wis., in place of E. C. Cooper, retired.

WYOMING

Oral O. Harvey, Greybull, Wyo., in place of F. W. Chamberlain, retired.

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 5, 1959:

SUPREME COURT

Potter Stewart, of Ohio, to be an Associate Justice of the Supreme Court of the United States.

THE COUNCIL OF ECONOMIC ADVISERS

Henry C. Wallich, of Connecticut, to be a member of the Council of Economic Advisers.

FEDERAL HOME LOAN BANK BOARD

William J. Hallahan, of Maryland, to be a member of the Federal Home Loan Bank Board for a term of 4 years expiring June 30, 1963. (Reappointment.)

THE SECURITIES AND EXCHANGE COMMISSION

Earl Freeman Hastings, of Arizona, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1964. (Reappointment.)

U.S. ATTORNEY

S. Hazard Gillespie, Jr., of New York, to be U.S. attorney for the southern district of New York for the term of 4 years.

## WITHDRAWAL

Executive nomination withdrawn from the Senate May 5, 1959:

POSTMASTER

Donald R. Kempton to be postmaster at Laurelville, Ohio.