will urge before these committees in the hope that we can get additional tax revision to make the burden on the backs of the small business a little less heavy.

I believe that through tightening up our antitrust laws we can make it more difficult for a big corporation with nothing but sheer, ruthless financial power to destroy competition. Once we can protect the small businessman from that type of unfair trade practice, then if he does find himself in a profitable situation where the free enterprise and tax systems let him live and breathe, he can retain enough of his profits to become strong and to grow and expand.

I think when that is done, the economy of the country generally will reflect a very remarkable improvement. I think you will be surprised, that by revising some of these tax laws downward, in the long run the Treasury of the United States will receive more income than it is now able to obtain. There are a number of records to prove that.

In West Germany, they have made some five tax reductions, revisions, and reforms since World War II. Yet the Treasury of the German Republic receives more income than it ever did, because removing these tax burdens caused the economy of the country to grow, to expand, and flourish. It is only under those terms that the Government can hope to get the revenues it must have to carry on the people's business.

I think that is the real, permanent, sound road to what our country needs. We live in a time when the demands for funds to operate the functions of Government are at an all-time high. There are many reasons for that, and the biggest, of course, the most overwhelming of all, is the dangerous world we live in and the tremendous cost of our national defense.

In this space age, research and development costs are almost unbelievably high. Therefore, even if we have what we choose to call very prosperous times, we see our national debt going up, the cost of Government going up, and the burdens on the people becoming heavier. I think part of the cost is because of the fact that we have tried to make permanent, in effect have made permanent, many of these emergency burdensome tax laws that were adopted in time of actual war.

Congress imposed some of the wartime levies we now operate under, not so much to raise revenue, as to cut down the demand for some things.

Certainly in these times, we are trying to increase demand. Therefore, it would seem completely illogical to me that we continue tax levies which have, as their basic purpose, to curb demand. The best way to expand demand is to remove any and all of the roadblocks that prevent expansion. That is one field, I think, which is very important to the small business community of the Nation. It is one thing to fix it so that the businessman has a chance to make a profit; it is another to make it possible for him to use at least some of that profit to strengthen his business, to let it grow, and to expand it.

We have more people needing jobs all the time. It always has been, and I hope it always will be the case that the small businessmen in the country provide most of these jobs. It is only through increasing his numbers and prosperity that we can hope to create the employment opportunities in every nook and corner of the country that so many hundreds of thousands of our people are now needing and will continue to need.

These are some of the overall and broad things that I feel motivate those of us in this committee work, and which spell out the basic purpose at which we are aiming.

I know that it is a little grand to talk about it in broad terms, and it is a little prosaic to think about it in the humble little means that we use to accomplish it, but it is high time, I think, that some of these steps are taken.

The facts are all too clear that unless this sort of thing is accomplished, very soon there will not be very much little business to save.

I hope that Congress can get around to enacting these proposals while there is still some of it left. Even though it may be on the anemic side, I still hope we can act before there is too much loss of this segment of our industry. Like all other outsiders, I sometimes would like to come up with a magic answer to your troubles or anyone else's, but I know that it isn't that easy.

We can only deal with your problems on the governmental level, and that largely confines us to the field of the rules by which the game is played. We can liken this whole thing to a football game. We can set the boundaries, we can make the rules, and we can have a referee. Then it is up to the players to see which side wins.

If the game is fair, if the rules are fair, that is about as far as you can go if you want to keep the Government in what I think is its proper place.

We think that there is little need for clipping and stripping, that evidence shows there is altogether too much of this fouling going on at the expense of the small business community. That is why we are trying to get a few more rules adopted that give our referee a bigger club so that he can make more people play more fairly in our commercial life.

I hope that as the next few months unfold, if it becomes our sad responsibility to come into some of your communities and hunt for the facts that are troubling you, we can continue to have the same cooperation and assistance you have given us up to now. I know you are a young organization, but in this field of milk our committee is young, too.

Again, I would like to thank and commend Mr. Daniel, as your representative, for the tremendous cooperation and help he has given us. Without him and without many of you, the work we have tried to do would have been mostly wasted effort.

We are going to continue to give you a forum where your problems can be brought, and where the attention of the Congress can be focused on them. We think they are worthy, that they deserve attention. We hope that in doing that we carry out the main purpose that Congress had when it created the Select Committee on Small Business; that we are truly being the eyes and ears of the House in the field of the needs and the problems of small business so that the Congress will have a wiser way of approaching its solutions to those problems.

Gentlemen, I thank you again for this opportunity to participate in your program. I hope that we can meet together some day and talk about the good work that has been done and the problems that have gone, instead of the problems we have and how we are going to meet them.

Thank you. [Applause.]

SENATE

MONDAY, MAY 11, 1959

Rev. Father Stefan Feica, of the Rumanian Orthodox Episcopate of America, Akron, Ohio, offered the following prayer:

Almighty God, our help and refuge, fountain of wisdom, and tower of strength, who knowest that we can do nothing without Thy guidance and help, assist the Members of this Senate, we pray Thee, and direct them to Divine wisdom and power, that they may faithfully and diligently accomplish the great task before them, according to Thy will, so that it may be profitable to the United States and to the glory of Thy Holy Name.

Furthermore, we pray for the United States of America, that the Lord, our God, may establish peace on earth and goodwill among men forevermore. We have in our hearts and minds the peoples of the world who are subjugated, conquered, or enslaved. We ask Thy great mercy for them. Look upon them with compassion, to comfort and strengthen them, and to deliver them speedily from bondage and oppression.

We especially remember the Rumanian people on this, their day of independence, for which they have valiantly fought for centuries, and have won with great sacrifice, only to be lost again. Thou who art our fortress and strength, we humbly beseech Thee to restore independence and freedom to the Rumanian people and to all the enslaved peoples of the earth, for Thou art the help, victory, and salvation of them that put their trust in Thee; and unto Thee we ascribe glory, to the Father, to the Son, and to the Holy Ghost, now and ever, and unto ages of ages. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 7, 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.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 3460) to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 3460) to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes, was read twice by its title and referred to the Committee on Public Works.

COMMITTEE MEETING DURING SENATE SESSION

Mr. O'MAHONEY. Mr. President, I ask unanimous consent, as acting chairman of a subcommittee of the Committee on Interior and Insular Affairs, that

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

the subcommittee be authorized this afternoon, during the session of the Senate, to hold a brief hearing on a bill that is now pending, to authorize a reclamation project in the State of Idaho.

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

AGREEMENT ESTABLISHING INTER-AMERICAN DEVELOPMENT BANK—SPECIAL REPORT OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS—MESSAGE FROM THE PRESIDENT (H. DOC 133)

Mr. MANSFIELD. Mr. President, there is at the desk a message from the President of the United States, which I ask the Chair to lay before the Senate. I ask that the message be not read, because it is now being read in the House of Representatives, but that it be referred to the Committee on Foreign Relations.

The VICE PRESIDENT laid before the Senate the message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Foreign Relations.

(For President's message see House proceedings of today.)

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the introduction of bills and the transaction of other routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move the the Senate proceed to consider executive business, to consider the nomination on the Executive Calendar.

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

EXECUTIVE MESSAGES REFERRED

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

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

The VICE PRESIDENT. If there be no reports of committees, the nominations on the calendar will be stated.

DEPARTMENT OF AGRICULTURE

The Chief Clerk read the nomination of Frank A. Barrett, of Wyoming, to be General Counsel of the Department of Agriculture.

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

COMMODITY CREDIT CORPORATION

The Chief Clerk read the nomination of Frank A. Barrett, of Wyoming, to be a member of the Board of Directors of the Commodity Credit Corporation.

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

U.S. TARIFF COMMISSION

The Chief Clerk read the nomination of Joseph E. Talbot, of Connecticut, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1965.

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

FARM CREDIT ADMINISTRATION

The Chief Clerk read the nomination of Glen R. Harris, of California, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1965.

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

The Chief Clerk read the nomination of J. Pittman Stone, of Mississippi, to be a member of the Federal Farm Credit Board, Farm Credit Administration, for a term expiring March 31, 1965.

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

COMPTROLLER OF CUSTOMS

The Chief Clerk read the nomination of Stanley Ormsbee Styles, of Saugerties, N.Y., to be Comptroller of Customs with headquarters at New York.

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

COLLECTOR OF CUSTOMS

The Chief Clerk read the nomination of Robert Higgins, of California, to be collector of customs for customs collection district No. 28, with headquarters at San Francisco.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified forthwith of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. 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.

ANNOUNCEMENT OF JOINT MEETING TOMORROW TO HEAR ADDRESS BY KING OF THE BELGIANS—ORDER FOR RECESS

Mr. MANSFIELD. Mr. President, I announce, for the information of the Senate, that tomorrow, at 12:30 o'clock p.m., the two Houses will be privileged to hear an address by King Baudouin, of the Belgians. I ask unanimous consent that at 12:15 tomorrow, the Senate take a recess, subject to the call of the Chair, so that the Members may proceed to the House of Representatives for the joint meeting.

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

ORDER DISPENSING WITH CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be dispensed with.

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

MORNING BUSINESS

The VICE PRESIDENT. Morning business is now in order.

EXECUTIVE COMMUNICATIONS, ETC.

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

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATIVE TO PAROLE SYSTEM FOR NAVAL PRISONERS

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the establishment of a parole system for naval prisoners, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT OF ATTORNEY GENERAL, RELATING TO BOOK AND MAGAZINE PAPER

A letter from the Attorney General, transmitting, pursuant to law, his report on a study of production and distribution of printing papers used by book and magazine publishers, dated May 8, 1959 (with an accompanying report); to the Committee on Banking and Currency.

EXEMPTION OF PAYMENTS TO CERTAIN INDIANS FROM INCOME TAX

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to make payments to Indians for destruction of fishing rights at Celilo Falls exempt from income tax (with an accompanying paper); to the Committee on Finance.

REPORT ON REVIEW OF HOME MORTGAGE SECTION, FEDERAL HOUSING ADMINISTRATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the Home Mortgage Section, Mortgage Insurance Division, Federal Housing Administration, Housing and Home Finance Agency, March 1958 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT, BANDELIER NATIONAL MONUMENT, NEW MEXICO

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in Bandelier National Monument, New Mexico (with accompanying papers); to the Committee on Interior and Insular Affairs.

CERTIFICATION OF ADEQUATE SOIL SURVEY AND LAND CLASSIFICATION, TEAPOT DOME WATER DISTRICT, CENTRAL VALLEY PROJECT, CALIFORNIA

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that

an adequate soil survey and land classification has been made of the lands in the Teapot Dome Water District, California, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation (with an accompanying paper); to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Hong-Fon Toy from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on March 1, 1958; to the Committee on the Judiciary.

REPORT ON PENALTY MAIL

A letter from the Postmaster General, transmitting, pursuant to law, a report showing the number of envelopes, labels, wrappers, cards, and other articles bearing penalty indicia procured or accounted for through that Department, during the fiscal year ended June 30, 1958, by the executive departments, independent establishments, organizations, and persons authorized by law to use the penalty privilege (with an accompanying report); to the Committee on Post Office and Civil Service.

ADJUSTMENT OF CERTAIN POSTAL RATES

A letter from the Postmaster General, transmitting a draft of proposed legislation to adjust postal rates of certain first-class mail and airmail, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

AMENDMENT OF EURATOM COOPERATION ACT OF 1958

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Euratom Cooperation Act of 1958 (with an accompanying paper); to the Joint Committee on Atomic Energy.

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 Armed Services:

"ASSEMBLY JOINT RESOLUTION

"Joint resolution relative to a congressional investigation of unnecessary sonic booms in populated areas in California

"Whereas there has been an increasing number of reports of sonic booms caused by high-powered, high-speed jet aircraft, the most recent of which was a report of successive sonic booms in the San Francisco Bay area on April 7 and 8, 1959, all of which were of sufficient intensity to actuate the seismograph at the University of California; and

"Whereas when blasted in congested or inhabited districts, sonic booms, at the very least, inconvenience and disturb the repose or peace of mind of many persons in such areas; and

"Whereas in addition to this, sonic booms in many areas in California have been strong enough to damage homes and other property and loud enough to cause extreme fright or shock among many persons subject to their explosive qualities; and

"Whereas medical spokesmen have stated that the fright or shock generated by sonic booms may trigger the onset of coronary diseases or other afflictions intensified by sudden fear or shock; and

"Whereas such intense sonic booms can frequently disrupt the usual emergency channels of communication, as was the case in the San Francisco Bay area recently when police telephone lines were jammed and rendered useless for their normal function by persons calling to inquire as to the cause of the tremendous explosion; and

"Whereas it is recognized by this legislature that sonic booms occur in the tactical operations practiced by the Armed Forces, and that such practice is necessary for the defense of our Nation, but it is also recognized that operational training in the type of maneuvers in which sonic booms occur is generally not necessary over densely populated areas because such training is easily conducted in uninhabited regions; and

"Whereas it appears clear that as aviation technology advances the frequency of sonic booms will increase, as will the property damage, physical discomfort and mental suffering necessarily accompanying such explosions; and

"Whereas there is evidence that the armed services of the United States do not fully recognize their public responsibility to minimize the force and frequency of sonic booms and to reimburse citizens for damage caused by such blasts, although the U.S. Air Force has taken steps to settle claims for property damage caused by sonic booms originating from its aircraft; and

"Whereas it is the sincere belief of the Legislature of the State of California that no suitable solution will be found for this problem until the Congress of the United States undertakes an investigation to determine the identity of the agencies causing unnecesasry sonic booms, and to find methods for alleviating the frequency and force of such explosions over population centers: Now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the Congress of the United States to undertake an immediate investigation of sonic booms caused by military aircraft operating over populated areas, and the property damage and danger of physical injury caused thereby, with a view toward developing methods for mitigating this unfortunate and dangerous situation; and be it further

"Resolved, That the chief clerk of the assembly is 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 Committee on Government Operations:

"ASSEMBLY JOINT RESOLUTION 24

"Joint resolution relative to requesting Congress to enact S. 910 of the 86th Congress

"Whereas the problems of Western States and their counties and cities arising from the vast Federal ownership of property in the West have demanded solution for almost 15 years; and

"Whereas the Congress of the United States has not yet acted with respect to instituting the needed system of payments in lieu of taxes on Federal property which would partially solve these problems; and

"Whereas there is pending before the 86th Congress S. 910, sponsored by a large number of U.S. Senators, aware of the need for some system of payments in lieu of taxes; and

"Whereas the provisions of S. 910 provide only a modest beginning solution of these problems and will not be burdensome upon the Federal Treasury; and

"Whereas S. 910 would also create the long-needed Federal Commission on Payments in Lieu of Taxes to recommend a permanent solution to the problems of hardships caused State and local governments by Federal landownership: 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 memorialized to enact S. 910 during the 1st session of the 86th Congress; and be it further

"Resolved, That the chief clerk of the assembly is 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 Oregon; to the Committee on Interstate and Foreign Commerce:

"ENROLLED HOUSE JOINT MEMORIAL 8

"To His Excellency, the Honorable Dwight D. Eisenhower, President of the United States; to the Honorable Senate and House of Representatives of the United States of America, in Congress Assembled, and to the Interstate Commerce Commission:

"We, your memorialists, the 50th Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

" 'Whereas the Oregon economy is directly dependent upon a relative small number of basic industries; and

" 'Whereas the agricultural and lumber products of our State are vital to the health, welfare, and defense of our country; and

" 'Whereas due to circumstances beyond our control the aforementioned industries have for years suffered from periodic railroad car shortage; and

" 'Whereas the western railroads which serve this State have been and are building cars in larger numbers than are the eastern railroads; and

" 'Whereas the failure of eastern railroads to produce sufficient cars for their own needs stems from obvious financial difficulties; and

" 'Whereas this lack of cars leads the eastern railroads to delay return of western cars for extended periods of time; and

" 'Whereas the solution to this problem cannot be obtained locally but lies in the hands of the Federal Government, the Interstate Commerce Commission, and the eastern railroads: Now, therefore, be it

" 'Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring therein), That the President of the United States, the Congress of the United States, and the Interstate Commerce Commission are hereby requested to take appropriate action to improve our national defense capabilities and the economic condition of our State by: (1) assuring the return of rail cars to the railroad holding title thereto with the least practicable delay; (2) deferring action on any national legislation which would increase railroad cost of operation; and (3) making every reasonable effort to aid the railroads to develop a car construction program of sufficient size to increase materially the national car supply; and be it further

" 'Resolved, That copies of this memorial be transmitted to the President of the United States, the Secretary of the U.S. Senate, the Clerk of the U.S. House of Representatives, to each member of the Oregon congressional delegation, and to the Interstate Commerce Commission.' "

"Adopted by house April 17, 1959.

"RUTH RENFROE,
"Chief Clerk of House.
ROBERT B. DUNCAN,
"Speaker of House.

"Adopted by senate April 23, 1959.

"WALTER J. PEARSON,
"President of Senate."

A resolution of the General Assembly of the State of Rhode Island; to the Committee on the Judiciary:

"HOUSE RESOLUTION 1433

"Resolution memorializing the Congress of the United States to enact the passage of bill S. 925, dealing with the Immigration and the Nationality Act (McCarran-Walter law)

"Whereas Senate bill 925 has been introduced in the Senate of the United States which would grant nonquota status to certain immigrants who are brothers, sisters, sons or daughters of U.S. citizens;

"Whereas efforts have been exerted for many years by the American Committee on Italian Migration—member aegncy of the National Catholic Resettlement Council—for legislation to help resolve the urgent and pressing problem of the fourth preference quota on the grounds that it is unfair to permit U.S. citizens to file petitions for their brothers, sisters, sons, or daughters, granting them approval, and then letting them pile up in huge backlogs at the American consulates abroad approved without the hope of any visas being issued. Fourth preference visas can be issued only when deficiencies occur in the first, second, or third preferences, which are allotted 100 percent of the quota—a rare and unlikely occurrence especially in countries with low quota numbers.

"Resolved, That the General Assembly of the State of Rhode Island respectfully requests that the Congress of the United States pass Senate bill 925; directing the secretary of state to transmit a duly certified copy of this to the President of the United States, to the Presiding Officers of both Houses in the Congress of the United States, and to the Senators and Representatives from Rhode Island in said Congress.

"AUGUST P. LAFRANCE,
"Secretary of State."

A concurrent resolution of the Legislature of the State of Pennsylvania; to the Committee on Appropriations:

"The Upper Allegheny River Valley, especially during recent years, has suffered increasingly severe flood damage—in March 1956 the greatest flood since 1865 and this spring another of comparable destructive effect.

"In contrast, Pittsburgh and the Lower Allegheny Valley have incurred relatively little damage. The reason for this disparity in damage clearly lies in the fact that the system of flood control dams for the lower river has long been completed. The lower river tributary floodwaters are habitually held back until flood conditions abate.

"Although the flood-control system for the Allegheny Valley was authorized more than 20 years ago by the 74th Congress of the United States, the central project, the great Kinzua Dam above Warren, remains stalled in the planning stage.

"Continued inaction in getting on with building the Kinzua Dam means a heavy handicap to northwestern Pennsylvania—an ominous, ever-to-be-reckoned-with threat to life and property, an active and deadening threat to the economic growth and recreational development of the region.

"Like so many areas where the Congress has mounted vast public works to meet needs beyond local powers of enterprise, the Upper Allegheny Valley Watershed now feels a decisive need for positive and immediate Federal action: Now, therefore, be it

"Resolved (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to expedite to the utmost the appropriations and any additionally needed enabling legislation, including legislation to enunciate the will of Congress if this point continue unclear to the Federal courts, to bring into being without further delay the great Kinzua Dam; and be it further

"Resolved, That copies of this resolution be transmitted to the Presiding Officers of each House of the Congress of the United States, and to each Senator and Representative from Pennsylvania in the Congress of the United States.

"HIRAM G. ANDREWS,
"Speaker, House of Representatives.
"JOSEPH OMINSKY,
"Chief Clerk, House of Representatives.
"GRAYBILL DIEHM,
"Chief Clerk, Senate."

A resolution adopted by Post No. 1, the American Legion, Department of Puerto Rico, San Juan, P.R., protesting against the enactment of the bill (H.R. 5926) to provide for amendments to the compact between the people of Puerto Rico and the United States; to the Committee on Interior and Insular Affairs.

A resolution adopted by the City Council of the City of Philadelphia, Pa., relating to the attendance of a delegation at the ceremonies on July 4, 1959, at Independence Hall, Philadelphia; to the Committee on the Judiciary.

RESOLUTION OF INTERNATIONAL CHAMBER OF COMMERCE

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed in the RECORD a fine resolution of thanks adopted by the U.S. Council of the International Chamber of Commerce, Inc.

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

RESOLUTION OF THANKS

Be it resolved by the U.S. Delegation to the XVIIth World Congress of the International Chamber of Commerce, That a vote of appreciation for their contributions to this Congress be transmitted without delay to the President of the United States and the First Lady.

And that a vote of appreciation be transmitted to Senator LYNDON B. JOHNSON, majority leader, and Senator EVERETT M. DIRKSEN, minority leader for the exceptional courtesy they showed in helping to arrange the panel at the special meeting on Thursday. Further, that a vote of appreciation be sent to Senators A. S. MIKE MONRONEY, J. W. FULBRIGHT, PRESCOTT BUSH, J. S. COOPER, and WALLACE F. BENNETT; and to Representatives HALE BOGGS, ROBERT R. BARRY, FRANK M. COFFIN, WALTER H. JUDD, HENRY S. REUSS, and WILLIAM B. WIDNALL who participated in the panel.

In our judgment, the contribution made to international understanding and good will is a considerable one. The business leaders from 63 nations who attended this world congress are influential in affairs of both commerce and government in the communities that they represent.

The 600 ladies who were privileged to visit the White House were all greeted personally by the First Lady. They returned with most enthusiastic comments for, what was for them, an unforgettable experience.

The comments about the President's warm and friendly message were most enthusiastic and appreciative. The President's appearance along with the willingness of our legislators to discuss the most challenging of questions with frankness and candor, had an impact on the audience which was reflected in the comment heard over and over again: "This is real democracy at work."

Furthermore, the competence and understanding of the problems involved and the ability of our Senators and Representatives to state their views comprehensively and with clarity added to the favorable impression which was made.

The combination of all the foregoing made Thursday afternoon a memorable one for our visitors from other lands. They have seen real democracy at work, and its impression on them, and on those with whom they will communicate, will be a lasting one.

RESOLUTIONS OF CENTRAL POWER ELECTRIC COOPERATIVE, INC., MINOT, N. DAK.

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD three resolutions adopted by members of the Central Power Electric Cooperative, Inc., at Minot, N. Dak.

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

RESOLUTION ADOPTED BY MEMBERS OF CENTRAL POWER ELECTRIC COOPERATIVE, INC., AT ANNUAL MEETING HELD IN MINOT, N. DAK., ON MARCH 19, 1959

Whereas we hereby endorse Senate Resolution 71 which has been introduced by Senators MURRAY, CARROLL, and NEUBERGER, to investigate the water and power problems of the United States: Now, therefore, be it

Resolved, That we urge the Senate to approve Resolution 71; and be it further

Resolved, That we send copies of this resolution to Senators MURRAY, CARROLL, NEUBERGER, YOUNG, LANGER, and MANSFIELD.

RESOLUTION ADOPTED BY MEMBERS OF CENTRAL POWER ELECTRIC COOPERATIVE, INC., AT ANNUAL MEETING HELD IN MINOT, N. DAK., ON MARCH 19, 1959

Whereas it is becoming increasingly difficult for consumer-owned electric cooperatives to obtain satisfactory service and use of the existing federally owned, as well as privately owned, transmission facilities which by law should be dedicated to public service; and

Whereas the use of such transmission facilities, and especially the excess capacity thereof, is becoming more and more essential to the survival of such cooperatives: Now therefore, be it

Resolved by Central Power Electric Cooperative, Inc., at its annual meeting duly assembled, That this federation respectfully urges the passage of H.R. 3142, introduced by Representative QUENTIN BURDICK, in order to assure the maximum use of such facilities by the consumer-owned electric cooperatives; be it further

Resolved, That copies of this resolution be sent to the Senators and Representatives of the States of Montana and North Dakota, as well as to the chairmen of the appropriate committees of the House and Senate.

RESOLUTION ADOPTED BY CENTRAL POWER ELECTRIC COOPERATIVES, INC., MEMBERS AT ANNUAL MEETING HELD IN MINOT, N. DAK., ON MARCH 19, 1959

Whereas Nebraska has offered to sell the Bureau of Reclamation winter firm power in ample quantity to furnish all the customers in the Missouri Basin their needs through 1963, which power can be purchased under the Fort Peck Act: Now, therefore, be it

Resolved, That we request the Bureau to immediately start negotiations for the purchase of this power from Nebraska, that all customers in the Missouri Basin will receive all of their requirements as preference customers through 1963, in order that the preference customers may have time to make necessary arrangements for ample power after 1963 when the new allocation of power

which is now in process of being allocated is completed; and be it further

Resolved, That a copy of this resolution be forwarded to Secretary of Interior Seaton; Assistant Secretary of Interior Aandahl; Senator Murray; Senator Mansfield; Senator Langer; and Senator Young.

PROPOSED LEGISLATION BEFORE THE CONGRESS—PETITION

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD a petition signed by sundry citizens of the State of Washington, relating to proposed legislation now before the Congress.

There being no objection, the petition was ordered to be printed in the RECORD, without the signatures attached, as follows:

Hon. WARREN G. MAGNUSON,
Senate Office Building,
Washington, D. C.:

We, the undersigned, favor the following bills:

S. 1132, KEATING, (New York), to punish use of interstate commerce in conspiracies to commit organized crime.

S. 1432, THURMOND (South Carolina), to prevent service and consumption of alcoholic beverages aboard commercial passenger aircraft and military aircraft.

We oppose the following:

S. 751, BIBLE and CANNON (Nevada), to repeal cabaret tax.

S. 592, DIRKSEN (Illinois), to repeal all retailer excise taxes, includes $10.50 tax on distilled liquor, $9 a barrel on beer.

If H.R. 2221 by SILER (Kentucky), to prohibit transportation in interstate commerce of alcoholic beverage advertising and its broadcasting over the air, passes the House, we greatly favor this bill. We have been working for this bill by SILER or LANGER for a long time now and want it to become law this year.

Truly "Righteousness exalteth a nation; but sin is a reproach to any people" (Proverbs 14: 34).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURRAY, from the Committee on Labor and Public Welfare, without amendment:

S. 56. A bill to amend the act of August 5, 1954 (68 Stat. 674), and for other purposes (Rept. No. 244).

By Mr. HILL, from the Committee on Labor and Public Welfare, with amendments:

S.J. Res. 41. Joint resolution to establish in the Department of Health, Education, and Welfare the National Advisory Council for International Medical Research, and to establish in the Public Health Service the National Institute for International Medical Research, in order to help mobilize the efforts of medical scientists, research workers, technologists, teachers, and members of the health professions generally, in the United States and abroad, for assault upon disease, disability, and the impairments of man and for the improvement of the health of man through international cooperation in research, research training, and research planning (Rept. No. 243).

Mr. HILL subsequently said: Mr. President, I ask unanimous consent that the names of Senators JAVITS, PROUTY, JORDAN, KEATING, BUSH, and BEALL be added as additional cosponsors of Senate Joint Resolution 41.

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

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

S. 554. A bill for the relief of Argyrios G. Georgandopoulos (Rept. No. 245);

S. 604. A bill for the relief of Christos Kartsonis (Rept. No. 246);

S. 621. A bill for the relief of George A. Zizicas (Rept. No. 247);

S. 687. A bill for the relief of Aram Fayda and his wife, Elena Fayda (Rept. No. 248);

S. 770. A bill for the relief of Feiga Altmann Rock (Rept. No. 249);

S. 1042. A bill for the relief of Stephanos Tsoukalas (Rept. No. 250);

S. 1109. A bill for the relief of Efthimios Chonacas (Rept. No. 251);

S. 1192. A bill for the relief of Angela Maria Stala Labellarte (Rept. No. 252);

S. 1643. A bill to amend section 2412(b), title 28, United States Code, with respect to the taxation of costs (Rept. No. 253); and

H.R. 3248. An act to provide for the payment of just compensation to certain claimants for the taking by the United States of private fishery rights in Pearl Harbor, Island of Oahu, Territory of Hawaii (Rept. No. 269).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment.

S. 32. A bill for the relief of Uwe-Thorsten Scobel (Rept. No. 254);

S. 298. A bill for the relief of John Macy (Rept. No. 255);

S. 317. A bill for the relief of Tatsuo Kochi (Rept. No. 256);

S. 463. A bill for the relief of Stanislaw (Stanislaus) Napora (Rept. No. 257);

S. 510. A bill for the relief of Peter R. Muller (Rept. No. 258);

S. 755. A bill for the relief of Siglinde Ginzinger Maxwell (Rept. No. 259);

S. 756. A bill for the relief of Antonella Gambino (Rept. No. 260);

S. 855. A bill for the relief of Sacko Higa and Masako Higa (Rept. No. 261);

S. 896. A bill for the relief of Anthony Elio Monacelli (Rept. No. 262);

S. 1128. A bill for the relief of Jurij Antin Nimyolowycz (Rept. 263); and

S. 1164. A bill to authorize the appointment of a commissioner for Grand Canyon National Park, Ariz. (Rept. No. 264).

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

S. 190. A bill for the relief of Melanie Hoffman (Rept. No. 265);

S. 967. A bill for the relief of Lea Levy (Rept. No. 266);

S. 1037. A bill for the relief of Jesse Isobel Foster (Rept. No. 267); and

S. 1073. A bill for the relief of Su-Ming Tseng and her daughter, Wu-Mo Tseng (Rept. No. 268).

By Mr. O'MAHONEY from the Committee on the Judiciary without amendment:

H. Con. Res. 103. Concurrent resolution to commemorate the quadricentennial anniversary of Florida and to recognize the quadricentennial anniversary commission of that State (Rept. No. 275).

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

S. 300. A bill to amend the act of August 28, 1958, establishing a study commission for certain river basins, so as to provide for the appointment to such Commission of separate representatives for the Guadalupe and San Antonio River basins, and of a representative of the Texas Board of Water Engineers (Rept. No. 276);

S. 692. A bill to authorize the sale of certain lands to the State of Missouri (Rept. No. 277);

S. 846. A bill to provide that the lock and dam referred to as the Cannelton lock and dam, near Cannelton, Ind., on the Ohio River, shall hereafter be known and designated as the George Ewing lock and dam (Rept. No. 278);

H.R. 2228. An act to provide for the acquisition of additional land along the Mount Vernon Memorial Highway in exchange for certain dredging privileges, and for other purposes (Rept. No. 280); and

H.R. 4695. An act to amend section 108(a) of title 23 of the United States Code to increase the period in which actual construction shall commence on rights-of-way acquired in anticipation of such construction from 5 years to 7 years, and for other purposes (Rept. No. 281).

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

S. 42. A bill to authorize the utilization of a limited amount of storage space in Table Rock Reservoir for the purpose of water supply for a fish hatchery (Rept. No. 279).

WITHDRAWAL OF SUSPENSION OF DEPORTATION OF EDUARDO PIRES

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 30) withdrawing suspension of deportation in the case of Eduardo Pires, and submitted a report (No. 270) thereon; which concurrent resolution was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress, in accordance with section 246(a) of the Immigration and Nationality Act (8 U.S.C.A. 1256(a)), withdraws the suspension of deportation in the case of Eduardo Pires (A–7483662) which was previously granted by the Attorney General and approved by the Congress.

WITHDRAWAL OF SUSPENSION OF DEPORTATION OF EVA GARCIA DE ZEPEDA

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 31) withdrawing suspension of deportation in the case of Eva Garcia de Zepeda, and submitted a report (No. 271) thereon; which concurrent resolution was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress, in accordance with section 246(a) of the Immigration and Nationality Act (8 U.S.C.A. 1256(a)), withdraws the suspension of deportation in the case of Eva Garcia de Zepeda (A–8769233) which was previously granted by the Attorney General and approved by the Congress.

WITHDRAWAL OF SUSPENSION OF DEPORTATION OF JOSE POBLET

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 32), withdrawing suspension of deportation in the case of Jose Poblet, and submitted a report (No. 272) thereon; which concurrent resolution was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress, in accordance with section 246(a) of the Immigration and Nationality Act (8 U.S.C.A. 1256(a)), withdraws the suspension of deportation in the case of Jose Poblet (A–3013924) which was previously granted by the Attorney General and approved by the Congress.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 33) favoring suspension of deportation in the cases of certain aliens, and submitted a report (No. 273) thereon; which concurrent resolution was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(5) of the Immigration and Nationality Act (66 Stat. 214; 8 U.S.C. 1254(c)):

A-3424896, Grassi, John.
A-4064019, Sierra-Pecina, Plutarco.
A-1039385, Almeida, Jaime Caido.
A-7812725, Bedo, Joseph.
A-4263318, Cruz, Jesus.
A-3569897, Del Gatto, Giovanni.
A-1076121, Diaz-Morales, Matias.
A-5403399, Erenburg, Scheel Levovich.
A-5539208, Governali, Vincent.
A-2219295, Granados, Rafael Flores.
A-4316081, Guerrero, Odilon.
A-2381741, Hassan, Kassan.
A-10841833, Koon, Wong Gim.
A-5297364, Ludorf, Edward Sebastian.
A-1301717, Mack, Henry Eino.
A-3020033, Medina-Becerra, Remigio.
A-2142402, Ortiz-Cabrera, Masedonio.
A-5635350, Quong, Joe.
A-5961863, Rice, Alvie Earl.
A-2894938, Rubio-Velasquez, Atanacio.
A-8831395, Ruiz, Ramon Guerrero.
A-8521028, Schultz, William.
A-1954680, Vargas, Garcia, Jose.
A-4963711, Weinstein, Arnold.
A-5741406, Femine, Ernest Delle.
A-1148737, Gastelo-Valenzuela, Felipe.
A-1315085, Garcia-Arias, Jose Maria.
A-10432465, Risa, Arne Michael.
A-3945465, Maldonado, Francisco.
A-5119438, Razzari, Giuseppe.
A-1377556, Vieyra-Landeros, Apolonio.
A-1120875, Vincent, Frank Medeiros.
A-11290619, Chin, Bing Kee.
A-5429423, Gutierrez, Joseph.
A-10448499, Hernandez-Perez, Eulalio.
A-5755208, Jacobson, Joseph.
A-5954258, Madonna, Joseph.
A-2539330, Mikkelsen, Hans Christian Gunnar.
A-7923286, McKelligan, Katherine Burke.
A-1933574, Barovia, Philip.
A-451853, Gaenther, Andreas.
A-11161876, Lemon-Barrera, Antonio.
A-6253520, Thomas, Herbert Otto.
A-4933047, Nunez, Baltazar.
A-4961824, Handlovits, Mary Elizabeth.
A-10605548, Madrigal, Sara.
A-9519314, Scordilis, Constantinos.
A-1691409, Tartakoff, David.
A-1981926, Andreini, Amadio Eugenio Giovanni.
A-8845161, Cohen, Henry.
A-5091649, Tereschenko, William Efim.
A-1273266, Gonzales-Hernandez, Jose.
A-1966028, Lindsay, Harry Fairweather.
A-10293639, Martin, Walter Hans.
A-2931126, Black, Henry Max.
A-2471376, Gee, Chew.
A-5901606, Lukas, Benedict.
A-2427566, Slepnikoff, Michael James.
A-1867473, Guerrero, Salvador Ybarra.
A-5896096, Helmers, Herman Heinrich Gotthold.
A-11403968, Huey, Hong Hen.
A-6249664, Jazer, Taire.
A-4228026, Perrin, Maurice J.

ROCHESTER IRON & METAL CO.—REFERENCE OF BILL TO COURT OF CLAIMS

Mr. KEATING from the Committee on the Judiciary, reported an original resolution (S. Res. 117) to refer to the Court of Claims the bill (S. 628) for the relief of the Rochester Iron & Metal Co., and submitted a report (No. 274) thereon, which resolution was placed on the calendar, as follows:

Resolved, That the bill (S. 628) entitled "A bill for the relief of the Rochester Iron & Metal Co.," now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

BILLS INTRODUCED

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

By Mr. BRIDGES:

S. 1887. A bill for the relief of Alice V. Tenly; to the Committee on Post Office and Civil Service.

By Mr. MURRAY (for himself and Mr. MANSFIELD):

S. 1888. A bill to repeal the tax on transportation of persons; to the Committee on Finance.

S. 1889. A bill to authorize the transfer of three units of the Fort Belknap Indian irrigation project to the landowners within the project; to the Committee on Interior and Insular Affairs.

By Mr. KEATING (by request):

S. 1890. A bill for the relief of Najla Malti, Hanna Malti, Fadwa Malti, Constantin Malti, and Marie Malti; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 1891. A bill for the relief of Donald G. Coplan; to the Committee on the Judiciary.

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

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

S. 1892. A bill to authorize the Secretary of the Interior to construct, operate and maintain the Norman project, Oklahoma; to the Committee on Interior and Insular Affairs.

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

By Mr. O'MAHONEY (for himself and Mr. EASTLAND):

S. 1893. A bill to amend chapter 223 of title 18, United States Code, to provide for the admission of certain evidence, and for other purposes; to the Committee on the Judiciary.

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

By Mr. CLARK:

S. 1894. A bill to amend title II of the Social Security Act and the Internal Revenue Code so as to increase benefits of individuals who delay their retirement beyond age 65; to the Committee on Finance.

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

By Mr. JOHNSTON of South Carolina (for himself, Mr. HILL, and Mr. TALMADGE):

S. 1895. A bill to authorize the payment of annuities under the Civil Service Retirement Act to the survivors of certain employees separated from service prior to October 1, 1956, with title to deferred annuity; to the Committee on Post Office and Civil Service.

By Mr. JOHNSTON of South Carolina (by request):

S. 1896. A bill to repeal the act of June 23, 1948 (62 Stat. 576), relating to the transportation of mail between post offices and airports; to the Committee on Post Office and Civil Service.

By Mr. JOHNSTON of South Carolina (for himself and Mr. CARLSON) (by request:

S. 1897. A bill to improve the compensation policies and practices of the Federal Government with respect to civilian personnel thereof, to establish a temporary Commission on Federal Civilian Employees Compensation Policy, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MAGNUSON (by request):

S. 1898. A bill to amend the Communications Act of 1934 with respect to the procedure in obtaining a license and for rehearings under such act; and

S. 1899. A bill to authorize the establishment of the Arctic Wildlife Range, Alaska, and for other purposes; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bills, which appear under separate headings.)

By Mr. HOLLAND (for himself and Mr. AIKEN):

S. 1900. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act so as to include nematocides, plant regulators, defoliants, and desiccants, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. JORDAN:

S. 1901. A bill to amend section 101(c) of the Agricultural Act of 1949 and the act of July 28, 1945, to stabilize and protect the level of support for tobacco; to the Committee on Agriculture and Forestry.

By Mr. CHAVEZ (for himself, Mr. KERR, and Mr. CASE of South Dakota) (by request):

S. 1902. A bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes; to the Committee on Public Works.

By Mr. MURRAY (by request):

S. 1903. A bill to authorize a per capita distribution of funds arising from a judgment in favor of the Quapaw Tribe, and for other purposes;

S. 1904. A bill to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma, and the Prairie Band of Potawatomi Indians of Kansas, and for other purposes;

S. 1905. A bill to authorize the classification, segregation, and disposal of public lands chiefly valuable for urban and business purposes; and

S. 1906. A bill to facilitate the administration of the public lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LANGER:

S. 1907. A bill to amend the Federal Credit Union Act so as to decrease the maximum interest rate on loans made by credit unions and increase the maximum amount of any unsecured loan which may be made by credit unions; to the Committee on Banking and Currency.

By Mr. CLARK:

S. 1908. A bill to authorize the Secretary of the Interior to acquire certain additional

property to be included within the Independence National Historical Park; to the Committee on Interior and Insular Affairs.

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

By Mr. DOUGLAS:

S. 1909. A bill for the relief of John Gelbert (alias Max Theodore Gelbert); and

S. 1910. A bill for the relief of Helena Farbutko; to the Committee on the Judiciary.

By Mr. CAPEHART:

S. 1911. A bill for the relief of Dr. Ramon R. Panlilio; and

S. 1912. A bill for the relief of Timmy Kim Smith; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 1913. A bill for the relief of Evagelos Mablekos; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 1914. A bill to amend section 508 of title 28, United States Code, relating to attorneys salaries; and

S. 1915. A bill for the relief of Chung Ching Wei; to the Committee on the Judiciary.

CONCURRENT RESOLUTIONS

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original concurrent resolutions, which were placed on the calendar:

S. Con. Res. 30. Concurrent resolution withdrawing suspension of deportation in the case of Eduardo Pires;

S. Con. Res. 31. Concurrent resolution withdrawing suspension of deportation in the case of Eva Garcia de Zepeda;

S. Con. Res. 32. Concurrent resolution withdrawing suspension of deportation in the case of Jose Poblet; and

S. Con. Res. 33. Concurrent resolution favoring suspension of deportation in the cases of certain aliens.

(See the above concurrent resolutions printed in full when reported by Mr. EASTLAND, where they appear under the heading "Reports of Committees".)

RESOLUTION

Mr. KEATING, from the Committee on the Judiciary, reported an original resolution (S. Res. 117) to refer to the Court of Claims the bill (S. 628) for the relief of the Rochester Iron & Metal Co., which was placed on the calendar.

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

CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE NORMAN PROJECT, OKLAHOMA

Mr. KERR. Mr. President, on behalf of myself, and my colleague, the junior Senator from Oklahoma [Mr. MONRONEY], I introduce, for appropriate reference, a bill which has for its purpose authorizing the Secretary of the Interior to construct, operate, and maintain the Norman project, Oklahoma. Representative JOHN JARMAN is introducing a similar bill in the other branch of Congress today.

The proposed project would provide municipal and industrial water for the cities of Norman, Midwest City, and Del City, and for the Tinker Air Force Base.

Pending completion of long-range plans for additional water supply works, the proposed project could provide a supplemental water supply to Oklahoma City for an estimated 15 years or until such time as the needs of project cities required the full capability of the project for water.

Provisions also would be made for flood control, fish and wildlife preservation and propagation, and recreation.

The physical features would include an earth fill dam on Little River, east of Norman, forming a reservoir of 364,000 acre-feet and a lake of 13,400 acres, pumping plants and pipelines. The estimated cost is $15 million allocated as follows:

	Federal		Non-Federal
	Reimbursable	Nonreimbursable	
Municipal and industrial water	$8,165,000	----------	----------
Water supply for Tinker Air Force Base	----------	$1,700,000	----------
Flood control	----------	2,100,000	----------
Fish and wildlife	----------	2,360,000	----------
Recreation	----------	280,000	$360,000
Total	8,165,000	6,440,000	360,000

Based on a 50-year period of analysis, annual costs are estimated at $628,000, annual benefits at $1,072,000 and the benefit-cost ratio is 1.71.

As introduced, the bill calls for repayment contracts to be in compliance with the Kerr Municipal Water Act (title III of the Flood Control Act of 1958). This gives flexibility to repayment for future water requirements.

This project has almost unanimous local support and, when constructed, will supply for the next 15 or 20 years the municipal and industrial water supply requirements of the metropolitan area which it will serve.

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

The bill (S. 1892) to authorize the Secretary of the Interior to construct, operate and maintain the Norman project, Oklahoma, introduced by Mr. KERR (for himself and Mr. MONRONEY), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AMENDMENT OF CHAPTER 223, TITLE 18, UNITED STATES CODE, RELATING TO ADMISSION OF CERTAIN EVIDENCE

Mr. O'MAHONEY. Mr. President, on behalf of the Senator from Mississippi [Mr. EASTLAND], chairman of the Committee on the Judiciary, and myself, I introduce, for appropriate reference, a bill to amend Chapter 223 of Title 18 of the United States Code. The bill makes provision for the admission of certain evidence in trials. It arises out of a decision of the Supreme Court in the Mallory case of some years ago. The form in which the bill is introduced is exactly the form on which the conference committee agreed last year but which could not be adopted in the Senate because of the situation which existed on the closing day of the session, when a quorum of the Senate disappeared before it was possible to submit the conference report for adoption. I ask unanimous consent that the text of the bill may be printed in the RECORD.

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

The bill (S. 1893) to amend chapter 223 of title 18, United States Code, to provide for the admission of certain evidence, and for other purposes, introduced by Mr. O'MAHONEY (for himself and Mr. EASTLAND), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 223 of title 18, United States Code, is amended by inserting immediately following section 3500 of such chapter a new section to be designated as section 3501 and to read as follows:

"§ 3501. Admissibility of evidence—statements and confessions.

"(a) Evidence, including statements and confessions, otherwise admissible, shall not be inadmissible solely because of reasonable delay in taking an arrested person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States: *Provided,* That such delay is to be considered as an element in determining the voluntary or involuntary nature of such statements or confessions.

"(b) No statement, including a confession, made by an arrested person during an interrogation by a law-enforcement officer shall be admissible unless prior to such interrogation the arrested person had been advised that he is not required to make a statement and that any statement made by him may be used against him."

(b) The analysis of such chapter is amended by adding at the end thereof the following:

"3501. Admissibility of evidence—statements and confessions."

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

Mr. O'MAHONEY. I yield.

Mr. KEATING. Mr. President, I desire to commend the Senator from Wyoming for calling our attention to the need for this proposed legislation. It was my privilege, as a Member of the House of Representatives in the last Congress, to participate with the Senator in endeavoring to work out legislation which would deal fairly but effectively with the Mallory decision rendered by the Supreme Court. This decision, we are informed by many law enforcement officials, has seriously hampered them in dealing with crime, particularly in the District of Columbia. We must not tie their hands.

I have already introduced a bill which I would prefer to see enacted, so far as the language is concerned. However, the bill which the Senator has introduced, as he has pointed out, is the product of some give and take, and is in the form in which it came out of our conference in the last session. If the bill takes this form eventually, I shall be very happy to support the Senator from Wyoming

in his valiant effort to deal adequately with this problem.

Mr. O'MAHONEY. I thank the Senator for his very gracious response. Everyone knows that the Senator from New York was the ranking Republican member of the House Committee on the Judiciary, and that he was one of the members of the conference last year on the bill which was passed by the Senate, and was one of those who cooperated in bringing about the agreement which was reached. I thank the Senator from New York.

AMENDMENT OF SOCIAL SECURITY ACT, RELATING TO INCREASED BENEFITS FOR CERTAIN PERSONS

Mr. CLARK. Mr. President, I introduce, for appropriate reference, a bill to amend the Social Security Act.

As we all know, at the present time any retired person entitled to old age and survivors benefits loses those benefits if he earns over $1,200 a year.

This works a hardship on thousands of elderly persons. In effect, it constitutes a financial penalty against those who continue to work past age 65. Social security benefits are notoriously inadequate to maintain retired citizens at a decent standard of living. Yet if the social security beneficiary sets out to supplement his income by part-time work, he must hold his earnings below $1,200 or lose his benefits.

Many Pennsylvanians have suggested to me that the $1,200 limitation is an anachronism in these days of high living costs, and that they should be permitted to earn as much as they can between the ages of 65 and 72 when the limitation ceases.

One constitutent wrote me:

> I suppose it will be another 4 years before anything is done; by then I shall be 72 and if my eyes hold out and my hearing—only have hearing of one ear—does not get any worse, theoretically the sky is the limit on the amount I shall be able to earn. It is so absurd and unfair.

It is indeed absurd and unfair. Surely we cannot mean to penalize people for living long lives and having the spirit to want to go on working and the skill to do so.

At the same time, experts on problems of older persons tell us that one of the causes of demoralization and physical and mental illness among the aging is premature retirement. Older persons should be encouraged to work as long as they are willing and able, at least on a part-time basis. Not only is this important from the standpoint of their health and comfort, but, assuming that we succeed in restoring maximum employment, their labor adds to the production of the economy. Yet, instead of serving to encourage continued employment, the Social Security Act works in exactly the opposite direction.

Proposals have been introduced in the Congress to raise the earnings limit to $1,800. This would reduce the difficulties in the present law, but it would not eliminate them. Yet to raise the limit even higher, or remove it entirely, would force too great an increase in the social security tax rates.

Consequently, I have been endeavoring to find a formula which would provide an inducement to older persons to continue at work, yet not add unduly to the cost of the system.

The formula I have arrived at is not original. It has been incorporated, with variations, in legislation in previous Congresses, although it has not, to my knowledge, been embodied in any bills introduced in this Congress. Last year, four House bills contained the principle of this proposal; they were sponsored by Representatives Kean, Dellay, Roosevelt, and Libonati. It was also a provision of an omnibus bill sponsored by the junior Senator from Wisconsin [Mr. PROXMIRE].

My proposal would provide that persons who earned more than $1,200 after age 65 would not lose their entire social security benefit. Instead, they would be paid a higher benefit, through a retirement increment, after their eventual retirement.

The retirement increment would be 4 percent a year, or one-third of 1 percent a month. Thus, a person who worked 3 years after age 35 would receive benefits for the rest of his life at a rate 12 percent higher than he would otherwise receive. If he worked until age 70, his benefits would be 20 percent higher.

At age 72, a person continuing to work would receive his full benefits, as under present law, but at a rate 28 percent above present benefits.

The increase in benefits would also be reflected in the benefits of any eligible dependents or survivors who were entitled to them on the basis of the worker's earnings record.

The cost of this proposal would require an increase in taxes of roughly one-fourth of 1 percent each on employers and employees.

This proposal is, I believe, a reflection of the change which has taken place in the philosophy of social security, and I hope it points to a change in the manner in which our older people are to be treated.

When social security was conceived and established, we were in a period of unprecedented national depression. The aim was to assure our older citizens that they would not have to suffer the indignity of public relief after their active working years had ended. A corollary aim was to give greater opportunity to younger workers by encouraging older persons to retire.

Now, however, we have a national objective of maximum employment. We have succeeded in that aim in the postwar years, except for intervals of recession like the present one. I assume that we will achieve that aim again soon. So we need no longer have any national policy based on a philosophy of forced retirement.

I particularly commend this proposal to the attention of the distinguished senior Senator from Michigan [Mr. MCNAMARA] and his Subcommittee on the Problems of the Aging. I hope that the subcommittee will concern itself with the problem of forced retirement, even though they do not have legislative jurisdiction over this particular proposal.

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

The bill (S. 1894) to amend title II of the Social Security Act and the Internal Revenue Code so as to increase benefits of individuals who delay their retirement beyond age 65, introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on Finance.

AMENDMENT OF COMMUNICATIONS ACT OF 1934, RELATING TO PROCEDURE IN OBTAINING LICENSES AND REHEARINGS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Communications Act of 1934 with respect to the procedure in obtaining a license and for rehearings under such act. The introduction of this proposal was requested by the Federal Communications Bar Association. I ask unanimous consent to have printed in the RECORD a statement prepared by that association, relating to the bill.

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

The bill (S. 1898) to amend the Communications Act of 1934 with respect to the procedure in obtaining a license and for rehearings under such act, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The statement presented by Mr. MAGNUSON is as follows:

FEDERAL COMMUNICATIONS BAR ASSOCIATION PROPOSAL FOR AMENDMENTS TO SECTIONS 309 AND 405, COMMUNICATIONS ACT OF 1934, AS AMENDED

INTRODUCTION

For several years there has been exhaustive consideration by the Federal Communications Bar Association of possible changes in the Communications Act to modify or find a more satisfactory substitute for the so-called protest procedure embodied in section 309(c) which provides for hearings or oral arguments on the demand of parties in interest after the Federal Communications Commission has granted without a hearing an application for a construction permit for a radio facility.

At the annual meeting of the association in January 1959 the members gave strong support to the substitution of a carefully defined pregrant hearing procedure for the postgrant protest hearing procedure. Further intensive consideration of the proposed legislation has been given this matter by the association's executive committee and its practice and procedure committee. On April 14, 1959, the executive committee voted to recommend the enactment of amendments to sections 309 and 405 in the form attached.

Under the proposed amendment to section 309 the pregrant hearing procedure would be made applicable to the broadcast and common carrier services and also to certain limited categories of applications in the safety and special services. The amendment to section 405 would require the Commission to take action within a specified period of time after filing on petitions for rehearing of grants made initially without hearing.

I. DIFFICULTIES WITH PRESENT STATUTORY SCHEME WHICH OCCASIONED RECOMMENDED AMENDMENTS

Without attempting to list all of the problems inherent in the existing protest procedure, we shall briefly summarize the principal ones.

In its present form section 309(c) can place a heavy burden on the Commission and on successful applicants by requiring unnecessary and lengthy proceedings, after grants are made, to vindicate the grants in situations where there is no substantial basis for attacking them. At the same time the protest procedure fails to give real assurance to protesting parties in interest that legitimate objections to a grant will be given timely and adequate consideration by the Commission.

The original enactment of section 309(c) as a part of the Communications Act Amendments, 1952 (the so-called McFarland Act), stemmed from a feeling of dissatisfaction with the treatment by the Commission of objections to grants. Unfortunately, the existing mandatory protest procedures leave the Commission little discretion to dispense with useless or even frivolous proceedings. While protests must be filed under oath, the factual allegations may be based upon information and belief, which unfortunately encourages the filing of ill-founded protests with allegations based not on known facts, but on suspicion or less. Protest hearings have created immeasurable delays in bringing service to the public, but have resulted in few final reversals of grants. From the protestant's point of view the protest procedure has the fatal drawback that it comes into operation after the Commission has made its determination that a grant is in the public interest. It is difficult for a protestant to meet the burden of persuading the Commission that its original grant was mistaken.

II. THE PREGRANT PROCEDURE

It is the view of the association that the inherent inadequacies of the protest procedure can best be remedied by providing for institution of a pre-grant procedure which will limit hearings to instances where material and substantial questions of fact are presented, and which will require explicit and reasoned resolution by the Commission, prior to grant, of questions of law or policy which do not warrant a hearing. The proposed pregrant procedure is more nearly consistent with normal administrative procedures. It provides a method for reducing the possibility that the Commission will act erroneously by providing for consideration of objections before rather than after the Commission acts, but eliminates the power of protestants to compel hearings or oral arguments in situations where no useful purpose would be served thereby. In short, the proposed procedure will give the Commission ample discretion to dispose summarily of frivolous objections to a grant, but will require appropriate consideration of substantial objections before it makes a grant.

The effectiveness of a pre-grant procedure clearly depends upon an adequate system of notice which will permit interested parties to be apprised of the pendency of an application, and give them an opportunity to invoke the procedure.

In the safety and special services the many thousands of applications handled cannot, as a practical matter, be made the subject of public notice. Moreover, as to the great majority of such authorizations, grants are taken subject to interference and other bases for objection by interested parties are rare or nonexistent. Thus, after a careful study of the problems of the safety and special services it was decided to make subject to the proposed pre-grant procedure limited categories of applications as to which legally valid objections by interested parties would appear to be most likely. These relate to authorizations which are made on a nonduplicating basis or which are entitled under the Commission's rules to protection against interference.

III. TIME LIMIT FOR ACTION ON PETITIONS FOR REHEARING UNDER SECTION 405

One of the problems which led to the original enactment of section 309(c) was the extended period of time elapsing between filing of and action upon petitions for rehearing of Commission decisions without hearing. A grant might remain in effect for a year or more without action on a petition which raises substantial questions as to its validity. It also unconscionably delays the seeking of judicial review in those situations where the filing of a petition for rehearing is a statutory prerequisite to seeking review by the courts of Commission action. In light of the proposed elimination of the post-grant hearing procedure (which has a requirement that the Commission act on protests within 30 days), the association believes this to be an appropriate time to recommend strengthening of the section 405 remedy by providing a time limit (90 days) for passing on petitions for rehearing of grants made without hearing.

IV. ANALYSIS OF PROPOSED AMENDMENTS

(a) Section 309: Section 309 is proposed to be revised as follows: A new section 309(a) sets forth the terms of the pregrant procedure. Existing section 309(a) becomes section 309(b), and is modified in minor, but not in substantive, detail for purposes of consistency. Existing section 309(b) becomes section 309(c). The existing procedure for notifying applicants of the necessity for hearing and for designation of applications for hearing is left unchanged where no petition to deny an application has been filed or where the Commission questions an application on grounds not set forth in any such petition. If a meritorious petition has been filed, the case is set for hearing. Language changes are made in the new section 309(c) to integrate the pregrant procedure with the existing procedures and to avoid inconsistencies and procedural duplications. Existing section 309(c) (the post-grant protest procedure) is eliminated entirely. A new section 309(d) lists the safety and special services applications subject to the pregrant procedure. A new section 309(e) gives the Commission the power by rule to make reasonable classifications in order to effectuate section 309.

The pre-grant procedure assures that interested parties receive adequate notice of applications subject to the procedure by requiring the Commission to withhold action for 30 days after public notice of acceptance of applications for filing. If an interested party files a petition to deny the application prior to grant, the Commission must dispose of the petition before making a grant. Unlike the present protest procedure, the pregrant procedure does not compel the Commission to hold automatic evidentiary hearings or oral arguments in cases where such proceedings may be futile. Moreover, the petition must contain specific allegations of fact supported by affidavit. The applicant is given an opportunity to reply.

If no substantial and material question of fact is raised, the Commission may deny the petition with a concise statement of its reasons. The holding of oral argument in such a situation is left to the Commission's discretion. If questions requiring a hearing are presented, the Commission has full authority to specify the issues and assign the burden of proof to be borne by the parties to the hearing. Thus the pre-grant procedure gives the Commission reasonable control of the proceedings before it, a control lacking under the existing protest procedure. At the same time, where the Commission denies a pre-grant petition, the concise statement of reasons required will furnish an adequate basis for immediate judicial review and will give interested parties the opportunity to seek judicial stay of Commission action. The Commission will not be able to deny pre-grant requests for hearing without explanation.

The pre-grant procedure would apply to all applications in the broadcast and common carrier services with six classes of exceptions. The exceptions generally cover emergency authorizations, authorizations involving operation of facilities substantially in the manner for which construction previously was authorized, authorizations involving involuntary or minor changes in existing authorizations and certain broadcast authorizations of a character such that the need for prompt Commission action is felt to outweigh the need for an opportunity to file objections prior to grant.

The pregrant procedure would not apply to the great bulk of applications in the safety and special services. Many thousands of these applications are handled each year. It is impractical to give prior public notice of their filing. In the overwhelming majority of situations there is no party in interest who may legitimately complain of such applications. Limited categories of safety and special service applications, grant of which may adversely affect rights of other licensees or applicants, would be made subject to the pregrant procedure. The Commission would also be given specific authority by rule to make additional categories of applications in safety and special services subject to the pregrant procedure.

(b) Section 405: The right of any party in interest to petition for rehearing under section 405, regardless of what proceedings may have been had before the Commission prior to grant would continue to be available under section 405.

Two amendments are proposed to section 405. The first would correct a typographical error in the most recent reenactment of that section. The second, which involves a change of substance, would provide a cutoff date for action on petitions for rehearing of Commission grants made without hearing. Under section 405 the filing of a petition for rehearing does not require a stay of the Commission action of which complaint is made. Under these circumstances it is important for the Commission to dispose with reasonable promptness of the petition, especially in those cases in which no hearing has been held. The 90-day limit proposed is believed to be long enough so as not to place an undue burden on the Commission, but short enough to assure that a questionable authorization will not be allowed to remain in effect for a prolonged period without Commission consideration of a pending petition for rehearing.

CONCLUSION

It is believed that the amendments here proposed to sections 309 and 405 of the Communications Act will go a long way toward eliminating the unjustifiable burdens upon the Commission's processes which have existed since the enactment of section 309(c) in 1952, and will at the same time result in improving the remedies available to interested parties in cases where substantial questions are presented.

For the first time since 1952 the Commission will no longer be compelled to hold an evidentiary hearing or oral argument in situations where the allegations of the objecting parties in interest fail to raise material questions suitably supported by affidavits as to facts. At the same time, objecting parties interest will for the first time be assured that the Commission will give adequate consideration to the objections raised before a decision to make a grant has been reached, and the Commission will be required to give reasons for its actions in denying pre-grant petitions which will permit a

prompt court test of the validity of Commission decisions.

Thus under the proposed amendment to section 309, the Commission and Commission permittees will be relieved of the oppressive burdens of unnecessary hearings (which, in turn, may create inducements for financial settlements that may be contrary to the public interest). The incentive to protestants to wait until after a grant to invoke mandatory delaying procedures will be destroyed. On the other hand, objecting parties will have the benefit of having their views given full consideration by the Commission in the processing of an application before the view of the Commission has been crystallized into a decision, and will have an opportunity for prompt court review.

Finally, the amendment to section 405 eliminates a defect which has existed in that section since the original enactment of the Communications Act in 1934. For procedural reasons a petition for rehearing under section 405 is frequently required as a condition precedent to obtaining judicial review. For the Commission to have the power to delay action on the petition for an indefinite period, and at the same time to allow the questioned grant to remain in effect, is a classic example of the power to deny justice by delaying justice. This loophole in the law should be closed.

ARCTIC WILDLIFE RANGE, ALASKA

Mr. MAGNUSON. Mr. President, by request of the Secretary of the Interior, I introduce, for appropriate reference, a bill to authorize the establishment of the Arctic Wildlife Range, Alaska, and for other purposes. I ask unanimous consent that the letter from the Secretary of the Interior, requesting the proposed legislation, may be printed in the RECORD.

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

The bill (S. 1899) to authorize the establishment of the Arctic Wildlife Range, Alaska, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 30, 1959.

Hon. RICHARD M. NIXON,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed herewith is a draft of a proposed bill, "To authorize the establishment of the Arctic Wildlife Range, Alaska, and for other purposes."

We recommend that such proposed legislation be referred to the appropriate committee and that it be enacted.

This proposed legislation would permit the establishment of a wildlife area in the State of Alaska to be known as the Arctic Wildlife Range. The purpose of this reservation would be the preservation of wildlife and wilderness values in the particular area. Recognizing that the defense requirements of our Nation are a major consideration, present or future Department of Defense operations in the area would not be affected. Furthermore, use of the area for other purposes would be permitted in a manner that would not impair the intent of this legislation.

Looking ahead 50 years to the unfolding story of Alaska's development, it is clear that the only economically feasible opportunity for maintaining a wilderness frontier large enough for the preservation of the caribou, the grizzly, the Dall sheep, the wolverine, and the polar bear, all of which require a sizable unrestricted range, lies in this northeastern Arctic region of the State.

Our studies of this matter have led to the selection of an area as set forth in this bill that we believe should be preserved for the purposes in question. This area extends eastward from the Canning River to the Canadian border and inland to include a portion of the south slope of the Brooks Range. At its largest dimensions, the area would be roughly 120 miles from east to west and 140 miles from north to south.

The proposed Arctic Wildlife Range offers an ideal opportunity, and the only one in Alaska, to preserve an undisturbed portion of the Arctic large enough to be biologically self-sufficient. It would comprise one of the most magnificent wildlife and wilderness areas in North America, being exceeded in extent only by Canada's Wood Buffalo Scientific Study Area, which is farther south and represents a different habitat.

The portion of the Arctic Plain included in the proposal is a major habitat, particularly in summer, for the great herds of Arctic caribou. The countless lakes, ponds, and marshes found here are nesting grounds for large numbers of migratory waterfowl that spend about half of each year in the United States. Thus, the production here is important to a great many sportsmen. The river bottoms with their willow thickets furnish habitat for moose. This section of the seacoast provides habitat for polar bears, Arctic foxes, seals, and whales.

The Arctic caribou herds use all of the Brooks Range in summer and the south side particularly in winter. This unmodified region is important for game management research, particularly on caribou range problems. The Dall sheep are year-round residents and, like the caribou, occur in greater total numbers here than in other parts of Alaska. Moose and grizzlies are common. Wolverines are seen occasionally. Ptarmigan are numerous. This spacious unaltered habitat would permit the reintroduction of the musk ox. The south slope of the Brooks Range meets the year-round requirements for all of the native wildlife.

In elevation and grandeur, Mount Nicholson (9,239 feet) and Mount Chamberlain (1,931 feet) in this particular region are exceeded by no other in the Arctic Circle except for some in Greenland and Siberia.

For the wilderness explorer, whether primarily a fisherman, hunter, photographer, or mountain climber, certain portions of the Arctic coast and the north slope river valleys, such as the Canning, Hulahula, Okpilak, Aichilik, Kongakut, and Firth, and their great background of lofty mountains, offer a wilderness experience not duplicated elsewhere in our country.

In the circumstances, we consider this proposal to be desirable for accomplishment of the purposes that we have outlined. We believe this proposal is adaptable to this particular area in that it will provide a practical method of realizing the public benefits to which we have referred and at the same time will permit other uses in the area, such as mineral activities. This bill would permit the Secretary to authorize mineral activity within the range while at the same time it would preclude the appropriation of title to the surface of the land.

The Bureau of the Budget has advised us that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

FRED A. SEATON,
Secretary of the Interior.

ACQUISITION OF ADDITIONAL PROPERTY FOR INCLUSION IN INDEPENDENCE NATIONAL HISTORICAL PARK

Mr. CLARK. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to require certain additional property to be included within the Independence National Historical Park. An identical bill was introduced in the House of Representatives the other day by Representative JAMES BYRNE, of Pennsylvania. The bill authorizes the acquisition of land immediately adjacent to Old St. Joseph's Church, comprising an area of 15,400 square feet, and would be a most beneficial addition to the present national park.

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

The bill (S. 1908) to authorize the Secretary of the Interior to acquire certain additional property to be included within the Independence National Historical Park, introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ALLOWANCE OF DEDUCTION, FOR FEDERAL ESTATE TAX PURPOSES, IN THE CASE OF CERTAIN TRANSFERS TO CHARITIES—AMENDMENT

Mr. JOHNSTON of South Carolina submitted an amendment, intended to be proposed by him, to the bill (H.R. 137) to allow a deduction, for Federal estate tax purposes, in the case of certain transfers to charities which are subjected to foreign death taxes, which was referred to the Committee on Finance and ordered to be printed.

INDIAN SANITATION FACILITIES ACT—ADDITIONAL COSPONSOR OF BILL

Mr. MURRAY. Mr. President, I ask unanimous consent that the name of the Senator from Alaska [Mr. BARTLETT] may be added as a cosponsor of Senate bill 56, the Indian Sanitation Facilities Act, introduced by me, for myself and other Senators, on January 9, 1959.

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

AMENDMENT OF FEDERAL-AID HIGHWAY ACTS OF 1956 AND 1958—ADDITIONAL COSPONSOR OF BILL

Mr. NEUBERGER. Mr. President, on behalf of the Senator from West Virginia [Mr. RANDOLPH], I ask unanimous consent that the name of the Senator from Indiana [Mr. HARTKE] may be added as an additional cosponsor of 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, introduced by the Senator from West Virginia on April 29, 1959.

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

UNCLAIMED PERSONAL PROPERTY ACT—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 30, 1959, the names of Mr. ENGLE and Mr. KUCHEL were added as additional cosponsors of the bill (S. 1846) to facilitate the discovery and recovery by the States of unclaimed personal property in the custody of Federal agencies, and for other purposes, introduced by Mr. HUMPHREY (for himself and Senators BYRD of West Virginia, BUSH, and JAVITS) on April 30, 1959.

FAIR POLITICAL BROADCASTING ACT OF 1959—ADDITIONAL COSPONSORS OF THE BILL

Under authority of the order of the Senate of May 5, 1959, the names of Senators THURMOND, GREEN, HUMPHREY, YOUNG of Ohio, MCGEE, BARTLETT, CASE of South Dakota, BIBLE, BUSH, MCCARTHY, RANDOLPH, and ENGLE were added as additional cosponsors of 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 on May 5, 1959.

ARMED SERVICES COMPETITIVE PROCUREMENT ACT OF 1959—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of May 7, 1959, the name of Mr. CASE of New Jersey was added as an additional cosponsor of the bill (S. 1875) to amend title 10 of the United States Code to encourage competition in procurement by the armed services, and for other purposes, introduced by Mr. JAVITS (for himself and Mr. KEATING) on May 7, 1959.

ACCELERATION OF VARIOUS REFORESTATION PROGRAMS—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Under authority of the order of the Senate of May 5, 1959, the names of Senators NEUBERGER and MORSE were added as additional cosponsors of 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 Senators AIKEN, ANDERSON, BYRD of West Virginia, COOPER, HART, KUCHEL, MURRAY, RANDOLPH, and STENNIS) on May 5, 1959.

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. MANSFIELD:

Address entitled "The Problem in Germany," delivered by him before the Bicentennial World Affairs Forum of the Foreign Policy Association of Pittsburgh, on May 1st, 1959.

By Mr. SPARKMAN:

Address entitled "Our Responsibilities in World Affairs," delivered by Senator FULBRIGHT, as a Gabriel Silver lecture on international understanding, at Columbia University, New York, on May 7, 1959.

By Mr. MOSS:

Address entitled "Works For Peace," delivered by Senator HUMPHREY at Jefferson-Jackson day dinner at Salt Lake City, Utah, on April 25, 1959.

By Mr. CHURCH:

Address entitled "Next Year and the Next Ten Years," delivered by Senator Moss before the Women's National Democratic Club in Washington on May 7, 1959.

By Mr. HARTKE:

Address delivered by him at Truman diamond jubilee, Gary, Ind., May 8, 1959.

Memorandum of conversation at Federal Economics Ministry, Bonn, Germany, regarding aluminum marketing.

By Mr. CASE of New Jersey:

Address prepared by him for radio broadcast on the occasion of the Rumanian national holiday celebrated on May 10.

By Mr. MCCARTHY:

Statement entitled "National Milk Sanitation Act," prepared by him, dealing with sanitary regulations relating to milk.

By Mr. BYRD of West Virginia:

Statement made by him before Committee on Appropriations, May 8, 1959, in behalf of certain projects in West Virginia.

By Mr. NEUBERGER:

Article entitled "Oregon's Jubilee Year is Under Way," written by Robert McBride, and published in the New York Times of May 10, 1959; and article entitled "Oregon Celebrates Its Centennial Year," written by RICHARD L. NEUBERGER, and published in the New York Times of March 29, 1959.

NOTICE OF HEARINGS ON RADIATION CONTROL BILL

Mr. HILL. Mr. President, I should like to announce that at 10 o'clock on Thursday morning of this week, the Subcommittee on Health of the Committee on Labor and Public Welfare will begin holding public hearings on a legislative proposal which, I am sure, will be of major importance to Members of the Congress and to their constituents.

The bill is S. 1628. Its purpose is to vest primary responsibility for the protection of the public health and safety from radiation hazards in the U.S. Public Health Service and in the public health agencies of the States and local communities.

Mr. President, despite the intense and quite understandable interest of our people and our press during recent years in the possible menace of ionizing radiation to our health and that of our children and our children's children; despite the often talked of effects of fallout resulting from the explosion of nuclear weapons and of the utilization in medicine, dentistry, and pharmacy of equipment and materials which subject both the recipient and the donor to ionizing radiation; despite our growing realization of the probable importance of the differences in degree to which people resident in different places are subjected to the effects of that ionizing radiation which is not manmade but which comes inevitably from natural causes; despite these things, there is no one official in our Government on whom the public can rely to serve as the protector of their health, perhaps of their lives and those of their children, from the dangers which may be inherent in the totality of ionizing radiation from all sources to which they are or may be subjected.

The bill, S. 1628, does not propose any overnight transfer of responsibilities or authority from other agencies of Government to the Public Health Service. The bill does propose two things. The first is that we provide local, State, and Federal public health agencies with the authority and the funds needed to train personnel and otherwise acquire such aptitudes, skills, and abilities as will be needed to properly discharge the heavy responsibility we would vest in them. Secondly, the bill would require the Surgeon General to present to the Congress by February of next year a detailed program for the step-by-step development of such transfers or creation of responsibilities and authority as will assure our people that responsibility for protecting their health against the hazards of ionizing radiation will be vested in those agencies whose responsibility is the protection of our people's health. The Congress would, of course, have the responsibility of accepting, rejecting, or modifying any such program as the Surgeon General may offer.

I repeat, Mr. President, hearings on this most important bill will begin on Thursday of this week. They will be held in the hearing room of the Committee on Labor and Public Welfare in the New Senate Office Building. Our witnesses on that day will be Dr. Russell H. Morgan, Chairman of the National Advisory Committee on Radiation and professor of radiology at Johns Hopkins Medical School, Dr. Herman E. Hilleboe, State health commissioner of the State of New York, representing the Association of State and Territorial Health Officers, and Dr. Berwyn Mattison, executive secretary of the American Public Health Association.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, and after discussing the various measures with the distinguished minority leader, let me state that the unfinished business is Calendar No. 141, Senate bill 44, to authorize the Secretary of the Interior to construct the San Luis unit of the Central Valley project, in 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.

After the further consideration of that measure, the Senate will take up 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 Fed-

eral Reserve System against deposits; 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; 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; and Calendar No. 227, Senate bill 1559, to provide for the striking of medals in commemoration of the 100th anniversary of the first significant discovery of silver in the United States, in June 1859.

In fact, Mr. President, it is the hope of the leadership that it will be possible for the Senate to consider Calendar No. 227, Senate bill 1559, during the morning hour.

Mr. MANSFIELD subsequently said: Mr. President, I announced earlier the schedule of events for the Senate. I wish to make a further announcement. Calendar No. 185, Senate bill 1120, and Calendar No. 186, Senate bill 106 too, will not be considered today. However, we hope to be able to consider them tomorrow.

COMMEMORATIVE MEDALS FOR 100TH ANNIVERSARY OF DISCOVERY OF SILVER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 227, Senate bill 1559.

The VICE PRESIDENT. The bill will be read by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1559) to provide for the striking of medals in commemoration of the 100th anniversary of the first significant discovery of silver in the United States, June 1859.

The VICE PRESIDENT. Is there objection to the request for the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill to provide for the striking of medals in commemoration of the 100th anniversary of the first significant discovery of silver in the United States, June 1859.

Mr. MANSFIELD. Mr. President, I understand there is no opposition to the bill. It provides for the striking of medals in commemoration of the 100th anniversary of the discovery of silver in the United States, in the State of Nevada. So far as I know, the bill has been approved by all the agencies contacted.

At this time, I yield to the Senator from Nevada.

Mr. BIBLE. Mr. President, I shall give merely a brief explanation of the bill. It provides for the striking of medals in commemoration of the 100th anniversary of the discovery of silver in the United States, in the State of Nevada. The centennial celebration will be held the coming June.

The bill has a report from and the support of the Treasury Department; in fact, the form of the bill was suggested by that Department. The bill has agency approval; and I am sure there is no controversy in connection with it.

There is some urgency about the matter, because, in order to be effective, the bill must be passed immediately, and must go to the House of Representatives, and then must go to the President, for his signature.

If there are any questions, I shall be delighted to try to answer them.

The VICE PRESIDENT. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1559) was ordered to be engrossed for a third reading read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundredth anniversary of the first significant discovery of silver in the year 1859 the Secretary of the Treasury is authorized and directed to strike and furnish to the Nevada Silver Centennial Committee one thousand silver medals one and five-sixteenths inches in diameter, with suitable emblems, devices, and inscriptions to be determined by the Secretary. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes.

SEC. 2 (a) The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

(b) Upon authorization from the Nevada Silver Centennial Committee, the Secretary of the Treasury shall cause duplicates in silver of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor).

THE FACTS ON UNEMPLOYMENT

Mr. BRIDGES. Mr. President, the American economy is riding the wave of a massive economic recovery. The outlook for jobs and income this summer is highly favorable.

The latest available figures show that nearly 64 million Americans are at work. This represents an increase in the past year alone of a million and a half jobs.

There has been considerable thought recently about the level of unemployment. Such questions arise as these:

How many people are unemployed?

How bad is the present unemployment situation?

Is employment lagging behind the rate of recovery in production?

What are the prospects of unemployment in the coming months?

Involuntary joblessness is always a serious matter for the individual involved. Nevertheless, the severity of present unemployment levels has been exaggerated in some quarters.

We can act most effectively on behalf of the unemployed if we first get the facts straight on the true dimensions of the problem.

First. How many people are unemployed?

Last month 4.4 million people were unemployed. This compares with the March 1958 recession level of 5.2 million unemployed. It compares with the prerecession March 1957 level of 2.9 million unemployed.

The 4.4 million represent about 5.8 percent of the labor force.

Second. How bad is the present unemployment situation?

The idea of 4.4 million unemployed is not as discouraging as it might seem to be—nor as ominous as some spokesmen imply it is.

First—and most important—the 4.4 million figure is declining; recovery is unquestionably under way. Already the picture is very much improved from last summer's levels of over 5 million unemployed. Many indications point to full recovery later this year.

Second, several hundred thousand are now unemployed, due purely to seasonal factors. When warm weather comes there will be many more jobs, particularly in construction and agriculture. Probably about 250,000 of those who were unemployed in March represented purely seasonal unemployment.

Third, about 3 percent of the labor force in this country is almost always unemployed, due to purely temporary or unusual reasons not involving great personal hardship. These include workers shifting to new jobs; those temporarily laid off; young people looking for their first job; people who are withdrawing from the labor force—for example, retiring; people who have no pressing financial obligations, and have elected to live on unemployment benefits for a time; the sick; and the "unemployable" alcoholics, handicapped workers, and so forth. Even in the boom years following World War II, 1947 and 1948, unemployment was about 3.5 percent of the work force.

Third. Is employment lagging behind the rate of recovery in production?

Some critics of present unemployment rates point out that, while production and output are back to prerecession peaks, employment is still below prerecession levels. This charge ignores the fact that at all times employment lags behind production. This is because, as the economy gets more productive and as new machines and new methods are introduced, the same number of workers can turn out more goods. The remedy is not to lament the increase in productivity, since ultimately this is the only source of higher incomes and an improved standard of living. The remedy is to get people back to work with even more production.

Fourth. What are the prospects of unemployment in the coming months?

Will unemployment remain at its present levels? Or can we expect the situation to improve as it has in the past few months? What will the unemployment picture be in 1960?

While it is never safe to make firm predictions, the prospects are generally favorable. As compared with previous recessions, we are recovering at about the same rate Since in light of hindsight, the recessions of 1949 and 1954 were not serious, the present situation would also appear to be not serious, so long as recovery continues.

If we continue to enjoy the rate of improvement which has taken place since last August, we shall be down to 3.5 percent unemployment by the end of the year.

Another encouraging fact is that the average length of the workweek has recovered its 1957 level. A few months ago, one reason for the "lag" in employment was that companies were lengthening the workweek of existing workers, rather than putting on new workers. Now with the workweek back to over 40 hours, it is likely that future increases in output will come about through more employment, rather than through longer hours for those now employed.

For 1960, the employment picture could be significantly better. Reemployment never gets fully under way until a boom in capital goods takes place. Since the capital goods sector has been somewhat quiet since the summer of 1957, we could be in for a strong recovery there in 1960. In addition, there are indications that 1960 could be a strong year for autos. These two factors could produce a strong resurgence in employment during 1960.

Some further thoughts:

While 5.8 percent of the labor force is unemployed, 5.3 percent of those employed are holding down two jobs. About 3.6 million people are dual jobholders. This would indicate that the job market is not as weak as some critics imply.

One false implication which the critics sometimes draw is that existing levels of unemployment could be automatically reduced merely by an extra billion dollars in Government spending. However, with recovery so fully under way, there is no reason to assume that an extra billion dollars in spending would call forth an equivalent volume of employment. Instead, the extra demand might simply bid up prices and wages for the resources which are already employed.

In many cities where thousands of persons are unemployed, we also find this revealing fact: newspaper want ads list page after page of job openings—jobs available to those looking for work.

Why do these job openings go unfilled, when thousands are unemployed in the same city? The answer involves many considerations. Mostly, the unemployed are not trained for or suitable for the available jobs. But, to a large extent, this curious situation exists because so many of the unemployed are not in bad straits, but recognize their jobless status as temporary.

The unemployment office in Detroit recently said: "The jobs are open, indicating that no one wants to fill them."

One thing is clear from this: an extra shot of deficit spending by Government will not cure this kind of unemployment.

To summarize:

George Meany, AFL–CIO president, has stated that we must reasonably expect to find about 2.5 million unemployed in a free, dynamic economy.

If we deduct first those who are unemployed for seasonal reasons, and, second, the 3 percent who are always found changing jobs, entering and leaving the labor force, and so forth, we find that the actual level of unemployment which we ought to worry about is, perhaps, about 2 million. If we then consider, first, that the momentum of recovery is under way, and, second, that anything the Government might do would not have an impact until several months hence, it appears that unemployment is not the major problem which it is sometimes said to be.

These facts do not indicate that we should do nothing about the unemployed. Unemployment can be a very serious matter for the individuals involved. There is much that wise Government policy can do to help eliminate excessive unemployment. But such policies can best be judged in a context of correct information about the true unemployment situation.

We are just entering a new period of full prosperity, more jobs, and a half-trillion-dollar level of output. More and more Americans are going to work. Pay scales are up and the price level is stable, although inflationary pressures must be watched carefully.

If we follow prudent policies, any unemployment problem which we might face will be quickly corrected.

Mr. President, I am delighted that the Department of Labor has just released new unemployment statistics which further substantiate the remarks I have just made. In April, 1.2 million more persons were employed than in March. That is much more than a seasonal rise in unemployment.

Unemployment is now down to 5.3 percent of the labor force.

More than 2 million more Americans are now at work than at this time last year.

There have been additional signs of the continuing upswing in economic activity. At Hot Springs, the Business Advisory Council of the Department of Commerce has been hearing most favorable reports of many kinds. Some of these good signs were reported yesterday in the Washington Post, and I ask unanimous consent to have printed at this point in the RECORD an article entitled, "Job, Output Increases Reported."

Mr. President, all this is excellent news. Here is abundant evidence that, as I stated earlier, "the American economy is riding the wave of a massive economic recovery."

The prospects for continuing economic progress are exceptionally favorable.

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

JOB, OUTPUT INCREASES REPORTED—PRODUCTION RATE SEEN APPROACHING $500 BILLION

(By Sterling F. Green)

HOT SPRINGS, VA., May 9.—A glowing report on the economy—including word that unemployment dropped by some 500,000 last month—emerged today from a conference of industrialists and Government officials.

Business will keep expanding at least until mid-1960, the experts agreed, and by then will have hit a production rate close to half a trillion dollars a year.

And an auto industry leader predicted that Americans will buy between 6 million and 6.3 million new cars this year, including 500,000 to 600,000 foreign models.

The forecasts were made at a closed meeting of the Commerce Department's Business Advisory Council, made up of the heads of scores of the Nation's biggest corporations, with Secretary of Commerce Lewis L. Strauss, White House economists, and other officials.

REPORT DUE MONDAY

Strauss announced that the monthly job report to be issued Monday will show "a sharp further improvement." Unemployment declined and employment rose in April, both more than seasonally, officials reported.

Strauss gave no figure, but reporters learned from other sources that unemployment is expected to dip below 3,800,000. This is better than in any month since the onset of the recession in 1957 and is more than 1¼ million below the level a year ago.

The improvement was even more striking last month than in March, officials reported privately. In March joblessness declined 387,000 to a total of 4,362,000.

Reporters are barred from sessions of the Advisory Council, but after today's meeting on the economic outlook Strauss and officers of the Council gave newsmen a jubilant briefing.

GRADUAL RISE SEEN

Donald K. David, vice chairman of the Ford Foundation and head of the Council's Economic Policy Committee, said that scores of economists retained by major corporations expect a "gradual, steady, healthy rise, lasting certainly through the first half of the next year."

Total national production is estimated in this quarter at a record rate of $473 billion annually and will rise to $485 billion in the final quarter of the year. David called this an average estimate of the economic consultants.

Mr. DIRKSEN. Mr. President, will the Senator from New Hampshire yield to me?

Mr. BRIDGES. I yield.

Mr. DIRKSEN. I am very much interested in the Senator's observations on the employment and the unemployment situation. I venture the observation that if the most current figures can be secured, probably they will put the matter in even better light. I wonder whether the distinguished Senator from New Hampshire will request unanimous consent that the new figures, which I expect to obtain perhaps within the hour, may be printed in the RECORD as a part of his remarks.

Mr. BRIDGES. I thank the Senator from Illinois. The new figures will substantiate the remarks I have made; and, Mr. President, I ask unanimous consent that they may be printed in the RECORD as part of my remarks.

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

The memorandum subsequently submitted by Mr. BRIDGES is as follows:

COMBINED EMPLOYMENT AND UNEMPLOYMENT RELEASE, APRIL 1959

(This monthly "Combined Employment and Unemployment Release" is being issued

to provide an integrated picture of the employment situation. The report summarizes the employment and unemployment statistics collected by the Department of Commerce and the Department of Labor. Additional details are included in supplementary reports issued by the Bureau of Employment Security in "Unemployment Insurance Claims," the Bureau of Labor Statistics in "Employment, Hours, and Earnings," and the Bureau of the Census in "The Monthly Report on the Labor Force." For an explanation of these series, see the explanatory notes attached to this report.)

The job recovery accelerated in April, as unemployment fell by 700,000 to 3.6 million and total employment rose by 1.2 million to a record for the month of 65 million, Secretary of Labor Mitchell and Secretary of Commerce Strauss jointly announced today. Both these changes were about double the average seasonal improvement for this time of year. An usually large pickup in construction and brisk hiring in "hard goods" manufacturing accompanied the continuing spring expansion in agriculture.

The seasonally adjusted rate of unemployment continued downward to 5.3 percent from 5.8 percent in March and around 6 percent during the winter months. This April, 1 year after the turning point in the recession, the rate of unemployment was about two-thirds of the way back to prerecession levels (4 to 4½ percent). The strong improvement in the last two months was in contrast to the lag in job recovery during the past winter.

In April there was a drop of 150,000 to 1.4 million in the number out of work for 15 weeks or longer. This number was down by half a million from the recession high last year but was still double the level at this time in 1957. As in March, about half of the long-term unemployed were without jobs for over 26 weeks.

The increase in employment over the month was larger than the drop in unemployment because most of the 650,000 persons added to the farm work force were outside the labor force and not seeking work the previous month.

Total nonagricultural employment—including the self-employed, domestics, and unpaid family workers—reached 59.2 million in mid-April, while the number of employees on nonagricultural payrolls climbed to 51.3 million. Both of these totals were up by half a million over the month—much more than the usual seasonal gain—and were more than 1.5 million above the recession low last year.

Employment in manufacturing rose by 30,000 over the month to 16 million instead of showing the usual seasonal decline for this time of year. After slowing down toward the end of 1958, the rate of recovery in manufacturing employment has picked up recently. This April, there were 900,000 more factory jobs than a year ago, but still 800,000 fewer than in April 1957.

Employment in durable goods increased by 75,000 over the month with continued sharp expansion in steel and significant gains in other metals and machinery industries. Employment changes in nondurable goods industries were mainly seasonal except for apparel, where the job drop was less than usual, and rubber, where strikes curtailed activity.

Sizable job gains continued to be reported both in building and in highway construction. The upsurge in construction has been one of the main factors in the recent reduction in unemployment.

Both the factory workweek and earnings increased over the month. The workweek in manufacturing—40.3 hours in April—was 2 hours greater than a year ago, and back to the high levels of April 1955 and 1956. More than half of the gain over the year represented increased overtime. Average weekly earnings reached a record $89.87, up 63 cents over the month. This was more than $9 higher than a year ago, mainly as a result of increased hours and overtime pay. Hourly earnings moved up 1 cent over the month to $2.23, or 12 cents per hour higher than in April 1958.

The number of full-time workers reduced to part-time because of slack work or other economic factors fell to about 1 million in April, less than half the recession high a year earlier. The other group of economic part-time workers—those whose jobs normally provide only part-time work, although they desire full-time jobs—continued at 1.3 million this April, not significantly changed from a year ago.

Insured unemployment under the regular State programs continued to decline more than seasonally, dropping by 360,000 between March and April to 1.8 million. All States showed a decrease except Maine and New Hampshire, which began new benefit years in April. The largest reductions in insured unemployment were in California (42,000), and New York and Pennsylvania (36,000 each). Sizable declines—ranging from 16,000 to 25,000—were reported by Illinois, Massachusetts, Michigan, and Ohio.

Preliminary estimates indicate that 180,000 persons exhausted their regular State benefits in April, compared with 193,000 in March, and 231,000 in April 1958.

Insured joblessness under the temporary unemployment compensation programs declined 84,500 from March to 230,000 in April. In most States, part of the drop can be attributed to limitations of eligibility under the recent 3-month extension to those who had filed a valid claim for temporary benefits before the end of March.

Employment and unemployment indicators

	1959	
	April	March
LABOR FORCE FIGURES (CENSUS): [1]		
Total labor force, including armed forces	71,210,000	70,768,000
Civilian labor force	68,639,000	68,189,000
Employed (total) [2]	65,012,000	63,828,000
In agriculture	5,848,000	5,203,000
In nonagricultural industries	59,163,000	58,625,000
Worked 35 hours or more during week	47,288,000	46,293,000
Worked less than 35 hours during week	10,035,000	10,412,000
Usually work full time at present job	2,759,000	3,094,000
Worked part time for economic reasons	975,000	1,049,000
Worked part time for other reasons	1,784,000	2,045,000
Usually work part time at present job	7,276,000	7,318,000
Worked part time for economic reasons	1,327,000	1,387,000
Worked part time for other reasons	5,949,000	5,931,000
With a job but absent from work entire week	1,840,000	1,920,000
Unemployed (total) [2]	3,627,000	4,362,000
Seasonally adjusted unemployment rate	5.3	5.8
Unemployed 15 weeks or longer	1,398,000	1,544,000
Not in labor force	51,849,000	52,177,000
PAYROLL EMPLOYMENT STATISTICS (BLS)[3]		
Total employees in nonagricultural establishments	51,338,000	50,851,000
Manufacturing	15,991,000	15,961,000
Durable goods	9,285,000	9,210,000
Nondurable goods	6,706,000	6,751,000
Mining	691,000	686,000
Contract construction	2,634,000	2,409,000
Transportation and public utilities	3,877,000	3,865,000
Whole and retail trade	11,099,000	11,069,000
Finance, insurance, and real estate	2,404,000	2,386,000
Service and miscellaneous	6,504,000	6,378,000
Government	8,138,000	8,097,000
Average weekly hours of production workers in manufacturing industries	40.3	40.2
Durable goods	41.0	40.8
Nondurable goods	39.5	39.5
UNEMPLOYMENT INSURANCE STATISTICS (BES)[4]		
Initial claims (State), week ending—		
Apr. 11; Mar. 14	279,600	255,000
Apr. 18; Mar. 21	236,500	253,300
Apr. 25; Mar. 28	229,100	250,500
May 2; Apr. 4	220,900	277,000
Insured unemployment (State), week ending—		
Apr. 4; Mar. 7	1,938,300	2,243,500
Apr. 11; Mar. 14	1,886,100	2,164,600
Apr. 18; Mar. 21	1,802,400	2,077,700
Apr. 25; Mar. 28	1,724,600	2,003,100

[1] Calendar week ending nearest 15th of month.
[2] Data preliminary. (See text.)
[3] Payroll period ending nearest 15th of month. March figures revised, April.
[4] Excludes claims filed under the temporary unemployment compensation programs.

Employment and unemployment indicators—Continued

EXPLANATORY NOTES

Changes in employment and unemployment result from a variety of economic and social forces. Genuine understanding of what is happening in the labor market requires the collection of many different kinds of information. Current statistics on the employment situation are available from three principal sources: (1) Sample surveys of the population, (2) payroll reports from employers, and (3) administrative statistics of unemployment insurance systems. Although there is some inevitable overlap in coverage, the statistics from these separate sources provide information on basically different aspects of employment and unemployment and largely supplement each other.

A sample survey of the population provides the only comprehensive measure of the entire labor force, both employed and unemployed. It also provides information on the characteristics of employed and unemployed persons, such as age, sex, and color, which cannot be readily obtained except from direct enumerations of the population. Other unique information obtained are distributions of the employed by hours worked and by broad occupational attachment and of the unemployed by duration of unemployment. A sample of employers, on the other hand, can report the number of people on establishment payrolls, the hours worked, and the wages paid in nonagricultural industries. Statistics on employment, hours of work, and earnings are provided from this source for a large number of specific industries and areas on a current basis. Not included on these payrolls are several million people who are self-employed, who are hired as domestics, or who work at unpaid jobs. Most nonfarm workers, however, are employed in establishments and these are the basic figures on employment levels and trends for a wide range of specific industries. Finally, administrative statistics of unemployment insurance systems furnish a complete count of new and insured unemployment among the two-thirds of the working population covered by unemployment insurance programs. Although these administrative reports do not cover all of the unemployed, they are valuable as current indicators because the figures are available weekly, are given separately for each State, and show both emerging new unemployment and continued unemployment.

These three series reflect the same underlying economic situations yet measure different aspects of the labor market. It is therefore expected that the numbers will not move in complete harmony from month to month. Some discrepancies may also arise because of sampling variability and response or reporting errors, and administrative factors. The principal purpose of the combined report is to provide a rounded picture of the employment situation based on all of the available information and to promote a better understanding of the different types of data and of differences which may arise from time to time between the various series.

Following is a brief description of each series. For more detail, the publications of the Bureaus compiling the series may be consulted.

Sample surveys of the population—labor force statistics

Bureau of the Census: This Bureau prepares monthly estimates of the population of working age (14 years and over) showing the total number employed, the total unemployed, and the number not in the labor force. The information is obtained from a scientifically selected sample of about 35,000 interviewed households in 330 areas throughout the country and is based on the reported activity or status of the surveyed persons during the calendar week ending nearest the 15th day of the month. The employed total—which is divided between agricultural and nonagricultural pursuits—includes all wage and salary workers and self-employed persons who worked at all during the survey week or who had jobs or businesses from which they were temporarily absent that week because of illness, vacation, or various other reasons; it also includes unpaid workers in family-operated enterprises who worked 15 hours or more during the survey week. The unemployed total includes all jobless persons who were looking for work, regardless of whether or not they were eligible for unemployment insurance. Also counted as unemployed, effective January 1957, are persons on temporary (less than 30-day) layoff and those scheduled to start new wage and salary jobs within 30 days.

Sample surveys of employers—payroll employment statistics

Bureau of Labor Statistics: This Bureau issues monthly statistics of the number of employees on the payrolls of nonagricultural establishments, by industry. The figures are based on reports from a sample of 155,000 employers covering more than 20 million workers. The employment of production and related workers is also shown separately by industry, together with average weekly hours and average hourly and weekly earnings. The employee figures includes all persons who worked or received pay from nonagricultural establishments during the payroll period ending nearest the 15th of the month. Persons on paid sick leave, paid holiday or paid vacation, etc., are included, but not those on leave without pay for the entire payroll period. Persons on the payroll of more than one establishment during the period are counted each time reported.

Unemployment insurance statistics

Bureau of Employment Security: This Bureau issues weekly reports, by State, on the number of initial claims and the volume and rate of insured unemployment under State unemployment insurance programs, including the program of Unemployment Compensation for Federal Employees. Figures are also issued by State on the volume of unemployment compensation for veterans and nationally for the Railroad Retirement Board program. Week to week changes may be affected by holidays and other administrative factors. The count of insured unemployment represents the number of persons reporting a week of unemployment under programs which currently cover about two-thirds of the Nation's labor force. Included are some persons who are only partially unemployed, and excluded are persons such as those who have exhausted their benefit rights, new workers who have not earned rights to unemployment insurance and persons losing jobs not covered by unemployment insurance systems (agriculture, State and local government, domestic service, self-employment, unpaid family work, nonprofit organizations, firms below a minimum size). State initial claims are notices given by those losing jobs covered by State and Federal employee programs that they are starting periods of unemployment. A claimant who continues to be unemployed a full week is then counted in the insured unemployment figure. Initial claim counts are of value as the first indication of emerging new unemployment.

THE MONTHLY REPORT ON THE LABOR FORCE, APRIL 1959

(This report supplements the Combined Employment and Unemployment Release issued jointly today by the Departments of Commerce and Labor. The joint release, issued as a press statement, summarizes the material presented in full detail in this report, along with related data from the Department of Labor.)

A sharp further improvement in the job situation was reported between March and April, according to the latest Census Bureau figures. Employment rose by 1.2 million to 65 million in the week ending April 18, while unemployment fell by 700,000 to 3.6 million. Both these changes were about double the average seasonal gain for this time of year. This April, an unusually large pickup in construction and brisk hiring in some hard goods factory lines accompanied the continuing spring expansion in agriculture. The increase in employment was larger than the drop in unemployment because many of the 650,000 persons added to the farm work force were outside the labor force the previous month, that is, were not seeking work during the winter offseason.

The seasonally adjusted rate of unemployment continued downward to 5.3 percent in April from 5.8 percent in March and around 6 percent during the winter months. The current rate, about one year after the generally accepted turning point in the recession, was approximately two-thirds of the way back to more typical postwar levels (4 to 4½ percent). The strong improvement in the last two months has largely made up for the lag in job recovery noted during the past winter.

Another significant development in April was a drop of 150,000 to an estimated 1.4 million in the number of relatively long-term jobless—those out of work for 15 weeks or longer. This number was down by half a million from the recession high last year but was still double the level at this time in 1957. As in March, about half of the group had been without jobs for 26 weeks or more.

Nonagricultural employment advanced by 550,000 to 59.2 million in April, with virtually all of the increase recorded among men 20 years old or over. The largest part of the increase occurred in seasonally expanding activities, especially construction. Whereas recalls among construction workers nearly always occur in April, the movement this year was much larger than the average for the postwar period. To some extent, job gains among outdoor workers may have been accentuated by the lateness of the survey week (April 12–18), but there is evidence from other sources of record construction outlays this year.

At the same time, the hiring of previously jobless hard-goods workers also continued at a brisk pace. The unemployment rate in this sector came down over the month from 7½ percent to 6 percent (not adjusted for seasonality). This rate had been as high as 12 percent during several months in 1958. The typical level during the 1955–57 boom period, on the other hand, was around 4 percent.

TABLE A.—*Summary of estimates: March and April 1959 and April 1958*

[Thousands of persons 14 years of age and over]

Employment status	Apr. 12–18, 1959	Mar. 8–14, 1959	Apr. 6–12, 1958	Net change	
				March–April 1959	April 1958–1959
Total noninstitutional population	123,059	122,945	121,656	+114	+1,403
Total labor force, including Armed Forces	71,210	70,768	70,681	+442	+529
Civilian labor force	68,639	68,189	68,027	+450	+612
Employed	65,012	63,828	62,907	+1,184	+2,105
Agriculture	5,848	5,203	5,558	+645	+290
Male	4,900	4,505	4,704	+395	+196
Female	949	698	855	+251	+94
Nonagricultural	59,163	58,625	57,349	+538	+1,814
Male	38,898	38,338	37,578	+560	+1,320
Female	20,265	20,287	19,770	−22	+495
Unemployed	3,627	4,362	5,120	−735	−1,493
Male	2,317	2,971	3,492	−654	−1,175
Female	1,310	1,391	1,629	−81	−319
Not in labor force	51,849	52,177	50,975	−328	+874
Seasonally adjusted rate of unemployment	5.3	5.8	7.5		

This report, released today by Robert W. Burgess, Director, Bureau of the Census, Department of Commerce, is based upon the Bureau's current population survey. The estimates are based on a sample and are subject to sampling variability.

LABOR FORCE

The total labor force, including the Armed Forces, increased to 71.2 million, around 450,000 larger than in mid-March. This change resulted principally from the usual spring entry or reentry of seasonal workers (mostly housewives and young persons) into the farm work force.

The year-to-year growth of the labor force in April amounted to 500,000, about equal to the average of recent months but somewhat short of the average rate of growth observed over past years. Some slackening in the rate of labor force growth has been typical during the postwar recessions, when some potential entrants to the labor force apparently have postponed looking for work until conditions improve. The entry of these persons during and after the recovery period has usually made for larger than average increments in the labor force at those times.

Although the West has the smallest population among the Nation's four principal regions, this area accounted for most of the increase in the labor force for the country as a whole between 1957 and 1958. Cutbacks in employment were severe in the West in the downturn stage of the recession, but the recovery occurred earlier and was more vigor-

ous than elsewhere. Most of the gain in this region can be attributed to its rapidly growing population, but the labor force participation rate also advanced from 57.5 percent to 58.3 percent over the year. On the other hand, among the hard hit and more slowly recovering regions, the North Central part of the country experienced an actual decline in its labor force, not attributable to population changes. Participation in the labor force dropped from 58.3 to 57.5 percent of the civilian residents of this region between 1957 and 1958. In the Northeast, the regional labor force barely managed to keep pace with the population growth.

EMPLOYMENT AND HOURS WORKED

The 550,000 rise in nonfarm employment occurred entirely among those who actually worked at their jobs during the survey week. The total temporarily absent from work numbered approximately 2 million in both March and April. The number working full time (35 hours or more a week) rose by 1 million over the month, while those on part-time workweeks decreased by 400,000. Much of the decline in part-time work was due to improvements in weather conditions but the change also reflected the continuing recovery in economic conditions. There was no significant change in the number working in excess of 40 hours either in manufacturing or in nonfarm industries as a whole. In "hard goods" manufacturing, 22 percent of the wage earners had more than 40 hours of work, the same as in April 1957 but still well below the high point reached in several months during 1955 and 1956 (30 percent).

The number of usual full-time workers in nonfarm industries whose hours were below 35 because of economic factors dipped to 975,000 in April. The present level is not materially different from that recorded in the spring of 1956 before cutbacks in the workweek got under way. At its recession peak in March 1958 this economic part-time group was as high as 2.3 million.

Changes in the size of this category preceded changes in employment and unemployment during both the recession and recovery phases of the recent business cycle. Part-time workweeks due to economic factors showed some increase as early as the first quarter of 1957 even though nonfarm employment was still at peak levels. Moreover, rapid improvement in the part-time situation was already apparent during the spring and summer of 1958, whereas employment and unemployment had not yet shown any substantial recovery from recession levels.

TABLE B.—*Persons employed in nonagricultural industries, by hours worked: March and April 1959 and April 1958*

[Thousands of persons 14 years of age and over]

Hours worked, usual status, and reason working part time	Apr. 12–18, 1959	Mar. 8–14, 1959	Apr. 6–12, 1958
Total employed	59,163	58,625	57,349
At work, total	57,323	56,703	55,195
41 hours or more	17,622	17,517	15,507
35 to 40 hours	29,666	28,774	28,658
1 to 34 hours	10,035	10,412	11,030
Usually work full time at present job	2,759	3,094	4,258
Worked part time for economic reasons	975	1,049	2,131
Worked part time for other reasons	1,784	2,045	2,127
Usually work part time at present job	7,276	7,318	6,773
Worked part time for economic reasons	1,327	1,387	1,293
Worked part time for other reasons	5,949	5,931	5,480
With a job but not at work	1,840	1,920	2,154
Average hours for persons at work	40.2	40.0	39.6

On the average, the 975,000 full-time workers on shortened workweeks had 24 hours of work in April, the equivalent of a 3-day workweek. Although the total number of such workers edged down only slightly over the month, there was a good deal of turnover in the group. Roughly half of those on part time for economic reasons in March had returned to full time by April and were replaced by a nearly corresponding number of others whose hours were reduced at least temporarily.

The other group of involuntary part-time workers—those who usually work only part time but want full-time work—remained virtually unchanged over the month at 1.3 million. In contrast to the full-time group on reduced workweeks, there has been no improvement in this latter category since the bottom of the recession and it was still one-half million higher than during the spring months of the 1955–57 period.

During the recent cycle and the postwar period in general, changes in this part-time group preferring full-time work have lagged a good deal behind changes in employment and unemployment. In part, this may reflect their concentration in sectors not immediately responsive to changes in underlying economic conditions. For example, 60 to 65 percent are in trade or in domestic and other services, whereas only 20 to 25 percent are in basic industries such as construction, manufacturing, and transportation. These proportions are just about reversed for those on reduced workweeks who normally work full time.

Other characteristics of the two groups also differ considerably. Those who usually work part time have fewer hours of work (18 versus 24 hours a week, on the average); are much more likely to be women, teenagers, and older men; and include a much smaller proportion of semiskilled operatives but a far larger proportion of service workers and unskilled laborers. The current size and composition of this part-time group, however, indicates that it may now also include a number of normally full-time workers who lost their regular jobs and accepted part-time employment as a temporary expedient.

Agricultural employment rose by 650,000 to 5.8 million in April, one of the largest March-April changes during the postwar period. In part, this development reflected particularly favorable weather and a late survey week. The farm workweek rose seasonally by 4½ hours to 45½ hours and was about the same as in April a year ago. At the same time, the number of farmworkers on part time because of bad weather was 80,000 lower than in March and also under the total of a year ago.

UNEMPLOYMENT

Around 70 percent of the 700,000 drop in unemployment and over the month occurred among men 25 years old and over, reducing the number of jobless in this group to about 350,000 above April 1957 levels. At this time in 1958, unemployment among adult men was approximately 1 million over April 1957 levels.

The influence of seniority rights had presumably caused severe layoffs among young men in the 20 to 34 age group during the early stages of the downturn, but these workers have now recovered up to two-thirds of the previous job loss. The recovery in unemployment has lagged, in contrast, among older men past 65, presumably because once out of work persons in this age group have greater difficulty in finding something new. There has also been little or no change in unemployment from a year ago among teenagers of either sex, whose jobless rates were typically high even before the recession. Among adult women, who experienced sharp job cutbacks last year—mainly those in the 35 to 60 age brackets—the return to 1957 levels has generally been slower than among men of comparable age. The somewhat sharper drop in the unemployment rate for women 25 to 34 partly reflects withdrawals from the labor force because of their greater family responsibilities.

The recently increased tempo of construction activity accounted for about 30 percent of the hiring of jobless workers in nonfarm industries during the past 2 months. There is evidence that a certain number of unemployed factory workers has been taking jobs in construction recently, but the recall of regular construction craftsmen and laborers in April far outweighed this development. The drop in the construction unemployment rate over the month from 18.8 percent to 11.8 brought it down to a prerecession level.

Unemployment rates in a few "hard goods" manufacturing industries have virtually returned to prerecession levels (table C). One of these is the stone-clay-glass industry, where the uptrend is apparently related to construction activity. A more striking example is the primary metals industry where the present jobless rate of 3 percent compares with 13 percent at this time a year ago. In the machinery sectors, unemployment is still substantially above comparable 1957 levels, although down sharply from April 1958. In the automobile industry, the current rate of 9 percent compares with 24 percent last April and 5 percent in April 1957.

TABLE C.—*Unemployment rates for wage and salary workers, by industry group: April 1957 to 1959*

[Percent of labor force in industry who were unemployed; not adjusted for seasonality]

Industry group	1959	1958	1957
Agriculture	8.4	13.7	5.5
Nonagricultural industries	5.4	8.0	4.2
Mining	9.2	12.7	5.0
Construction	11.8	16.2	11.7
Manufacturing	6.1	10.6	4.6
Durable goods	6.0	11.9	3.9
Primary metal industries	3.3	12.9	2.7
Fabricated metal products	5.0	10.7	3.9
Machinery, except electrical	4.1	10.4	2.3
Electrical machinery	6.6	10.4	3.8
Transportation equipment	6.2	13.8	3.7
Automobiles	8.6	24.2	5.0
All other	4.5	6.3	2.7
Other durable goods industries	8.4	11.8	6.4
Nondurable goods	6.3	8.8	5.6
Transportation, communication, and other public utilities	3.6	7.1	3.0
Railroad and railway express	4.2	12.0	3.7
Other transportation	5.7	8.1	3.4
Communication and public utilities	1.3	3.0	2.0
Wholesale and retail trade	5.6	7.9	4.2
Service industries	3.8	4.1	2.8
Finance, insurance, and real estate	3.3	2.4	1.4
Professional services	2.0	2.3	1.6
All other services	6.1	6.6	4.6
Public administration	2.1	3.1	1.7

Employment and unemployment—like most other measures of economic activity—are subject to appreciable seasonal variations, that is, fluctuations which recur fairly regularly at certain times of the year. In recent years, procedures for calculating seasonal adjustment factors and seasonally adjusted data on the Bureau's electronic computers have been successfully applied to the employment and unemployment statistics published in this report.

The seasonal adjustment method programed for the electronic computers is an elaboration of the standard ratio-to-moving-average method, with a provision for moving adjustment factors to take account of changing seasonal patterns. Even since World War II, seasonal patterns in several major employment series have changed appreciably. A number of refinements have already been added to the original program prepared in 1954, and the method will be further revised if warranted on the basis of future study and experience. Tests show that in its present form it yields seasonal adjustment factors of a high quality for most time series. A detailed description and illustration of the method appears in appendixes II and III of

"Current Population Reports," series P–50, No. 82, "Seasonal Variations in the Labor Force, Employment, and Unemployment."

Seasonal adjustment factors for the major components of the labor force to be applied specifically to the data for 1957 and later are shown in table D. These factors are consistent with the definitions of "employment" and "unemployment" adopted in January 1957. In computing the factors, the pre-1957 data were adjusted insofar as possible to reflect the changes in definitions. In accordance with the Bureau's policy, the factors are recomputed at the conclusion of each calendar year, but those in current use are ordinarily replaced only if a significant change in seasonal patterns is indicated.

Different factors would have been used in adjusting the published series based on the definitions in effect prior to 1957. For major components of the labor force, these factors are provided in table D of series P–50, No. 82.

The factors presented in this report represent approximations of the seasonal component in each of the series shown, and describe the direction and relative magnitude of the seasonal changes during the year. Differences from 100 percent in the factors for a given month represent normal deviations from the annual average in that month. The factors are frequently used to seasonally adjust the original series, that is, to derive series from which seasonal fluctuations have been removed insofar as possible.

The only seasonally adjusted statistic regularly presented in this report is the unemployment rate in tables A and 1 (unadjusted rate also shown in tables 1 and 2). Other monthly estimates may be seasonally adjusted by dividing them by the corresponding adjustment factor for that month. For example, total civilian employment was estimated at 62,311,000 in March 1958 while the adjustment factor for total employment for that month (table D) is 97.7. Dividing the original estimate by the factor yields a seasonally adjusted employment figure for that month of 63,778,000. One way of describing that figure is to state that, on an annual average basis, total employment was at 63.8 million in March 1958.

TABLE D.—*Seasonal adjustment factors for the labor force and its major components to be used for 1957 and 1958*

[Applicable to figures based on definitions adopted in 1957]

Month	Civilian labor force	Employment			Unemployment	
		Total	Agriculture	Nonagricultural industries	Total	Rate[1]
January	97.6	96.8	80.7	98.7	114.3	116.9
February	97.6	96.9	81.6	98.8	113.2	115.7
March	98.2	97.7	85.8	99.1	108.3	110.2
April	98.7	98.7	93.5	99.3	99.0	100.3
May	100.1	100.2	106.1	99.5	98.5	98.6
June	102.6	102.0	118.7	100.1	116.0	113.4
July	103.0	102.9	117.2	100.9	105.5	102.6
August	101.8	102.4	110.8	101.4	89.6	88.1
September	100.5	101.3	111.6	100.3	83.1	82.5
October	100.8	101.8	112.7	100.6	78.5	77.8
November	100.1	100.3	97.0	100.7	95.5	95.0
December	99.3	99.3	84.4	100.9	98.6	99.0

[1] Unemployment as percent of civilian labor force.

Seasonally adjusted estimates, like the original data on which they are based, are subject to sampling variability as well as response errors and biases. No specific computations have as yet been made to measure the sampling variability of the seasonally adjusted data, but it probably is not much different from that of the unadjusted figures (see tables E to G). For the seasonally adjusted rate of unemployment, changes from month to month would have to be almost two-tenths of 1 percent before they could be regarded as statistically significant at the two-thirds confidence interval (one standard error).

In evaluating deviations from the seasonal pattern—that is, changes in a seasonally adjusted series—it is also important to note that seasonal adjustment is merely an approximation based on past experience. Furthermore, nonseasonal changes may be secular, cyclical, or irregular, or any combination of these fluctuations. Secular growth is exemplified by the expansion of the Nation's labor force over time as the population of working age continues to increase. Irregular phenomena, such as weather conditions, the timing of the survey week in relation to peak activity, strikes, etc., may cause departures from average seasonal expectations.

Population coverage: Except as otherwise specified, the data presented in this report relate to the civilian noninstitutional population of the United States 14 years of age and over which comprises all civilians living within the continental United States except inmates of penal institutions, homes for the aged, infirm, and needy, mental institutions, tuberculosis sanitariums, and similar places. A few of the tables include members of the Armed Forces as part of the categories "Total noninstitutional population" and "Total labor force."

Source of data: The estimates are based on data obtained monthly in the Current Population Survey of the Bureau of the Census. The current sample design, instituted in May 1956, is spread over 330 areas comprising 638 counties and independent cities, with coverage in each of the 48 States and the District of Columbia. Approximately 35,000 households are interviewed each month. Another 1,500 occupied units, on the average, are visited but interviews are not obtained because the occupants are not found at home after repeated calls or are unavailable for some other reason. There are also about 5,500 sample units in an average month which are visited but are found to be vacant or otherwise not to be enumerated. The previous sample design, in use from January 1954 through April 1956, was spread over 230 sample areas comprising 453 counties and independent cities. Data on the Armed Forces are obtained from the Department of Defense.

Survey week: Beginning with data for July 1955, the estimates relate to the calendar week (Sunday through Saturday) which contains the 12th of the month. For prior months, data relate to the calendar week containing the 8th of the month.

Employment status concepts

Employed: Employed persons comprise those who, during the survey week, were either (a) "at work"—those who did any work for pay or profit, or worked without pay for 15 hours or more on a family farm or business; or (b) "with a job but not at work"—those who did not work and were not looking for work but had a job or business from which they were temporarily absent because of vacation, illness, industrial dispute or bad weather, or because they were taking time off for various other reasons. Prior to 1957, the statistics also included in the group "with a job but not at work" persons on layoff who had definite instructions to return to work within 30 days of the date of layoff—now classified as "unemployed"—and persons waiting to report to new wage and salary jobs scheduled to start within the following 30 days, now classified either as "unemployed" or (if in school during the survey week) as "not in the labor force."

Unemployed: Unemployed persons include those who did not work at all during the survey week and were looking for work. Also included as "unemployed" are those who did not work at all during the survey week and (a) were waiting to be called back to a job from which they had been laid off; or (b) were waiting to report to a new wage or salary job scheduled to start within the following 30 days (and were not in school during the survey week); or (c) would have been looking for work except that they were temporarily ill or believed no work was available in their line of work or in the community.

Prior to 1957, part of group (a) above—those whose layoffs were for definite periods of less than 30 days—were classified as "employed" (with a job but not at work) rather than as "unemployed," as were all of the persons in group (b) above (waiting to start new jobs within 30 days).

Labor force: The civilian labor force comprises the total of all civilians classified as "employed" or "unemployed" in accordance with the criteria described above. The total labor force also includes members of the Armed Forces stationed either in the United States or abroad.

Not in labor force: All civilians 14 years of age and over who are not classified as employed or unemployed are defined as "not in labor force." These persons are further classified as "engaged in own home housework," "in school," "unable to work" because of long-term physical or mental illness, and "other." The "other" group includes for the most part retired persons, those reported as too old to work, the voluntarily idle, and seasonal workers for whom the survey week fell in an off season and who were not reported as unemployed. Persons doing only incidental unpaid family work (less than 15 hours) are also classified as "not in labor force." Since January 1957, the category "not in labor force—in school" includes a small group formerly classified as employed (with a job but not at work), namely, persons attending school during the survey week who had new jobs to which they were scheduled to report within 30 days. Persons—whether or not attending school—who had new jobs not scheduled to begin until after 30 days (and not working or looking for work) are classified as not in labor force under both the new and old definitions.

Occupation, industry, and class of worker: Occupation, industry, and class of worker data apply to the job held in the survey week. Persons with two or more jobs are classified in the job at which they worked the greatest number of hours.

The major occupation groups used here are the same as those used in the "1950 Census of Population." The categories shown within some of the major groups are either detailed occupations or combinations thereof. The composition of these groups is available upon request from the Bureau of the Census.

The industry groups used here are mainly major groups used in "1950 Census of Population." The composition of the major industry groups is shown in volume II of the "1950 Census of Population."

The class-of-worker breakdown specifies "Wage and salary workers," subdivided into private and government workers, "Self-employed workers," and "Unpaid family workers." Wage and salary workers receive wages, salary, commission, tips, pay in kind, or piece rates from a private employer or from a governmental unit. Self-employed workers have their own business, profession, or trade, or operate a farm, for profit or fees. Unpaid family workers work without pay on a farm or in a business operated by a member of the household to whom they are related by blood or marriage.

Hours of work: The statistics on hours of work relate to the actual number of hours worked during the survey week. For persons working in more than one job, these figures relate to the number of hours worked in all jobs during the week. Average hours is an arithmetic mean computed from a distribu-

tion of single hours of work. Persons with jobs but not at work during the survey week are excluded from the computations.

Persons designated as working "full time" are those who worked 35 hours or more in the survey week; those designated as "part time" are persons who worked between 1 and 34 hours. Part-time workers are further classified by their usual status at their present job (either full time or part time) and by their reason for working part time during the survey week (economic or other reasons). "Economic reasons" include: Slack work, material shortages, repairs to plant or equipment, start or termination of job during the week, and inability to find full-time work. "Other reasons" include: Labor dispute, bad weather, own illness, vacation, demands of home housework, school, etc., no desire for full-time work, full-time worker only during peak season, and other such reasons.

Duration of unemployment: The duration of unemployment represents the length of time (through the current survey week) during which persons classified as unemployed had been continuously looking for work or would have been looking for work except for temporary illness, or belief that no work was available in their line of work or in the community. For persons on layoff, duration of unemployment represents the number of full weeks since the termination of their most recent employment.

Comparability with related data: The employment data shown here were obtained by interviews with occupants of households and will differ from employment data based on reports from individual business establishments and farms. "The Monthly Report on the Labor Force" provides information about the work status of the whole population, without duplication. Persons employed at more than one job are counted only once as employed, and are classified according to the job at which they worked the greatest number of hours during the survey week. Estimates based on reports from business establishments and farms, on the other hand, count more than once persons who work for more than one establishment. Differences will also arise from the fact that other estimates, unlike those presented here, generally exclude private household workers, unpaid family workers, and self-employed persons, and may include workers less than 14 years of age. In addition, persons with a job but not at work are included with the employed in the estimates shown here, whereas only part of this group is likely to be included in employment figures based on establishment payroll reports.

For a number of reasons, the unemployment estimates of the Bureau of the Census are not directly comparable with the published figures for unemployment compensation claims or claims for veterans' readjustment allowances. In the first place, certain persons such as private household workers and State and local government workers are usually not eligible for unemployment compensation. Also, the qualifications for drawing unemployment compensation differ from the definition of unemployment used by the Bureau of the Census. For example, persons with a job but not at work and persons working only a few hours during the week are sometimes eligible for unemployment compensation, but are classified by the Bureau as employed. Furthermore, some persons may be reported as not looking for work even though they might consider themselves available for jobs and be eligible for unemployment compensation.

Rounding of estimates: Individual figures are rounded to the nearest thousand without being adjusted to group totals, which are independently rounded. Percentages are based on the rounded absolute numbers.

Reliability of estimates: Since the estimates are based on a sample, they may differ somewhat from the figures that would have been obtained if a complete census had been taken using the same schedules, instructions, and enumerators. As in any survey work, the results are also subject to errors of response and reporting. These may be relatively large in the case of persons with irregular attachments to the labor market.

The standard error is primarily a measure of sampling variability, that is, the variations that might occur by chance because only a sample of the population is surveyed. As calculated for this report, the standard error also partially measures the effect of response and enumeration errors, but does not reflect any systematic biases in the data. The chances are about 68 out of 100 that an estimate from the sample would differ from a complete census by less than the standard error. The chances are about 95 out of 100 that the difference would be less than twice the standard error and about 99 out of 100 that it would be less than 2½ times as large.

TABLE E.—*Standard error of major employment status categories*

Employment status and sex	Standard error—	
	Monthly level	Month-to-month change
BOTH SEXES		
Civilian labor force	250,000	180,000
Employed in agriculture	230,000	120,000
Employed in nonagricultural industries	300,000	180,000
Unemployed	100,000	100,000
MALE		
Civilian labor force	120,000	90,000
Employed in agriculture	150,000	90,000
Employed in nonagricultural industries	200,000	120,000
Unemployed	75,000	90,000
FEMALE		
Civilian labor force	180,000	150,000
Employed in agriculture	75,000	65,000
Employed in nonagricultural industries	180,000	120,000
Unemployed	65,000	65,000

TABLE F.—*Standard error of level of monthly estimates*

Size of estimate	Both sexes		Male		Female	
	Total or white	Nonwhite	Total or white	Nonwhite	Total or white	Nonwhite
10,000	5,000	5,000	7,000	5,000	5,000	5,000
50,000	11,000	10,000	14,000	10,000	10,000	10,000
100,000	15,000	14,000	20,000	14,000	14,000	14,000
250,000	24,000	21,000	31,000	21,000	22,000	21,000
500,000	34,000	30,000	43,000	30,000	31,000	30,000
1,000,000	48,000	40,000	60,000	40,000	45,000	40,000
2,500,000	75,000	50,000	90,000	50,000	70,000	50,000
5,000,000	100,000	50,000	110,000	------	100,000	------
10,000,000	140,000	------	140,000	------	130,000	------
20,000,000	180,000	------	150,000	------	170,000	------
30,000,000	210,000	------	------	------	------	------
40,000,000	220,000	------	------	------	------	------

The estimates of standard errors shown in the following tables are approximations for the 330-area sample. Corresponding figures for the 230-area sample may be found in previous reports in this series (see "Current Population Reports," series P–57, No. 166). Table E shows the average estimates of standard errors for the major employment status categories. The figures presented in table F are to be used for other characteristics and are approximations of the standard errors of all such characteristics. In order to derive standard errors which would be applicable to a wide variety of labor force items and could be prepared at a moderate cost, a number of approximations were required. As a result, table F should be interpreted as providing an indication of the order of magnitude of the standard errors rather than as the precise standard error for any specific item.

The standard error of the change in an item from one month to the next month is more closely related to the standard error of the monthly level for that item than to the size of the specific month-to-month change itself. Thus, in order to use the approximations to the standard errors of month-to-month changes as presented in table G, it is first necessary to obtain the standard error of the monthly level of the item in table F, and then find the standard error of the month-to-month change in table G corresponding to this standard error of level. It should be noted that table G applies to estimates of change between 2 consecutive months. Changes between the current month and the same month last year, or between 2 other nonconsecutive months, will generally be subject to somewhat greater sampling variability than is indicated in table G.

Illustration: Assume that the tables showed the total number of persons working a specific number of hours, as 15 million, an increase of 500,000 over the previous month. Linear interpolation in the first column of table F shows that the standard error of 15 million is about 160,000. Consequently, the chances are about 68 out of 100 that the figure which would have been obtained from a complete count of the number of persons working the given number of hours would have differed by less than 160,000 from the sample estimate. Using the 160,000 as the standard error of the monthly level in table G, it may be seen that the standard error of the 500,000 increase is about 135,000.

TABLE G.—*Standard error of estimates of month-to-month change*

Standard error of monthly level	Standard error of month-to-month change	
	Estimates relating to agricultural employment	All estimates except those relating to agricultural employment
10,000	14,000	12,000
25,000	35,000	26,000
50,000	70,000	48,000
100,000	100,000	90,000
150,000	110,000	130,000
200,000	------	160,000
250,000	------	190,000
300,000	------	220,000

The statistics by age and sex in table 2 are generally subject to smaller sampling variability than would be indicated by reference to tables F and G. The reductions are particularly large for estimates amounting to a substantial part of the total population in the specific age-sex category (for example, the number of males in the labor force in most age groups). For estimates comprising small proportions of the total population (such as the unemployed or certain categories of the group not in the labor force) the standard errors in tables F and G constitute satisfactory approximations.

The reliability of an estimated percentage, computed by using sample data for both numerator and denominator, depends upon both the size of the percentage and the size of the total upon which the percentage is based. Estimated percentages are relatively more reliable than the corresponding absolute estimates of the numerator of the percentage, particularly if the percentage is large (50 percent or greater).

TABLE 1.—*Employment status of the noninstitutional population of the United States*

[Thousands of persons 14 years of age and over]

Week ending—	Total noninstitutional population	Total labor force, including Armed Forces		Civilian labor force							Not in labor force
					Employed			Unemployed			
		Number	Percent of noninstitutional population	Total	Total	Agriculture	Nonagricultural industries	Number	Percent of civilian labor force		
									Not adjusted for seasonality	Adjusted for seasonality	
BOTH SEXES											
July 13, 1957	120,579	73,051	60.6	70,228	67,221	7,772	59,449	3,007	4.3	4.2	47,528
Aug. 17, 1957	120,713	71,833	59.5	68,994	66,385	6,823	59,562	2,609	3.8	4.3	48,880
Sept. 14, 1957	120,842	71,044	58.8	68,225	65,674	6,548	59,156	2,552	3.7	4.5	49,797
Oct. 12, 1957	120,983	71,299	58.9	68,513	66,005	6,837	59,168	2,508	3.7	4.7	49,684
Nov. 16, 1957	121,109	70,790	58.5	68,061	64,873	5,817	59,057	3,188	4.7	4.9	50,318
Dec. 14, 1957	121,221	70,458	58.1	67,770	64,396	5,385	59,012	3,374	5.0	5.0	50,763
Jan. 18, 1958	121,325	69,379	57.2	66,732	62,238	4,998	57,240	4,494	6.7	5.8	51,947
Feb. 15, 1958	121,432	69,604	57.5	67,160	61,988	4,830	57,158	5,173	7.7	6.7	51,627
Mar. 15, 1958	121,555	70,158	57.7	67,510	62,311	5,072	57,239	5,198	7.7	7.0	51,397
Apr. 12, 1958	121,656	70,681	58.1	68,027	62,907	5,558	57,349	5,120	7.5	7.5	50,975
May 17, 1958	121,776	71,603	58.8	68,965	64,061	6,272	57,789	4,904	7.1	7.2	50,173
June 14, 1958	121,900	73,049	59.9	70,418	64,981	6,900	58,081	5,437	7.7	6.8	48,851
July 12, 1958	121,993	73,104	59.9	70,473	65,179	6,718	58,461	5,294	7.5	7.3	48,889
Aug. 16, 1958	122,092	72,703	59.5	70,067	65,367	6,621	58,746	4,699	6.7	7.6	49,389
Sept. 13, 1958	122,219	71,375	58.4	68,740	64,629	6,191	58,438	4,111	6.0	7.2	50,844
Oct. 18, 1958	122,361	71,743	58.6	69,111	65,306	6,404	58,902	3,805	5.5	7.1	50,618
Nov. 15, 1958	122,486	71,112	58.1	68,485	64,653	5,695	58,958	3,833	5.6	5.9	51,374
Dec. 13, 1958	122,609	70,701	57.7	68,061	63,973	4,871	59,102	4,108	6.0	6.1	51,909
Jan. 17, 1959	122,724	70,027	57.1	67,430	62,706	4,693	58,013	4,724	7.0	6.0	52,697
Feb. 14, 1959	122,832	70,062	57.0	67,471	62,722	4,692	58,030	4,749	7.0	6.1	52,770
Mar. 14, 1959	122,945	70,768	57.6	68,189	63,828	5,203	58,625	4,362	6.4	5.8	52,177
Apr. 18, 1959	123,059	71,210	57.9	68,639	65,012	5,848	59,163	3,627	5.3	5.3	51,849
MALE											
July 13, 1957	58,879	50,307	83.4	47,517	45,713	5,975	39,738	1,803	3.8	3.9	8,573
Aug. 17, 1957	58,939	49,745	84.4	46,940	45,344	5,391	39,953	1,596	3.2	4.1	9,195
Sept. 14, 1957	58,996	48,620	82.4	45,835	44,270	5,115	39,155	1,565	3.4	4.5	10,375
Oct. 12, 1957	59,060	46,503	82.1	45,751	44,157	5,292	38,865	1,594	3.5	4.7	10,557
Nov. 16, 1957	59,116	48,286	81.7	45,589	43,548	4,834	38,713	2,041	4.5	4.9	10,831
Dec. 14, 1957	59,164	48,096	81.3	45,440	43,047	4,634	38,413	2,392	5.3	5.0	11,068
Jan. 18, 1958	59,206	47,801	80.7	45,186	42,045	4,399	37,646	3,141	7.0	5.6	11,406
Feb. 15, 1958	59,251	47,944	80.9	45,332	41,700	4,271	37,429	3,632	8.0	6.4	11,307
Mar. 15, 1958	59,305	48,126	81.1	45,510	41,767	4,427	37,340	3,743	8.2	7.0	11,179
Apr. 12, 1958	59,346	48,396	81.5	45,774	42,282	4,704	37,578	3,492	7.6	7.3	10,951
May 17, 1958	59,398	48,858	82.3	46,252	42,986	5,024	37,962	3,266	7.1	7.3	10,540
June 14, 1958	59,453	50,005	84.1	47,406	43,884	5,296	38,588	3,521	7.4	[1] 6.8	9,448
July 12, 1958	59,492	50,359	84.6	47,759	44,247	5,346	38,901	3,513	7.4	7.7	9,133
Aug. 16, 1958	59,536	50,017	84.0	47,412	44,331	5,291	39,040	3,081	6.5	7.9	9,919
Sept. 13, 1958	59,596	48,759	81.8	46,155	43,539	4,916	38,623	2,615	5.7	7.4	10,838
Oct. 18, 1958	59,663	48,756	81.7	46,155	43,701	5,008	38,693	2,454	5.3	7.2	10,907
Nov. 15, 1958	59,718	48,418	81.1	45,822	43,318	4,704	38,614	2,504	5.5	6.0	11,300
Dec. 13, 1958	59,773	48,190	80.6	45,601	42,699	4,235	38,464	2,902	6.4	6.1	11,582
Jan. 17, 1959	59,822	47,981	80.2	45,417	42,135	4,154	37,981	3,282	7.2	5.9	11,841
Feb. 14, 1959	59,868	48,073	80.3	45,514	42,156	4,165	37,991	3,359	7.4	5.9	11,795
Mar. 14, 1959	59,918	48,360	80.7	45,813	42,842	4,505	38,338	2,971	6.5	5.5	11,558
Apr. 18, 1959	59,967	48,653	81.1	46,114	43,798	4,900	38,896	2,317	5.0	4.8	11,314
FEMALE											
July 13, 1957	61,700	22,745	36.9	22,711	21,508	1,797	19,711	1,203	5.3	4.7	38,956
Aug. 17, 1957	61,774	22,088	35.8	22,054	21,041	1,433	19,609	1,013	4.6	4.7	39,686
Sept. 14, 1957	61,846	22,484	36.3	22,390	21,404	1,403	20,001	986	4.4	4.7	39,422
Oct. 12, 1957	61,922	22,796	36.8	22,763	21,849	1,546	20,303	914	4.0	4.8	39,126
Nov. 16, 1957	61,993	22,506	36.3	22,479	21,326	982	20,343	1,147	5.1	5.0	39,488
Dec. 14, 1957	62,057	22,362	36.0	22,330	21,349	751	20,596	981	4.4	5.0	39,695
Jan. 18, 1958	62,119	21,578	34.7	21,546	20,193	599	19,594	1,353	6.3	5.9	40,541
Feb. 15, 1958	62,181	21,861	35.2	21,829	20,288	559	19,729	1,541	7.1	6.9	40,320
Mar. 15, 1958	62,250	22,032	35.4	22,000	20,544	645	19,899	1,456	6.6	6.7	40,218
Apr. 12, 1958	62,310	22,286	35.8	22,254	20,625	855	19,770	1,629	7.3	7.9	40,024
May 17, 1958	62,378	22,745	36.5	22,713	21,075	1,249	19,826	1,638	7.2	7.0	39,633
June 14, 1958	62,446	23,043	36.9	23,012	21,096	1,603	19,493	1,915	8.3	7.0	39,403
July 12, 1958	62,501	22,745	36.4	22,714	20,933	1,373	19,560	1,781	7.8	6.9	39,756
Aug. 16, 1958	62,556	22,686	36.3	22,655	21,036	1,330	19,706	1,619	7.1	7.3	39,870
Sept. 13, 1958	62,623	22,617	36.1	22,586	21,090	1,275	19,815	1,496	6.6	7.1	40,006
Oct. 18, 1958	62,698	22,987	36.7	22,956	21,605	1,396	20,209	1,351	5.9	7.0	39,711
Nov. 15, 1958	62,769	22,695	36.2	22,663	21,334	991	20,343	1,329	5.9	5.7	40,074
Dec. 13, 1958	62,836	22,510	35.8	22,479	21,273	635	20,638	1,206	5.4	6.1	40,326
Jan. 17, 1959	62,902	22,046	35.0	22,013	20,571	539	20,032	1,442	6.6	6.1	40,856
Feb. 14, 1959	62,964	21,989	34.9	21,957	20,566	527	20,039	1,391	6.3	6.3	40,975
Mar. 14, 1959	63,027	22,408	35.6	22,376	20,985	698	20,287	1,391	6.2	6.3	40,619
Apr. 18, 1959	63,092	22,557	35.8	22,525	21,214	949	20,265	1,310	5.8	6.3	40,535

[1] Revised.

TABLE 2.—*Employment status of the noninstitutional population, by age and sex, for the United States: Week of Apr. 12–18, 1959*

[Thousands of persons 14 years of age and over]

Age and sex	Total labor force, including Armed Forces		Civilian labor force						Not in labor force				
	Number	Percent of noninstitutional population	Number	Percent of civilian noninstitutional population	Employed: Agriculture	Employed: Nonagricultural industries	Unemployed: Number	Unemployed: Percent of civilian labor force [1]	Total	Keeping house	In school	Unable to work	Other
Both sexes	71,210	57.9	68,639	57.0	5,848	59,163	3,627	5.3	51,849	34,256	9,947	1,835	5,810
Male	48,653	81.1	46,114	80.3	4,900	38,898	2,317	5.0	11,314	86	4,898	1,119	5,212
14 to 17 years	1,717	31.3	1,663	30.6	413	1,033	217	13.0	3,772	8	3,633	12	120
14 and 15 years	581	20.8	581	20.8	171	356	54	9.3	2,215	3	2,170	3	39
16 and 17 years	1,136	42.2	1,082	41.0	242	677	163	15.0	1,557	5	1,463	9	81
18 to 24 years	6,587	83.8	5,108	80.0	582	4,051	475	9.3	1,276	3	1,107	34	132
18 and 19 years	1,691	72.0	1,286	66.2	215	904	167	13.0	657	----------	574	16	66
20 to 24 years	4,896	88.8	3,822	86.1	367	3,147	308	8.1	619	3	533	18	66
25 to 34 years	11,008	97.5	10,380	97.3	665	9,250	466	4.5	283	5	133	53	92
25 to 29 years	5,264	96.6	4,864	96.3	307	4,290	267	5.5	187	3	112	29	43
30 to 34 years	5,744	98.4	5,517	98.3	358	4,960	198	3.6	96	2	21	24	49
35 to 44 years	11,218	97.8	10,892	97.8	872	9,649	371	3.4	250	9	18	85	138
35 to 39 years	5,832	97.9	5,609	97.8	400	5,002	207	3.7	128	2	15	39	72
40 to 44 years	5,386	97.8	5,283	97.7	472	4,647	164	3.1	122	7	3	46	66
45 to 54 years	9,477	96.2	9,428	96.2	981	8,072	373	4.0	377	7	6	140	224
45 to 49 years	5,085	96.9	5,048	96.8	527	4,353	167	3.3	166	5	6	49	106
50 to 54 years	4,392	95.4	4,380	95.4	454	3,719	206	4.7	211	2	----------	91	118
55 to 64 years	6,318	87.2	6,314	87.2	778	5,241	294	4.7	927	18	----------	261	648
55 to 59 years	3,564	91.1	3,561	91.1	420	2,976	165	4.6	350	7	----------	104	239
60 to 64 years	2,754	82.7	2,753	82.7	358	2,265	129	4.7	577	11	----------	158	409
65 years and over	2,330	34.5	2,330	34.5	610	1,601	120	5.2	4,429	37	----------	535	3,857
65 to 69 years	1,264	47.8	1,264	47.8	260	921	83	6.6	1,379	7	----------	127	1,245
70 years and over	1,066	25.9	1,066	25.9	350	680	37	3.5	3,050	30	----------	408	2,612
Female	22,557	35.8	22,525	35.7	949	20,265	1,310	5.8	40,535	34,171	5,050	716	598
14 to 17 years	913	17.1	913	17.1	66	723	124	13.6	4,412	297	4,069	4	42
14 and 15 years	261	9.6	261	9.6	29	217	15	5.9	2,445	49	2,380	----------	16
16 and 17 years	652	24.9	652	24.9	37	506	109	16.7	1,967	248	1,689	4	26
18 to 24 years	3,453	44.4	3,436	44.3	55	3,066	316	9.2	4,324	3,362	911	10	41
18 and 19 years	1,060	46.1	1,054	46.0	15	899	140	13.3	1,238	613	602	2	21
20 to 24 years	2,393	43.7	2,382	43.6	40	2,167	176	7.4	3,086	2,749	309	8	20
25 to 34 years	4,094	35.2	4,086	35.2	157	3,725	205	5.0	7,526	7,396	46	24	60
25 to 29 years	1,877	34.0	1,872	33.9	54	1,723	96	5.1	3,649	3,592	22	9	26
30 to 34 years	2,217	36.4	2,214	36.3	103	2,002	109	4.9	3,877	3,805	24	15	34
35 to 44 years	5,248	43.6	5,243	43.6	218	4,751	274	5.2	6,794	6,696	10	32	56
35 to 39 years	2,568	41.1	2,565	41.0	112	2,331	123	4.8	3,683	3,639	5	14	26
40 to 44 years	2,680	46.3	2,678	46.3	106	2,420	151	5.7	3,111	3,057	5	18	30
45 to 54 years	5,097	49.3	5,095	49.3	217	4,629	248	4.9	5,233	5,122	8	59	46
45 to 49 years	2,828	51.3	2,827	51.2	112	2,562	152	5.4	2,690	2,648	7	20	16
50 to 54 years	2,269	47.2	2,268	47.1	105	2,067	96	4.2	2,543	2,474	1	39	30
55 to 64 years	2,917	37.2	2,917	37.2	164	2,637	116	4.0	4,929	4,796	5	68	60
55 to 59 years	1,748	41.8	1,748	41.8	98	1,574	76	4.3	2,430	2,372	----------	32	26
60 to 64 years	1,169	31.9	1,169	31.9	66	1,063	40	3.4	2,499	2,424	5	36	34
65 years and over	835	10.2	835	10.2	73	734	28	3.4	7,317	6,503	2	518	293
65 to 69 years	498	16.7	498	16.7	32	447	19	3.8	2,491	2,375	2	60	53
70 years and over	337	6.5	337	6.5	41	287	9	2.7	4,826	4,128	----------	458	240

[1] Not adjusted for seasonality.

NOTE.—Total noninstitutional population may be obtained by summing total labor force and not in labor force; civilian noninstitutional population by summing civilian labor force and not in labor force.

TABLE 3.—*Employment status of the civilian noninstitutional population, by marital status and sex, for the United States: Week of Apr. 12–18, 1959*

[Percent distribution]

Employment status	Male				Female			
	Married, wife present	Married, wife absent	Widowed or divorced	Single	Married, husband present	Married, husband absent	Widowed or divorced	Single
Total, 14 years and over	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Labor force	89.6	84.4	55.0	58.5	30.8	56.8	39.3	45.3
Not in labor force	10.4	15.6	45.0	41.5	69.2	43.2	60.7	54.7
Total in labor force	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Employed	96.6	90.2	90.8	89.2	95.0	91.8	94.4	92.8
Agriculture	9.4	13.3	10.3	15.7	5.6	5.1	2.0	2.3
Nonagricultural industries	87.2	76.9	80.5	73.5	89.4	86.7	92.4	90.5
Unemployed	3.4	9.8	9.2	10.8	5.0	8.2	5.6	7.2

TABLE 4.—*Employment status of the civilian noninstitutional population, for the United States, total and urban, by regions: Week of Apr. 12–18, 1959*

[Percent distribution]

Region	Total						Urban					
	Percent of population 14 years and over		Percent of labor force				Percent of population 14 years and over		Percent of labor force			
			Employed			Unemployed			Employed			Unemployed
	Labor force	Not in labor force	Total	Agriculture	Nonagricultural industries		Labor force	Not in labor force	Total	Agriculture	Nonagricultural industries	
United States	57.0	43.0	94.7	8.5	86.2	5.3	58.0	42.0	94.3	0.9	93.4	5.7
Northeast	57.6	42.4	94.0	2.4	91.6	6.0	58.1	41.9	93.6	.5	93.1	6.4
North Central	57.2	42.8	95.4	11.3	84.1	4.6	57.5	42.5	94.5	.6	93.9	5.5
South	56.0	44.0	94.6	11.9	82.7	5.4	58.6	41.4	94.2	1.7	92.5	5.8
West	57.3	42.7	95.1	7.9	87.2	4.9	57.8	42.2	95.2	1.2	94.0	4.8

TABLE 5.—*Employment status of the civilian noninstitutional population, by color and sex, for the United States: Week of Apr. 12–18, 1959*

[Thousands of persons 14 years of age and over]

Employment status	White			Nonwhite		
	Both sexes	Male	Female	Both sexes	Male	Female
Civilian noninstitutional population	108,340	51,735	56,605	12,150	5,694	6,456
Civilian labor force	61,270	41,611	19,659	7,370	4,504	2,866
Percent of population	56.6	80.4	34.7	60.7	79.1	44.4
Employed	58,369	39,761	18,608	6,644	4,037	2,607
Agriculture	4,986	4,215	771	863	685	178
Nonagricultural industries	53,383	35,546	17,837	5,780	3,352	2,428
Unemployed	2,901	1,850	1,051	726	467	259
Percent of civilian labor force	4.7	4.4	5.3	9.9	10.4	9.0
Not in labor force	47,070	10,124	36,946	4,760	1,190	3,590

TABLE 6.—*Employment status of the male veterans of World War II in the civilian noninstitutional population, for the United States: Week of Apr. 12–18, 1959*

[In thousands]

Employment status	Number
Total male veterans of World War II	14,47.
Civilian labor force	14,087
Employed	13,587
Agriculture	649
Nonagricultural industries	12,938
Unemployed	500
Not in labor force, total	385

TABLE 7.—*Employed persons, by type of industry, class of worker, and sex, for the United States: Week of Apr. 12–18, 1959*

[Thousands of persons 14 years of age and over]

Class of worker	Both sexes	Male	Female
Total employed	65,012	43,798	21,214
Agriculture	5,848	4,900	949
Wage and salary workers	1,594	1,401	193
Self-employed workers	3,161	3,024	137
Unpaid family workers	1,095	475	620
Nonagricultural industries	59,163	38,298	20,265
Wage and salary workers	52,354	33,876	18,478
In private households	2,630	397	2,232
Government workers	7,773	4,756	3,017
Other wage and salary workers	41,952	28,723	13,229
Self-employed workers	6,268	4,960	1,308
Unpaid family workers	540	61	479

TABLE 8.—*Employed persons with a job but not at work, by reason for not working and pay status, for the United States: Week of Apr. 12–18, 1959*

[Thousands of persons 14 years of age and over]

Reason for not working	Total	Nonagricultural industries		
		Total	Wage and salary workers	
			Number	Percent paid
Total with a job but not at work	2,017	1,839	1,533	41.6
Bad weather	90	42	26	
Industrial dispute	68	68	68	
Vacation	437	424	382	81.2
Illness	1,021	934	797	34.0
All other	401	370	259	22.8

NOTE.—Persons on temporary (less than 30-day) layoff and persons scheduled to start new wage and salary jobs within 30 days no longer included in the category "With a job but not at work." Those groups numbered 99,000 and 129,000. respectively, in April.

TABLE 9.—*Persons at work, by hours worked, type of industry, and class of worker, for the United States: Week of Apr. 12–18, 1959*

Hours worked during the survey week	Total	Agriculture				Nonagricultural industries			
		Total	Wage and salary workers	Self-employed workers	Unpaid family workers	Total	Wage and salary workers	Self-employed workers	Unpaid family workers
Number at work, thousands	62,994	5,671	1,539	3,037	1,095	57,323	50,816	5,967	540
Percent	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1 to 34 hours	18.8	31.9	35.4	20.9	57.8	17.6	17.1	18.9	38.8
1 to 14 hours	6.1	7.5	13.7	7.1		6.0	5.8	7.7	
15 to 21 hours	4.9	11.2	9.8	5.7	28.4	4.3	4.1	4.5	16.6
22 to 29 hours	4.0	8.5	7.1	4.6	21.6	3.6	3.5	3.6	12.9
30 to 34 hours	3.8	4.7	4.8	3.5	7.8	3.7	3.7	3.1	9.3
35 to 40 hours	48.5	18.8	18.7	12.1	17.0	51.7	55.7	21.2	23.6
35 to 39 hours	6.0	6.2	4.7	5.3	11.1	5.9	6.2	3.7	9.6
40 hours	42.5	8.6	14.0	6.8	5.9	45.8	49.5	17.5	14.0
41 hours or more	32.8	53.3	46.0	67.1	25.3	30.7	27.3	59.8	37.5
41 to 47 hours	7.8	4.8	4.6	5.0	4.4	8.1	8.2	7.8	3.9
48 hours	7.2	5.1	6.3	5.3	3.0	7.4	7.3	8.5	6.4
49 hours or more	17.8	43.4	35.1	56.8	17.9	15.2	11.8	43.5	27.2
49 to 54 hours	5.6	7.6	8.7	8.6	3.6	5.4	4.8	10.8	5.4
55 to 59 hours	2.4	4.4	6.1	4.5	1.7	2.2	1.8	5.4	2.3
60 to 69 hours	5.1	12.6	10.9	15.0	8.1	4.3	3.2	13.6	8.1
70 hours or more	4.7	18.8	9.4	28.7	4.5	3.3	2.0	13.7	11.4
Average (mean) hours	40.7	45.7	40.4	52.6	34.4	40.2	39.4	46.9	41.0

TABLE 10.—*Persons at work in nonagricultural industries, by full-time or part-time status, by age and sex, for the United States: Week of Apr. 12–18, 1959*

[Percent distribution]

Age and sex	Total at work	Worked 1 to 34 hours during survey week					35 to 40 hours	41 hours or more	Average (mean) hours
		Total	Usually work full time on present job		Usually work part time for—				
			Part time for economic reasons	Part time for other reasons	Economic reasons	Other reasons			
Both sexes	100.0	17.6	1.7	3.1	2.3	10.4	51.7	30.7	40.2
Male	100.0	12.5	1.7	3.3	1.8	5.8	51.2	36.4	42.4
14 to 17 years	100.0	89.8	.5	1.0	4.4	83.9	7.0	3.3	14.9
18 to 24 years	100.0	21.2	2.3	3.2	3.1	12.6	48.2	30.6	38.9
25 to 34 years	100.0	7.7	1.8	3.3	.9	1.7	53.5	38.9	44.0
35 to 44 years	100.0	7.2	1.9	3.4	1.2	.7	51.9	40.9	44.5
45 to 64 years	100.0	8.4	1.3	3.4	2.0	1.7	54.8	36.9	43.6
65 years and over	100.0	33.7	1.4	3.6	3.4	25.3	40.0	26.3	36.3
Female	100.0	27.3	1.8	2.8	3.4	19.3	52.9	19.9	35.9
14 to 17 years	100.0	89.1	.2	.2	2.7	86.0	7.5	3.4	13.1
18 to 24 years	100.0	19.6	1.5	1.8	2.3	14.0	65.2	15.2	36.4
25 to 34 years	100.0	24.9	2.3	3.6	2.7	16.3	57.6	17.5	36.3
35 to 44 years	100.0	25.0	2.4	2.9	3.1	16.6	54.4	20.6	36.9
45 to 64 years	100.0	24.8	1.5	2.8	4.3	16.2	51.4	23.7	37.6
65 years and over	100.0	46.6	1.0	3.4	4.0	38.2	27.3	26.0	32.4

TABLE 11.—*Persons at work in nonagricultural industries, by full-time or part-time status, by marital status and sex, for the United States: Week of Apr. 12–18, 1959*

[Percent distribution]

Marital status and sex	Total at work	Worked 1 to 34 hours during survey week					35 to 40 hours	41 hours or more	Average (mean) hours
		Total	Usually work full time on present job		Usually work part time for—				
			Part time for economic reasons	Part time for other reasons	Economic reasons	Other reasons			
Male	100.0	12.5	1.7	3.3	1.8	5.8	51.2	36.4	42.4
Single	100.0	32.7	1.9	2.7	3.8	24.3	45.4	21.9	34.7
Married, wife present	100.0	8.3	1.5	3.4	1.2	2.2	52.1	39.6	43.9
Other [1]	100.0	16.8	3.0	3.4	4.7	5.7	53.9	29.3	40.6
Female	100.0	27.3	1.8	2.8	3.4	19.3	52.9	19.9	35.9
Single	100.0	26.0	.9	1.5	2.2	21.4	56.9	17.1	34.4
Married, husband present	100.0	29.0	2.1	3.1	3.1	20.7	52.3	18.8	35.9
Other [1]	100.0	24.5	2.0	3.4	5.4	13.7	49.9	25.6	37.7

[1] Includes separated, widowed, and divorced persons.

TABLE 12.—*Persons at work in nonagricultural industries, by full-time or part-time status, by color and sex, for the United States: Week of Apr. 12–18, 1959*

[Percent distribution]

Color and sex	Total at work	Worked 1 to 34 hours during survey week					35 to 40 hours	41 hours or more	Average (mean) hours
		Total	Usually work full time on present job		Usually work part time for—				
			Part time for economic reasons	Part time for other reasons	Economic reasons	Other reasons			
White	100.0	16.5	1.5	3.0	1.7	10.3	51.8	31.6	40.7
Male	100.0	11.8	1.5	3.1	1.4	5.8	50.6	37.6	42.7
Female	100.0	26.0	1.6	2.8	2.3	19.3	54.3	19.7	36.6
Nonwhite	100.0	26.3	3.1	3.9	8.1	11.2	51.4	22.4	37.1
Male	100.0	19.0	3.2	4.8	5.7	5.3	57.7	23.4	39.0
Female	100.0	36.3	3.0	2.5	11.4	19.4	42.7	21.0	34.5

TABLE 13.—*Wage and salary workers by full-time or part-time status, by major industry group, for the United States: Week of Apr. 12–18, 1959*

[Percent distribution]

Major industry group	Total at work	1 to 34 hours					35 to 39 hours	40 hours	41 hours or more			
		Total	Usually work full time on present job		Usually work part time for—				Total	41 to 47 hours	48 hours	49 hours or more
			Part time for economic reasons	Part time for other reasons	Economic reasons	Other reasons						
Agriculture	100.0	35.4	2.0	6.4	11.5	15.5	4.7	14.0	45.0	4.6	6.3	35.1
Nonagricultural industries	100.0	17.1	1.7	3.1	2.4	9.9	6.2	49.5	27.5	8.2	7.3	11.8
Construction	100.0	21.4	5.6	9.1	4.0	2.7	5.7	50.4	22.5	8.5	5.8	8.2
Manufacturing	100.0	9.5	2.4	3.4	1.0	2.7	5.5	62.4	22.5	7.4	7.1	8.0
Durable goods	100.0	7.3	1.6	3.6	.8	1.3	3.1	67.4	22.2	7.0	7.0	8.2
Nondurable goods	100.0	12.6	3.5	3.2	1.3	4.6	8.7	55.7	22.9	8.0	7.3	7.6
Transportation, communication, and other public utilities	100.0	8.3	1.6	2.8	1.1	2.6	4.0	65.2	22.5	7.1	4.7	10.7
Wholesale and retail trade	100.0	21.3	1.2	1.5	2.4	16.2	4.7	34.9	39.1	10.0	10.7	18.4
Service industries	100.0	25.8	.7	2.3	4.2	18.7	9.1	37.6	27.6	8.3	6.2	13.1
Private households	100.0	59.9	1.2	2.1	15.7	40.9	5.8	13.7	20.6	4.7	5.1	10.8
Educational services	100.0	20.6	.3	2.1	1.0	17.2	10.9	36.9	31.6	11.2	4.2	16.2
All other service industries	100.0	17.7	.7	2.4	1.9	12.7	9.4	44.9	28.0	8.2	7.2	12.6
All other industries	100.0	10.1	.9	4.2	1.3	3.7	4.6	60.3	26.1	6.3	7.4	11.4

TABLE 14.—*Persons at work, by full-time or part-time status, by major occupation group, for the United States: Week of Apr. 12–18, 1959*

[Percent distribution]

Major occupation group	Total at work	1 to 34 hours					35 to 39 hours	40 hours	41 hours or more				Average (mean) hours
		Total	Usually work full time on present job		Usually work part time for—				Total	41 to 47 hours	48 hours	49 hours or more	
			Part time for economic reasons	Part time for other reasons	Economic reasons	Other reasons							
Total at work	100.0	18.8	1.6	3.4	2.4	11.3	6.0	42.5	32.8	7.8	7.2	17.8	40.7
Professional, technical, and kindred workers	100.0	11.7	.3	1.8	.5	9.1	6.7	47.2	34.5	10.3	5.0	19.2	42.0
Farmers and farm managers	100.0	20.2	.6	7.7	.7	11.2	5.3	6.7	67.7	4.8	5.3	57.6	53.0
Managers, officials, and proprietors, except farm	100.0	8.0	.6	2.6	.4	4.4	3.9	28.3	59.8	10.1	9.1	40.6	48.9
Clerical and kindred workers	100.0	14.1	.4	2.4	.9	10.4	11.4	60.5	14.0	6.5	3.3	4.2	38.1
Sales workers	100.0	27.2	.6	1.5	1.6	23.5	4.8	30.6	37.3	8.8	9.5	19.0	37.9
Craftsmen, foremen, and kindred workers	100.0	10.0	2.3	4.3	1.4	2.0	3.8	56.6	29.6	8.5	8.6	12.5	41.3
Operatives and kindred workers	100.0	14.5	3.9	3.7	1.9	5.0	5.5	51.9	28.1	8.3	8.1	11.7	40.5
Private household workers	100.0	59.2	1.1	1.3	14.3	42.5	5.7	13.9	21.2	4.8	5.4	11.0	26.9
Service workers, except private household	100.0	26.7	1.0	2.7	3.4	19.6	5.0	35.5	32.8	6.2	12.2	14.4	38.5
Farm laborers and foremen	100.0	46.8	1.2	5.6	7.2	32.8	7.5	9.6	36.0	4.6	4.4	27.0	37.3
Laborers, except farm and mine	100.0	29.8	4.0	7.4	8.2	10.2	4.0	47.9	18.3	6.1	5.3	6.9	35.4

TABLE 15.—*Occupation group of employed persons, by sex, for the United States: Week of Apr. 12–18, 1959*

[Thousands of persons 14 years of age and over]

Occupation group	Both sexes	Male	Female	Percent distribution		
				Both sexes	Male	Female
Total employed	65,012	43,798	21,214	100.0	100.0	100.0
Professional, technical and kindred workers	7,196	4,527	2,669	11.1	10.3	12.6
Medical and other health workers	1,228	484	744	1.9	1.1	3.5
Teachers, except college	1,637	436	1,201	2.5	1.0	5.7
Other professional, technical, and kindred workers	4,331	3,607	724	6.7	8.2	3.4
Farmers and farm managers	3,128	3,004	124	4.8	6.9	.6
Managers, officials, and proprietors, except farm	6,878	5,815	1,063	10.6	13.3	5.0
Salaried workers	3,422	2,886	536	5.3	6.6	2.5
Self-employed workers in retail trade	1,693	1,358	335	2.6	3.1	1.6
Self-employed workers, except retail trade	1,763	1,571	192	2.7	3.6	0.9
Clerical and kindred workers	9,093	2,982	6,111	14.0	6.8	28.8
Stenographers, typists, and secretaries	2,222	78	2,144	3.4	0.2	10.1
Other clerical and kindred workers	6,871	2,904	3,967	10.6	6.6	18.7
Sales workers	4,278	2,703	1,575	6.6	6.1	7.4
Retail trade	2,523	1,116	1,407	3.9	2.5	6.6
Other sales workers	1,755	1,587	168	2.7	3.6	.8
Craftsmen, foremen, and kindred workers	8,438	8,222	216	12.9	18.8	1.0
Carpenters	839	838	1	1.3	1.9	----
Construction craftsmen, except carpenters	1,651	1,643	8	2.5	3.8	----
Mechanics and repairmen	1,975	1,956	19	3.0	4.5	0.1
Metal craftsmen, except mechanics	1,065	1,050	15	1.6	2.4	0.1
Other craftsmen and kindred workers	1,757	1,663	94	2.7	3.8	0.4
Foremen, not elsewhere classified	1,151	1,072	79	1.8	2.4	0.4
Operatives and kindred workers	11,586	8,384	3,202	17.9	19.1	15.1
Drivers and deliverymen	2,375	2,330	44	3.7	5.3	0.2
Other operatives and kindred workers:						
Durable goods manufacturing	3,419	2,610	809	5.3	6.0	3.8
Nondurable goods manufacturing	3,097	1,476	1,621	4.8	3.4	7.6
Other industries	2,694	1,967	727	4.1	4.5	3.4
Private household workers	2,283	53	2,230	3.5	0.1	10.5
Service workers, except private household	5,837	2,724	3,113	9.0	6.3	14.6
Protective service workers	767	737	30	1.2	1.7	.1
Waiters, cooks, and bartenders	1,634	464	1,170	2.5	1.1	5.5
Other service workers	3,436	1,523	1,913	5.3	3.5	9.0
Farm laborers and foremen	2,467	1,680	787	3.8	3.9	3.7
Paid workers	1,386	1,212	174	2.1	2.8	.8
Unpaid family workers	1,081	468	613	1.7	1.1	2.9
Laborers, except farm and mine	3,826	3,703	123	5.9	8.5	.6
Construction	906	903	3	1.4	2.1	----
Manufacturing	1,152	1,086	66	1.8	2.5	.3
Other industries	1,768	1,714	54	2.7	3.9	.3

TABLE 16.—*Major occupation group of employed persons, by color and sex, for the United States: Week of Apr. 12–18, 1959*

Major occupation group	White			Nonwhite		
	Both sexes	Male	Female	Both sexes	Male	Female
Total employed, thousands	58,369	39,761	18,608	6,644	4,037	2,607
Percent	100.0	100.0	100.0	100.0	100.0	100.0
Professional, technical, and kindred workers	11.8	11.0	13.5	4.4	3.4	5.9
Farmers and farm managers	4.9	6.9	.6	3.9	6.1	.5
Managers, officials, and proprietors, except farm	11.6	14.4	5.5	1.9	2.2	1.5
Clerical and kindred workers	14.9	7.0	31.8	5.9	4.8	7.5
Sales workers	7.2	6.7	8.3	1.1	1.2	.9
Craftsmen, foremen and kindred workers	13.8	19.8	1.1	5.4	8.6	.4
Operatives and kindred workers	17.7	18.8	15.2	19.0	22.3	14.0
Private household workers	2.1	.1	6.4	15.8	.5	39.5
Service workers, except private household	8.0	5.4	13.6	17.3	13.9	22.6
Farm laborers and foremen	3.3	3.2	3.3	8.5	10.0	6.3
Laborers, except farm and mine	4.6	6.6	.5	16.8	27.1	.8

TABLE 17.—*Unemployed persons by duration of unemployment, for the United States: Week of Apr. 12–18, 1959*

[Thousands of persons 14 years of age and over]

Duration of unemployment	Number	Percent	Duration of unemployment	Number	Percent
Total unemployed	3,627	100.0	5 to 6 weeks	246	6.8
			7 to 10 weeks	319	8.8
Under 1 week	22	0.6	11 to 14 weeks	283	7.8
1 week	345	9.5	15 to 26 weeks	675	18.6
2 weeks	403	11.1	Over 26 weeks	723	19.9
3 weeks	326	9.0			
4 weeks	286	7.9	Average (mean) duration	16.8	----

Mr. BUSH subsequently said: Mr. President, we have received some extremely good news today in connection with the unemployment problem, concerning which the senior Senator from New Hampshire spoke a few momoments ago.

I have in my hand a United Press dispatch which says:

Unemployment fell by 735,000 in April to 3,627,000—the lowest level since December 1957—the Government reported today.

This is a fantastic situation, Mr. President. There has been a decline of nearly three-quarters of a million in unemployment, which leaves a figure of 3,627,000 unemployed. In this day and age, 3 million unemployed is almost the normal figure with which we have to reckon, so the employment situation has made remarkable improvements. It is most gratifying to every Senator, I am sure, on both sides of the aisle, when we realize confidence is being so rapidly restored, and that there has been such a great reduction in unemployment statistics.

The dispatch also states:

The Commerce and Labor Departments said in a joint report "the job recovery accelerated in April" and the favorable developments mean that two-thirds of the unemployment bulge attributed to the 1957–58 business recession was wiped out.

Average factory earnings rose 63 cents from March. This gave factory workers $89.87 a week in April.

Seymour Wolfbein, the Labor Department chief job expert, noted as "a most encouraging sign" that 450,000 of the unemployment drop included married men with families—a critical sector where it really counts."

Mr. President, I think this is a very happy day and one which must bring great satisfaction to all of us who have been so greatly concerned about this serious problem.

THIRTY-FIFTH ANNIVERSARY OF J. EDGAR HOOVER AS DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION

Mr. BRIDGES. Mr. President, yesterday, May 10, 1959, one of America's most distinguished public servants—J. Edgar Hoover—celebrated his 35th anniversary as Director of the FBI. The citizens of our great Nation on this occasion pay him their homage of respect and admiration. He stands today as a towering bulwark of integrity, courage, and bravery—a man who has given unsparingly of his life that this might be a better country.

HOOVER'S ASCENDANCY IN 1924

As a young man of 29, on that fateful day of May 10, 1924, Mr. Hoover was summoned to the office of then Attorney General Harlan Fiske Stone, later to become Chief Justice of the United States. There he was entrusted with a high responsibility, to head the FBI. These were years when the Department of Justice and the FBI were not held in too high regard. But Mr. Stone, with his uncanny ability for knowing the inner hearts of men, knew that this young attorney was the man for the job, a man who would turn inefficiency into efficiency; political corruption into meticulous honesty; personal favoritism into a system of merit.

This is exactly what Mr. Hoover did. Not a breath of scandal, mismanagement, or malfeasance of office has come from this agency. For more than a generation, under Mr. Hoover's guidance, the FBI has been fighting day and night against the criminal and the subversive, both in times of peace and in times of war. This valiant organization has protected both our internal security and our historic liberties.

HOOVER'S POSITION TODAY

Today this man wears an invisible crown, woven from the respect, admiration, and personal gratitude of men, women, and children throughout the Nation. From Puget Sound to the Keys of Florida, from the rocky mountains of my own New Hampshire to the sands of California, America wants to express its profound thanks to a man who has done so much to protect our democratic traditions. This man has sought no honors, yet they come in great numbers; he has sought no publicity, yet he is known throughout the world; he has sought no rewards, yet from Presidential citations to the simple "thank you" of a child's letter, he knows the esteem in which he is held.

I think it would be highly appropriate if we would pause for a moment to think about some of the contributions of this great American. So much of what he has done has come silently—without fanfare, noise, or acclaim. Always on the job, ever conscientious, inveterately honest, J. Edgar Hoover and the FBI have been the watchdogs of American security. This is today a more secure, a more democratic, a more enlightened Nation because J. Edgar Hoover has served these 35 years as head of the FBI.

HOOVER'S IMPROVEMENT OF LAW ENFORCEMENT

Let me mention, for example, Mr. Hoover's contribution to law enforcement. We need only recall the conditions of law enforcement in the 1920's. So often they were a melee of confusion, inexperience, and jealous jurisdictions. A new police recruit was given a gun and a badge and told, "Go to work." Seldom was he afforded effective training in criminal investigative techniques. Many times he was carrying a loaded gun; yet had little or no training in its use. Scientific crime detection was virtually unknown. Many oldtime officers even laughed at the microscope, the test tube, and chemicals as aids in law enforcement "These newfangled ideas will not work," they laughed in ridicule.

We know the story of crime in the early 1930's—the rise of criminal gangs, the murders and kidnapings. The names of men like John Dillinger, Alvin Karpis, and "Doc" Barker became household words for terror. These desperadoes robbed banks, kidnaped peaceful citizens, and threw entire communities into fear. The law of the jungle had struck into the very heart of America, with the staccato of the machineguns barking up the main streets of many cities. These criminal bands roamed with virtual impunity—mocking the best efforts of law enforcement to defeat them.

FOUNDED FBI LABORATORY

Mr. Hoover, with keen vision, early began to lay the foundations of an effective crime-fighting force. In 1924, he established the FBI Identification Division, making possible the effective use of fingerprints in the war against the criminal. In 1932, he founded the FBI Laboratory. Now the wonders of science opened new ways to combat the lawbreaker. Three years later, in 1935, the FBI National Academy was established—an FBI school to train local police executives and instructors. These and other bold steps revolutionized law enforcement. New dynamism, enthusiasm, and vision were brought to the profession.

The results are available for all to see. The desperate criminal gangs of the 1930's were swept from the land. The FBI, acting in close cooperation with local law enforcement agencies, brought these dangerous criminals to justice. No longer was it possible for gangs to stage bank robbery after bank robbery and seek sanctuary by simply fleeing across State lines. The FBI, operating under new legislation passed by the Congress, hunted the violators to their lairs. Excellent training, scientific crime detection, and a mission of personal dedication were beginning to tell. The criminal now realized he faced a most formidable foe in the new FBI under Mr. Hoover. In fact, the entire law enforcement profession, catching this new spirit, rose to new heights of accomplishment.

HOOVER OPPOSES NATIONAL POLICE AGENCY

Today the Nation can be proud of its excellent law enforcement agencies—Federal, State, and local. Law enforcement in America is the servant of the people, not the ruling master, as in totalitarian countries. Law enforcement is as much interested in gaining evidence to exonerate the innocent as in proving guilt. At all times it strives to protect the historic rights of the individual. Working in voluntary and mutual cooperation, there is no need for any national police agency. Mr. Hoover time after time has opposed the creation of any such organization. It might lead, he so rightfully says, to the abuse of police power.

The efficient operation of law enforcement today—protecting the right of the individual and at the same time the welfare of the Nation—is attributable, in large part, to Mr. Hoover and the FBI.

HOOVER'S CONSTANT ALERTNESS TO SUBVERSION

In the field of subversion Mr. Hoover is a foremost authority. Even before he became Director of the FBI, while serving as a Special Assistant to the Attorney General, he learned about the Communist conspiracy. He did special research work in 1919 on the newly formed Communist Party. In fact, he has personally followed the activities of the Communist Party from the very day of its founding in Chicago in 1919 to the present day. Very few individuals can make that claim.

During these years, Mr. Hoover learned the diabolical techniques of Marxism-Leninism. He saw how this atheistic conspiracy, spawned in evil minds abroad, had jumped the ocean and found root in our land. He knew the fanaticism of the true Communist believer and the utter inhumanity of the doctrines of communism—doctrines which reverse all the historic traditions of our Western culture. Mr. Hoover early learned the sinister menace of communism and labored valiantly to protect his Nation.

While many in America slept, Mr. Hoover and the FBI were awake to the growing power of communism. All through the fateful years of World War II, while ferreting out Axis spies and saboteurs, Mr. Hoover and his men kept close tab on these Moscow henchmen. After the war the investigation of communism and Soviet espionage continued. Names such as Klaus Fuchs, Harry Gold, Julius and Ethel Rosenberg, David Greenglass blazed across newspaper pages—witness to the effective work of the FBI in identifying Soviet spies.

THE COMMUNIST MENACE TODAY

Today the Communist menace still booms. The tramp of the Soviet iron boot can be heard around the world. The anguished cries of millions of suffering men, women, and children testify to the brutal tyranny being exercised over their minds, bodies, and souls. International communism, by military might, diplomacy, infiltration, and propaganda is attempting to make the whole world a satellite of the Kremlin.

The Communist Party, U.S.A., is the obedient vassal of Moscow, determined to enslave our Nation. Any individual who laughs at the Communist danger in America is highly unrealistic. He does not know the true nature of Marxism-Leninism. He has failed to appreciate the devious techniques of a movement which 100 years ago was a mere sect—but today is the ruler of millions. He sees only the surface of life, not the lurking poison without our Nation's borders.

HOOVER AND FBI GUARDIANS OF INTERNAL SECURITY

Mr. Hoover and the FBI stand as guardians of our internal security. Millions of Americans can sleep more soundly every night because they know that this agency is the bulwark defending their rights, lives, and property from the predatory ambitions of enemy agents.

On the occasion of his 35th anniversary as Director of the Federal Bureau of Investigation, we all join to wish Mr. Hoover a most happy anniversary, with the fervent prayer that he will remain as Director of the FBI for many years to come.

America needs him.

His courage has given inspiration to countless men, women, and children.

His integrity is a beacon light to an age in which all too often moral standards are falling.

His humbleness is an example for all of us to emulate.

Here is a man to whom the entire Nation is indebted—a man who on his 35th anniversary is not thinking of retiring or quitting. Rather, he is continuing to give his very best for the people he so dearly loves.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article about Mr. Hoover written by columnist George E. Sokolsky, which appeared in the Washington Post and Times Herald, and other newspapers, on May 8.

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

THIRTY-FIVE YEARS OF SERVICE

(By George E. Sokolsky)

On Sunday, J. Edgar Hoover will have been Director of the FBI for 35 years, which is undoubtedly a record in Government service. His has been a difficult task, for the American people reject the concept of a national police force. He had to establish an organization which would serve when needed but would not bring the full weight of the Federal Government into police activities, which, in this country, remain local.

Hoover took over an agency of Government which had become disreputable and his need was not only to give it a new and more proper orientation but also to find scope for it within our constitutional system. This, J. Edgar Hoover accomplished in spite of all the efforts of Congress and Government officials to enlarge his service into a police agency. Thus Hoover has managed to lead the FBI through World War II and the Korean war without expanding it beyond civil affairs and beyond the strict limits set for it by Congress. The FBI has not become a Federal police agency. It remains a Bureau within the Department of Justice, under the supervision of the Attorney General.

The work of the FBI nevertheless has increased and many activities not originally part of its work are now routine. For instance, over the years, it has developed enormous files of information about persons, associations, organizations, and so forth. It has also its large file of fingerprints. These have become available to local police throughout the country and by modern systems of communications and filing, required data is instantly obtainable, thus making the work of local police more efficient.

The FBI also gathers crime statistics and has set up a proper method of uniform reporting. This has had a moral effect upon police departments, for the municipal politician who likes to falsify his statistics finds himself in difficulties with public opinion when he declines to adopt the uniform reporting method.

There is the FBI National Acadmy to which local police departments send promising police officers to learn the most modern methods of crime prevention and crime detection.

The FBI is charged by Congress, under the Lindbergh law, to step into kidnaping cases, after an interval, to assist local police. This is a great advantage because county and State lines can be crossed by the FBI and it makes it more difficult for the crooks to get away. The FBI also is called into bank embezzlement cases. It is charged with protecting the United States against subversives and such fifth-column activities as the Communists practice.

The FBI has maintained such a high quality of personnel and service that it has won the good will of the American people and the position of J. Edgar Hoover in American life has been extraordinary. He has placed the FBI above and beyond politics.

However, in recent years the FBI has been attacked with more violence than truth, particularly by those doctrinaire groups which run interference for the Communists. The principal charge against the FBI is that it is not as good as it is presumed to be and that J. Edgar Hoover's emphasis on subversion is either designed to enhance his personal popularity or to obtain larger appropriations from Congress.

It is only to be expected that the Communists would attack the FBI and J. Edgar Hoover and that they would employ every method available to humiliate and degrade him in the eyes of the American people and of the world. Their motive is to force his retirement, so that the FBI will become a football of partisan politics and be of no value at all.

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

Mr. BRIDGES. I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I should like to subscribe to the thoughts and expressions of the Senator from New Hampshire in regard to the 35th anniversary of Mr. J. Edgar Hoover as Director of the FBI. Yesterday, May 10, marked this anniversary. I think all America should pay its most grateful respect to J. Edgar Hoover, who has toiled unceasingly against crime and subversion.

He is a man who has dedicated his entire life to the service of his country.

He has become a symbol of honesty, integrity, and courage.

MAN OF MISSION

Mr. Hoover most truly is a man of mission. As Director of the FBI, he has brought into being new concepts of public service—concepts which have made the FBI a revered institution of Government. Senators know the high standards he maintains: integrity in office, dedication to duty, humility of character. His measuring rods are efficiency, honesty, and fair play.

The image of this man has become important to the decent citizens of our Nation, young and old alike. When many other symbols and values have been tarnished by the ravages of time, this man remains firm, granite-like in support of the ideals of America. That is why he has achieved the pinnacle of esteem.

RECOGNIZED EVIL OF COMMUNISM

Keen insight and depth of understanding have characterized Mr. Hoover's career at the helm of the FBI. In years past many Americans—some who should have known better—misread the challenge of communism. The Kremlin leaders were called, by some, mere "social reformers," "20th-century liberals," or "proletarian wonder workers." Nothing dangerous could come from them. Mr. Hoover saw otherwise, and rightly.

From the very beginning, even from the founding days of the Communist Party, he recognized communism as a diabolical evil which corrodes the very heart of man. It is atheistic, imperialistic, and sadistic. Communism will never rest content until it has conquered the entire world. The very essence of Marxism-Leninism is a dynamic fervor to bring men everywhere within its suffocating folds. This is the communism which has smashed freedom in Hungary, which is attacking Tibet, and which threatens our very existence.

Hence, to millions of Americans, Mr. Hoover stands as a leader in our fight

to preserve Americanism against this Kremlin conspiracy. And their faith has not been ill founded. He has indeed stood the test.

BATTLER AGAINST CRIME

Mr. Hoover also has distinguished himself as an uncompromising battler against the evils of crime. He has made the FBI the most widely respected crime-fighting agency in the Nation's history. His courageous words, based on vast experience, have alerted America to the desperate problem of racketeering, corruption, and organized crime.

Mr. President, the celebration of this 35th anniversary is especially timely because in very recent times some vicious well-planned attacks have been made on J. Edgar Hoover and the Federal Bureau of Investigation. These attacks come from various sources, and are probably based on different motives.

These efforts to "get" Hoover and the FBI were the subject of a series of articles written and documented by Edward J. Mowery, Pulitzer Prize journalist from the Newark (N.J.) Star-Ledger. The series appeared in the Star-Ledger February 1–9, 1959.

In his opening article, Mr. Mowery wrote:

WASHINGTON.—Americans are witnessing a brazen and unprecedented attack from a number of apparently diverse sources upon the Federal Bureau of Investigation and J. Edgar Hoover.

Friends of the FBI characterize the crusade as a carefully planned, concerted movement to smear—not merely discredit—Hoover and the internal security agency.

And it has two goals:

(1) To capture the FBI when the 64-year-old Hoover steps down—or render it impotent.

(2) To harass or halt the FBI's current, around-the-clock investigations of subversion.

The campaign received its initial impetus on September 20, 1957, in New York when the Emergency Civil Liberties Committee launched a nationwide anti-FBI drive with a barnstorming tour earmarked for 22 major cities.

(The committee has been cited by the Senate Internal Security Subcommittee as a Communist front.)

On May 4, 1958, Canadian-born industrialist Cyrus Eaton delivered a scathing denunciation of the FBI on ABC–TV.

(Eaton, who first attacked the FBI in 1954, was the star of the telecast sponsored by the Ford Foundation's Fund for the Republic.)

The time was now ripe for a major contribution to the campaign. And it came on October 18.

The Nation, a leftist organ familiar in Capitol cloakrooms and on America's campuses, devoted a 60-page special edition to a massive attack on Hoover and the FBI, illustrated with line drawings in a motif familiar to readers of leftwing periodicals.

Mr. President, after reading the entire series of articles, the Senator from Nebraska considered them sufficiently important to secure consent of the Senate for their publication as a Senate document, which was done on April 10, under Document No. 23. I urge my colleagues and others interested in this phase of National Government and well-being to procure and read these very enlightening and instructive articles written by a qualified authority.

The celebration of J. Edgar Hoover's 35th anniversary with the FBI should have as part of its purpose the determination of all thoughtful and patriotic citizens to carefully and gratefully evaluate and acknowledge the career of dedication and service rendered by this great American.

INSPIRATION TO DECENT CITIZENS

Mr. Hoover is today more than the Director of the FBI, important as that position is. He is an inspiration to decent citizens throughout the country. Our people owe him the highest honors they can bestow. He is a public servant par excellence, his only thought being to help his fellow men. Personal gain, he has scorned; greater governmental power, he has refused; fabulous commercial offers, he has passed by. His heart belongs not to himself, but to America.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I should like to join the Senator from New Hampshire and the Senator from Nebraska in paying tribute to Mr. J. Edgar Hoover on his 35th anniversary as Director of the FBI.

Mr. Hoover has been responsible for the great prestige which his Bureau now enjoys. His service to his country will go down in history as being that of a loyal and hard working public official—a great American.

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

Mr. BRIDGES. I yield to the Senator from Illinois.

Mr. DIRKSEN. I have known J. Edgar Hoover for about 25 years. I think it is worthy of note that always he has kept the FBI within the context of the Department of Justice, has maintained its dignity, and has never let there be imprinted upon the Bureau the kind of stamp which might designate it as an ordinary police agency.

It is amazing to note the high quality of personnel Mr. Hoover has been able to attract to his Bureau, and the high standards which he has established and maintained in the FBI. In so doing, he has kept himself and all his personnel above suspicion.

One other thing I think has endeared him to Members of Congress in every Congress in which I have served, and that is his complete candor before congressional committees. He has spoken very plainly many times in open hearings, and in executive meetings, always having his eye on his interest in the perpetuity of this country and its ideals.

I suppose no one man has done so much to bring fear to those who would, by coercion and force, destroy American ideals. Not only this generation, but later generations to come, will realize the great debt of gratitude they owe to a fine public servant, J. Edgar Hoover.

Mr. MANSFIELD. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield to the Senator from Montana.

Mr. MANSFIELD. I join in the expressions of my distinguished colleague from New Hampshire [Mr. BRIDGES] and my other colleagues, in extending my best wishes and congratulations to J. Edgar Hoover on his 35th anniversary as Director of the FBI.

As the Senator from Illinois [Mr. DIRKSEN] has pointed out, Mr. Hoover has performed outstanding service in combating subversion, and also has rendered valuable service in the field of juvenile delinquency. Only yesterday I noted that Mr. Hoover has warned us that we can expect increased activity in the area of juvenile delinquency. I hope the people of the United States will take heed of his words of warning and do what they can to bring about an alleviation and a lessening of the critical conditions which confront us today in that field.

We have been fortunate indeed to have had J. Edgar Hoover in the position in which he has served for so many years.

We wish him many more years of continued health and success in the future.

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

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

Mr. KEATING. Mr. President, it is a great pleasure for me to join with my colleagues in paying tribute to the great Director of the Federal Bureau of Investigation, J. Edgar Hoover, on this anniversary of his service in that post. I am proud to call this man a friend, and I am proud to stand shoulder to shoulder with him in his unrelenting mission to wipe out crime and subversion in America.

No public official in our country today commands more respect than J. Edgar Hoover. As he completes his 35th year as Director of the Federal Bureau of Investigation, he can be assured that his dedicated service has not gone unnoticed.

On May 10, 1924, Mr. Hoover, as a young man of 29, was promoted to the position of Director of the FBI. Before him loomed the formidable challenge of lifting that Agency from the mire of corruption and ineptitude to a higher plane of integrity and efficiency.

His record and the FBI's record since May 10, 1924, speak for themselves. Here are but a few of the outstanding highlights:

In July, 1924, the FBI's Identification Division was founded, giving the Nation's law enforcement agencies, for the first time, a national clearinghouse for fingerprint records.

In November, 1932, the FBI Laboratory was founded. Today, municipal, county, and State law enforcement agencies throughout the United States are provided cost-free examinations of evidence by the FBI Laboratory.

In July, 1935, the FBI National Academy was founded. Often referred to as the West Point of law enforcement, the FBI National Academy provides an advanced training course to career members of the law enforcement profession.

Through these and other efforts, Mr. Hoover has insured that the FBI will employ the latest methods in combating crime and subversion, and at the same time his Agency has pioneered in seeking new means for carrying out its missions.

Particular note should be paid to the close cooperation Mr. Hoover has fostered between his organization and State agencies and officials. These relations should serve as a model for Federal-State cooperation. They demonstrate how the facilities of the Federal Government can aid the work of the States, without in any way interfering with their legitimate functions.

Added to these great strides forward are many other accomplishments of the FBI under the Director. These include the relentless fight to wipe out gangsterism during the thirties, the apprehension of spies and would-be saboteurs in World War II, and the continuing battle against Communist subversion and organized crime in the postwar years.

Throughout his career, Mr. Hoover's work has been characterized by thoroughness and restraint, by strict adherence to the Constitution, and dedication to tracking down enemies of our people and our Nation. The tremendous effectiveness of the Director and his Agency has resulted in concerted campaigns of smear tactics and ridicule by those who have felt the sting of Mr. Hoover's activities. Undaunted by this opposition, the FBI has continued its fine work, and Mr. Hoover has continued to grow in stature and national esteem.

He has exerted a great and good influence on young and old alike in many fields. His dedication to American ideals, his championing of fair play, and his emphasis on the importance of the spiritual and moral side of life have been widely felt. He is undoubtedly the Nation's greatest influence against juvenile delinquency and the greatest force for good in building fine citizens for tomorrow.

Mr. President, Mr. Hoover has consistently opposed making his organization a national police force, and none can argue against his reasoning on such a matter. However, I do feel Congress should act in a number of well-thought-out, reasonable ways to strengthen the arm of the FBI. We need, for example, to clarify our wiretap laws and in other ways to grant needed powers to this agency. The continuing threat of the international Communist conspiracy and the unending efforts of organized crime to corrupt our people and circumvent our laws make such actions imperative.

Just as Mr. Hoover has kept his Agency abreast of the latest methods of scientific detection and has kept one step ahead of the latest criminal tactics, so Congress must give him the powers he needs to continue effectively his war on crime.

However, let us never forget that J. Edgar Hoover's greatness is reflected not merely in the many achievements of his Agency. It is equally evident in his deep concern for the increase of crime among our youth, his great respect for civil liberties, his unrelenting vigilance against communism, and his determination to guard zealously our inheritance of freedom.

Truly, Mr. Hoover's record these past 35 years stands on its own merit. I am pleased to extend to him hearty congratulations on this anniversary. May he enjoy many more years of happiness and success in the work he loves so well—protecting his beloved land and insuring that it remains true to the ideals which have made it great.

Mr. BUSH. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield to the Senator from Connecticut.

Mr. BUSH. Mr. President, I wish to compliment the distinguished senior Senator of our party upon bringing this matter to the attention of the Senate today. I join with the Senator from New Hampshire [Mr. BRIDGES], with my good friend the Senator from New York [Mr. KEATING], and my other colleagues in paying tribute to J. Edgar Hoover. Certainly there is hardly a man one could think of who in the past 20 years has exercised so profound an influence for good in this country as has this great man who heads the fine organization known as the FBI.

As several Senators have pointed out, one of our great problems today is that of youth—the problem of discipline among the youth in the homes, in the schools, and elsewhere. I think probably J. Edgar Hoover has done more to emphasize the need for greater discipline of the youth of the land in the homes, in the schools, and in the churches than any other single American. I hope he may live long to continue to lay down to the youth of our country and to all of our people the precepts he espouses, so that family life, education, and citizenship may all continue to be improved by virtue of his admonitions.

Mr. BRIDGES. Before the Senator takes the floor in his own right, I should like to yield to the Senator from Wisconsin, who wishes to speak upon this subject.

Mr. PROXMIRE. Mr. President, later today, after the morning hour, I intend to speak at greater length on this subject, but I want to congratulate the distinguished senior Senator from New Hampshire for having taken the initiative in paying tribute to J. Edgar Hoover.

The only point I should like to stress now was mentioned briefly by the junior Senator from New York, the role J. Edgar Hoover has played not only in doing his main job and performing his fundamental mission of enforcing our laws but also in protecting the rights of the individual while performing his duty. I have quite a bit of documentation to put in the RECORD in support of this position, and I shall do so later.

Mr. SALTONSTALL. Mr. President, I wish to join my colleagues in congratulating J. Edgar Hoover on his 35 years of service as head of the Federal Bureau of Investigation.

We who are Members of this body know the difficulties of retaining the confidence of the public and of those who work in the Government over a period of years. A public man who has been able to retain not only the confidence of the American people as a whole, but also those in Government service for 35 years deserves our congratulations. Mr. Hoover has done it. He has intelligence; he has education; he has integrity; and he has demonstrated energy and objectiveness in his work. So I join my colleagues in expressing my congratulations to him.

Mr. MAGNUSON. Mr. President, I wish to associate myself with Senators who have made remarks in tribute to Mr. J. Edgar Hoover.

A number of years ago I was a local prosecutor, as was the Senator from Utah [Mr. Moss]. On many occasions I found that the cooperation of J. Edgar Hoover and the FBI was invaluable. I commend him for his long service. Because of it I am sure that the Nation has been much better off in the field of law enforcement in many respects. Those who deal with the task of law enforcement in our local communities and those who deal with it in the U.S. district attorneys' offices are grateful for the fine work of J. Edgar Hoover and his associates.

Mr. MOSS. Mr. President, I wish to join other Senators in paying tribute to Mr. J. Edgar Hoover for his service to our Nation.

For 2 years I had the honor of serving as president of the National Association of State Prosecutors. We had the closest liaison and cooperation from the Federal Bureau of Investigation and from Mr. Hoover. I can testify that he has done an outstanding job in law enforcement at the Federal level. At the same time, he has respected the rights of the local and State agencies, and has cooperated with them.

Mr. NEUBERGER. Mr. President, I wish to join in the tributes voiced today by Senators on both sides of the aisle in honor of Mr. J. Edgar Hoover on the anniversary of the impressive and lengthy service he has achieved in the Federal Bureau of Investigation.

We in Oregon have always been very favorably impressed with the high personal qualities and caliber of the relatively young agents of the Federal Bureau of Investigation who have served Mr. Hoover's organization in the various communities of our State.

Some 6 or 7 years ago I wrote a book about the Royal Canadian Mounted Police, which is the famous Federal constabulary of our neighbor, Canada, to the north. I was very much pleased to learn of the high esteem in which officials of Canada's famous national police force hold the Federal Bureau of Investigation under Mr. J. Edgar Hoover. I was informed that they treasure very greatly the privilege they have each year of sending several members of the Royal Canadian Mounted Police to Washington to serve here in very close liaison with the Federal Bureau of Investigation.

I think it is fortunate to have as the head of the FBI an individual like Mr. Hoover, who has likewise been concerned about the civil liberties and civil rights of the great body of American citizens.

Mr. SCOTT. Mr. President, I should like to join my colleagues in paying tribute to J. Edgar Hoover, who yesterday observed his 35th year as Director of the FBI.

The FBI today guards the welfare of America as surely as our Armed Forces. The kidnapers, the embezzlers, and other enemies of society have become fewer and fewer in number, thanks to

the efforts of the remarkable organization developed by Mr. Hoover.

J. Edgar Hoover has had countless opportunities to capitalize on the reputation which he has established. He has spurned them all. He has stuck to his job. It is for this selfless devotion to duty that all Americans should be everlastingly grateful.

In peace and in war, the FBI has stood watch over the liberties of the individual.

In the years that preceded World War II, the FBI helped run down such killers as John Dillinger, the Barker gang, Baby Face Nelson, and other desperadoes who terrified the citizenry like so many jackals.

During the war, the FBI performed magnificently in catching Axis spies and saboteurs who sought to cripple America's war effort. And under the leadership of Mr. Hoover, who years ago realized the dangers inherent in communism, it has guarded America's internal security by tracking down subversives and Soviet agents.

There are few men in American Government who have set such an inspiring example of dedicated public service as J. Edgar Hoover. I hope the Nation will have the benefit of his brilliant service for many years to come.

Mr. MUNDT. Mr. President, I know I am joined by millions of Americans when I offer my congratulations and best wishes to J. Edgar Hoover, who yesterday celebrated his 35th anniversary as Director of the Federal Bureau of Investigation.

Mr. President, I wish to associate myself with the remarks of my colleagues who have previously paid their respects to this great American.

During these 35 years, J. Edgar Hoover and the FBI have been in the vanguard of those relentlessly resisting the forces of godless communism. The constant efforts of the FBI have not always had the full support of the public. Nevertheless, J. Edgar Hoover's dedication of purpose in recognizing and combating the menace of the Communist conspiracy, has earned for this outstanding Federal Agency and its leader the respect and gratitude of freedom-loving Americans everywhere.

When the Nation's vigilance faltered, the FBI met these new challenges with increased diligence.

When some were crying "red herring" and throwing roadblocks into every effort to unmask the Communist conspiracy, the FBI doggedly pursued the Red adversary.

Today the dangers of Communist encroachment upon our free institutions are no less than when the Iron Curtain first fell on Eastern Europe.

But those same free institutions in this country can look with pride and gratitude to J. Edgar Hoover and the FBI because of the determination of this Agency to protect and preserve the liberties of this Nation.

I cannot say that without the FBI we might have fallen victim to communism. However, I can say that if it had not been for the FBI and J. Edgar Hoover, this Nation would be so dangerously vulnerable to the Communist conspiracy, that it could well have been within the realm of possibility that in only a matter of time the Kremlin leaders could have achieved their dream of a Soviet America.

The great leadership of the FBI was demonstrated again in the World War II. when the Nazi saboteurs who landed on our eastern coast sent over in submarines by those "snakes of the sea" were so rapidly picked up and apprehended by the FBI and convicted by the American system of jurisprudence.

The FBI again showed diligence by virtually stamping out the wholesale kidnaping racket which for so long a time had flourished in this country as the most nefarious of all crimes.

The FBI rose valiantly against the crime wave in the era of Al Capone and other mobsters, and once again demonstrated the talent, courage, efficiency, and diligence exemplified by the FBI, which has served the public by protecting it against the ravages of those who are determined to violate the law.

If ever a man could personify the great ideal of American patriotism, it is J. Edgar Hoover. His deep devotion to the true principles of freedom has prompted five Presidents to continue this dedicated patriot as Director of the FBI.

This fact, in itself, that he has earned the confidence and respect of our Nation's leaders during his 35 years as FBI Director, speaks more strongly than any words of the outstanding leadership and service which J. Edgar Hoover has given to our country.

No other American, to my knowledge, has served so well and so long under such a variety of administrations, under both the major political parties, while continuing to hold the respect of the vast majority of those in public life in both parties.

All Americans, regardless of political affiliation, are indebted to J. Edgar Hoover and the contributions he has made as Director of the FBI. His dedication is perhaps best illustrated by his concluding statement in his book, "Masters of Deceit," when he wrote:

> With God's help, America will remain a land where people still know how to be free and brave.

I can add only this: that with God's help in giving our country leaders such as J. Edgar Hoover, we most surely will remain both free and brave.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, a tribute to Mr. Hoover, by the distinguished newspaper columnist, George E. Sokolsky. Mr. Sokolsky's column is from the Friday, May 8, issue of the Madison Daily Leader, my hometown paper in Madison, S. Dak.

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

THIRTY-FIVE YEARS OF SERVICE

(By George E. Sokolsky)

On Sunday, J. Edgar Hoover will have been Director of the FBI for 35 years which is undoubtedly a record in Government service. His has been a difficult task, for the American people reject the concept of a national police force. He had to establish an organization which would serve when neded, but would not bring the full weight of the Federal Government into police activities, which, in this country, remain local.

Hoover took over an agency of Government which had become disreputable and his need was not only to give it a new and more proper orientation but also to find scope for it within our constitional system. This, J. Edgar Hoover accomplished in spite of all the efforts of Congress and Government officials to enlarge his service into a police agency. Thus Hoover has managed to lead the FBI through World War II and the Korean war without expanding it beyond civil affairs and beyond the strict limits set for it by Congress. The FBI has not become a Federal police agency. It remains a bureau within the Department of Justice, under the supvervision of the Attorney General.

The work of the FBI nevertheless has increased and many activities not originally part of its work are now routine. For instance, over the years, it has developed enormous files of information about persons, associations, organizations, etc. It has also its large file of fingerprints. These have become available to local police throughout the country and, by modern systems of communications and filing, required data is instantly obtainable, thus making the work of local police more efficient. The FBI also gathers crime statistics and has set up a proper method of uniform reporting. This has had a moral effect upon police departments, for the municipal politician who likes to falsify his statistics finds himself in difficulties with public opinion when he declines to adopt the uniform reporting method.

There is the FBI National Academy to which local police departments send promising police officers to learn the most modern methods of crime prevention and crime detection.

The FBI is charged by Congress, under the Lindbergh Law, to step into kidnapping cases, after an interval, to assist local police. This is a great advantage because county and State lines can be crossed by the FBI and it makes it more difficult for the crooks to get away. The FBI also is called into bank embezzlement cases. It is charged with protecting the United States against subversives and such fifth column activities as the Communists practice.

The FBI has maintained such a high quality of personnel and service that it has won the good will of the American people and the position of J. Edgar Hoover in American life has been extraordinary. He has placed the FBI above and beyond politics.

However, in recent years the FBI has been attacked with more violence than truth, particularly by those doctrinaire groups which run interference for the Communists. The principal charge against the FBI is that it is not as good as it is presumed to be and that J. Edgar Hoover's emphasis on subversion is either designed to enhance his personal popularity or to obtain larger appropriations from Congress.

It is only to be expected that the Communists would attack the FBI and J. Edgar Hoover and that they would employ every method available to humiliate and degrade him in the eyes of the American people and of the world. Their motive is to force his retirement, so that the FBI will become a football of partisan politics and be of no value at all. Attacks have been made upon its use of informants, without whom it cannot exist. Attempts have been made to open its files which would wreck the organization altogether because its files also contain unscreened material, some of it perhaps untrue but retained because of leads. This is normal police practice.

In recent months reporters of certain publications have been interviewing persons associated with or antagonistic to J. Edgar Hoover, apparently with the object of getting as much about him that may be deleterious as possible. Publication of these articles seems to be delayed because there is nothing to get on an outstanding personality who has given 35 years of his life to the service of his country in fighting crime, subversion, treason and indecency on all fronts as Director of the FBI.

Mr. BIBLE. Mr. President, yesterday, May 10, marked another milestone in the illustrious career of one of America's great public servants. On that day, in 1924, a 29-year-old attorney named John Edgar Hoover was entrusted with the responsibility of revitalizing the Department of Justice's Division of Investigation.

That he did his work well is now legend—on the 35th anniversary of what has since become the Federal Bureau of Investigation, truly one of the greatest agencies of its kind in the entire world.

Young Hoover worked his way through law school in Washington while a clerk in the Library of Congress. He entered the Justice Department as an attorney, and was soon tapped by Attorney General Harlan Fiske Stone, later Chief Justice of the United States, to head up the Investigative Branch of the Department.

J. Edgar Hoover has served under 12 Attorneys General, a tenure which in itself gives eloquent testimony to the caliber of his service.

Mr. President, before entering the U.S. Senate, I had served as a district attorney and as attorney general of my native State. During those years I had the opportunity of working closely with many special agents of the FBI, and I became familiar with the thorough training they had received under a program initiated and carried out by Mr. Hoover.

It is a pleasure to salute J. Edgar Hoover on this anniversary, and to wish him continued success in this most important post.

THE FBI AND J. EDGAR HOOVER

Mr. PROXMIRE subsequently said: Mr. President, the FBI has been praised to the heavens as a godlike magnificently efficient foe of all that is evil and treasonable. It has also been condemned as a gestapo. There are some who consider praise of the FBI nothing but flag-waving political hokum. The same people deem almost any kind of public denunciation of the Bureau as the most genuine mark of political courage. On the other hand, many will automatically view any criticism of Mr. J. Edgar Hoover and the FBI as Communist inspired, prima facie evidence of disloyalty.

This extreme quality of public discussion of the Federal Government's vital law enforcement agency serves both our country and the FBI badly.

Because yesterday marked the 35th anniversary of John Edgar Hoover's directorship of the FBI, I have decided that this might be a sensible occasion for a more measured evaluation of what to tens of millions of Americans has probably grown into the most exciting and interesting instrumentality of the Federal Government.

The Nation is presently on a "western kick" on television. The sheriff, the U.S. marshal, the Texas ranger of the Old Wild West ride to glory day after day and night after night. They have shot their way into the hearts of most old as well as young Americans. And why not? The law enforcement agent at his best personifies decency, courage, action and good sense. And just as the oldtime lawman is currently riding high on TV, today's FBI agent has become his current embodiment. He is Ameriea's 20th century hero.

Mr. President, I have no doubt that in every country regardless of their form of government, the law enforcement or police agencies and the governments that use them strive to create a public respect and gratitude for the enforcer that is close to uncritical hero worship.

The FBI and the American people deserve both better and more than this. The measure of the FBI performance must be how it meets the acid test of successful law enforcement while steadily, constantly and effectively safeguarding the rights of all citizens including the accused and the suspects.

No agency that is made up of hundreds of police can be perfect in meeting this standard. Because much police work must be done secretly, and must remain secret, it is hard to know exactly how well or how badly we are doing in keeping the rights of every individual sacrosanct.

There is hard evidence that the FBI is efficient in prosecuting criminals. For instance, year after year the record of convictions flowing from FBI investigations greatly exceeds 90 percent. Its agents are rigorously selected. Educational requirements are stiff. Training is thorough and comprehensive. Agents work extremely hard. Hours are long. Standards of job performance are exacting. I have talked with many FBI agents and am constantly impressed with their pride in the FBI. It is the kind of morale you find in a winning team, a team that is good and knows it, or a topflight military outfit.

While there have been denunciations of the FBI and J. Edgar Hoover I have been able to find literally no criticisms of him or his Agency for inefficiency or failure to accomplish their mission. Praise of FBI success in law enforcement is voluminous and of course the saga of successful cases can be recited by millions, including underworld hoodlums, kidnappers, Nazi saboteurs, Communist spies.

But this is only half the story, and perhaps in a democracy it is less than half. Police in other countries have on occasions had efficient records too. But their regard for citizens' rights has been something else.

A well-known American put the issue very well recently when he wrote:

Law enforcement is a protecting arm of civil liberties. Civil liberties cannot exist without law enforcement; law enforcement without civil liberties is a hollow mockery. They are parts of the same whole—one without the other becomes a dead letter.

Democratic law enforcement is loyal to both the state and the individual. It is obligated to uphold the sovereignty of the government, yet, at the very same time, to protect the rights of the citizen.

Law enforcement ethics must rise to prevent abuses, such as third degree techniques, unlawful arrests, unreasonable detentions, illegal searches and seizures. These practices are anathema to civil liberties, destroying the very heart of the American democratic system. They represent law enforcement at its worst.

Here is the very heart of the problem; the vital necessity of having men and women in law enforcement who hold inner allegiance to the principles of democracy and perform their duties in a completely legal manner.

Mr. President, I think it is significant that those are the words of J. Edgar Hoover, writing in the Iowa Law Review in the winter issue of 1952.

It is immensely important that the head of the Nation's most famous law enforcement agency recognizes so thoroughly and emphatically the crucial importance of the rights of individual citizens.

Does the FBI practice these eloquent words of freedom and rights written by its Director?

Mr. President, Morris L. Ernst, author of "The First Freedom" and a frequent counsel of the American Civil Liberties Union, has won a deserved reputation as a watchdog of civil rights. Mr. Ernst has reported that he has rarely heard charges of brutality or violation of individual rights against the FBI, but a few years ago he decided to investigate this more thoroughly so he wrote articles in which he asked readers to send him any evidence they might have that the FBI had violated a person's constitutional rights. He reported:

My scoreboard shows a remarkable absence of such accusations. On the contrary, all the evidence indicates that the FBI as a matter of unvarying policy has played fair with criminals and suspects.

Mr. President, the FBI has not confined its rigorous insistence on observance of civil rights to its own agents. It has vigorously worked to inspire an understanding of the importance of civil rights among the law enforcement officials throughout the land. These officials are of course many times more numerous than FBI agents. For the average citizen it is the local police officials to whom he looks for protection of his life and property on the one hand and of his rights as an individual on the other.

The FBI has worked in at least three ways to secure a deeper appreciation of individual rights among these hundreds of thousands of local police.

Hundreds of the Nation's top local police officials have been trained at the FBI National Academy in Washington. These officials have been graduated after training in such areas as "Ethics in Law Enforcement" and "The Constitution and Bill of Rights." A prime theme in this training is insistence that local police officers understand the importance of respecting the rights of every individual.

Secondly, literally tens of thousands of law enforcement officers from all over the country have attended specialized,

day-long civil rights schools conducted by the FBI. In all of these schools the FBI stresses every aspect of the rights of suspects and accused to be free of physical violence, illegal restraint, mob violence or interference with free expression.

Finally, Mr. Hoover has campaigned during his 35 years as Director of the FBI for higher standards for law-enforcement agencies. Better training, better equipment, better salaries, and, as Hoover puts it—a personal integrity which scorns the temptation of graft, bribery, and corruption—have been the hallmarks of his campaign for the development of law enforcement as a profession.

The example the FBI has set has been most important of all. Its insistence on the protection of rights of all has been increasingly emulated by law-enforcement agencies. As the best known, most widely publicized law-enforcement agency in the country, it sets the pace.

Mr. Hoover and his FBI have met the rigorous test of law enforcement in a civil rights democracy. They have been highly successful in their investigations. Available evidence impressively indicates they have avidly protected the rights of the accused or the suspected in the process.

More than this, through training of local police and through their own example they have had a profound effect in affirming civil rights throughout the Nation.

Mr. President, I ask unanimous consent that the following documents supporting these remarks be printed in the RECORD at this point:

"Civil Liberties and Law Enforcement: The Role of the FBI," by John Edgar Hoover, Iowa Law Review, winter 1952.

"Why I No Longer Fear the FBI," by Morris L. Ernst, December 1950 Reader's Digest.

"The FBI Civil Rights Schools," two articles from the April 6 and 8, 1956, New York Herald Tribune, by Roscoe Drummond.

Directions from the FBI "To All Law-Enforcement Officials," FBI Law Enforcement Bulletin, July 1958.

"The FBI Protects the Innocent," by Karl Detzer, March 1954 Reader's Digest.

There being no objection, the articles were ordered printed in the RECORD, as follows:

[From Iowa Law Review, winter 1952]

CIVIL LIBERTIES AND LAW ENFORCEMENT: THE ROLE OF THE FBI

(By John Edgar Hoover, Director, Federal Bureau of Investigation)

INTRODUCTION

Mankind has been tormented for centuries by a problem still of vital concern to the American people—the relation of the individual to the state.

This Nation was founded on the historic principle that the individual must be protected from the tyranny of the state. Washington, Franklin, and Madison witnessed the terror of a government of men. Therefore they resolved, through the Constitution, to establish the supremacy of law. The state, they believed, must be strong enough to maintain national security but not so strong as to violate the civil rights of its citizenry. The wisdom of the Founding Fathers lives still, for the Constitution remains today the basic document of the American system of government, the culmination of centuries of thought, suffering, and faith for the principles of freedom and justice among men. The Constitution provides a framework for a government of law—and under it both civil liberties and law enforcement derive their meaning.

The century and a half following the adoption of the Constitution brought an intensification of the problem of the relation between the individual and the state. In the days of Washington and Jefferson, it was a problem of thousands of miles; months, even years on the calendar; affecting few, not the great mass of people. Today it is otherwise: a problem immediate, near at hand, touching intimately the lives of millions of individuals. The tremendous growth of the United States, the rise of an industrial society, the passing of the frontier, the expansion of government—all these factors brought changes, convulsing the problem into an everyday topic. A Daniel Boone, a Kit Carson, a Davy Crockett, if he desired, could simply pack up and leave. Hundreds of miles of wilderness stretched before him. Today that is no longer true; the interests of the individual and the state touch at a great number of points. New modes of accommodation are being created, new points of issue being raised. Here is America's great problem today—to maintain the basic civil liberties of the individual, which are the foundation stones of free government, yet, at the same time, to protect the security of the Nation.

The answer lies in the wisdom of the Founding Fathers, in the principles embodied in the Constitution of the United States. Law enforcement is today playing an integral role in helping to solve this great problem. Law enforcement arises from law; its sacred responsibility is to uphold the basic laws of the land and to give meaning to the democratic tradition of America. In a government where men, not law, are all-powerful, law enforcement, as we understand it, does not exist—there is no need for it. Law enforcement is a protecting arm of civil liberties. Civil liberties cannot exist without law enforcement; law enforcement without civil liberties is a hollow mockery. They are parts of the same whole—one without the other becomes a dead letter.

Democratic law enforcement is loyal to both the state and the individual. It is obligated to uphold the sovereignty of the government, yet, at the very same time, to protect the rights of the citizen. Law enforcement, operating in a democratic matrix, believes that the free exercise of liberty, based on the laws of the land, is the best method of strengthening the Nation's security. The state is strong because the individual is strong, free and virile; the individual is strong because the state is strong, secure, and solid. They are essentially ingredients for maintaining America as the home of the free, the brave, and the just.

The FBI, which I have had the honor of heading for over a quarter of a century, is dedicated to this proposition: To protect both the security of the Nation and the liberties of each individual. This duty is in the highest traditions of the Nation. Along this path—the path pointed out by the Founding Fathers—lies the eventual solution of this historic problem. The state and the individual can and must exist as cooperating and mutually interacting entities.

PROTECTION AGAINST THE EVILDOER

The basic function of law enforcement is protection against the evildoer—the murderer, the rapist, the burglar who desire to destroy the citizen's rights, life, and property. The criminal, in the most simple terms, is a transgressor of the law, who, through illegal means, attempts to promote his own personal welfare, comfort, and ends at the expense of another. To be successful is to destroy civil liberties. The police officer and the judicial system, by enforcing the laws, are giving validity to the right guaranteed in the statutes of this Nation. Why have laws, if they are to be violated with impunity? Laws have meaning only with enforcement; in that way, and in that way only, can civil liberties be maintained and the security of the community insured.

The duty of the FBI is to investigate violations of the laws of the United States, to collect evidence in cases in which the United States is or may be a party in interest, and to perform other duties required by law or administrative directive. The FBI is a Federal law enforcement agency, with limited and specified powers. It is responsible, just as all other law enforcement agencies, to the elected representatives of the people. The policies of the FBI at all times are under the supervision of the Attorney General, and its appropriations are provided by the Congress. The FBI is not, in any sense of the term, a national police agency, a unilateral, separate, independent agency working outside the mainstream of democratic law enforcement.

At the present time the FBI has jurisdiction over more than 120 violations of Federal law.[1] The FBI, as the investigative arm of the Department of Justice, is strictly a fact-finding agency. It is interested exclusively in obtaining the facts—accurately, completely and without bias. It does not authorize or decline prosecution, or make recommendations or evaluations. This duty belongs to other officials of the Government.

The objective of the FBI is to protect the individual, to bring the evildoer to justice. By so doing, it is at the same time strengthening the security of the community. Law enforcement may be likened, in correct analogy, to a vast umbrella, sheltering the citizen and the State from the attacks of the criminal. Neither civil liberities nor the Government could long endure if the evildoer were allowed to ply his trade unmolested. In fact, the criminal is in rebellion against the law. He is comparable to an aggressor nation in international society. Individual aggression, as well as international aggression, must be curbed if peace and security are to reign. That is law enforcement's basic obligation in the protection of civil liberties.

MAINTAINING INVIOLATE THE HISTORIC CIVIL LIBERTIES OF THE INDIVIDUAL WHILE ENGAGED IN DEFEATING THE CRIMINAL

Law enforcement, however, in defeating the criminal, must maintain inviolate the historic liberties of the individual. To turn back the criminal, yet, by so doing, destroy the dignity of the individual, would be a hollow victory. This is a problem of great concern in the discussion of civil liberties.

Law enforcement is, in fact, an agency of government. It is controlled, directly and indirectly, by the people. Nevertheless, by the very nature of modern-day government, it possesses, like other agencies, a certain area of independence—outside the scope of immediate supervision but always facing a final accounting for its acts. This particular area, where the officer is temporarily "on his own," so to speak, is of tremendous importance.

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[1] Some of these statutes have been in effect for many years, e.g., White Slave Traffic Act, 36 Stat. 825 (1910), 18 U.S.C. sec. 397 (1946); Interstate Transportation of Stolen Motor Vehicle Act, 59 Stat. 536 (1945), 18 U.S.C., sec 408 (1946) (formerly the National Motor Vehicle Theft Act of 1919). In the 1930's by the passage of the "Federal Crime Bills" (e.g., National Bank Robbery Act, 48 Stat. 783 (1934), 12 U.S.C., sec. 588a (1946); Federal Extortion Statute, 48 Stat. 781 (1934), 18 U.S.C., sec. 408d (1946); Federal Kidnaping Statute, 48 Stat. 781 (1934), 18 U.S.C., sec. 408a (1946)), Congress greatly increased the responsibilities entrusted to the FBI.

It can be and, in some rare instances, has been abused, resulting in the violation of civil rights. It is in this area that law enforcement ethics must rise to prevent abuses, such as third degree techniques, unlawful arrests, unreasonable detentions, illegal searches and seizures. These practices are anathema to civil liberties, destroying the very heart of the American democratic system. They represent law enforcement at its worst.

Here is the very heart of the problem: the vital necessity of having men and women in law enforcement who hold inner allegiance to the principles of democracy and perform their duties in a completely legal manner. There have been abuses—that cannot be denied. But these are the symptoms of a dying school in law enforcement, of the poorly trained officer who lacks the technical know-how to compete with the criminal. Year after year these abuses are decreasing; the modern-day officer feels no need to stoop to dishonorable methods. He is better trained. He is utilizing up-to-date scientific techniques of crime detection to win his battles.

I have fought, during my 27 years as Director of the FBI, for the development of law enforcement as a profession. I have worked for better training programs, modern equipment, adequate salaries, and above all, a personal integrity which scorns the temptations of graft, bribery, and corruption. Time after time I have seen law enforcement betrayed and civil liberties violated by one of these factors: by a poorly trained officer who thinks brute strength and sadistic cruelty will bring a confession; by the resignation of intelligent, fearless, and honest police officers who simply could not and would not make law enforcement a career at such low wages and long hours; by poor morale caused by lack of civic respect and the treatment of the police department as the "lost duckling" of government, deprived of funds, equipment and interest; by police officers who, for a piece of silver, betray their sacred calling to the lust, greed, and vice of the crooked politician or gang leader.

PROBLEMS FACING LAW ENFORCEMENT

These are some of the enemies of civil liberties in the field of law enforcement: poorly trained officers; lack of community interest in providing adequate salaries, equipment, and personnel; corruption within the profession, though involving only a very small minority, yet paralyzing in its effects; failure to keep pace with up-to-date crime detection methods. These make for poor quality law enforcement and allow abuses of civil liberties. We can have the Constitution, the best laws in the land, and the most honest reviews by the courts—but unless the law enforcement profession is steeped in the democratic tradition, maintains the highest in ethics, and makes its work a career of honor, civil liberties will continually—and without end—be violated. Moreover, law enforcement must have the tools to do its job. To deprive a police department of training, equipment, and good personnel policies is to invite the very evil we abhor. The best protection of civil liberties is an alert, intelligent, and honest law-enforcement agency. There can be no alternative.

A few actual cases will illustrate the problems faced today by law enforcement in its struggle to achieve professional status and to develop an unimpeachable code of conduct:

A police department in a northern State, for example, was particularly handicapped because the mayor, who reportedly was closely associated with gambling interests, would not provide permanent appointments to the police force, including the position of chief. All officers held acting appointments. Why? The mayor constantly had the entire department at his will and discretion. How can law enforcement be effective under such conditions?

The sheriff in another State scoffed at training schools for law enforcement officers. He and his men, he said, were too busy to attend. What was the result? Inefficiency, lack of an adequate records system, poor performance.

A chief of police was greatly worried. His department, at that time, had 11 less police officers than 20 years ago. Yet, in this period, as might be expected, his city had greatly increased in population. Many new problems in law enforcement were arising—how could he do an adequate job?

In one county gambling houses were closed—it was an election year. If the sheriff wouldn't have an opponent, it was said, gambling would be resumed. If he were opposed for office, however, gambling would remain closed during the campaign. What happens to law enforcement when a sheriff's efficiency varies with the political season.

Here are the obstacles to good law enforcement. Can you expect civil liberties to be preserved when the community tolerates such unhealthy conditions?

Great progress, nevertheless, has been achieved during recent years to overcome these handicaps and make law enforcement a profession of efficiency, respect and honor. More and more communities, by full-fledged support, adequate financial appropriations, and interest in police problems, are creating a new, progressive, modern concept of law enforcement. This is encouraging indeed, and these communities will reap an ever higher quality of protection.

EFFECTIVE TRAINING AIDS CIVIL LIBERTIES

Law enforcement itself is today doing much to conquer the fetters which bind it. First and foremost is training—the creating of an intelligent, responsible and trustworthy officer of the law. In 1935 the FBI National Academy was founded,[2] and to date 2,426 law enforcement officers from every State of the Union, territorial possessions and a number of foreign countries have been graduated. The primary purpose of the National Academy is to train selected local law enforcement officers as police administrators and instructors. At the present time over 26 percent of the graduates are the executive heads of their respective departments. Many of them, upon their return home, have instituted training programs for their brother officers, utilizing material learned in the National Academy classes as their basic outline. We estimate that over 100,000 local law enforcement officers have benefitted, directly or indirectly, from the National Academy.

The academy's curriculum includes, among other things, courses especially designed to promote knowledge of and respect for civil rights. For instance, instruction is given on such topics as "Law Enforcement as a Profession," "Ethics in Law Enforcement," "Laws of Arrests, Searches and Seizures," "Rules of Evidence," and "The Constitution and the Bill of Rights." In addition, throughout the period of training, the officers are constatntly reminded of their obligations, legal and moral, to respect the rights of every individual. These National Academy courses give the local officer a basic understanding that law enforcement is a profession of honor, that the police officer must at all times be an exemplar of legality, and that successful crime detection can only arise from a scrupulous regard for civil rights.[3]

The passage of years has brought confirmation of the principles exemplified in the National Academy. These graduates are at work, putting into practice the information learned in the classroom. And they are doing good, giving meaning to the concept that law enforcement can be a profession of honor and trust. A National Academy graduate has reorganized the records section of a department; has instituted a training program; has established higher standards of personnel selection. These are the reports which reach my desk day after day—and give buoyancy to the hope that we are well on the way. The higher the standards of law enforcement, the greater the protection for civil liberties.

The FBI also maintains a training program for its own special agent personnel,[4] special agents must either be (1) graduates of an accredited resident law school or (2) graduates of an accredited accounting school or possess a 4-year resident college degree, with a major in accounting.[5] These high educational qualifications ensure the finest of America's young manhood. Before being assigned to field investigative work, the new special agent is given an intensive 16-week period of training.[6] He receives, among other things, instructions in Constitutional law and the Bill of Rights. He studies Federal criminal procedure, and is carefully instructed on searches and seizures, interviews, and confessions and the need at all times for the protection of the rights of the individual. The rules of evidence are thoroughly explained and the statutes over which the FBI has jurisdiction analyzed.

The FBI's training program, in every respect, is aimed toward teaching special agents their obligations as officers of the law. For example, in firearms training, special agents are taught that at all times the safety of the innocent bystander, and the criminal himself, must be considered as well as that of the arresting officer. The criminal should be apprehended alive, not needlessly injured or slain. Likewise, special agents are taught

[2] An applicant to attend the academy must be a regular full-time law enforcement officer with at least 2 years' experience, not over 50 years of age, capable of performing vigorous physical activities, of unimpeachable character and reputation, and possessed of latent ability as an instructor or administrator. Each training session is 12 weeks in length, 10 weeks being devoted to general training and 2 weeks to specialized topics. No tuition or fees are charged, though the student must pay his own living expenses.

[3] The number of local officers who are able to attend the National Academy, in relation to the national total, is extremely small. Therefore, the FBI provides training, if desired, for officers in their own departments. In the 1951 fiscal year, ending June 30, 1951, for example, the FBI participated in a total of 2,380 police training schools. In these schools training was given in crime detection problems and at all times the theme of civil liberties, as presented in the National Academy curriculum, was stressed.

[4] Applicants must be male citizens, willing to serve in any part of the United States or its territorial possessions, between the ages of 25 and 40, in good physical condition, and of unimpeachable character. Prior to any appointment being made, those applicants showing proper basic qualifications are investigated with the object of securing additional evidence of their qualifications and fitness for the position, their scholarship, employment, conduct, honesty, character, and habits.

[5] At the present time, because of the national emergency and the urgent need for investigative personnel, individuals possessing only a resident 4-year college degree are being considered for employment. All other basic qualifications, however, remain the same.

[6] Training is given in FBI Headquarters, Washington, D.C., and the FBI Training Academy, Quantico, Va.

that any suspect or arrested person, at the outset of an interview, must be advised that he is not required to make a statement and that any statement given can be used against him in court. Moreover, the individual must be informed that, if he desires, he may obtain the services of an attorney of his own choice. Duress or brutality of any type is absolutely forbidden. Any special agent guilty of such conduct is subject to immediate dismissal from the service. The highest ethics of law enforcement become part of the special agent's credo. Nothing less can be accepted.

ROLE OF TECHNICAL CRIME DETECTION

The trained police officer must possess, in addition, extensive knowledge of the techniques of technical crime detection—the scientific laboratory [7] and fingerprints.[8] These topics occupy a large role in the training program of FBI agents, as well as the National Academy. Offhand, the casual observer might comment that a fleck of paint, a teaspoonful of dirt or a set of fingerprints is far removed from the subject of civil liberties. Not at all. These technical skills, developed over recent years, have greatly increased the effectiveness of law enforcement and, as a result, have strengthened civil liberties. Day after day they are solving cases, identifying the guilty and protecting the innocent. The law enforcement officer, utilizing the microscope, the X-ray or the criminal record, is depending on skill, intelligence and resourcefulness to outmaneuver the evildoer—not brute force, cruelty or dishonorable methods.

Technical crime detection methods have greatly reduced arbitrary intrusions on civil liberties. The apprehended suspect won't talk. Third degree methods, the ill-trained officer might think, perhaps a severe beating, will force a confession. But the trained officer, schooled in the latest techniques of crime detection, will think otherwise—he will go to work, locating a latent fingerprint, a heelprint in the mud, or a toolmark on a safe. These items of evidence are brought into play to help determine, through the orderly operation of the American judicial system, the guilt or innocence of the accused.

In one case, for example, a young man admitted having in his possession a mutilated 10-cent piece which the cashier of a bank thought he recognized as one of the coins taken from his bank during a burglary. The suspect denied the theft, saying that he had mutilated the coin while using it as a target in shooting against a tree. An FBI agent and local officers cut out the appropriate section of the tree, and the FBI Laboratory confirmed the young man's story. Technicians found 11 copper-coated bullets and two small metal-fragments, determined to be deformed pieces of coin metal, one of them bearing the letter "D" and a portion of the letter "S." The missing section of the mutilated dime would necessarily bear those letters. The innocence of the young man was proved. Certainly civil liberties was the victor. Justice could have no higher obligation than to determine the truth.

The possibilities of technical crime detection are unlimited. Each year the law enforcement official becomes more skilled. In the FBI Laboratory, for example, we are now utilizing an electron microscope which, with the aid of photography, can create magnifications of 100,000 times, compared with the ordinary light microscope's approximate 2,000-times magnification. This instrument is symbolic of things to come—evidence, which a few years ago might have been too minute for analysis, now becomes of first-rate importance.

The FBI Identification Division presently possesses over 123 million sets of fingerprints. These prints are working each day, like scientific criminal examinations, in the interests of better law enforcement: identifying fugitives, solving criminal cases, and protecting the innocent. The Identification Division has become, since its founding, a national clearinghouse for fingerprints. Like the FBI Laboratory, this service is rendered willingly and without charge for the benefit of local law enforcement.

Specialized training, fingerprints, scientific examinations—these are the very sinews of law enforcement's contribution to preserving civil liberties. The very fact, however, that their significance is not appreciated by many people in the community leads to their neglect; hence, poor police salaries, inadequate equipment, tolerance of corruption. If the citizen suddenly realized that these factors vitally affected him—perhaps, some day, to prove his innocence against false charges, to protect his life and property against illegal attack, to guarantee his right to travel the streets at night without molestation—then he would, without question, hold law enforce in greater respect, help understand its problems and lend his support.

But to law enforcement this fact is most evident: regardless of the quantity or quality of the tools provided by the community, they can become effective instruments in the defense of democratic society only in the hands of officers whose inner faith and integrity are unquestioned. Here lies the sacred responsibility of law enforcement—to build the men and women who are willing to work, live and, if necessary, die for the ideals which have made this Nation strong.

FEDERAL CIVIL RIGHTS STATUTES

All of the civil rights enjoyed by the citizens of this country are not protected by the Federal Government. The Constitution, in fact, secures relatively few rights to the individual. This document deals primarily with (1) relations between the various governmental agencies, Federal and State, and (2) the Government and the citizenry, rather than with the relations of private individuals to each other.

The two principal civil rights statutes over which the FBI has jurisdiction are Sections 241 and 242, Title 18, United States Code (Supp. 1951).[9] These statutes are highly restrictive in nature and the FBI's investigative jurisdiction is limited. The essential elements of Section 241 are:

(a) Two or more persons conspiring to injure, oppress, threaten or intimidate any citizen,

(b) In the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having exercised the same; or

(a) Two or more persons going in disguise on the highway, or on the premises of another,

(b) With intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured.

The chief violations arising under this section involve involuntary servitude and slavery[10] and election law violations.[11] Individuals having no law enforcement status may be prosecuted under this section.

Section 242 has the following elements:

(a) A person acting under color of any law, statute, ordinance, regulation or custom

(b) Willfully deprived, or caused to be deprived from any inhabitant

(c) Rights, privileges or immunities secured or protected by the Constitution or laws of the United States; or

(a) A person acting under color of any law, statute, ordinance, regulation or custom

(b) Willfully subjected, or caused to be subjected, any inhabitant.

(c) To different punishment, pains or penalties than prescribed for the punishment of citizens,

(d) On account of such inhabitant being an alien, or by reason of his color or race.

This section covers duly constituted law enforcement officers who have deprived an individual of a right or privilege guaranteed under the Constitution or the laws of the United States. The gist of this offense is the intentional misuse of the power of public office.

Upon receipt of a complaint or learning of a civil rights incident from any source indicating a possible violation of sections 241 and 242, the FBI conducts an investigation. If the facts so warrant, a full and complete investigation is conducted and the results promptly furnished to the Department of Justice for a determination as to whether there will or will not be prosecutive action. The FBI's role is strictly investigative; to determine all the facts accurately, fairly, and promptly.

Civil rights cases are considered of the greatest importance by the FBI. They are afforded the most expeditious, thorough, and meticulous attention. The FBI has conducted special civil rights schools for selected special agents, giving them detailed instructions in the handling of these cases. Only those special agents who are experienced in the Bureau's work are assigned to the investigations. A special Civil Rights Section at FBI headquarters carefully supervises the field's work. The FBI's investigations are conducted impartially, without bias or prejudice, and with the most painstaking efforts to obtain all the facts. Frequently, these cases require extensive work, the interviewing of many witnesses, some of whom may be hostile, and the securing of evidence against law enforcement officials who have cooperated with the FBI in other cases.

SECURITY INVESTIGATIONS

Security investigations especially affect the FBI which is charged with a large share of the protection of the Nation's internal security.[12]

Great interest, and most rightfully so, is presently being expressed about the relation of the State and the individual in matters of security. Communism represents a different kind of enemy, an enemy new in the

[7] The FBI Laboratory was founded in 1932 and at the present time contains over a million dollars worth of equipment. The laboratory will examine, free of charge, any piece of evidence submitted by a Federal agency or duly authorized law enforcement official, provided it, or any other evidence in the same case, has not and will not be subjected to the same type of technical examination by another expert.

[8] The Identification Division was founded in 1924 by a consolidation of the criminal records on file at Leavenworth Penitentiary with those of the International Association of Chiefs of Police (a total of 810,188 fingerprint cards). The prints are presently maintained in two basic files: criminal, now containing approximately 23 million prints; and noncriminal, roughly 100 million prints.

[9] Related sections include 18 U.S.C. § 243 (Supp. 1951) (exclusion of jurors on account of race or color) and 18 U.S.C. § 244 (Supp. 1951) (discrimination against persons wearing uniform of armed services).

[10] Additional statutes: 18 U.S.C. §§ 1581–1588 (Supp. 1951).

[11] Additional statutes: 18 U.S.C. §§ 591–612 (Supp. 1951).

[12] The FBI does not have responsibility for the physical protection of the Nation's industrial plants. The Munitions Board is responsible for formulating the policies, procedures, and standards from a security standpoint in those plants that manufacture defense materials.

ideological patterns of human thought. The Nation never before has been faced with an external enemy of such danger. Communism is not hostile to one sector of our society, but to non-Communist civilization itself. It would obliterate, completely and ruthlessly, everything we cherish. Moreover, it is not only an external enemy; through ideological infection, thousands of its agents have been planted in our midst. It has a shocking—almost unbelievable—way of converting individuals born, reared, and educated in America to its fold. Not only that, but its converts are often difficult to identify—lying like serpents in ambush in an industrial firm, labor union, school, or church, waiting for the opportunity to strike.

The Nation's security is today threatened on the internal security front by a foe inexplicably deadly, employing experiences gained in 100 years of battle, parading under highly misleading disguises, and dedicated, as an infallible rule of conduct, to utilizing, whenever necessary, illegal means to gain its objectives. That is America's danger.

A free society must defend itself. Democracy is not impotent. Steps must be taken to defeat the enemy—no only on the battlefield, but here at home. The Founding Fathers never visualized free government's being betrayed by a lack of ability, enthusiasm or will to defend its principles.

The problem, therefore, is not "shall free government defend itself?" but "how can free government defend itself and still maintain the liberties of the individual?" To disregard the individual, to view him as meaningless and the security of the state as all important, is equally to betray democracy. Free government cannot be defended by dictatorial methods—in so doing the defenders will devour the very thing to be defended. The protection of the individual is just as important as the safety of the state. Our task, in this mid-century decade, is to proceed along a path whereby we can achieve national security and yet maintain our freedoms.

The FBI's responsibilities in this regard are based on various congressional enactments such as the espionage [13] and sabotage statutes,[14] the Smith Act,[15] the Foreign Agents Registration Act,[16] the Internal Security Act of 1950,[17] rulings of the Attorney General and Presidential Directives. President Roosevelt in a directive made public on September 6, 1939, placed upon the FBI the duty of correlating internal security investigations.[18] This directive called upon all law enforcement agencies to furnish promptly to the FBI any information in their possession regarding espionage, sabotage, and subversive activities. President Truman, in a directive issued July 24, 1950, reemphasized this policy, urging all law enforcement agencies, patriotic organizations, and individuals to assist the FBI in fulfilling its responsibilities.

In the field of internal security, the FBI's obligations may be divided into two major categories: (1) General security operations, which involve counterespionage, counterintelligence and countersubversion. In this category, the FBI is responsible for the investigation of espionage, sabotage and subversive activities. The greatest amount of effort, of course, has been concentrated on the Communist threat, especially the Communist Party, U.S.A. (2) Special security operations, which encompass, chiefly, applicant and employee investigations arising from congressional enactments of executive directives specifically calling upon the FBI to obtain and report the facts pertaining to security, character and loyalty in the Government service. The Atomic Energy Act of 1946,[19] the Federal employees loyalty program, [20] and various miscellaneous applicant investigations [21] have provided the great bulk of work in this field.

The role of the FBI in security investigations, as in criminal cases, is to adhere strictly to its position as a factfinding agency only, leaving to other legally constituted authority the responsibility for making decisions as to action to be taken on the facts developed. The FBI does not make recommendations, evaluations or express opinions.[22] Its job is solely to gather the facts.

The FBI has been investigating the Communist conspiracy for many years. The Communist Party, U.S.A., in fact, is a state within a state, requiring extreme skill, patience, and effort to penetrate. Members of the Communist Party have been identified, its activities followed,[23] legally admissible evidence secured. An individual has been investigated as an individual—no all-embracing shotgun approach has been utilized. This has required meticulous, constant, and time-consuming efforts. The FBI is not interested in what an individual thinks, but what he does to undermine the Nation's security—not in his ideas, but his deeds. A man may think what he desires, he may read what he desires, he may have faith in what he desires—that is his right in a democratic society. The FBI has no concern about his thoughts—only when they are translated into action which results in a violation of a Federal law over which the FBI has jurisdiction. Then the FBI will investigate.

The FBI's investigations are purposive and discriminate. Before a case is opened there must be a specific allegation which, if proved true, would constitute a matter within the FBI's investigative jurisdiction. These investigations are not promiscuous or designed to fish for information—these are the methods of a dictatorial police intent on destroying every vestige of freedom. The FBI operates strictly within its investigative jurisdiction. That has been a cardinal and unalterable policy since I became Director in 1924.

The validity of the FBI's work in the internal security field was demonstrated by the conviction of the 11 members of the Communist Party's National Board in New York City after a lengthy trial in October, 1949.[24] This trial represented years of work, development of informants inside the Communist Party, and evidence collected on each of the defendants. The Government's case stood the bitter attack of the Communist defense, which utilized every device, tactic, and method of harassment and delay to impede the orderly operation of justice.

This approach to the internal security problem—an objective search for the truth; slowly, carefully, patiently developing all the evidence; and handling each subject on an individual basis—safeguards civil rights. The blunderbuses method, shooting wildly, hoping that in the broadside the guilty will be hit, unmindful of the number of innocent injured—that method is wrong, the very antithesis of democratic law enforcement. Security investigations can be conducted fairly, accurately, and without hysteria. That is the aim of the FBI.

For example, in the search for Dr. Klaus Fuchs' American contact—the man who had transmitted vital atomic secrets from the German-born scientist to the Russians—literally hundreds of suspects were considered. Identifying details were few: the FBI possessed, in fact, only the vaguest outline of this mysterious espionage agent. But that man, somewhere in the United States, had to be found. The field was narrowed, step by step, until above all others, the finger of suspicion pointed to one man—a New York City engineer who, more than any other suspect, met the general physical and background requirements of the espionage contact. Pictures of the most likely suspects, including the engineer, were flown to England, where Dr. Fuchs was then in prison. The scientist rejected all photographs except one—that of the New York engineer. After carefully examining the picture, attempting to focus his memory on the man he had met in America, Fuchs exclaimed, "I think it is the man."

The long search was ended—but, no, it had not. The New York engineer was innocent.

The FBI's investigation kept going. Agents knew, despite Fuchs' tentative identification, that the full story was yet incomplete. Literally days and weeks of intensified effort brought forth the truth—an obscure, self-effacing Philadelphia chemist by the name of Harry Gold and, through him, a fantastic story of American betrayal, treason and intrigue.

The search for the truth has no halfway stopping point. It must go forward to the final goal.

These investigations are twofold: to protect the national security and to preserve individual liberties. Harry Gold simply had

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[13] 62 Stat. 736 (1948), 18 U.S.C., §§ 791–797 (Supp. 1951).

[14] 62 Stat. 798 (1948), 18 U.S.C. §§ 2151–2156 (Supp. 1951).

[15] 54 Stat. 670 (1940), 18 U.S.C. § 2385 (Supp. 1951).

[16] 64 Stat. 399 (1950), 22 U.S.C. § 612 (Supp. 1951).

[17] Public Law No. 831, 81st Cong., 2d sess. ch. 1024 (Sept. 23, 1950).

[18] This Directive reads: "The Attorney General has been requested by me to instruct the Federal Bureau of Investigation of the Department of Justice to take charge of investigative work in matters relating to espionage, sabotage, and violations of neutrality regulations.

"This task must be conducted in a comprehensive and effective manner on a national basis, and all information must be carefully sifted out and correlated in order to avoid confusion and irresponsibility.

"To this end I request all police officers, sheriffs, and all other law enforcement officers in the United States promptly to turn over to the nearest representative of the Federal Bureau of Investigation any information obtained by them relating to espionage, counterespionage, sabotage, subversive activities and violations of the neutrality laws."

[19] 60 Stat. 755 (1946), 42 U.S.C. sec. 1801 (Cum. Supp. 1951). Under this act the FBI has no responsibility for physically safeguarding atomic energy installations, materials or security data. However, it is charged with the investigation of alleged violations of the criminal provisions of the act. Moreover, the act requires the FBI to investigate "the character, associations, and loyalty" of every Atomic Energy Commission employee and applicant, and any other person having access to restricted atomic energy data. The FBI furnishes factual reports to the Commission in cases of this type but does not draw conclusions or make recommendations as to the action to be taken.

[20] Executive Order No. 9835, 12 Fed. Reg. 1935 (1947).

[21] These include, among others, the following agencies and programs: Voice of America program; European recovery program; International Labor Organization; and international development program.

[22] If the FBI receives information, either of a criminal or subversive nature, outside the scope of its jurisdiction, these data are immediately transmitted to the appropriate local law enforcement or Government agency. No comment, evaluation or recommendation is made by the FBI.

[23] The FBI, of course, is responsible for intelligence information and in its security investigations collects data of this type. If of interest, this information is immediately disseminated to other agencies of the Government.

[24] New York Times, Oct. 15, 1949, p. 1, col. 8.

to be found. What if he were still an active espionage agent? Who were his contacts? Did he have associates? The security of the Nation demanded that his identity be determined. Yet, at all times, the FBI's investigation protected the liberties of the individuals involved. The guilty party was identified; the innocent men, like the New York engineer who had even been tentatively named by Fuchs as the culprit were exonerated. Truly, this is the highest traditions of American democracy.

In 1947 the FBI was given additional responsibilities by the institution of the Federal employees loyalty program.[25] The FBI first began conducting investigations into the loyalty of Federal employees in the 1942 fiscal year when the Department of Justice Appropriations Act provided for the investigation of any Government employee belonging to a subversive organization or advocating the overthrow of the Federal Government.

Similar provisions were made in 1943, but there was no specific appropriation in 1944. The Attorney General, however, instructed the FBI to continue this type of investigation under the provisions of the Hatch Act which prohibits Federal employees membership in any organization advocating the overthrow of our constitutional form of government.[26] These instructions remained in effect until the Federal employees loyalty program began. Executive Order 9835 was signed by the President on March 21, 1947.[27] On August 1, 1947, the Congress appropriated the funds necessary to implement the Executive order.

Under the order the FBI is required to search through its files the names and fingerprints of all employees and applicants for positions in the Government's executive branch and to report any information indicating disloyalty. When such information is disclosed by the file search, full field investigations are conducted and complete reports submitted by the FBI.

The FBI's role under the loyalty program is to report the facts to the Civil Service Commission without bias, conclusions or recommendations. It is the responsibility of the employing agencies and the loyalty hearing boards to weigh the facts and to decide the proper administrative action.[28] The same basic, fundamental principles of investigative ethics are applied by the FBI in loyalty investigations as in other types of security cases.

The FBI operates on the highest code of ethics, attempting to fulfill its responsibilities yet, in every iota, respecting the civil rights of the individuals involved. This means that special agents not only observe the letter but also the spirit of the law, not only the basic rights guaranteed to the individual by law, but also the rights implied in the American tradition of democracy. FBI agents are gentlemen at all times, conducting themselves in a businesslike, respectful, and efficient manner. Their personal conduct is above reproach, their characters impervious to the temptations of financial graft, inaccurate reporting, or deliberate omission of facts. They feel proud to be FBI agents, and wherever they may be, they form part of a great tradition of loyalty, integrity, and devotion to duty. Their objective is to obtain the facts, and facts only. Promotions depend exclusively on merit, not on political favoritism, the friends they know, or the amount of derogatory information they unearth. They are secure in their jobs, not afraid of outside intimidation, threats, or fears. They can, therefore, concentrate on their specific task, knowing they will not be undercut by political bickering, personal strife, or arbitrary changes of policy.

These factors make for fair and impartial investigations—they are the very lifeblood of the FBI. Special agents, moreover, in their investigations maintain a demeanor of conduct, by their manner of asking questions, soliciting information, and securing evidence, which protects the character and reputation of the individual being investigated.

For example, in conducting a loyalty of Government employee investigation, a neighbor or friend being interviewed will be advised that "Under an Executive order, all Government employees and applicants are being checked as a part of the loyalty program. Mr. John Doe is a Government employee (or an applicant). He is being checked under this program," and no mention, either directly or indirectly, is made of any derogatory information, if any, in the possession of the agent. This protects the civil rights of the person involved. He is not slandered and maligned by unproved charges emanating from intemperate utterances of an investigator. A poorly conducted investigation can wreak havoc with civil liberties and leave a trail of dishonor, innuendoes, and false charges.

Of course, the investigative endeavors of the FBI are always under the scrutiny of public opinion. Individuals interviewed have the privilege, if they desire, to write the FBI or other appropriate agencies of the Government. The newspapers, radio, and television are constantly alert, as are patriotic organizations, groups, and individuals, to any infringement of civil liberties. If an allegation is made, at any time, about the conduct of an FBI agent, we immediately conduct a complete investigation. Invariably, the allegations have been disproved.

In addition, as in criminal cases,[29] the FBI agent's specialized training enables him to distinguish fact from rumor, to run down the incomplete, the half true, and the unconfirmed. This factor is playing a vital role every day in protecting civil liberties. Malicious gossip, idle rumor and spite complaints are detected, and, by complete and accurate investigation, the full and complete story obtained. Time after time innocent people, unfairly smeared or impugned, are exonerated.

In one case, for example, a citizen voluntarily furnished the FBI information that a certain individual, being considered for employment with the Government, was a member of the Communist Party. This was a serious charge. The FBI's investigation, however, reflected nothing, except the original allegation, to indicate any disloyalty. Even the data cited by the complainant as proof of his charges were refuted. It was learned, moreover, during the investigation that the families of the original informant and the individual accused had been involved in a personal quarrel. They had been neighbors and as a result of a trivial incident considerable ill will existed. Here was a spite grudge, which—unless thoroughly investigated—might have ruined an innocent man's reputation.

In another instance, in a loyalty of Government employees case, information was received that a Government appointee's husband was "known to be in sympathy with Russia." The original informant was interviewed. He stated that he heard this from Mr. X, who, when contacted, said that a Mr. Y had informed him and a friend that he had overheard the appointee's husband make remarks which led him to believe that this person was hostile to the United States and sympathetic to Russia. Mr. X and his friend commented that they had no reason to question the appointee's or her husband's loyalty.

Mr. Y, upon interview, expressed the opinion that the appointee's husband was a loyal American. He denied ever having told Mr. X or Mr. X's friend that the husband made un-American or pro-Russian remarks. He added that he had probably discussed some other individual and had been misunderstood. Step by step, point by point, this allegation of disloyalty was traced and dispelled by the truth.[30]

Moreover, in this connection, the confidential nature of FBI files gives additional protection to civil liberties. This is an important point. Only individuals specifically authorized by law have the right of access. This prevents information—some of which, of course, has not been confirmed or verified by investigation—from falling into the hands of unauthorized individuals who, through inadvertence or malice, might misuse it and thereby injure innocent people or give rise to vigilante action by private citizens outside the orderly procedures of law. Data kept in the hands of trained and experienced personnel, utilized only for official duty, are added insurance against their perversion. That is why, time after time, I have insisted that the FBI's files be kept confidential. The very heart of civil liberties is here involved.

In addition, by keeping the FBI's files confidential, the confidence of the citizens is promoted. They can furnish information secure in the knowledge that it will be kept confidential, will not be allowed unfairly to tarnish reputations, will not be used for vigilante actions or exploited for private gain. A piece of information voluntarily offered by a private citizen may be the link to help solve a case. To discourage the furnishing of data to the FBI is to promote inefficiency, poor quality work, and, in the long run, to decrease the community's protection.

Public confidence in law enforcement is another important factor in the preservation of civil liberties. Too often a rumor, an unfounded allegation, an honest mistake will cause private citizens, even whole communities, to agitate for vigilante action. During the early days of World War II, for example, rumors of submarine landings, suspicious strangers, enemy parachute troops were abroad. Amid hysteria and panic, rumors compound, reason flees, and the law is trampled under foot. Within minutes, civil liberties, often of innocent individuals, may be horribly abused by private citizens, who, even though patriotic and well-inten-

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[25] Executive Order No. 9835, 12 Federal Register 1935 (1947).

[26] 53 Stat. 1147 (1939), 5 U.S.C. sec. 118j (supp. 1951).

[27] See note 25 supra.

[28] As of Jan. 31, 1952, a total of 4,130,939 loyalty forms had been received and retained since the inception of the program. These included 1,790,313 incumbent and 2,340,626 appointee forms. The loyalty program is in a current status, with only 8,249 forms on hand being processed. Full field investigations have been opened on 8,513 incumbents with 8,435 completed, while 12,071 investigations have been opened on appointees with 11,322 completed.

The Civil Service Commission has advised that as of December 1951, according to the Loyalty Review Board, the following dispositions have been made on loyalty cases involving both incumbents and appointees: Dismissed as a result of ineligible determination, 365; persons rated eligible, 10,048; employees left service during investigation, 2,140; employees left service prior to adjudication of cases, 2,123.

[29] During the 1951 fiscal year 97.5 percent of all persons brought to trial in cases investigated by the FBI were convicted, 94.5 percent being on pleas of guilty.

[30] The FBI Laboratory is also of great assistance in security work. In loyalty of Government employee cases, for example, handwriting experts, after carefully examining Communist nominating petitions, have often determined that a signature on the petition was not written by the Government employee.

tioned, are highly misinformed and ill-advised. This type of action is abhorrent, the enemy of free government. Confidence must be placed in the American judicial system adequately to handle the situation. That is the only solution.

There are calls today, whether from the misguided or from persons harboring ulterior motives, urging that the Communists be liquidated. "A few fast raids, a dozen trees and a few yards of rope—that would finish them off." This is the attitude of the frenzied individual who, in the grip of emotion, would destroy the very freedom he is seeking to maintain. The Communists admittedly are a danger, but they can be handled through the orderly operation of the American system of government. The confessed members of the Communist Party, who, at a moment's notice, would destroy the Nation, must be accorded the same rights as any other individual. That is the American way.

The FBI, in fulfilling its responsibilities, is respecting civil liberties. Its investigations are being carried out with a minimum of manpower and financial expense.[31] Of course, during recent years the FBI has increased in size. That was unavoidable. But yet the FBI is still a small agency.

At the present time, for instance, there is one special agent for roughly 23,000 inhabitants in the United States. Or looking at the topic from another angle, there are approximately 5 Communist Party members in the United States for every special agent and an estimated 50 fellow travelers. These figures show, in relative proportion, the size of the FBI in the overall governmental structure. By no stretch of the imagination is the FBI a vast, colossal bureau, growing with uncontrollable speed.

Moreover, as I have repeatedly reiterated, the United States has no need for a national police agency. The present system of law enforcement, local, State, and National, working together in voluntary and fraternal cooperation, can fulfill its responsibilities. What is needed is not a new structure of law enforcement, but strengthening, improving, and making more efficient the present arrangement. That is what intelligent law enforcement officers are now attempting to do, and with the aid of America's citizenry, it can be done.

Law enforcement is today, in mid-20th century America, dedicated to fulfilling its sacred obligations—preserving both national security and personal freedom. There is no fixed boundary where a line can be drawn between the two. To achieve such a boundary is to pursue a false hope. But we in America, I think, can make great strides in finding a solution. We know that security and freedom cannot stand alone—one without the other is meaningless. The problem is not to separate them, but to weave them together. The law enforcement profession, operating as an organ of democratic society, is determined to do its share.

The path will be difficult—but we can fervently ask, "To what greater work could we be called?"

[From Reader's Digest, December 1950]

WHY I NO LONGER FEAR THE FBI

(By Morris L. Ernst)

I still remember my start of surprise when I read in the paper one morning in 1939 that J. Edgar Hoover, Director of the Federal Bureau of Investigation, had asked the U.S. Attorney General not to endorse a law that would legalize a free use of wiretapping. Why was Mr. Hoover opposing a law which would make his own work much easier? His own words, published soon afterward, gave me the answer: "I do not wish to be the head of an organization of potential blackmailers."

I had been hearing criticisms that the FBI was made up of "witchhunters" hounding loyal citizens out of their jobs on the flimsiest sort of rumor; that they tapped telephone wires indiscriminately, learning everybody's private business.

Ever since I read that newspaper item I have been studying the FBI. I would like to record here what I have learned.

As a liberal with a long record of aggressive fighting for the preservation of personal liberties, I am inclined to view all law-enforcement officers with a wary eye. And not without reason: too many times they break the law in the performance of their duties.

I grew up in New York where there was often a wanton disregard for the rights and dignity of human beings. Large numbers of newcomers to American freedom let the cops bulldoze them. In their native lands they had been used to police brutalities, and in their new home, they did not know that the laws protected them.

Such disregard of individual rights, expanded on a national scale, seemed to me a positive danger, for national police have almost invariably abused their power. It was therefore utterly confounding to me to discover that our Federal police agency was doing its work with a fervid insistence on respecting the rights and privileges of individuals.

When a skeptical person like myself reads that of all the trials in which the FBI was involved last year 97 percent ended in conviction, he is likely to have cynical reservations. And when he learns that 94 percent of the convictions were based on pleas of guilty, he is bound to ask: "How were these confessions obtained?"

Nazi and Communist courts have taught us that a plea of guilty may prove nothing more than that a man's will can be broken. One rarely hears such charges against the FBI. In our courts of appeal—where accusations are heard of unfair treatment and violations of constitutional rights—the charge is almost never raised against the FBI.

However, I did not rely on this indication alone, nor even on my study of case reports. I wrote articles in which I asked readers to send me any evidence they might have that the FBI had violated a person's constitutional rights. My scoreboard shows a remarkable absence of such accusations. On the contrary, all the evidence indicates that the FBI as a matter of unvarying policy has played fair with criminals and suspects.

This record is of profound importance because events in recent years have brought the FBI into quasi-political problems. Here the danger to personal liberties could easily become acute. The necessity for inquiring into political activities and associations is a new thing in our country. We began this Nation with a great gamble in our hearts—the conviction that, if all opposing viewpoints were allowed free expression, truth in the end would win out.

The progress of our country has so far justified our forefathers' faith in the potency of truth. But in the last 20 years a new enemy—and a complex problem—has arisen to confuse us. New political movements, by underhanded methods, seek to bypass the honest competition of ideas. We face an invisible underground where Fascists and Communists work furtively and zealously against our freedom and our ideas of decency.

Something had to be done about that, and the FBI had to do it. What was its task? To bring the facts up from underground so that all the people can know what is being plotted.

It is natural that loyalty investigations should give us qualms. We shudder to authorize wiretapping and other forms of spying. But they seem necessary if we are to preserve our freedom. They have been forced upon us by the underground.

I am unwilling to ignore the danger of the Communist movement in the United States just because the Reds seem few in number. I saw my friend Jan Masaryk, Czechoslovakia's democratic Foreign Minister, in Prague not long before he came to his end. I know intimately the story of Quisling. I know how helpless democratic forces can be, if they do not protect their people against the secret discipline, the abominably careful scheming of totalitarian minorities.

The Communists could never win an election in the United States. They do not expect to do so. The Communist program, like the Ku Klux Klan, can grow only by stealth in dark cellers. J. Edgar Hoover was right when he stood firmly against a plan to outlaw the Communist Party when the first public outcry was made against the Communists. Why drive more of them underground? All that such an act could ever outlaw would be a name. The next day the same revolutionists would turn up under a new title.

Until Congress is wise enough to pass laws which force open operation of all mass movements, we shall have to protect ourselves against secretly organized attack. We can bring all subversive outfits into the open by requiring all mass movements to report to the Government the essential facts about themselves—the names of all their officials, the money they take in and from whom it comes, and how it is spent.

I suggest that the McCarran bill recently passed by Congress will not work because the Communists will either put their organizations underground or abandon them to start other organizations for the same purposes under other names.

The requirement to disclose essential facts is no invasion of privacy. The President's Committee on Civil Rights unanimously recommended that such laws be passed; represented on the committee are members of the AFL, the CIO, and various minority groups. No decent organization hesitates to identify itself; why should any other kind of organization be protected?

Even without such laws, the FBI has handled delicate problems well. On Pearl Harbor Day the Bureau was able to advise the Attorney General of the basis for authorizing the arrest of some 16,000 persons. A few of the 16,000 became my clients. I defended them before hearing boards and was able to help free some of them. In every case there were fair hearings, with every consideration being shown to the defense.

And although I was the lawyer for certain acquitted suspects, I must admit that Mr. Hoover had a justification in picking up my clients; there was cause for suspicion, and no injustice was done.

One Jewish refugee was picked up because she had entertained one of Hitler's most potent underground spies. But it was easy for me to produce conclusive evidence that my client did not know her guest was a Nazi. She was set free—but the authorities had been right to bring her in for questioning.

Largely as a result of the trials of Judith Coplon and Valentin Gubitchev, there has been publicity and much argument about "listening in," but both sides seem to overlook the real purpose of FBI wiretapping and its actual extent.

One of the greatest liberals said in 1941: "I do not believe it [wiretapping] should be

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[31] During the 1951 fiscal year, the FBI's return to the taxpayers in the form of fines, savings, and recoveries totaled $39,605,860. Renegotiation Act claims, moreover, investigated by the FBI and adjusted in favor of the Government totaled $57,506,930.

used to prevent domestic crimes, with possibly one exception—kidnaping and extortion in the Federal sense. There is, however, one field in which, given the conditions in the world today, wiretapping is very much in the public interest. This Nation is arming for national defense. It is the duty of our people to take every step to protect themselves. I have no compunction in saying that wiretapping should be used against those persons, not citizens of the United States, and those few citizens who are traitors to their country, who today are engaged in espionage or sabotage against the United States."

This statement was made by President Franklin D. Roosevelt. In fact he established the policy which has since been adhered to by the Attorneys General. Note, however, that FBI agents never undertake wiretapping on their own authority; permission must first be obtained from the Attorney General. Furthermore, wiretapping evidence cannot be used in Federal courts. Its only value to the FBI is in opening up leads for inquiry.

The loyalty-investigation program has created a misconception about the FBI's function. Every American should understand that the FBI does not try Government employees. It merely serves various Government bodies as a reporting agency. When a reporting agency has the power to edit, it can make anyone appear a devil or a hero. But the FBI does not edit. It gathers the facts about a Federal employee and turns over its findings to the head of the department. And that is all it does, or can do, except that it frequently is able to save a suspect in his job when rumor is doing its best to get him fired. J. Edgar Hoover cannot fire a single person. His reports do not even contain recommendations. The FBI turns in all the evidence it finds—including unverified tips, rumors, gossip—everything. It adds comments and evaluation of their accuracy, and there its responsibility ends. It is up to the heads of administrative agencies to act.

It would be folly to ignore rumors, or even anonymous messages; an unsigned note was instrumental in sending the notorious General Meyers[1] to prison. Ditto for thousands of less spectacular examples. To abandon that policy would be to assign to Hoover's assistants the duty, and the power, to screen the reports. I should be very much disturbed if police agents were permitted to withhold evidence on their judgment of its value. Far better the present system: the complete reports go to the responsible official; everything is in the dossier, with a careful comment on each item, whether it is a fact, probability, or rumor.

In my study of the FBI it soon became clear that lies were being spread against it. For example, it has been said and printed repeatedly that agents in loyalty investigations demand to know whether a suspect reads certain magazines of leftist tinge. This charge is a lie. Whenever he hears of the statement being made, Hoover calls for the facts—and invariably everybody backs down. They "heard it somewhere," they "can't remember where." Directives to FBI agents specifically forbid such questions, unless the reading matter is published by the Communist Party.

Of course, some agents may blunder or offend. When that happens, write J. Edgar Hoover. He will see your complaint, and it will be gone into thoroughly. I have personally checked about 100 such complaints, and I have yet to find one piece of evidence of improper questioning by agents.

[1] Maj. Gen. Bennett E. Meyers, former Air Force purchasing officer, convicted of inducing a former business associate to lie under oath about irregular war contracts in which Meyers was involved.

The real difficulty in loyalty investigations is that there is almost no way of proving that a person is a Communist. The suspect, if a party member would deny it. Communist doctrine holds that it is right and proper to lie and cheat. This fact makes new techniques necessary. Yet in spite of alarms and outcries, nothing oppressive has been done.

It surprised me to learn that, of 2,873,180 employees whose records were examined by the FBI, all but 12,825 were promptly cleared. This minority being further investigated, only 230 employees were finally dismissed. In 163 cases the employees appealed and were given their jobs back. One significant factor must be noted: 1,474 resigned before their cases came up. Actually the FBI is now being criticized for not having found as many subversives as it should have.

A real smear campaign has been carried on against Hoover's work. Those who feared the Bureau—as I once did—will be glad to know the facts. The FBI is unique in the history of national police. It has a magnificent record of respect for individual freedom. It invites documented complaints against its agents. It has zealously tried to prevent itself from violating the democratic process.

Among liberals I am by no means alone in this opinion. A while ago Roger Baldwin, formerly director of the American Civil Liberties Union, wrote to J. Edgar Hoover:

"It seems to me that your Bureau has accomplished an exceedingly difficult task with rare judicial sense."

For me, that sums up the record.

[From the New York Herald Tribune, Apr. 6, 1956]

THE FBI'S CIVIL RIGHTS SCHOOLS

(By Roscoe Drummond)

WASHINGTON.—To help avert and correct civil rights abuses the Federal Bureau of Investigation is now conducting, in cooperation with State and local police throughout the country, a series of specialized civil rights schools. It is paying dividends by way of deepening the understanding of the Nation's 200,000 enforcement officers of the civil rights which they must help protect and which, in preserving law and order, they must not violate.

Already this year the FBI has conducted day-long training schools for local police agencies in 175 cities and by the end of 1956 will have held fully 750 such schools with a total attendance of 100,000 officers especially charged with civil rights responsibilities.

The FBI reports special interest and responsiveness through the southern and border States. It finds that in numerous instances that attitude of local police agencies in the South in the area of safeguarding civil rights as the laws stand, and in shunning and punishing violations by the police themselves, is better than in several cities in the North.

The FBI, as the investigative arm of the U.S. Department of Justice, considers civil rights cases of the utmost importance and gives the highest priority to civil rights investigations. Such investigations are difficult and, at times, delicate, because they require interviewing State and local police officers, some of whom may not be in sympathy with the investigation, and the obtaining of evidence against enforcement officials who have cooperated with the FBI on other matters in the past.

This is one of the reasons why the FBI is eager that State and local police fully understand that the FBI can intervene to investigate any action by the police which violates civil rights guaranteed under the Constitution.

As a result of these schools, the FBI is finding that the local police are increasingly aware how they can do a better job in safeguarding civil rights, conscious that one case of police abuse is "one case too many" and that investigation and correction are best for all.

The special civil rights schools, though initiated by the FBI, are carried out at the invitation of local police and include the participation of local leaders of the bar and civic life. Local police departments are responding beyond all hopes and attendance is double the expectation.

The guiding tenets which the FBI's specially trained instructors bring to these conferences with the local police are:

That peace officers must know the basic liberties they share with other Americans.

That they must know and act within the limitations to their own authority.

That willfully depriving any person of his constitutional rights by public officers acting under the color of law is a violation of Federal civil rights statutes—and automatically becomes an FBI case.

That a single act of police brutality is a blow to respectable and responsible peace officers everywhere in the United States, starts a chain reaction in the courts, the press, and among the public, makes resistance to law easier, enforcement of the law harder.

The FBI's new civil rights schools are designed as a positive, forward contribution to help prevent law violation. They are a part of its cooperation with State and local police to make it less likely, for one thing, that racial controversies break into violence.

What is encouraging its that these FBI schools are bringing about a new level of positive contributions between Federal and local authorities on one of the most delicate and critical fronts of law enforcement—the safeguarding of civil rights by the police and the safeguarding of the police from violating civil rights.

THE FEDERAL ROLE IN CIVIL RIGHTS—II

(By Roscoe Drummond)

It is evident that the Federal Bureau of Investigation in rendering a valuable and timely service in taking the initiative to equip the Nation's 200,000 State and local enforcement officers with a fuller understanding of the role of the Federal Government, including the FBI's in safeguarding civil rights. The FBI's specialized civil rights schools, which are now being conducted throughout the country, were carefully worked out on a pilot project basis during the last 2 years. They were not related to the public school desegregation decision of the Supreme Court, but they come at a time when they can do the maximum good in helping to hold watch over and reduce civil rights incidents rendered more acute by the desegregation controversy. The FBI reports the widest responsiveness and cooperation by State and local law officers. What, I think, is not generally appreciated is the large responsibility which the Federal Government, including the FBI as the investigative arm of the Department of Justice, has as a protector of civil rights guaranteed by the Constitution. This point is strongly stressed in the instruction which the FBI uses in the day-long seminars with State and local officials. It includes such facts as these:

That the individual is protected against the Federal Government by the fifth amendment, which forbids the Federal Government to deprive any person of life, liberty or property without due process of law.

That the individual is protected against the State governments by the 14th amendment, which forbids the States from depriving any person of life, liberty or property without due process.

That the function of protecting the individual from invasion of his basic rights falls to the Federal Government, and especially to the Supreme Court.

That while the protection of a private citizen from violation of his civil rights by another private citizen is the responsibility of State and local police, the invasion of basic rights by two or more private persons in conspiracy can make it a Federal offense.

In all its civil rights schools, the FBI enumerates the following as the principal rights which it is the duty of the Federal Government to protect against State invasion, and against interference by persons acting under the color of the law:

1. The right to be free of illegal restraint of the person.
2. The right to vote as protected by Federal law.
3. The right to be immune from physical violence applied to extract testimony or to compel confession of crime or alleged offenses.
4. The right to be immune from punishment except after fair trial and conviction by due process.
5. The right to be free from interference with the free exercise of speech, press, assembly, and religion.
6. The right to be free from mob violence incited by or involving public officers.

The FBI emphasizes that its role in investigating civil rights violations stems from specific legislation as well as from the Constitution, that the 13th, 14th, and 15th amendments direct Congress to enforce the guaranties by appropriate acts. It points to section 242 of the Criminal Code as the substantive civil rights statute which requires the Federal Government to safeguard the rights, as secured by the Constitution and Congress, wherever they are violated by a Federal, State, or local official.

The preliminary facts of alleged violation of civil rights are gathered by the FBI, then referred to the Criminal Division of the Department of Justice, which determines whether a full field investigation should be made.

The FBI is finding the local police increasingly willing to have false complaints cleared up and real abuses exposed so they can be punished.

The local law enforcement authorities need to realize that the FBI is simply carrying out its statutory duty in investigating civil rights violations the same as it does in investigating bank robbery or extortion violations.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., July 1, 1958.

To All Law Enforcement Officials:

One hundred and eighty-two years ago this month the Declaration of Independence was adopted at Philadelphia. Its great principles of "life, liberty, and the pursuit of happiness" are today the heart and soul of our Nation.

We in law enforcement take special pride in this historic document. From it came the very foundation and reason for law enforcement. Every citizen enjoys basic rights, such as freedom of speech, freedom of the press, freedom of worship. These are the rights for which our forefathers fought, bled, and died. Our sacred responsibility, as law enforcement officers, is to protect these liberties. To do otherwise is to deny the very reason for our profession's existence.

Through dedicated service, devotion to high ideals, and self-sacrifice, American law enforcement has compiled a magnificent record of accomplishment. Often against great odds, such as venal politicians, low salaries, and public apathy, it has continually improved in efficiency, capability, and service to the community. Yet, all the time, it has remained undeviatingly loyal to the principles of freedom and justice. This is indeed a tribute to our profession.

Yet today an unscrupulous few, through insults and calculated distortions, would besmirch and disgrace this world-renowned record of democratic achievement. Recently, loud and slanderous charges have come from some quarters that law enforcement is gravely impairing the historic liberties of the people. Violent and hateful words, such as "Gestapo," have been hurled as descriptions of our efforts.

The testimony of American law enforcement emphatically refutes these baseless charges. Our record is open for all to see. Unlike totalitarian law enforcement, we have no dark corners to hide. Law enforcement—local, State, and National—is constantly subject to the will of the people, exercised through the various executive, legislative, and judicial processes. Moreover, its jurisdiction is specifically defined by statute. Our day-to-day activities are under the review of the free press and the citizens of the community. As American patriots as well as law enforcement officers, we would have it no other way.

These reckless charges can only undermine public confidence in law enforcement, weaken its record of democratic achievement and give grist to the propaganda mills of our Communist enemies. There is today in America no danger of a national police force or any threat of usurpation of authority by law enforcement. American law enforcement remains loyal to the principles enunciated by our forefathers 182 years ago.

Under our system of government, an individual has every right to speak freely. I thoroughly subscribe to the well-known historical expression that "I may disagree completely with what a man says, but I will defend to the limit his right to say it." Free expression is the essence of our way of life. This tradition must remain inviolate if we are to survive as a free Nation.

Yet, in the spirit of our forefathers, I think potential rabble rousers should carefully digest a word of wisdom from a distinguished American, Bernard M. Baruch, who said: "Every man has a right to his own opinion, but no man has a right to be wrong in his facts." To utter inaccuracies in the exercise of free speech is to do a grave disservice to democratic society.

The self-sacrificing efforts of thousands of law enforcement officers across the Nation are a living testimonial that they, in the spirit of 1776, are protecting fully our great heritage of "life, liberty, and the pursuit of happiness."

Very truly yours,

J. EDGAR HOOVER,
Director.

[From the Reader's Digest, March 1954]

THE FBI PROTECTS THE INNOCENT

(By Karl Detzer)

At 1:35 a.m. one rainy night, a policeman sloshing his lonely rounds through a dark neighborhood in a small Midwest city saw someone moving furtively in the shadows. Flashing his light, the officer recognized a local ne'er-do-well named Pete.

"Where're you going this time of night?" the policeman asked.

Pete held up a newly bandaged hand. "Home from the doctor's," he said. "Cut my thumb on a broken window in my henhouse. Doc took two stitches."

The policeman splashed on through the rain. Next morning he remembered Pete when a merchant reported that his shop, a block from the scene of the encounter, had been burglarized. Blood smears on a broken pane in the back door indicated that the thief had cut his hand. A woman who lived above the shop had heard glass breaking about 1 o'clock.

Pete had rung the doctor's night bell at 1:10. Investigation also disclosed that Pete and the merchant had quarreled violently and that Pete had boasted that he would "get even."

To the police, the crime seemed to have solved itself: a suspect found near the scene of a burglary a few minutes after it occurred carried strong physical evidence of having committed it; he was a shoddy character, had a weak alibi, and the quarrel was motive enough to satisfy even the most skeptical jury.

But Pete stubbornly stuck to his story about the henhouse window. The police checked the henhouse, found a broken pane with blood on it; but just when it had been smashed there was no way of knowing.

However, as smart policemen all over the Nation do every day, the authorities called on the FBI for scientific aid. The doctor who patched up Pete's thumb fortunately had saved two slivers of glass he had removed from it. The police sent them, along with the bloody fragments of glass from the shop door and the henhouse window, to the FBI crime laboratory in Washington.

This evidence was studied first by the serological section, devoted to the study of blood and body fluids. Chemical analysis and examination under microscopes took several hours. Then the exhibits went to other scientist-investigators who specialize in identifying glass or plastics, metals, paint, or crockery.

The next day the report, complete to the last unarguable detail, moved quickly to the office of FBI Director J. Edgar Hoover. He studied it. Minutes later a teletype was clicking out a message to the police chief who was holding Pete in jail.

"Pete is not the burglar," was sum of it. He was released. For the police and district attorneys everywhere know that the Federal Crime Laboratory never guesses; it can prove its findings every time.

In this case the blood on the glass slivers from Pete's thumb proved to be a different type from that left by the burglar on the shop door. But it was the same type found on the henhouse window, where Pete insisted he had cut his hand. Also, the slivers could not have come from the glass in the door; they had different compositions, densities, and optical properties. But the slivers did match the glass in the henhouse.

So the convincing array of circumstantial evidence collapsed in the face of indisputable findings by the world's most skilled crime laboratory.

The FBI, which, as every schoolboy knows, nearly always gets its man, is even prouder of the long list of innocent men it has cleared of suspicion. Sheriffs and city and State police from coast to coast have learned to depend on the 65 physicists, chemists, metallurgists, toxicologists, microscopists, and specialists in other fields who make up the scientific staff. Using a vast assortment of laboratory equipment, including spectrographs, an infrared spectrophotometer, X-rays, measuring devices that determine the diameter of a human hair, scales that weigh a fleck of dust, an electron microscope, the FBI scientists wheedle the truth out of a strange assortment of inanimate objects.

More than 100,000 specimens a year find their way to FBI headquarters. Among objects recently received for study have been a Mackinac trout, a cobweb, a railroad rail, a piece of cheese, a bone from a human elbow, an apple core, a chicken head, a bowling pin, a bear claw, a dab of peanut butter, enamel from a tooth, a dog's hind leg, checks, love letters, a quid of tobacco, and the hair of a mummy. In nearly every case the scientist-investigators were able to dig out hidden facts to prove the guilt or innocence of some individual.

When burglars smashed their way into a small Oklahoma bank one night in 1949 they had to content themselves with $12 in small change from a drawer. Bank employees remembered that among the stolen coins was

a mutilated Roosevelt dime. Several weeks later a filling-station operator deposited at the same bank a mutilated dime which looked like the stolen one. Within a few hours the police had traced it to a young farmer whose story sounded more like an alibi than the truth.

He admitted that he had passed the dime. But, he insisted, he had mutilated this coin himself. Several weeks before he had stuck the dime into the bark of an oak tree and banged away at it with his .22-caliber rifle. After perhaps a dozen shots he had hit the coin, knocking a hole in one edge. Later he hammered it flat, used it to buy gasoline.

He showed the police the oak tree, but the rough bark gave little hint of target practice. So the officers sawed out a slab and mailed it to the FBI laboratory. With it they sent the dime and the remainder of the farmer's box of cartridges.

The laboratory X-rayed the slab, found in it 11 bullets and 2 small metal fragments. Analysis showed that the bullets matched those in the box and that the pieces of metal were of the same composition as the damaged dime. Then one fragment was found to be stamped with part of the letter "D." That letter was missing from the words "United States" on the dime. The FBI notified Oklahoma police that the farmer had been telling the truth—and another reputation was saved.

The scientists sometimes find themselves protecting a known criminal, who happens not to be guilty of the particular crime with which he is charged. A forger just out of prison was arrested by Midwest police when forged checks appeared in his neighborhood. Victims could not identify him positively and he denied the charge. The FBI examined the checks and found that for once he was telling the truth; another forger had gone to work in his neighborhood.

In Detroit a woman was found dead with a pistol and what purported to be a suicide note beside her, addressed to her husband. Police questioned a maid, who confessed that she had written the note at the husband's direction after he had killed his wife. The maid swore that she and the husband had plotted the murder and that for 6 months she had practiced the dead woman's handwriting. Found guilty, the man had served 5 years of a life sentence when his daughter persuaded officials to submit the note to the FBI, together with samples of her mother's writing. Experts at the laboratory found many proofs that the wife actually had written the farewell message. New evidence also showed that the maid, rebuffed by the husband, had invented the story of the plot for revenge. After a new trial the husband was freed.

Occasionally the FBI, in proving a man innocent, is able to point to the guilt of someone else not at first suspected. When a North Carolina woman was found beaten to death in a muddy field, sheriff's officers arrested a man seen loitering nearby. He had no alibi, and his shoes and clothing were covered with mud which seemed to have come from the murder scene. More damning was the fact that he wore a shirt with one button missing, and a button that appeared to match the others on his shirt had been picked up near the woman's body.

The sheriff sent the victim's muddy clothing and that of the suspect to the laboratory in Washington, together with the button and the fellow's shirt. The experts there proved by analysis that the mud on the man's clothes had come from a different field. And the button found near the body had not come from the man's shirt.

He was released at once. Another suspect, with a button missing from his shirt but with no mud on his newly cleaned clothing and shoes, was questioned. The evidence against him was slight until the FBI reported that the threads from the button found in the field matched those on his shirt.

With some exceptions the FBI can identify from a single flake of paint the make, year and model of a car which has its original paint. Early one morning a car in a Pennsylvania town smashed into an aluminum store front. The driver backed away and escaped. Later that day a local citizen drove downtown in his 1951 Ford sedan, with a front fender crumpled. Questioned by the police, he denied that he had been near the scene of the accident and said that his damaged fender was the result of running into a tree in his own backyard.

The car, however, was exactly the same gray color as smears left on the store front. The police sent to the laboratory a sample of paint from the suspect's fender and a strip of paint-smeared aluminum from the store. The report came back promptly. A spectrographic test showed that the smears had come not from this Ford but from a 1949 Chevrolet.

The FBI crime laboratory, which each year clears scores of such innocent victims of circumstantial evidence or perjured testimony, was established in 1932 with a single scientist as staff. Planned merely as an aid to FBI agents in the field, it soon began to receive calls for help from city and State police. With a growing workload, the number of scientists and technicians and the amount of equipment slowly were increased. Because it is devoted to science and never seeks merely to "pin a conviction" on anyone, it approaches each new problem with an open mind. Its constant search is for the truth, rather than for a record of convictions.

And many a grateful suspect, unjustly accused, has found that the truth does make him free.

RUSSIAN CLAIMS OF SCIENTIFIC ACHIEVEMENT

Mr. BRIDGES. Mr. President, not long ago I publicly deplored the American tendency—particularly in some public media—to accept as gospel every Russion pronouncement of scientific achievement. Specifically, I was referring to the Soviet claim last January that their 1½-ton Mechta probe, or Lunik, came within 3,000 or 4,000 miles of the moon and then went into solar orbit.

On the face of it, this announcement—which, by the way, received a great deal of space in our own newspapers—obliterated the significance of our Pioneer and Atlas successes.

The information which I acquired in the course of investigating the Lunik story strongly indicated to me that it might well have been nothing more than another example of Soviet propaganda, but nevertheless effective propaganda.

I should like to have consent to have printed in the body of the RECORD an article which appears in the May issue of True magazine. It is entitled "The Big Red Lie." The author is Lloyd Mallan, a veteran science reporter who made an extensive tour of Russian scientific facilities—before the Lunik announcement—and returned to this country convinced that the Soviets were far behind. Mr. Mallan maintains that the Lunik does not exist and never did. He further expresses his belief that the Russians do not have any ICBM's.

The article is highly interesting. I believe it substantiates my contention that Americans should display less gullibility about announcements from the Kremlin.

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

THE BIG RED LIE

(By Lloyd Mallan)

On Friday, January 2, 1959, the Soviet Union announced that it had successfully launched a rocket toward the moon. The Russians also claimed that this rocket, which they dubbed "Lunik," subsequently went into orbit around the sun.

This was a monumental triumph of propaganda. In one shattering blow, it wiped out the effects on world opinion of three great American achievements: The two Pioneer rockets that had nosed farther into space than anything previously made by man, and the delicately instrumented Atlas satellite that had opened a new era of long-distance communications. The world was agog. U.S. scientists writhed in chagrin and admiration. President Eisenhower himself, in a heroic show of sportsmanship, offered the Kremlin his genuine congratulations.

As for me, I was stunned.

In those first wild hours after the Russian announcement, I walked around in a nightmare. I was faced with a clearcut choice between two fantastic propositions. Neither seemed acceptable, but somehow I had to choose.

The first proposition was that something was wrong with me, that in some unfathomable way I had been led into a colossal error of judgment. The second proposition was, simply, that the Russian moon rocket did not exist.

A few months before, I had traveled 14,000 miles through Russia on a scientific reporting expedition. I had talked to 24 of the top Soviet scientists—far more, I'm told, than any other Western journalist has ever been lucky enough to reach. I had seen major Soviet universities, research centers, observatories. Seemingly eager to have me take home a glowing report of their progress, the Russians had proudly shown me the cream of their technological achievements. I had looked and listened carefully. I had formed conclusions, tested them and retested them.

And I had come out of Russia with the dead, flat certainty that the United States was immeasurably far ahead in space technology—that, for one thing, Russia had no effective intercontinental ballistic missile; and that, for another, the United States would beat Russia to the moon without half trying.

But here I stood on the evening of January 2, Russia's epic announcement ringing loudly and mockingly in my ears. I poured myself a drink and sat down. I combed back through the notes and tape recordings and photographs and memories of my Russian journey. But no matter how I sifted and reevaluated, I couldn't make it add up. Everything I'd seen and heard in Russia argued against the alleged fact of Lunik. The scientific community which I had studied in that enigmatic land was not capable—simply not capable—of producing any such thing.

It was a hard concept to grasp, both intellectually and emotionally. But this was it: The Russians did not fire a rocket past the moon on January 2, 1959. If they fired anything, it failed to reach the distances achieved by the U.S. Pioneers. The Lunik, in short, was a cooly insolent, magnificent, international hoax.

I couldn't just let the incredible thought ferment in my brain, of course. I went to Washington, talked with military men and intelligence officers in the Pentagon. I visited Project Space Track, the Air Force in-

stallation in Massachusetts that collects and correlates tracking data from all over the free world. I telephoned major tracking stations. I talked with scientists.

Not one of them would make the flat statement that he had heard a signal from Lunik. Officially, the United States was acknowledging the existence of Lunik. Unofficially and privately, the wet cold edge of doubt was beginning to seep into some clever minds.

Slowly this doubt emerged into the open. Puzzled little essays began to appear in newspapers. Syndicated columnist Fulton Lewis, Jr., for instance, wrote on January 21 that intelligence sources were questioning Russia's veracity. An editor of the magazine Electronic News ran an exhaustive probe of the affair through correspondents around the world, ended convinced that no Lunik exists. He couldn't print his conviction, however; his publisher feared repercussions, ordered merely another vaguely puzzled essay.

These men are on the trail of the big Red lie, but unfortunately they must piece the story together from shadows on this side of the Iron Curtain. There is virtually no more chance of getting any useful leads inside Russia, for the Kremlin is now undoubtedly on guard to protect its lie. I was lucky enough, though, to get the story before Lunik. I saw Russia and talked to Russian scientists at a time when there was no Lunik hoax to protect.

In my notes and pictures and tape recordings there is, I submit, solid evidence that no such sun-orbiting rocket—and no effective Russian ICBM—could or does exist.

I arrived in Russia 1 year ago this month. In my luggage were letters to top Soviet scientists from their counterparts in U.S. science—men such as physicist Dr. S. Fred Singer, of the University of Maryland, the man who first seriously proposed an earth satellite and showed that the idea was feasible. These letters asked the Russians to cooperate with me, identified me as a trained scientific observer and author of scientific books, and stated my mission as that of bringing home an objective and, presumably, flattering report on the state of Soviet science.

The whole idea of this mission sat well with the Russians, for they are politically committed to brag. To a huge extent, the success of communism depends on the success of Communist propaganda in winning the world's admiration. From Premier Khrushchev down to the lowliest newspaper hack, Russians lose no opportunity to tell the world of their every achievement. I fitted into this effort very nicely. Here I was: an American science journalist, all starry eyed, eager to add my voice to the admiring chorus. I really was. As I entered Russia that spring, I was fully prepared to be overwhelmed by an impression of tremendous technological progress.

I let the Russians know this, and they welcomed me. I have no other explanation for the fact that I was allowed to talk with so many key scientists, to see so much of what previously had been obscured. American news correspondents whom I met in Moscow gaped in disbelief when I showed them the list of Russians I planned to interview. They told me that they rarely, if ever, get to see a Soviet scientist of any note. Most of their science news is spooned out to them by Soviet press bureaus. It isn't hard to guess why: these are hard-digging reporters, and the Kremlin fears them. I, on the other hand, was billed as a man so full of awe and admiration that I'd swallow whatever was handed me.

Intourist, the Soviet Government travel bureau, assigned an intelligent, moderately pretty girl named Natasha as my interpreter and guide. I told her that the first man I wanted to see was Prof. Leonid Sedov, head of the Permanent Interdepartment Commission on Interplanetary Communications (i.e., space travel) of the Soviet Academy of Sciences. As over-all boss of the Russian space program, Sedov had two things that I needed badly: (1) the locations and phone numbers of other important scientists, and (2) the power to help me, or not help me, get in touch with them. There are no phone books available to the public in Russia, and it is very, very hard to track down key men without help. Hard? Impossible.

Sedov, a big man with thick rimless glasses, was as obliging as a salesman with a hot prospect. I asked if I could look in on key research projects. Of course I could. Could I interview people working in the space program? Certainly. Could I photograph rockets? Sure thing. I handed him a list of the top men I hoped to visit. Would he tell me where these people were and smooth the way for me to see them? He nodded amicably, jotting reminders to himself in a notebook. It could all be arranged. No problem.

Obviously, then, the Russians intended to show me things, send me reeling back to my hotel dazzled by scenes of mighty rockets and pioneering experiments. Mentally, I shrugged. It was an acceptable bargain. If they wanted to put on a show for me, I'd give it honest reviews when I got home.

But almost as soon as the curtain went up, I sensed that something was wrong.

One of my key interviews was with a man who, as far as I know, had never before talked with a Western reporter: Prof. Gleb Chebotarev, director of the Institute of Theoretical Astronomy in Leningrad. Chebotarev is one of Russia's top mathematical astronomers. In the months before I'd come to Russia, he had been widely touted in the Soviet press as the head of Project Boomerang, a planned effort to send a rocket around the moon. According to these reports, Project Boomerang was well along; the Russian moon rocket would be launched quite soon.

Chebotarev was a bespectacled, amiable, middle-aged man; he looked the way astronomers look in the movies. I asked him how close his project was to its goal.

He shrugged. "I cannot say," he said. "I have not yet been approached by the engineers."

Trying not to look startled, I asked: "At any rate, your project is being seriously considered for future use?"

"Right now this is only theoretical work."

"You mean to say that no engineers have read your calculations and at least commented on them?"

Chebotarev smiled. "If they have, they have not let me know. I do not think they believe in my sanity."

It was a shock. All along, I'd pictured the Boomerang project as a missile center alive with busy men, designs being drawn, components arriving, maybe a launching pad being made ready. Instead, it turned out to be a middle-aged professor in an ivory tower. The propagandists had grabbed a little weed of fact, held a magnifying glass up to it and made it look like a tall tree.

I was badly shaken, but I tried to hide it. I went on with more questions. Before coming to talk with Chebotarev I'd read over some newspaper clippings on him, and I now remembered a fragment from the New York Times. The Times was quoting from a Moscow News story on Boomerang: "The increase of a rocket's speed from the 18,000 m.p.h. already achieved (by the sputniks) to 25,000 m.p.h. so that it can escape the earth's gravitational pull is 'perfectly possible at the present stage of technical development.'"

I asked Chebotarev about the problem of speed. Said he: "It will be a very great jump from 8 to 11 kilometers a second. I do not know when it will be possible for them to do it."

Another shock. I sat there and looked at Chebotarev, trying to figure it out. He wasn't lying to me. Why should he? When the whole Communist propaganda machine was bragging raucously about the coming moon shot, why should this one scientist suddenly try to play it down? If he was going to lie, he'd have lied in the other direction; he'd have told me how the rocket was poised and ready to shoot.

I could only conclude he was telling the truth as he knew it. He was a scientist. Scientists are rigorously trained against falling into the trap of exaggeration; they make statements cautiously. They know that, in their business, a man's professional reputation can collapse overnight if he's caught saying misleading things about his work.

Then I wondered: wouldn't Sedov have foreseen this? Sedov, or whoever else was masterminding my journey? Wouldn't he have realized that, in sending me to see scientists, he was sending me to see the truth? Maybe not. Maybe he believed the propaganda himself, or maybe he felt certain that the scientists, being Russians, would loyally back up the Big Red Lie.

Or maybe, I thought, maybe there's a moon shot under wraps somewhere, and Chebotarev just doesn't know about it. But this didn't stand up. One of Russia's top astronomers, a well-known expert in celestial mechanics, kept in the dark about Soviet space activities?

I put out another probe. I remembered reading an article in *Znaniye-Sila* (translation: Knowledge is Power), a leading Soviet science magazine. The article dealt with Chebotarev's lab and it said in part: "By means of huge automatic computing machines, this Institute is engaged in calculating the precise movements of the earth, moon, and planets . . ."

I said to Chebotarev: "Perhaps you can give me some information regarding your electronic computers?"

Chebotarev said: "I am not acquainted with these machines. In my kind of work the electronic machines are not needed. All my calculations are made by another professor with the help of small electrical calculators."

It was unbelievable. Not *Znaniye-Sila's* exaggeration, which was remarkable enough, but the fact itself. In the U.S. today, electronic computers are 100% essential both to theoretical astronomy and to the nuts-and-bolts work of space travel. Even small research shops use computers—scramble for them, rent them part-time when there's no other way to get them. Yet one of Russia's best astro-physicists is "not acquainted with these machines."

I wanted to read more about Soviet computers. I knew that a good place to do so was as Moscow's Technical Bookstore, the one place in the city where scientists, technical people and students can buy their specialized books. In this store, I reasoned, I'd find descriptions of the most up-to-date Soviet equipment.

I sneaked in without Natasha, for I didn't want to give her too many clues to the direction of my thinking. I have only a minimum knowledge of the Russian language, but mathematical and scientific symbols—and, of course, pictures—know no language barriers. In books with 1957 and 1958 publication dates, I found diagrams and photos of primitive electronic machines such as those used in America back in the early 1950's. In the fast-moving computer business, six or seven years add up to a long time. Compared to what IBM and Remington Rand are producing today, those old machines were slow, not very versatile, and hounded by frequent breakdowns. I got the definite impression—and Chebotarev's statement backed me up—

that even these machines were not used widely in Russia.

Maybe Russia is keeping its new computers under wraps, I thought. But this didn't make much sense. Keep them from Chebotarev? Keep them from the Technical Bookstore?

I was deeply puzzled. Without high-speed computers, you can't advance very fast in space technology. Maybe you can slam a satellite into a half-baked orbit by bolting a few big rockets together, aiming them at the sky, and hoping. But you can't quickly progress from there to the delicately instrumented, perfectly controlled craft that will land on the moon or pass close to it. You can't quickly progress to new, more powerful kinds of propulsion. Millions upon millions of calculations are necessary. Take nuclear propulsion. Both IBM and Remington Rand are now building for the U.S. Atomic Energy Commission machines that will multiply a pair of 15-digit numbers in millionths of a second. These machines will do as much work in a day as the fastest existing computers can do in a month—and even so, says AEC, don't expect results too soon.

Next, I went to Moscow's Polytechnic Museum, the most important scientific showplace in Russia. In a special room devoted to progress in electronics, I found a computer that U.S. scientists would not have been very proud of even back in 1952. This was the Polytechnic Museum, an institution designed for showing off. Could I assume this backward machine was an example of Russia's best?

I was reminded of the time a year or two back when a Russian magazine published a picture of a Univac, with Remington Rand's label blacked out and a caption proudly referring to Soviet progress in electronic brains.

The thing that impressed me most at the museum was something that wasn't there: miniaturization. In space flight, where every ounce of weight counts, you must build microscopically small. You must have tiny sensing devices, a tiny computer, tiny navigation and control equipment. Without such miniaturized innards, the U.S. Atlas missile, for instance, would not be able to guide itself through space and land on a target 6,000 miles away. That's controlled space flight, necessary either for an ICBM or a trip to the moon.

At the museum, where the pride of Soviet science is displayed, I saw no evidence of miniaturization. The smallest vacuum tubes on display were bulky compared to what's turned out in the United States, Germany, England and Japan. The Russians are known to make transistors, tiny gadgets that can do the work of big vacuum tubes in certain uses, but none were on display. From this and from subsequent reading and looking, I got the impression that Russians don't consider miniaturization an important kind of progress.

They admire bigness. Premier Khrushchev is fond of referring to the U.S. Vanguard satellite as the "Grapefruitnik." He alludes to the greater size of the sputniks. What he doesn't say is that the Vanguard spaceball is evidence of a much more sophisticated technology, a much firmer mastery of miniaturization. The Vanguard was guided into an orbit so stable that it'll be up there for a good two centuries. Sputniks I and II had remarkably unstable orbits, indicating that they weren't guided but merely thrown almost haphazardly into space.

In fact, Dr. I. M. Levitt, director of the Fels Planetarium in Philadelphia, took the sputniks' faulty orbits alone as evidence that the Kremlin has no ICBM, no really accurate guidance system.

The sputniks are big. Could the reason be that Russian engineers don't know how to build electronic equipment small? U.S. scientists have grumbled that Russia hasn't published much data collected by the sputniks. Could it be that there is no data—no fine enough instruments aboard to collect it? Even the instruments that are aboard seem inferior. The monster Sputnik III's signals have always been so weak that only the most sensitive receiving equipment can detect them. Tiny Vanguard, less than a thousandth as big, comes in loud and clear.

I came out of the museum with my head spinning. Over a quite cup of bad Soviet coffee, I tried to reconcile what I had seen and heard with the picture of Russia that I'd carried into the country. The whole progress of world affairs in the past 10 years had been shaped, to a big extent by the belief that Russia was developing ICBM's, fearsome weapons that could break up New York and San Francisco and Detroit in one colossal attack. Were these terrifying things nothing, after all, but figments of somebody's imagination.

No, I told myself. You're going too far on too little evidence. Surely before long, they'll show you some instruments that'll knock your eye out.

I went to see Alla Massevich, Vice President of the Astronomical Council of the Academy of Sciences. She heads Russia's optical tracking network. A Red Newspaper had said that sputniks and lunik were tracked by "specially built scientific stations equipped with a great number of radio technical and optical instruments." This is a field in which I have real interest and knowledge and I was anxious to talk to this celebrated woman astrophysicist. Accurate tracking is a must, you need to know exactly how your spacecraft behave in flight in order to improve them. And for accurate tracking, you need extremely fine, superfast cameras, radiotelescopes, and other very precise equipment.

Alla Massevich took me up on the roof of the Sternberg Astronomical Institute. "We have 25 tracking stations like this at universities and observatories all across Russia," she told me, proudly.

The major piece of equipment was an ordinary Red air force aerial reconnaissance camera, adapted for its new spacetrack job. It was of World War II vintage. Sure, it was a good, serviceable camera—but if you tried to sell it at Cape Canaveral, they'd laugh at you. In fact, Edmund Scientific Co. of Barrington, N.J., will sell you a war-surplus American aerial camera of the same type for under $80.

I asked Alla Massevich whether Russia's other tracking stations had the same equipment. She said they had. All of them? Yes. Later in my trip, I verified this by visits to the key optical teaching stations. I also talked to a scientist who was starting to develop more accurate space-tracking camerias. But his project had hardly got off the ground.

It was all very hard to believe. The whole thing had the air of a last minute scramble to throw a tracking network together with whatever equipment happened to be lying around loose. In the United States, scientists had planned ahead. The Navy had gone to Perkin-Elmer Corp. more than a year before the first satellites were due to be launched, and had ordered special tracking cameras built at a cost of some $100,000 each. These cameras were not just set up wherever universities and observatories chanced to be, but were very carefully spotted across the Northern and Southern Hemispheres for the best possible tracking effectiveness.

Well, I thought, maybe the Russians depend on radio and radar more than optical tracking. I asked Dr. Massevich about this. Said she: "We have amateur radio enthusiasts all over Russia. They collect this information for us."

I pressed her further on the point, later asked other scientists about it. Crazy as it seemed, that is the way it was, this huge, science mundel nation depended on hams to keep track of the satellites' signals. The United States welcomes hams tracking reports, but there are not enough for the precise measurements demanded by an advanced space technology. In the American space program, official, professionally manned radio tracking posts are located at carefully picked spots on the map.

I remembered something about the sputniks. Instead of broadcasting on the high frequency bands originally agreed on by International Geophysical Year scientists, the Russian moons came in on low frequencies—the frequencies allotted by worldwide convention to hams. This surprised and puzzled the West. Maybe, I now thought, the reason was simply that Russia didn't have enough of the more critical, harder-to-build high frequency equipment. Maybe Russia had to depend on ham receivers because nothing else was available.

I also remembered something else. Some 3 months after Sputnik I was launched, the Russians lost track of it. An official announcement from Moscow said that it had burned to nothing in the atmosphere. This revealed much about the precision of Russian tracking equipment. Eight days later, astronomers at Ohio State University's Radio Observatory were still tracking the fragments of Sputnik I that remained in orbit.

My whole concept of Russia was turning upside-down, and it turned a little more with each scientist I questioned. I went to see Prof. Alexander Mikhailov, director of the Pulkovo Observatory at Leningrad. A big front-page story in the Moscow News had startled Western astronomers with this statement:

"The biggest telescope in the world, with a 6-meter (236-inch) diameter reflector, is being built in the Soviet Union. The designing of such an astronomical instrument is a very complex technical problem * * * It took 10 years to build a similar telescope with a 5-meter reflector in the United States * * *. The new instrument will help astronomers in their observations of artificial satellites and interplanetary rockets which may soon fly around the moon, to Venus and Mars."

That's a whopping big statement. In one blow, it (1) sneers at the present world's largest (200-inch) scope, at Mount Palomar, Calif., (2) establishes Russia as a nation with superb technical skills, and (3) hints at an ambitious space program. I was eager to hear more about this new giant telescope. I asked Mikhailov for details.

"That telescope will take 10 or 15 years to make," he said. "The construction has not yet begun."

I asked him for details on the design. There weren't any. "It is not yet decided what kind of mount it will have," Mikhailov said. "We do not know yet where it will be installed."

In other words, the telescope that was "being built" hadn't even been designed. About all that had happened, apparently, was that somebody had decided it would be nice to have such a telescope some day. Once again, the weed of fact and the magnifying glass.

This was how the big Red lie was built, I reflected. It was cumulative; each lie supported a complex of others. Having believed other Russian exaggerations about their technical progress, the West was ready to believe the giant telescope story. And, believing that, it now stood ready to swallow still more.

I tried to get an interview with Prof. Viktor Zhdanov, Russia's Deputy Commissioner of Public Health. He had been quoted in the Soviet press as a space physiologist. He was said to be studying problems of human survival as these might be posed by viruses in

space during interplanetary flight. He turned me down. "I do not have connections in these fields," he said.

I had a long session with Professors Yury Pobedonostev and Kiril Stanyukovich, both key scientists in the Soviet space program. One topic I had on my mind was inertial navigation, an important technique used in guiding U.S. rockets and missiles. I was fairly sure by now that Russia had not mastered the technique, for it requires a miniature computer and other kinds of high-grade electronic engineering. But I asked anyway.

I was right. "Some work in this field has been done," Stanyukovich told me. "But it is all theoretical so far."

I turned to another topic. The Soviet press had made much of Russia's intensive program to send men up in satellites and out to the moon. I asked about pressure suits, the kind that would be used by men in outer space.

Said Pobedonostev: "We will develop such suits when we need them."

Here it was again: the apparent unwillingness or inability of Russian space officials to plan ahead. In the United States, pressure suits are the subject of elaborate and determined research, and have been for a good 15 years. Both the Air Force and the Navy have already developed operational pressure suits.

I asked: "Are you working toward manned space flight?"

"Yes," said Pobedonostev.

"Then you must have rocket-powered aircraft?"

"We have jets."

"No—I mean pure rocket-powered aircraft such as the American Bell X–1 series."

"We do not believe in such aircraft."

I stared. The rocket plane, capable of climbing over the top layers of atmosphere, is an essential experimental tool for manned space flight. It trains pilots in the art of flying through a vacuum, gives space physiologists priceless information on medical problems involved. It's the forerunner of the true spaceship, the logical stepping stone to interplanetary travel. I pointed this out.

"Such flying," said Stanyukovich, "is much too risky."

I asked what Russia was doing about space medicine, in that case.

"We make use of dogs," Pobedonostev replied. "The dogs will lead to the time when we can use men. One cannot know where he is going until he gets there."

"But if you don't know where you're going until you get there," I pointed out, "then you must take risks. You claimed rocket aircraft are too risky, but aren't such risks necessary for achieving space flight?"

Stanyukovich suddenly exploded with anger. He and Pobedonostev held a heated argument in Russian, which Natasha didn't translate for me. Obviously, I'd touched a tender spot. Despite all the bragging, Soviet Russia was a long, long way from landing a man on the moon. Matter of fact, there seemed to be no organized, long-range program at all for any such purpose.

Bit by bit, my picture of the Russian space and missile program was fitting together. The program, it turned out, was more noise than reality. It was a superb example of the propagandist's art.

I went on probing. I dropped in on Znaniye-Sila, the science magazine. Among the photographs that the editor proudly pulled out of his files for me was one of a radar-optical camera. It had a caption subtly leading the reader to believe the instrument was of Russian make. I knew better. I'd helped take the photo myself 4 years before, at the White Sands Proving Ground in New Mexico.

Academician Sedov, who had promised me the world when I started out, now seemed to have changed his mind. He'd disappeared, leaving me to shift for myself. I was getting nervous. More than once, I thought I was being spied upon—and whether it was just nerves or the real thing, it was enough to worry me seriously. I was also worried about my photographs and film, my tape recordings, my notes. I began to think of ways to get them out of there safely.

It was time to go home. The film and tapes were a real problem. By Soviet law, I was supposed to submit them to the Government for review before taking them out of the country. But if I did so, I felt, I'd be unlikely ever to see them again.

I put the tapes, photos, and film on the bottom of a large suitcase, surrounded them with socks, covered them with a layer of shirts. On top of the shirts I put a row of scientific and technical books that had been autographed for me by their authors—big men like Podedonostev and Chebotarev.

I walked up to the baggage inspector at the Moscow Airport and handed him the hot suitcase first. Then I held my breath.

He lifted the lid. A frown crossed his face when he saw the books' titles—all severely technical. Brows knit, he picked up one of the books, flipped through it. He looked at me, then back at the book. He seemed to be wondering whether it was all right to allow such books out of the country. It was, of course, but now I'd made him suspicious and alert.

Finally he saw the flyleaf and the autograph. His eyes widened. He looked at the other books' flyleafs. His hand wandered over the layer of shirts. He was going to lift them up. I thought: I'm finished.

Then he pushed the suitcase at me. I'd made it.

In West Germany, I was questioned about what I'd seen by U.S. intelligence agents. Eventually I got home. The American picture of Russia hadn't changed much since I'd left. There was still fright in the air. Russia was dangerous, they said. Russia claimed to have intercontinental missiles that could cripple America in one crushing blow. Russia would soon have armed satellites and a base on the moon. Russia would control space and all earth beneath.

This wasn't the Russia I knew.

The Russia I knew was not capable of designing or building an effective intercontinental missile—or, indeed, any long-range rocket that would know where it was going before it got there. This Russia was a good 20 years behind the United States in space technology. It had little more hope of controlling space than did the Principality of Monaco. If it was ever foolhardy enough to start a war, the Strategic Air Command would destroy it as a nation in 1 week.

Then the Soviet Union announced Lunik. You may imagine how it hit me. Only by an incredible freak of luck could a Russian rocket have turned in any such performance. A moon shot predicates the existence of highly sophisticated computers, clever miniaturization, precise tracking, fine guidance, high-grade electronics. These things were not available to the scientists who allegedly built Lunik. A moon shot must also be planned very carefully in advance. No such plan existed when I was in Russia half a year before. One lonely professor was mulling over the idea. No one else seemed actively interested.

Lunik had to be a hoax. I was almost certain of it. I started to check around. By the time I finished, I was 100 percent certain.

The first new clue I got came, paradoxically, from a phone call that didn't go through. The Lunik announcement reached the United States on a Friday evening. On Saturday I placed a call to Ohio State's Radio Observatory to find out whether any signals had actually been heard from Lunik. The switchboard operator told me that the astronomers had closed shop for the New Year's holiday weekend.

Sure, I thought. If I wanted to perpetrate a space hoax, when would I do it? Over a holiday weekend, when the Western World was relaxed.

On Monday, the Kremlin announced that Lunik's radio transmitters had gone dead as it passed the moon and headed into an orbit around the sun. Thus, all contact with the rocket—and all hope of proving or disproving its existence—was thenceforth and forever lost. Convenient. A little too convenient, perhaps. Two months later the successful U.S. space probe, Pioneer IV, kept transmitting useful data on three channels until it was almost half a million miles away.

When I finally got in touch with the Ohio State people and other tracking stations, a provocative new fact came to light: nobody, absolutely nobody, had received a signal that he could identify with certainty as coming from Lunik.

The Russians claimed that, on their receivers, signals were coming in clear as bells on all four of Lunik's announced radio frequencies. No one else had any luck, although trackers throughout the world had picked up Sputniks, U.S. satellites and moon probes—including, later, Pioneer IV. The huge radio telescope at Jodrell Bank, England, which later followed out beyond 400,000 miles, and which detects radio impulses from galaxies thousands of trillions of miles away, scanned the skies for 18 hours without finding a trace of Lunik, Prof. Bernard Lovell, Jodrell Bank's director, was quoted by the New York Daily News in March as speculating that "the whole story may have been a Russian propaganda hoax."

Other trackers around the world had doubts, too. Drs. Nakada and Takeuchi, top Japanese tracking scientists who had caught signals from all other space vehicles, detected nothing from Lunik. "We have to rely on the Russians' claims," they told Astronautics, official publication of the American Rocket Society. "We cannot acknowledge the existence of the rocket on the basis of our own findings."

According to George Grammer, official of the American Radio Relay League, the search the Lunik was "a complete negative as far as we're concerned." The ARRL has 90,000 members throughout the world, and hundreds of them reported picking up each United States and Russian satellite. But only one report came in on Lunik. The ARRL is now sure the signals described in this report came from Sputnik III.

I checked with military and intelligence men to find out what they thought. They were wary; I sensed that they wanted to keep their doubts to themselves. But the doubts were real. One Pentagon general told me: "Yes, it could have been a hoax. There's at least one other case where we know they were doing the same thing." He wouldn't elaborate. There was a good deal of embarrassment in the air. Another general smiled enigmatically. "Even if I knew," he said, "I wouldn't tell you." I guessed that he knew.

The embarrassment seemed to stem partly from the fact that President Eisenhower had publicly congratulated the Russians. He'd look silly, the feeling ran, if he now had to retract his words. But still the doubts piled up in secret. I was amused to notice that it took weeks for any of this to leak into the newspapers. On January 21, Fulton Lewis, Jr., wrote in his column: "Allen Dulles, chief of the Central Intelligence Agency, reported ruefully to a secret session of Senators and Representatives that all evidence indicates the missile never went beyond the general vicinity of the moon, if, indeed, it got that far." Shortly afterward, the Defense Department slammed a security lid on all information about Lunik, and the papers lapsed into silence on the subject.

But the doubts and puzzlement continued. I talked with John T. Mengel, director of the Tracking and Guidance Section of Project Vanguard. He told me that, theoretically, the skin temperature of a rocket or other body in sunlight should grow hotter as it moves away from the earth. Thus, the Lunik on its sun-bathed way to the moon should have reported considerably higher temperatures than does the Vanguard satellite, which never goes farther from the earth than 2,460 miles. But the people who invented Lunik apparently didn't know about this. An early report from Tass, the Soviet news agency, boasted that Lunik was 130,000 miles from the earth and stated that its skin temperature was 59° to 68° F. In months when the Vanguard is in sunlight all the way around its orbit, its skin temperature goes up near 150°.

To bolster their lie, the Russians released what they said was a photograph of Lunik before launching. At least two things about this picture made it suspect. First, it was very crudely and very heavily retouched—as much a painting as a photograph. Second, the transmitting antenna system depicted could not possibly have broadcast clearly from outer space on Lunik's announced wavelengths. According to Prof. Thomas A. Benham of Haverford College, well-known expert in radiophysics, the Russians would have needed a receiving antenna system several acres broad to catch any signals at all—let alone the loud, clear ones they claim to receive—from such a rig.

The Kremlin also published what it said was a photograph of a sodium flare released by lunik at a point 62,000 miles out from earth. The photo, allegedly, was taken by the Alma Atá Observatory in Soviet Asia. It wasn't very convincing. It showed a great big nondescript white blob on a starless black background. There was no grain in the photo, so it wasn't an enlargement. I'd visited the Alma Atá Observatory, and I know that the biggest telescope there is 500 millimeters in diameter. Even if Lunik's flare was a mile across, it would have appeared to this telescope as a mere dot of light from 62,000 miles away.

Only one non-Russian observer thought he saw Lunik's flare. This was a Scottish cameraman, who snapped a picture of a cigar-shaped patch of light in the sky over Edinburgh. If it was 62,000 miles away, it would have had to be at least a thousand miles across to appear that big to the camera's naked eye. Scientists, examining the picture, concluded that what the Scotsman saw was really the result of a temperature inversion—a miragelike reflection of light from the city below.

Yet despite all these inconsistencies and improbabilities, the U.S. man-in-the-street believed in Lunik—just as he has believed other parts of the big Red lie. Americans in general are gullible when it comes to Soviet stories; no boast from that big, mysterious nation seems too fantastic to be true. The lie is self-supporting.

Occasionally, you hear a voice beseeching everybody to calm down. Late in January, for instance, Gen. Nathan F. Twining, Chairman of the Joint Chiefs of Staff, stated flatly that the Kremlin's boast about having operational ICBM's is just that—a boast. Said Twining: "There's nothing to it."

But most Americans fear Russia. It is easy to fear something you don't understand; and to most Westerners, Russians are a strange, paradoxical people. They don't think or act like us, as many Western reporters have noted. John Gunther, author of "Inside Russia Today," comments that the Russians can build big, powerful machines, "but a simple flashlight seems beyond them." It's hard for Americans to understand this. We tend to think that, because the Russians can blast an earth satellite into orbit, they must also be able to guide a rocket to the moon or a missile to a U.S. city. It just isn't so.

It is also hard for Americans to understand how anybody could have the sheer nerve to lie on so huge a scale. To the Russians, it comes easy. The lie, the hoax, the con game occurs again and again down through their history.

For instance, every schoolboy who has studied Russia knows of the famous hoax that was perpetrated on Catherine the Great in 1787. When she visited what is now the Ukraine in that year, the governor general of the region, Grigori Potemkin, was worried over what might happen to him if Tsarina found out how poverty-stricken the area had become under his inefficient administration. To fool her, he had the wretched hovels along her river route daubed with bright new paint. Collapsed roofs were covered with painted cardboard. The hordes of ragged poor were ordered to stay indoors out of sight. The blighted landscape was even brightened with cardboard trees.

That's what Russians are like. Today, they're hoaxers not only by temperament, but also by political decree. Make no mistake, the Communists in control of Russia are without morality as we know it. They gibe at democratic nations for their honesty. As it was written by Lenin, the father of the Russian revolution:

"We repudiate all morality taken apart from human society and classes. We say that it is a deception, a fraud, a befogging of the minds of the workers and peasants in the interests of the landlords and capitalists.

"We say that our morality is entirely subordinated to the interests of the class struggle of the proletariat."

What Lenin meant, simply, was that if lying was useful to communism, then it was moral. To those in the Kremlin today, lying is not only useful; it is a foundation stone of their power.

Next time the Kremlin announces a new space triumph, consider carefully whether the triumph is real—or whether the Russians are merely, once again, practicing the gospel that Lenin preached.

GOLD: THE U.S. SUPPLY AND WORLD ECONOMY

Mr. BUSH. Mr. President, I invite the attention of the Senators, the Members of the House of Representatives, and others who read the CONGRESSIONAL RECORD to a news story published in the New York Times of yesterday entitled "Gold—Questions and Answers on U.S. Supply and World Economy," written by Edwin L. Dale, Jr., the chief economic writer for the New York Times.

The article has many of the answers to questions of those who are interested in this subject. Some of the questions are: "What is the role of gold in the money systems of the world? What is the present role of gold? What is the world gold supply? How did the United States get so much gold?"

These basic, simple questions are well answered in the article by Edwin L. Dale, Jr., and I ask unanimous consent that it be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. HRUSKA in the chair). Is there objection to the request of the Senator from Connecticut?

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

GOLD: QUESTIONS AND ANSWERS ON U.S. SUPPLY AND WORLD ECONOMY

(By Edwin L. Dale, Jr.)

WASHINGTON, May 9.—The United States last year lost a record total of $2,300,000,000 of its large stock of gold to foreign countries. In the first quarter of this year the outflow slowed to a trickle—only $92 million in the 3 months. Then in April and the first week of May the outflow picked up sharply again, totaling $186 million for the 5 weeks. This has caused renewed discussion of the gold situation.

What is the role of gold in the money systems of the world?

Ever since the days of the Greeks and Romans, men have deemed gold an acceptable "medium of exchange" for other goods and services. That is, a man would always accept gold as "good" money because he knew he could buy other goods and services with it.

As the expansion of commerce gradually required the use of paper money, governments always used gold or, in some cases, silver, as backing for the paper money. The gold standard simply meant that a holder of paper money could turn it in at any time for gold, in an amount equal to the value of the paper money as decided by the Government.

This is no longer true. Since 1934, a holder of a dollar has been unable to turn it in for gold. He is not allowed to hold gold, except in such forms as jewelry. The United States and the rest of the world are now off the gold standard.

What, then, is the present role of gold?

Its present function is to settle international accounts between nations. The world's gold, except for private hoarding in nations such as France and India, is all held by the world's treasuries and central banks.

Each nation continues to fix a gold par value of its currency (in the United States, the dollar is worth .888761 grams of gold, which means $35 an ounce). Thus balances owing from one nation to another can be converted into a quantity of gold and payments made by a transfer of gold.

Typically, a nation that exports more than it imports first builds up holdings of foreign currencies. If it builds up dollars, it can then go to the U.S. Treasury and convert the dollars into gold at $35 an ounce. If it is short of dollars it can sell gold to the Treasury and get $35 for each ounce sold. This is the mechanism for settling international accounts.

What is the world gold supply?

Altogether, there is about $39,900 million worth of gold (at $35 an ounce) in the central banks and treasuries of the world, excluding the Communist countries. This total rises by nearly $1 billion a year from new gold production, most of which flows into Government stocks.

Of the $39 billion, $20,250 million is held by the United States, more than all the rest of the non-Communist world put together.

How did the United States get so much?

The great bulk of it flowed to the United States during the depression years. It flowed here because the United States was running a large and persistent surplus in its transactons with the rest of the world.

These transactions include exports and imports but are by no means limited to them. For example, if a Frenchman buys stocks on the New York Stock Exchange, or simply transfers some of his money to a bank in New York for safekeeping, that counts the same as an export in the total

U.S. balance of payments. It is a U.S. receipt. A disbursement of dollars in Germany by the U.S. Army there counts the same as an import. It is a U.S. payment. Foreign aid, investment by U.S. business abroad, payment for shipping—these and other elements enter the total balance.

In the thirties a combination of forces, including a large export surplus by the United States and a large flow of "scare" money from Europe to New York, led to a huge surplus each year in the total U.S. balance of payments. Foreign countries used up any surplus dollars they had and then had to sell gold to the Treasury to get more. Thus the U.S. gold stock rose, from $4,226 million in 1932 to $22,042 million in 1940.

World War II brought a temporary reversal. For special reasons, the United States ran a deficit in its payments and some gold flowed out. But the end of the war found the United States, with its economic machinery intact, running a heavy surplus again. The gold stock rose to its peak in 1949, when the United States held $24,600,000,000 and the rest of the world had to get along on the obviously inadequate total of $10,500,000,000.

What happened in the postwar period?

Since 1949, though the point is not generally realized, the United States has persistently run a deficit in its balance of payments with the rest of the world. Foreign countries have been net earners of dollars almost every year since that time.

For the most part, they simply allowed dollar balances to build up in New York banks, investing part of them in short-term securities such as Treasury bills to earn a little interest. But from time to time a nation with ample dollar balances would convert some of them to gold.

Thus the United States gold stock declined from $24,600,000,000 at the end of 1949 to $22,800,000,000 at the end of 1957. This was universally considered a healthy and desirable trend. It meant that the rest of the world's reserves of gold and dollars were slowly building up.

Why the big outflow of gold recently?

In 1958 the outflow of gold from the United States suddenly accelerated. There were two reasons.

The first was that the United States not only ran a balance-of-payments deficit with the rest of the world but also ran an unusually big one. Exports were off sharply, for a number of special reasons, while imports fell very little. Low interest rates in New York prompted foreign governments and private companies to float a postwar record amount of new stocks and bonds in the United States, sparking an overflow of dollars as they were paid for. Other elements in the balance were unchanged or worked against the United States.

The second reason was that in 1958, in contrast with most earlier years, foreign countries decided to convert the bulk of their added supplies of dollars into gold. The United States deficit was about $3,300,000,000 and foreign countries converted $2,300,000,000 of this into gold.

They did so in part because the dollar working balances of many nations had already been built up far enough and in part because the big dollar earners last year were European nations that traditionally hold most of their reserves in gold. Britain's gold holdings rose $1,250,000,000 last year, Holland's by $300 million, Belgium's by $350 million, and Italy's by $600 million.

As a result, there was the largest gold outflow on record. The U.S. stock fell to $20,600 million at year-end.

To most people in the international financial world this was nothing to get alarmed about. It was more of the same desirable thing—a move toward a more even distribution of the world's reserves.

But many of these same men began to wonder for the first time about the problem of a chronic deficit in the U.S. balance of payments that, over the long run, could exhaust even the huge U.S. stock of gold. The continuation of the gold outflow this year, slow for the first 3 months and then a big jump in April, has kept this sort of concern alive.

If the deficit and gold outflow continue, what can be done about it?

The United States could impose barriers on imports, widely regarded as the least desirable solution.

It could cut out foreign aid, but that is a two-edged sword because the great bulk of the aid dollars finance U.S. exports. That is, a cut in aid on the outflow side would be matched by a nearly equivalent cut in exports on the inflow side.

In the end, presumably, it could devalue the dollar by raising the gold price, but this idea brings shudders to practically everyone who contemplates it.

By all odds the favorite solution is a program of anti-inflation policies. This would lower export prices, thus augmenting exports. The same policies, involving higher interest rates, would bring more money into the United States and make foreign borrowers look to non-U.S. money markets. The combination might solve the balance-of-payments problem. In the meantime the problem has not yet become pressing, with the gold stock at a comfortable $20,255 million as of Wednesday.

DONALD A. QUARLES

Mr. BUSH. Mr. President, after we adjourned on Thursday the Nation lost one of its great public servants in the person of Donald A Quarles. This man gave long and distinguished service to the people of the United States, mostly in connection with the defense of our country. He was one of the finest public servants ever to appear on the Washington scene. His disarming simplicity and his utter honesty impressed the Members of both Houses of the legislative branch, and I believe they must have impressed the people of the Nation.

I think Donald Quarles literally worked himself to death. He died in his sleep on Friday night. There is no explanation for his death other than the fact that he simply worked himself to death. His passing is a matter of deep personal regret to me, as I enjoyed the privilege of his friendship and held him in warm respect.

Mr. President, the Washington Post and Times Herald published a story Saturday morning, May 9, concerning Donald Quarles, entitled "Quarles Held Unique Niche," and indeed he did occupy a unique and highly important position in American public life. I ask unanimous consent that the article, which gives a very nice biographical account of Donald Quarles, and also an editorial from the Washington Post and Times Herald of the same day, be printed in the RECORD at this point.

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

QUARLES HELD UNIQUE NICHE

Deputy Defense Secretary Donald A. Quarles, who was found dead at his home here early yesterday, occupied a unique and highly important position in American public life.

While little known to the man in the street, the 64-year-old Pentagon official was largely responsible for many of the crucial decisions on weapons development and military policy made by the Government during the past 6 years.

His long service as a research engineer and top executive of the Western Electric Co. and Bell Telephone Laboratories (from 1919 to 1953) gave him the scientific and technological background that fitted him for his first Pentagon post.

As Assistant Defense Secretary for Research and Development from 1953 to 1955, Mr. Quarles was chief advisor to then Defense Secretary Charles A. Wilson on "weaponry"—a term he is said to have coined. Wilson leaned heavily on him in deciding many of the complex decisions involving new weapons and finally promoted him to Air Force Secretary.

DECIDED IMPORTANT MATTERS

In the latter spot, he took action on many other important matters that normally are actually decided by uniformed military experts and simply ratified by civilian service chiefs. And as Deputy Secretary of Defense during the past 2 years, he made many key decisions in the name of the Defense Secretary. By law, the No. 2 Pentagon chief is the alter ego of the Secretary.

Similarly, President Eisenhowever, Defense Secretary Neil H. McElroy—who has no technical background—and the National Security Council relied greatly on Mr. Quarles' intimate knowledge of the intricate problems of nuclear energy, missiles, and aircraft in passing on vital defense matters.

Congressional critics of the administration's defense policies, in fact, often directed their fire at Mr. Quarles—rather than either the President or Secretary—for decisions on such questions as the atomic aircraft program and missile production cuts. It was Mr. Quarles who usually had to defend them in detail behind closed committee doors.

A cautious man, the small, slim Pentagon deputy was as precise in his choice of words in casual conversation as in formal public statements. He seemed austere, and neither smoked nor drank, but possessed charm, a ready smile, and a quiet wit.

A tremendous worker, he arrived early and stayed late at his Pentagon office, 6 or 7 days a week. Until McElroy got him to spend 2 weeks in Bermuda earlier this year, he is said to have never taken a vacation from his duties.

BORN IN OZARKS

Born in the Ozark mountain town of Van Buren, Ark., on July 30, 1894, he was graduated from high school there at the age of 15. A brilliant student, he was offered $50 a month teaching mathematics at the high school, conditional on summer study at the University of Missouri. After 2 years of this, he entered Yale University in 1912. Majoring in math and physics he was graduated from Yale in 1916, with a Phi Beta Kappa key.

Shortly after the United States entered World War I, Mr. Quarles enlisted in the Army. He became a captain in field artillery. He went to work for the Western Electric Co. in 1919, and rose to be a vice president, and president of the Sandia Corporation, a Western Electric subsidiary which operates the special weapons laboratory at Albuquerque, N. Mex., for the Atomic Energy Commission and Pentagon.

In recognition of his achievement in the engineering field, Mr. Quarles was awarded the honorary degree of Doctor of Engineering by the University of Arkansas on June 6, 1953, and a similar honorary degree by New York University on May 7, 1955.

Mr. Quarles was a member of Phi Beta Kappa, Sigma Xi, the American Association for the Advancement of Science, the Yale Engineering Association and the Telephone Pioneers of America and is a fellow of the American Physical Society, the Institute of Radio Engineers and the American Institute of Electrical Engineers. He served a number of years as a director of the latter institute and as its president from August 1952 until August 1953.

Mr. Quarles had a few small flings in practical politics. When he had his family settled in Englewood, N.J., he recalled that he grew up in a Democratic community and "I didn't know there were any good Republicans." In Englewood, however, he found that a good Government group were Republicans so he joined them.

He was elected first as a member and then as president of the city council, and served a 2-year term as mayor. After that he was chairman of the County Sewer Authority.

He is survived by his wife, the former Nora Cotton, and two daughters and a son by a former marriage.

Mr. Quarles will be buried with simple military honors at Arlington National Cemetery at 2 p.m. Tuesday.

DONALD A. QUARLES

For earnestness, quiet efficiency and pleasant manner Deputy Secretary of Defense Donald A. Quarles had few peers. His sudden death will come as a great shock to the administration and to the many friends he acquired during his 6 years in Washington.

Mr. Quarles was a combination of engineer, scientist and administrator who had a brilliant career with Western Electric and the Bell Laboratories before becoming Assistant Secretary of Defense for Research and Development in 1953. In that post he presided over a rapid expansion of the missile program in which he maintained his interest when he became Secretary of the Air Force in 1955 and the No. 2 defense official in 1957. A tireless worker, he had a highly developed concept of public service which once led him into local politics as mayor of his home city of Englewood, N. J.

His geniality and soft-spoken approach concealed a strong and sometimes dominant personality. As is the case with many strong men, he acquired both fierce admirers and impassioned critics in the Pentagon. This newspaper, among others, found his concept of defense narrow and overly keyed to a big bomb and missile strategy, sometimes to the exclusion of balance and flexibility. He could be both stubborn and ruthless in championing his views, and he carried out a vigorous defense of the military budget against attempts to increase it. He had a rare courtesy in listening to others, but basically he was a man of single-minded devotion and zeal.

Even those who differed with Mr. Quarles, however, conceded his great ability and charm. If his views sometimes became too dominant, it was because there seldom were men of equal force and knowledge to dispute him. We join in sincere regret over the death of this man whose devotion commanded such respect.

Mr. SALTONSTALL. Mr. President, like the Senator from Connecticut [Mr. BUSH], I was grieved to learn of the sudden passing last week of Mr. Donald A. Quarles, Deputy Secretary of Defense.

As a member of the Armed Services Committee and of the Committee on Appropriations, I have listened to Mr. Quarles testify many times. I have had many personal contacts with him with relation to the work of the Air Force and the Department of Defense.

I have had many pleasant social contacts with him and Mrs. Quarles. I have lost a personal friend. The Department of Defense and the Government have lost a very valued member. I join my colleagues in extending sympathy to Mrs. Quarles and the other members of his family. I shall miss him.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article written by Jack Raymond and published in the New York Times of May 9, 1959, dealing with the career of Mr. Quarles.

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

DONALD A. QUARLES DIES—MCELROY'S DEPUTY WAS 64—HE WAS IN LINE TO HEAD PENTAGON—SECRETARY RECONSIDERS RETIRING

(By Jack Raymond)

WASHINGTON, May 8.—Donald A. Quarles, Deputy Secretary of Defense, died in his sleep today. He was 64 years old.

Mr. Quarles was one of the most influential officials at the Pentagon, particularly in the field of missiles and nuclear energy. He had been mentioned as a successor to Neil H. McElroy, Secretary of Defense, who has planned to resign next fall.

The death of Mr. Quarles caused the Secretary to postpone his trip to the Foreign Ministers' Conference in Geneva until at least next week. The Conference begins Monday.

The Secretary indicated that the Pentagon's top echelons would have to be reorganized because no one appeared qualified to fill all the assignments carried out by Mr. Quarles.

Mr. McElroy said his own plans to retire before the end of this year will also be reconsidered.

There was no immediate indication of the cause of Mr. Quarles' death, officials said. His chauffeur found him in bed at 7:55 a.m., when he attempted to rouse him to appear on a television program.

The Pentagon said an autopsy had been ordered.

Mr. Quarles was alone in the house. His wife, who returned to Washington this afternoon, had been in Chicago. His physician, Col. Marshall Groover, Jr., of the Air Force, said the Deputy Secretary had been in "a good state of health."

Secretary McElroy, speaking to newsmen in Cincinnati before he returned to the Capital, appeared to confirm the belief that Mr. Quarles had been slated to succeed him in President Eisenhower's Cabinet.

M'ELROY HAILS QUALIFICATIONS

"He was extraordinarily well qualified to assume the reins," the Secretary said.

In Washington, Mr. McElroy said the death of his Deputy "will have to be another factor in considering what I do." This was a reference to his plans to retire in the fall.

Among those mentioned today for the Secretary's post in the event that Mr. McElroy leaves were Henry Cabot Lodge, Ambassador to the United Nations; Gordon Gray, the President's adviser for national security affairs; Fred A. Seaton, Secretary of the Interior; Gen. Alfred M. Gruenther, president of the American National Red Cross, and Wilfred J. McNeil, Controller of the Defense Department.

Mr. McNeil, who has been Assistant Secretary of Defense for Fiscal Affairs since the Defense Department was created 11 years ago, was also prominent among prospective candidates to succeed the late Deputy Secretary.

WILL DISCUSS DEPUTY'S POST

Secretary McElroy said that replacing the "really irreplaceable" Mr. Quarles was the immediate problem that he planned to discuss with President Eisenhower.

The Secretary said he doubted that any other individual could be found with Mr. Quarles' qualifications in administration, science, atomic energy, and engineering.

"He worked harder than most anyone I ever saw, days, night, and weekends," the Secretary said.

There are many wonderful people in the Defense Department and he favors the idea of promotion from within whenever possible, Mr. McElroy continued.

PRESIDENT'S TRIBUTE

A statement by President Eisenhower said he was shocked and saddened by Mr. Quarles' death. It went on:

"As Deputy Secretary and prior to that as Secretary of the Air Force, Mr. Quarles devoted his extraordinary talents to the service of his country. His contribution was of inestimable value to the security not only of the United States but of that of the entire free world. I share with his associates in the Government a keen sense of personal loss."

Mr. Quarles met with the President yesterday as a member of the National Security Council.

The Deputy Secretary was to have testified today before the Senate Appropriations Subcommittee for Defense. Senator DENNIS CHAVEZ, Democrat, of New Mexico, and chairman of the group, led committee members in eulogizing Mr. Quarles. He then adjourned the meeting for the day.

Donald Aubrey Quarles was a slightly built man of some 140 pounds, with graying hair. Solemn-faced and conservative in appearance, he was usually solemn and conservative in the views that he expressed.

His outstanding characteristic was his great appetite for work. His doctor said that he had been trying to get Mr. Quarles to take a vacation.

His earnestness was demonstrated at an early age. He was born in Van Buren, Ark., the son of a dentist. He was graduated from high school at 15, took summer courses at the University of Missouri and taught school at Van Buren.

One of his students was the late Bob Burns, the bazooka-playing entertainer. Mr. Quarles for a time was a guitarist in the Burns band.

At the age of 18, Mr. Quarles entered Yale. He majored in mathematics and physics and was elected to Phi Beta Kappa, receiving his bachelor of arts degree in 1917. He enlisted in the Rainbow Division and served in France and Germany during World War I.

After World War I Mr. Quarles joined a department of the Western Electric Co. that later became the Bell Telephone Laboratories. By 1940 he headed the Bell Laboratories' radar programs. During World War II he was a member of the Joint Research and Development Board. In 1948 he was made a vice president of Bell Laboratories.

In March 1952 Mr. Quarles became vice president of the Western Electric Co. and president of the Sandia Corp., a subsidiary that still operates the atomic-research weapons laboratories at White Sands, N.Mex.

He came to Washington September 1, 1953, as the First Assistant Secretary of Defense for Research and Development. In this post he was responsible for billions of dollars' worth of missiles and satellite programs.

He became Secretary of the Air Force in 1955 and Deputy Secretary of Defense in 1957.

CONFEDERATE BACKGROUND

Mr. Quarles was the grandson of a Confederate soldier who died in a Union prison hospital, and he had the orientation of a Southern Democrat. But he became a Republican politician in Englewood, N.J. "I never knew there was such a thing as a good Republican," he said afterward.

He served in the Englewood Common Council from 1940 to 1946, when he was elected mayor. Afterward he was named to the Bergen County Sewer Commission.

Mr. Quarles is survived by his widow, the former Rosina Cotton, and two daughters and a son by a former marriage that ended in divorce—Carolyn Anne Quarles, Mrs. Stanley Lewis, and Donald Aubrey Quarles, Jr.

He will be buried with military honors at Arlington National Cemetery Tuesday at 2 p.m.

Mr. CASE of South Dakota. Mr. President, if ever a man gave his life in living service to his country, Donald Quarles, Deputy Secretary of Defense, did.

I was not an intimate personal friend of his. I knew him only as I saw him in action before the Senate Committee on Armed Services; but he won my respect and admiration for his keen mind, his command of facts, and his ability to speak clearly and precisely, even when badgered and interrupted. When tossed six issues in a long involved question, Quarles would unravel them in order one by one. He not only knew the answers; he also knew the "why" of them. He could say "no" on a personal matter and still retain the respect of the person concerned.

He worked with loyalty, dedication, and self-sacrifice. I have seen him restrain temper and refuse to be thrown off balance by possible innuendoes and inaccuracies.

If Donald Quarles had any personal disappointment over not having been named first Secretary of Defense when Charles Wilson retired, it was never apparent. He carried on. He had the confidence that goes with knowledge. He worked as though he believed his country needed him. And it did. It can ill spare him now.

There is no doubt in my mind that the intensity of his application as he prepared for the hearings before the Appropriations Subcommittee on the Defense Department Appropriations overstrained his heart and brought on his death. His body may have tired, but his spirit did not. He would not quit or let up. His devotion to his country's security drove him to the very end.

The service of Don Quarles, Mr. President, should be an inspiration to all Americans in these days of destiny. He should be ranked with men such as Robert P. Patterson and James V. Forrestal for intelligent, devoted service to the country's Defense Establishment in the difficult days that follow war and that come when people are weary from challenge and sacrifice.

Who follows in their train?

Mr. KUCHEL. Mr. President, will the Senator from South Dakota yield to me?

Mr. CASE of South Dakota. I yield.

Mr. KUCHEL. Mr. President, the tribute to the late Donald Quarles by the distinguished junior Senator from South Dakota has been well and truly said.

In his service to our Government, the late Deputy Secretary of Defense demonstrated a ceaseless and unselfish devotion to the Nation and to the cause of a just peace in the world. I desire to associate myself, Mr. President, with the splendid sentiments which have just been uttered by our colleague.

ELECTION OF SENATOR BRIDGES AS PRESIDENT OF NEW HAMPSHIRE SAVINGS BANK

Mr. COTTON. Mr. President, although my colleague the senior Senator from New Hampshire [Mr. BRIDGES] is nationally known for his achievements in public life as a former President pro tempore of the Senate, the ranking member and former chairman of its Committee on Appropriations, a former floor leader and now chairman of the policy committee of the Republicans in this body, he is known in his home State of New Hampshire not only for these things but as a former Governor of the State and for his long and active participation and leadership in its business, agricultural, and civic life.

Among his other activities he has been a trustee of the New Hampshire Savings Bank, of Concord, N.H., one of the two or three largest and oldest savings institutions in the State for the past 25 years. He has been a vice president of the bank for 21 years and the senior vice president since 1946. During recent months in spite of his manifold activities in the Senate he has served as acting chairman of the board since the death of the president of the bank. On May 4 he was elected president of the institution.

The action of his associates on the board of trustees in insisting upon his accepting the presidency of the bank in spite of the fact that he intends to remain and will remain a U.S. Senator is no small tribute to Senator BRIDGES. Undoubtedly, many of the bank duties will be delegated to some other official because Senator BRIDGES is not one to permit any activity to interfere with his service in the Senate. However, his knowledge, experience, and ability will be the guiding force in the administration of this solid, old New Hampshire bank.

Mr. President, I am sure that the Members of the Senate will be interested and take satisfaction in this new honor that has come to their colleague, and I ask unanimous consent that an editorial on this subject, entitled "Retire? Not yet," which appeared in the Concord Daily Monitor on May 6, 1959, be printed in the RECORD.

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

RETIRE? NOT YET

By some 5 years, Senator BRIDGES is not as old as Jack Benny whose last 39th birthday actually was his 65th, but he could echo Benny's statement that he intends to keep on working "if someone still wants me."

There is no indication the demand for the Senator's services is diminishing. This week he was elected president of the New Hampshire Savings Bank, a fitting reward for long years of banking activity.

He already has announced he intends to run for reelection in 1960 and there is nothing to indicate he will not be successful in his quest for a fifth term.

Every so often there is a spate of rumors that BRIDGES is going to retire from the Washington scene, that his health is not good, that he would be happy to sit back in a chair and watch the world go by.

All of these turn out to be the result of someone's overactive imagination, or someone's wishful thinking. BRIDGES is one of the most active men on the floor of the Senate. Moreover, he continually is being pressed into service as a mediator to win compromises on pending legislation, for he has powerful friends among Democrats as well as Republicans.

Far from being ready to quit, BRIDGES is taking on another arduous chore. He is backing Vice President NIXON, who has his eyes on the White House, and in this backing he is contributing to NIXON'S campaign the skill of a seasoned political veteran.

The Senator is not missing any chances to get an early start for the Vice President. On schedule is a visit by NIXON to New Hampshire in September, an obvious move to stake a claim for NIXON in the State's presidential primary next year.

New Hampshire's primary is the first in the Nation and if the Vice President can make a good showing on Republican ballots it would be helpful when convention delegates meet.

Friends of Nelson Rockefeller, New York's politically minded Governor, already are talking organization plans and this State may provide the first major test of these two contenders for the GOP presidential nomination.

In the meantime, Senator BRIDGES certainly is not contemplating quitting. At least not as long as "someone still wants me." And that appears to be for a long time.

TIME FOR A CONGRESSIONAL REVIEW OF SECTION 315 OF COMMUNICATIONS ACT

Mr. KEATING. Mr. President, last Saturday's Washington Post and Times Herald contained an excellent editorial dealing with the FCC ruling in the Lar Daly case. I share the Post's opinion that the Attorney General has acted persuasively and effectively in carrying his case to the FCC, and I also agree that it is time for Congress to undertake a broad study of this provision of the Communications Act.

The potential of broadcast journalism in building an informed public opinion—and particularly an informed electorate—is tremendous, and we must make sure the participation of radio and television in this great work is not curbed by shortsighted rules and regulations.

At the same time, any action by Congress or by the FCC must not in any way cripple the efforts of meaningful and important third parties to make their views known. For example, while I am sympathetic with the objectives of the legislation which has been introduced to revise section 315, I am somewhat disturbed by the implications of these bills with regard to the activities of important third parties such as the Liberal Party in my State of New York.

I feel that a very careful, overall study of this section of the law should be undertaken by Congress and that special attention must be given to protecting the rights of significant third parties, while at the same time preventing the flooding of the mass media by small fringe groups which happen to have a presidential candidate in the field.

Mr. President, I ask unanimous consent to have the editorial from the Washington Post printed in the RECORD, following my remarks.

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

WHERE EQUALITY IS ABSURD

Attorney General Rogers' memorandum urging the Federal Communications Commission to reverse its equal time ruling in the Lar Daly case is as persuasive as it is welcome. Nevertheless, in our opinion Mr. Rogers ought to have taken his case to Congress, too.

The language of section 315 of the Communications Act is so broad and is open to such sweeping interpretations that Congress should at the very least specifically exempt news broadcasts from the law. Indeed, there have been so many changes in the broadcasting industry in the 32 years since the equal time provision was first enacted that a careful congressional review of section 315 and its consequences in a free society surely is in order.

The immediate problem, however, is the decision in the Lar Daly case. In February the FCC ruled, 4–3, that Chicago television stations would have to give Mr. Daly, a perennial office seeker with only a handful of followers, equal time on its news broadcasts with other candidates. At the time Mr. Daly was seeking to succeed Mayor Richard J. Daley, who was reelected. Lar Daly requested equal time after the television stations showed films of the mayor welcoming President Frondizi of Argentina to Chicago, opening a March of Dimes drive and filing his nomination papers together with his Republican opponent.

These were news events covered on regular news programs. They were not special political broadcasts. If the FCC ruling is allowed to stand it will be impossible, as Mr. Rogers noted, for radio and television stations to cover political campaigns.

There were 24 presidential and vice-presidential candidates representing 12 parties in the 1956 elections. Under the Lar Daly decision time equal to that given news reports of the campaigns of President Eisenhower or Adlai Stevenson would have had to be accorded the views of the candidates of the Greenback or the Vegetarian Party. No station could do this without turning most of its news broadcasting time over to candidates who have few if any supporters. The alternative would be for the stations to refrain from covering a campaign. Such a situation would be absurd as is the Lar Daly ruling itself.

An important issue raised by the Lar Daly case is, as Mr. Rogers pointed out in his memorandum, "our time-honored goal of an informed electorate," but the question is even more basic than that. Radio and television stations ought to have the same freedoms enjoyed by newspapers in the reporting of news, which includes the necessary right to determine what is news. That is why Congress ought to reconsider the whole concept of the equal time provision of the Communications Act.

The Lar Daly decision has turned the members of the FCC into ex post facto editors of news broadcasts, a task for which they are hardly fitted. The ruling seems to us to do violence to the first amendment guarantee of freedom of the press as it applies to radio and television.

RUMANIAN INDEPENDENCE DAY

Mr. KEATING. Mr. President, May 10 marked the anniversary of Rumanian Independence Day. Since observance of this traditional national holiday is banned today behind the Iron Curtain, it is especially appropriate that we in the free world mark this important occasion.

Rumania is one of the larger countries in the Balkan Peninsula, and some 17 million Rumanians constitute one of the largest of all ethnic groups in that region. They have lived in their historic homeland since time immemorial, and they have always had to defend their homes against invaders and conquerors.

They also had to struggle hard for their freedom and independence. Since the beginning of modern times they had faced some formidable and fearless adversaries. Centuries ago the country was overrun and conquered by the Ottoman Turks, and Rumanians were subjected to the conqueror's harsh rule. They endured the oppressive rule for hundreds of years, but they never lost sight of their goal—national freedom and independence. In the course of the last century they staged several revolts, with that end in view, but each time they fell short of their goal; and they were ruthlessly punished for their attempts. But in the middle of the century the Crimean War provided an opportunity.

In 1856, at the conclusion of that war, European powers agreed to restrain the rule of the Ottoman Sultan over Rumania, and thus set up two autonomous principalities there. Later these two principalities were united under the rule of a prince, and in 1880 the kingdom of Rumania was established. On May 10 of the following year, 78 years ago, the ruling prince was crowned as King Carol of Rumania.

Since those happy days Rumanians have had their ups and downs, and their country grew prosperous at times, and at times it became almost penurious and poverty stricken. In the course of two World Wars it was invaded by enemies and ravaged and ruined.

Again, the brave people of Rumania had to endure indescribable hardships and suffering. Even before the end of World War II, they were overrun by the men in the Kremlin, who brought with them their own style of oppression and tyranny.

Today, noble Rumania writhes in the chains of a Soviet satellite. Here people are ground under the heel of their Red overlords and the freedom and independence so dear to the hearts of Rumanians is completely denied them. But they have not given up hope. The flame of liberty continues to burn bright in the hearts and minds of these people, who over the centuries have suffered so much.

Today, as we observe the 78th anniversary of the founding of their independent kingdom, let us hold out the hand of friendship to these courageous people. Let us assure them we have not forgotten their plight and that we are working and praying for their liberation.

Let us all rededicate ourselves to that happy day when noble Rumania will once more take its place in the family of free nations. May that rebirth of Rumanian freedom be not long delayed.

CARPETING IN OFFICES OF SENATORS IN THE NEW SENATE OFFICE BUILDING

Mr. DOUGLAS. Mr. President, on April 29, 1959, the Senate, by a vote of 55 to 34, rejected my amendment to cut the appropriation for carpets for 207 offices in the New Senate Office Building. We are therefore spending $150,000 to carpet these offices. The main argument of those who advocated this expenditure was that the new tile floors were slippery and that individual employees had slipped and fallen physically as a result of the slipperiness of the floors.

Yesterday, Mr. David Wise, of the New York Herald Tribune News Service, reported that when the new carpeting is put down the doors in the offices will not open or close, for they were fitted originally to swing open only above a layer of tile. The additional carpeting will prevent doors from swinging free or from opening at all. As a result of this, the doors will have to be taken down and a half inch sawed off the bottom of them. As the doors are two and one-quarter inches thick, and as most of them are made from "fine, highly polished walnut" and a few of metal, this will mean a large additional expenditure of money.

It is one more act in the tragic comedy of the New Senate Office Building.

I believe this illustrates still further the need for the passage of the bill which I introduced last week, which provides that the Architect of the Capitol should be appointed jointly by the Speaker of the House and the President pro tempore of the Senate, and that he be a qualified architect.

There is a simple answer to this entire problem of the carpeting. I have received letters from a firm which makes a nonslip floor polish which gives a nonslip surface.

I have never believed that the danger of slipping on these floors was so great as had been represented by the Architect of the Capitol. However, if there is any danger, I believe this product will completely remove it. If the claims of this firm are justified, then the use of this or a similar product would end the need for carpeting.

The use of this or a similar material would save, first, the capital outlay of $150,000 for carpeting and, second, both the expense and inconvenience of cutting one-half inch from the bottom of the walnut and metal doors of the 207 rooms for which carpeting has been approved. It would also save the taxpayers money at a time when we are being urged to cut fat and waste from Government expenditures and services.

Mr. President, I believe that this product should be tried. Before putting down the carpets and cutting off the doors, let us have a 1-month's trial period for nonslip floor polish. I shall be delighted to put the Architect of the Capitol in touch with the firm which has developed such a product, and also in touch with at least one of the country's largest corporations which have

successfully used this product to solve their own physical slipping problems.

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

Mr. DOUGLAS. I am very glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Once again I support the distinguished Senator from Illinois in his crusade for saving money, and in beginning to save money here at home in the Congress itself. As one who has offices in the New Senate Office Building, I would be delighted to have this product tried on the rubber-tiled floors.

I might say that we are completely satisfied now that there is no slippage; but to show that these floors can be made even safer without the use of carpets, I will be delighted to have that product tried in my offices.

Mr. DOUGLAS. Am I correct in understanding that the Senator from Wisconsin is one of those Senators who has refused to have carpets laid in his offices?

Mr. PROXMIRE. That is correct.

Mr. DOUGLAS. And thus has saved the Government $3,000?

Mr. PROXMIRE. That is correct. I am told that these carpets will cost $750 a room. There are four rooms. That means a saving of $3,000.

Mr. DOUGLAS. Has the Senator learned of anyone who has slipped on the floors because they are not carpeted?

Mr. PROXMIRE. No. The staff of my office was polled. The distinguished junior Senator from Oregon [Mr. NEUBERGER] raised the point that this proposal might be discrimination against staff members. In polling the staff——

Mr. DOUGLAS. I hope the Senator took a secret ballot.

Mr. PROXMIRE. The ballot was private and secret. It was done with my consent, but it was done with the knowledge that whatever position a member of the staff took would not be held against him and would not even be known by me. The poll was overwhelmingly in favor of not having carpets. The experience of our staff is that the rubber tile floors provide completely safe footing and provide all the acoustical protection which is needed to operate quietly and efficiently.

Mr. DOUGLAS. I had intended to make an offer to the Architect of the Capitol that I would buy a number of cans of this product to be applied to certain floors, so that the product could be tried before the carpets go down. Do I understand correctly that the Senator from Wisconsin has offered the floors of his offices for a trial of the product?

Mr. PROXMIRE. I offer the floors of my offices for a trial, and also I will be happy to pay the cost of the product.

Mr. DOUGLAS. I think we should share the cost. I am willing to meet half the cost.

Mr. PROXMIRE. Fine.

Mr. DOUGLAS. When the preparation is applied to the floors, I think the Architect of the Capitol should be invited to come and see how we can save $750 an office, $4,000 a suite, and $150,000 for the building. I therefore make this as a formal offer to the Architect.

I suggest also that the Architect select the busiest and the slipperiest room in the New Senate Office Building for the trial. Let him pick the most horrible example he can find, and I will buy for him the nonslip preparation for the floors. I think this will insure the physical safety of the young women who work in the offices.

Mr. PROXMIRE. Regardless of the attitude or the action of the Architect of the Capitol, we can start at once, or as soon as the Senator from Illinois can secure some of the preparation.

Mr. DOUGLAS. I will get in touch with the producer immediately.

Mr. CLARK. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. I wondered whether the rooms of the Committee on Appropriations might not be used for the test.

Mr. DOUGLAS. They are probably the most used rooms. I hesitate to say, however, that they are the slipperiest.

Mr. President, I ask unanimous consent that the article, entitled "Six Hundred Doors Must Be Trimmed To Clear New Senate Offices' Carpet on Tile," written by David Wise, and published in the Washington Post and Times Herald, be printed at this point in my remarks.

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

A LITTLE DETAIL OVERLOOKED: 600 DOORS MUST BE TRIMMED TO CLEAR NEW SENATE OFFICES' CARPET-ON-TILE

(By David Wise)

Remember how the Senators voted $150,000 to put carpet over the nice, $100,000 rubber tile floor in their new office building? Well, it seems a small detail was overlooked.

With carpet down, the doors in the offices won't open or close. They were never meant to swing above a layer of tile and a layer of carpet.

Capitol Architect J. George Stewart will have to take down 600 doors in the 42 senatorial suits and chop a half-inch off the bottom of each, to provide clearance. This must be done before the carpet can be laid.

The carpeting is going in because employees complained the tile flooring was so slippery they were in danger of taking a spill. The most vocal critics have been high-heeled women.

The task, which will take hundreds of man-hours, is the latest in a series of troubles in the $25 million building on Capitol Hill, like squawking microphones and asthmatic clocks.

The only Senator who won't lose his doors for amendment is Senator WILLIAM PROXMIRE, Democrat, of Wisconsin, who has blasted the carpet-over-tile as a frill and won't allow any carpet in his office.

Sawing off a half-inch from each door will be no easy job. The massive doors are 2¼ inches thick and made of fine, highly polished walnut. After the cut back the raw wood must be refinished with several coats of varnish.

Several doors are metal, and will have to be ground down with special machinery by outside specialists.

No estimate could be obtained of the cost of Operation Door Chop, but Stewart has a $750,000 contingency fund on hand for such emergencies.

The Senate voted the carpet funds April 29, after defeating 55 to 34, an amendment by Senator PAUL H. DOUGLAS, Democrat of Illinois, to eliminate the carpeting.

Mr. GRUENING. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. GRUENING. Would it not be advisable to poll the Senators having offices in the new building to see how many, like the junior Senator from Alaska, are willing to forgo the installation of new carpets? I should prefer that the money which would be saved by not buying carpets be used to speed up the operation of the elevators.

Mr. DOUGLAS. I think there is no requirement that Senators be forcibly supplied with carpets, if they do not wish to have them. Although I do not wish to put pressure on any Senator, am I to understand that the junior Senator from Alaska is willing to forswear carpets?

Mr. GRUENING. That is entirely satisfactory to me.

Mr. DOUGLAS. That is another net saving of $3,000 this afternoon. If the Senator wishes, I will be glad to have him supplied with some of the nonslip floor polish.

Mr. GRUENING. We will be happy to keep it in reserve, in case someone should slip on the floor, but I think that is unlikely to happen.

Mr. DOUGLAS. The Senator from Illinois will be in his office at the conclusion of the session of the Senate today. If any other Senators wish to give up their carpets and save $3,000 for the taxpayers, I will be glad to see that they are furnished with the floor polish which its producer claims will prevent slipping.

HEALTH FOR PEACE AND INTERNATIONAL POOLING OF MEDICAL RESEARCH

Mr. NEUBERGER. Mr. President, on May 8, 1959, in Washington, D.C., a panel on international aspects of medicine was held in connection with the Second National Conference on World Health. I was privileged to participate with such eminent leaders as the Senator from Alabama [Mr. HILL]; Dr. Walter Judd, of Minnesota; Dr. Thomas Parran, ex-Surgeon General of the United States; Leo Cherne, of the Research Institute of America; P. C. Spencer, chairman of the board of Sinclair Oil Corporation; and others.

The chairman of the panel was the distinguished medical editor of the New York Times, Dr. Howard A. Rusk, one of the world's greatest authorities on physical rehabilitation.

This world health discussion was most timely because the Senate soon will be debating Senator LISTER HILL'S legislation for a new International Health Institute, to be added to the National Institutes of Health. I am proud to be a cosponsor with Senator HILL of this wise and urgently needed proposal.

In the New York Times for May 10, Dr. Rusk has described the views expressed on our panel under the appropriate title of "Health for Peace." I ask unanimous consent that his article be printed in the body of the RECORD.

I commend it to all among my colleagues who are interested in pooling medical discoveries among all the races and peoples of mankind, regardless of race or creed or color.

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

HEALTH FOR PEACE: CONFERENCE SEEKS WAYS OF ACHIEVING MEDICAL GAINS ON INTERNATIONAL SCALE

(By Howard A. Rusk, M.D.)

Writing in the New York Times magazine 7 years ago, Arnold Toynbee said, "The 20th century will be chiefly remembered as an age in which human society dared to think of the welfare of the whole human race as a practicable objective."

This past week in Washington a group of 1,000 American health leaders, businessmen, and citizens met to discuss how international health can be used as a means of making Dr. Toynbee's prediction a reality.

The meeting was the Second National Conference on World Health sponsored by the National Citizens' Committee for the World Health Organization. Dr. Milton S. Eisenhower, president of Johns Hopkins University, was the conference chairman.

The highlight of the 3-day meeting came Friday morning with a panel discussion on "World Health for World Peace."

Much of this discussion centered on the pending International Health and Medical Research Act of 1959. During the panel discussion Senator LISTER HILL, Democrat of Alabama, who introduced the bill in the Senate, announced that it now had 63 cosponsors.

He predicted that the bill which has been approved by the Senate Committee on Labor and Public Welfare, would come to a vote before the Senate this week.

WOULD AID RESEARCH

This legislation, known popularly as the health for peace bill, could create a National Institute of International Medical Research within the National Institutes of Health. Funds would be used to encourage and support research and the exchange of information on research, the training of research personnel and the improvement of research facilities throughout the world.

When asked if he thought the full $50 million a year authorized under the legislation for these purposes would be appropriated in the first year, Senator HILL replied in the affirmative.

Senator RICHARD L. NEUBERGER, Democrat of Oregon, and Representative WALTER H. JUDD, Republican of Minnesota, also predicted that the bill would pass and that the full amount would be available.

Senator NEUBERGER stressed that although the legislation had significant humanitarian and diplomatic aspects, Americans should not lose sight of its self-interest aspects. From this program, he said, may come many medical discoveries that will prevent death and extend the lives of millions of Americans.

SEPARATION STRESSED

Two representatives of large American pharmaceutical companies, Mr. John T. Connor, president of Merck & Co., Inc., and John J. Powers Jr., president of Pfizer International, Inc., reported that their own companies and the pharmaceutical industry favored the proposals. Both, however, expressed hope that the traditional pattern of division of responsibility between governmentally supported research and research and development conducted by private industry would continue to be observed.

To this, Dr. Thomas Parran, former Surgeon General of the U.S. Public Health Service, replied that there had been no major conflict on this point within the program of the National Institutes of Health since their inception. Senator HILL confirmed this statement and said he saw no reason why this traditional division of responsibility would not continue in the expanded international research program.

Although the panelists agreed unanimously on the need for increased Federal support of all fields of international health, they stressed this should not be at the expense of private, voluntary effort.

Representative JUDD, physician who served 10 years as a medical missionary in China, illustrated the importance of personal, voluntary effort with a story of his own experience. While he was operating a small medical clinic in Outer Mongolia in the early thirties, a young mother came to him with an infant near death.

USED EARTH POULTICE

Dr. JUDD could not save the infant's life, for the child had tetanus as a result of the mother's following the traditional practice of using a poultice of earth on the umbilical cord. He consoled the mother by commenting that she was young and could bear other children. She replied that this was her seventh child and all had died from the same cause.

Dr. JUDD then showed her a small piece of sterilized gauze and told her that when the next child was about to be born to come back to the clinic and he would give her such a piece of gauze to cover the umbilical cord. During 4 years at this clinic, he reported dispensing more than 25,000 such inch-square pieces of gauze. Tetanus was prevented and countless lives were saved.

Leo Cherne, executive director of the Research Institute of America, suggested that the use of humanitarian intervention involving health services could in most instances be more effective than military intervention in conflicts with the Soviet Union.

Mr. Cherne, as chairman of the International Rescue Committee, was among the first Americans in Budapest after the Hungarian uprising in 1956. He conjectured that if U.N. Secretary General Dag Hammarskjold had flown to Budapest and had had the United States and other free nations send medical supplies, medical personnel, and food immediately after the Soviet troops had withdrawn, the troops would not have returned 7 days later.

P. C. Spencer, chairman of the board of the Sinclair Oil Corp., emphasized that private support of international health work should not be limited to foundations, voluntary organizations and individuals. He said that it was also a responsibility of corporate industry, and particularly of the oil industry.

"To do an effective job as ambassadors of good will for America and to establish and maintain a favorable political and economic climate for oil development and production in foreign lands, our oil industry must do something more than just carry on a commercial business.

"It is not enough to build hospitals and to supply medical aid for our own employees, which we do most generously. We must continuously search for and adopt appropriate ways and means of aiding our foreign hosts to develop an overall better way of life, to improve their general standards of living and to raise their general level of health and well-being."

Through its Venezuelan affiliate, the Sinclair Oil Corp. is sponsoring a program for Venezuelans to receive training in rehabilitation in the United States. Mr. Spencer contrasted the warmth with which the announcement of this project was received in Caracas in February of 1958, despite the political turmoil, with the regrettable and tragic reception given Vice President RICHARD M. NIXON a few weeks later.

Printed across the conference program was a quotation from Dr. Frank G. Boudreau, president of the Milbank Memorial Fund, that summarized succinctly a philosophy on international health. It read: "In world health, there is no room for destructive competition. The supply of health is unlimited; if your neighbor gains in health, you lose nothing." Dr. Boudreau might have added: "In fact, in today's shrinking and interdependent world, when he gains, you gain."

FEDERAL FISCAL RESPONSIBILITY

Mr. SALTONSTALL. Mr. President, I ask unanimous consent to have printed in the RECORD an address made by Percival F. Brundage concerning expenditure control. While I do not necessarily endorse all of the conclusions Mr. Brundage reaches, I have great respect for his reasoning and understanding of this difficult problem. As a former Director of the Bureau of the Budget, Mr. Brundage is well qualified to discuss Federal expenditures. I think his remarks merit the very serious consideration of all of us.

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

FEDERAL FISCAL RESPONSIBILITY

(Address by Percival F. Brundage before the annual meeting of the New Jersey Taxpayers Association at Newark, N.J., on November 24, 1958)

It gives me great pleasure to meet with such a representative taxpayer group in my own State. I told your chairman that I though you should be interested in my subject because, in my opinion, any satisfactory tax reform is dependent upon the recognition of its need and the insistent demand by the majority of our taxpayers and voters. They must realize the necessity for real Federal fiscal responsibility before the Congress will take the mandate seriously enough to do something about it.

It is a relief, I must admit, to be able to speak to you tonight with personal detachment about Government affairs and the heavy burdens that your public servants carry. For some years I felt to a small degree like Mr. Lincoln, who when asked how did it feel to be President, replied, "You remember the man who had been tarred and feathered and was being ridden out of town on a rail? A man in the crowd asked him how he liked it. His answer was 'if it wasn't for the honor of the thing I'd rather walk.'"

It was a terrific strain to be one of the focal points of continuous attack on administration fiscal policy, when actually the Bureau of the Budget and the President only propose and Congress disposes.

Government is growing as our population is growing. Our whole economy is growing and getting more and more complicated. Our gross national product in uniform dollars has more than doubled since the beginning of World War II. In my opinion, we must accept the fact that we shall continue to have a large Government but resolve to keep it within bounds and do all we can to improve and simplify it.

You know the definition of an adult—"One who has stopped growing at each end but continues to grow in the middle." I believe we can limit our Government to that kind of growth.

I have been studying our governmental procedures very closely for 4 years and I am going to summarize for you some of my conclusions.

In the first place, our budget procedures are much too complicated. They take altogether too much time of the top officials of

the Government and the responsibility is too divided in spite of all our efforts for coordination and simplification.

To review briefly, we have to start the preparation of the budget at least 15 months before the beginning of the fiscal year to which it relates. Each department or agency spends weeks and months of analysis and review before it reaches the Bureau of the Budget where it gets a thorough going over. There are frequent reviews and decisions by the President, Cabinet and Security Council before submission to the Congress.

Then come months of hearings before the House and Senate committees. This is the most grueling kind of work—the heads of all the important departments and agencies are required to appear in person, to be away from their executive responsibilities and to answer questions for as many as four different committees.

The net result of congressional action is that there are many cuts made in needed requests for appropriations and many unnecessary increases are added.

This is vastly different from the system in all other countries where the party in power takes responsibility for the budget that is submitted, and it is either accepted and passed or rejected by the Parliament. I firmly believe that our present system is unwieldly, costly and unsatisfactory.

As an illustration of what happens, I would like to summarize what took place last spring in the consideration by Congress of the 1959 budget, which was submitted by the President in his budget message last January.

Let us first consider economy measures proposed to the Congress in the 1959 budget of which there were 16:

The President asked for postal rate increases which would bring in an estimated $725 million; Congress voted increases estimated to total $546 million but also gave pay increases to postal employees exceeding our recommendations by $219 million (including $117 million retroactive). This cut our net savings in half and we will still have a postal deficit in fiscal 1959 of over $700 million.

The budget proposed user charges for aviation which would have eventually brought us $211 million a year more in revenue, to help pay for advanced airway navigation aids, which are costing well over a billion dollars. The Congress took no action at all.

The President proposed increasing the interest rates on FNMA special assistance mortgages and the Congress gave us about half of what we proposed.

Higher interest rates on college housing loans were proposed and Congress gave us nothing.

The budget proposed to adjust certain veterans benefits which I believe would have eventually resulted in annual savings of at least $500 million; Congress did not even consider it.

We proposed reductions in REA loan programs, which largely cover not farmers but industry which is now spreading out into the rural communities. This would have saved $200 million a year eventually but Congress gave us nothing.

The budget proposed increased local participation in public assistance which could have saved $250 million a year. The Federal proportion was ill advisedly increased last year. Congress on the other hand increased the Federal portion again which cost an additional $197 million.

The President proposed limiting school aid in federally affected areas by increasing local participation, and this would have saved $190 million, but it was not enacted.

We asked for greater flexibility in price support for agriculture. Congress gave us some flexibility but at much larger cost. We asked to have the acreage reserve end with the 1958 crop year which would have saved $525 million. Congress ended it but liberalized it last year with a net saving of only $275 million. To sum up, the proposed savings came to three and a half billion dollars, and Congress gave us only half a billion.

But this is not all. Congress raised appropriations beyond our requested amounts: Department of Defense, military, $1.3 billion; General Services Administration for public buildings, $200 million; National Institutes of Health, $96 million, for the third successive year; public works appropriations, $61 million (in addition, the future year costs of the new starts Congress approved will be $694 million). In total, the increases came to $2.2 billion.

Other budget increases were made outside of appropriation acts. For example: Emergency Housing Act—$1.8 billion; changes in the Federal Aid to Highway Act which will lead to an increased highway fund deficit of $850 million; pay raises over the budget, a total of $845 million.

Congress increased 1959 budget recommendations by a total of $7.7 billion. This is not 1 year's spending but its force will be felt in 1959 and later years. Against these increases, reductions came to something over $2 billion. The net result was that Congress increased our budget proposals by over $5 billion.

I cannot believe that this kind of operation is satisfactory to the taxpayers or adequate to our needs today. I don't know anyone better fitted than C.P.A.'s to improve it.

I have frequently thought of the story of the Texan who was visiting Washington for the first time. He was shown around the White House, the Treasury and the Capitol but was not overly impressed. That evening he remarked to some friends, "Thank heaven we're not getting all of the government we pay for."

This brings me to a second serious failing in our fiscal system. We spend millions of dollars in preparing our budgets and only a small fraction of that amount in evaluating the results afterward. There seems to be so little time and staff available to the Bureau of the Budget, the agencies or Congress for subsequent analysis, investigation and explanation of variances between budgets and actual performance which private business follows up so closely. Here lies the greatest opportunity for self-criticism and improvement for the future. The Bureau of the Budget of course apportions funds, the Treasury summarizes expenditures and the General Accounting Office makes a postaudit to see that they were not made for unauthorized purposes. But no one determines how much was spent for unnecessary or undesirable purposes and why.

ADMINISTRATION LEADERSHIP

Let me turn now to a third place to which public attention should be directed. I believe the American people and the press have got to change their attitudes toward Government service and recognize the achievements and good points of our public leaders as well as their failings. Press and radio talk much of freedom of speech, very little of the responsibility that should go with it. Any political leader who displeases a pressure group may expect to be ridiculed and even insulted. His every motive is impugned, people are encouraged by propaganda to believe that he is weak, incompetent or corrupt.

A man was taken to the nearest hospital after an automobile accident. The doctor put his leg in a cast and told him that he would have to remain overnight but could leave the next day. In the morning the doctor returned and said he'd have to stay for a few more days. "I didn't know how badly banged up you were until I read about the accident in the paper."

Sometimes when I get through reading about how bad conditions are, or listening to a commentator, I wonder if they are talking about my country.

When I went to Washington 4 years ago, I dreaded the bureaucratic atmosphere for two reasons. I thought that the personnel would be below business standards, and that it would be impossible to make progress. In my first assumption, I was completely wrong. Generally speaking, the personnel is fully up to private industry and in the case of the Bureau of the Budget is above it. As for the second, I was partially right. Progress is difficult and very slow. Each one of us is partly responsible, for we tend to interest ourselves only in what directly affects our personal interest, rather than the interest of the Nation as a whole. This helps to build up pressure groups and political antagonisms.

It has been said that too many people seem to think it isn't enough for the Government to guarantee them to pursuit of happiness. They expect the Government to run interference as well.

We must have greater confidence in our leadership once we have chosen that leadership. I have one practical suggestion to offer and that is to take a lesson from the Australian practice. There, when a government official is criticized in the newspapers or over the radio or television, he is given the same space or the same time to reply. I believe that might go a long way to help correct this abuse of freedom which I think we all recognize.

Let me tell you that the group of men who are running our Washington administration are as capable and devoted a group of men as could be found in this country, and amazing progress has been made in improving efficiency and putting modern business practices in the Government.

BETTER ORGANIZATION

One of our real accomplishments this year was passage by Congress of H.R. 8002 which requires that agency budgets and appropriations be made in terms of annual accrued expenditures. The American Institute was very helpful in enabling us to get this bill through the Congress. The approval of the reorganization plan of the Defense Department is the second big accomplishment this year. Each of these will take some time for thorough implementation but they are really significant developments.

Other important accomplishments are the merger of the Office of Defense Mobilization and the Federal Civil Defense Administration. Also, the more effective coordination in the operations of our civil aviation agencies with those of the Defense Department through a new Federal Aviation Agency. This was largely worked out by General Quesada, and will enable us to avoid a very costly duplication of facilities.

But in spite of all these accomplishments, there is still a tremendous lot to be done. The President's responsibilities and duties are much too great for any one individual. A number of suggestions have been made and detailed plans have been proposed which are still under consideration. I personally think that the recommendations of the second Hoover Commission task force report for further strengthening the Bureau of the Budget would be very helpful. The Budget Bureau already acts very much like a controller or financial vice president of a modern business corporation. Then there is Mr. Hoover's recommendation for a second Vice President; perhaps we should have two more Vice Presidents, appointed by the President in addition to the elected Vice President. The Government certainly needs more good managers and effective coordinators at top levels.

FISCAL POSITION

Our many fiscal problems have been discussed pretty thoroughly in the press and

periodicals. However, much more education seems to be required. Take the Defense Department—there is no limit to the amount of money that we could spend on our Defense Establishment. Each of our thousands of installations of the different services throughout the world have many needs and desires. I can assure you that the budget as presented to the Congress with the President's budget message has reduced the service desires by several billion dollars and is well balanced as to the Nation's defense needs and capabilities. It is as reasonably adequate defense as it would be possible to prepare for in advance. There is no one who has had more experience in this type of fiscal problem or in actually operating vast forces afield than our President.

When it gets to Congress, however, the Defense budget has another thorough going-over by the various committees. As finally enacted, the budget in my opinion is not as good, not as well balanced, and not as carefully worked out as the original budget presentation. I have the greatest admiration for our military leaders, but the Director of the Budget is not the most popular member of the administration in military circles. They say that the officer of the deck on a destroyer on patrol off Formosa asked the starboard lookout what he would do if a man fell overboard. The lookout was silent for a moment and then asked, "Which one, sir?"

Turning back to Agriculture, Secretary Benson has fought gallantly year after year for more flexible price supports and lower fixed minimum payments. The administration has been able to defeat some adverse proposals and a lot of undesirable amendments. At the same time, agriculture has been going through a technological revolution with rising productivity. The net result has been that the cost has been going up to fantastically high figures. It is not only the cost to the U.S. Government but the cost to every citizen, by increasing the cost of every item he has to buy. Each one of you should interest himself in this problem. Most of the payments, I believe, are going to the large-scale operators.

Take a look at our programs for natural resources. Here we have competition, between the Corps of Engineers which has many supporters, the Bureau of Reclamation, the Interior Department, the Forest Service and other programs of the Department of Agriculture. In my opinion, these programs should be united under one department.

Take the veterans programs as another example. Here the administration has waged a continuous fight to prevent many expensive, unnecessary and undesirable programs, bonuses, subsidies, and benefits which are proposed each year by some Member of Congress.

Consider the housing programs. After the war there was a great shortage of housing units and both parties helped in putting through a very progressive legislation which benefited the returning veterans and helped make up our terrific housing shortage. That emergency has passed, yet Congress is continually revising the housing programs and starting new programs that compete with private enterprise and do not begin to have the urgency of the earlier programs.

Our highway programs are far reaching in significance. The administration was able to put through legislation to place the magnificent new countrywide program of throughways on a self-supporting basis. As the result of recent congressional action, however, expenditures next year will be more than the trust fund receipts and accumulated balances. We can expect that unless something is done about it, the needed funds will be voted out of the general receipts. I, for one, strongly believe that if necessary, tolls and gas taxes should be increased so as not to have to dip into our general receipts for this vast program.

I could go on all day to illustrate our constant fight to reduce the concentration of power both fiscal and administrative in Washington. The President is a vigorous leader in this effort.

THE CONGRESS

I mentioned incidentally, several places where I thought that Congress and its procedures could be improved. I think it is time to have a thoroughgoing study made by the legislators and outside experts as to how we could improve the operations of both Houses.

To start with, I believe that the term of representatives should be extended from 2 to 4 years. Too much time is spent in campaigning and the political effects of each decision take too prominent a part in their approach to every problem. Even better would be to have the terms of the President and Vice President and Congressmen all extended to 6 years, and have the elections coincide. Then we would really have a Donnybrook every 6 years, but during the other 5 years, I think we might get more attention to business and less influence exerted by the pressure groups and politicians.

During the past few years I have sounded out a number of Congressmen and I believe that the time is about right to put through some very fundamental changes which would greatly improve our fiscal control. In my opinion, we should have a single appropriation bill to cover all of the operations of the Government, plus the power of an item veto by the President. One way would be to have the individual appropriation bills considered and passed as at present, but then held in abeyance and not sent to the President until the last bill has been passed. They could then be grouped together and reconsidered as a whole. The revenue measure should be considered at the same time as the appropriation bill, so that every Member of Congress would be made aware of the total amounts he was appropriating and their relation to the expected annual revenues. At the present time I am certain that many Congressmen do not realize the effect of their votes in relation to the total budget picure.

In addition to the single appropriation bill, it is very important that the President be granted an item veto so that he could disapprove a single item in the budget which had been added without his approval and for which he did not wish to take responsibility. This would restore to the President the responsibility which is rightfully his to conduct the operations of the Government in the most effective, efficient manner. I believe that Congress could grant this authority without a constitutional amendment, but in any case, I would like to see it tried. If the Members of Congress feel sufficiently strongly about the necessity for an item that has been vetoed by the President, they could of course, pass it over his veto with a two-thirds majority of each House. It would not be necessary, however, for the President, who disapproved of a single item, to return the whole bill, thereby nullifying other good features which the bill may contain.

Another proposal I have in mind is to have more joint hearings held at which the members of the different committees of both the House and the Senate could be present so that the top administrators of the Government would have to appear only once and therefore be able to give more of their valuable time to the administration and operation of the Government. It is most difficult to get leaders of business and labor to take jobs in Washington with the present cumbersome procedures, the conflict of interest laws, and the continuous criticism to which they know they will be subjected. The conflict of interest rules should, in my opinion, be modified and applied to Congressmen as well as to members of the executive branch.

INFORMATION AND PUBLIC RELATIONS

Another broad area in Government which needs intensive study and review is the area of public relations. Through the USIA and the Voice of America, we are trying to present the facts of American life to other nations of the world. Every effort is being made to present a fair and true picture without propaganda overtones. But much of the good is counteracted by unfortunate statements made by individuals in Congress and business which are widely publicized in the press and converted by our enemies into telling propaganda attacks. Radio Moscow has a midnight broadcast in English which is fiendishly clever in attributing false and misleading motives to every action which we take. This is supported by daily quotations from the press of this country which can be found to serve almost any purpose. I think we badly need a public relations and education program in this country as well as abroad. I was told it was politically impossible because it was feared that it would become a propaganda office. I am not willing to give up that easily and I believe something could be done to meet the need, once the general public recognizes it.

TAXATION

Before concluding my remarks, I shall say something about the subject which is of course of more direct interest to you; namely, taxation. While we have been talking and thinking favorably of a thorough overhaul of our tax legislation since the war, tax reform bills themselves have added more complications, more technical provisions that have to be interpreted. We have also failed to do anything about the overlapping between the Federal, State, and local taxes. The Kestnbaum Commission made some excellent studies into this problem and the Federal-State Joint Action Committee has touched on phases of it. I believe that the time is now ripe for a thoroughgoing review of our whole tax policy—Federal, State, and local. I personally believe that too much reliance is being placed by the Federal Government on income taxes. While these act as a cushion against too rapid a decline in business net income, changes in the Government's income are difficult to estimate for budgetary purposes. As an example, the Treasury estimates of receipts both from Federal individual income taxes and corporate income taxes, combined, for fiscal 1959 have been revised downward during the last 9 months by $6.2 billion, or more than 10 percent. This is in spite of the fact that business activity has still been maintained at a high level. In the future, too much reliance on income taxation could jeopardize our Federal budget and credit structure.

I believe also that we have a multiplicity of tax returns which is quite unnecessary. Certainly it should be sufficient to prepare one individual income tax return and one corporate income tax return which could be used for several purposes and for several levels of government. We could have a joint collection agency, Federal, State, and local, which could apportion the receipts from excise taxes, sales taxes, and possibly a new manufacturers excise tax. A local sales tax is quite inefficient when residents of neighboring States can have purchases shipped direct to their homes and thereby avoid payment of the tax. Furthermore, there should be standard exemptions and credits.

I have come to believe that so long as we continue high tax collections we are going to have high Government spending. Even if settlement should be reached in the cold war over the next few years so that we could look forward to a more normal and peaceful coexistence, I fear that expenditures of

other Federal agencies might easily pick up most of the savings unless plans for tax cuts have already been studied and approved for initiation when the opportunity arises. I do not think there is any good justification to continue indefinitely a corporate tax of over 50 percent, or individual taxes at the present high levels, particularly in the top brackets, and there are other serious inequities.

In conclusion, let me reiterate the statement that the taxpayers of this country will get the kind of government that they want if they go out and work for it. There is a lot of educational work to be done with business groups, with housewives, among the professions, with the farmers, and with labor groups as well, if we want to get back to a balanced budget, reduced Federal expenditures, and lower taxes. But don't let's get discouraged and think things are worse than they really are. We have tremendous assets.

Let me list some of our assets briefly:

1. Tremendous strength in military equipment of the latest types, coupled with our now well recognized desire for the peaceful settlement of all international differences.

2. The remarkable productive capacity of our country and of the other free countries of the world. All we hear about are the accomplishments of the communistic countries which started after the war from so much lower levels than our own. Let us not forget that the recovery of Western Germany far surpasses that of Eastern Germany by any measurement.

3. We have been able to maintain our free democratic processes among the Western nations in spite of many difficulties. This has been demonstrated again most recently in France. The Communist reliance is still on force and repression as was again brought out by the Nagy execution and the continuing purges.

4. The strength and standing of the United Nations and regional international organizations like NATO and SEATO has been maintained and is growing with a constant use of their facilities and decisions.

5. We have a most effective national administration, not only a President who will rank among the greatest of all time, but a Vice President of exceptional capacity and training. The Cabinet and the group of agency heads are composed of experienced business and professional leaders; the military staffs have brilliant technical achievements to their credit; and our foreign and domestic civil service has men of great distinction.

It is natural that we should be more concerned with our difficulties than our advantages but don't exaggerate the difficulties. Let us continue to improve but let us have confidence. The troubles of our opponents about which we do not hear are much more serious than our own. We and the other free nations of the West have great cause for satisfaction and confidence.

ONE HUNDRED AND SIXTY-EIGHTH ANNIVERSARY OF THE CONSTITUTION OF POLAND

Mr. WILLIAMS of New Jersey. Mr. President, I wish to add my comments to those already made about May 3, a day marking the 168th anniversary of the adoption of Poland's Constitution.

The Poznan revolt of June 1956 still stands clear in the memory of free people. It was a clear demonstration of courage and impatience with tryranny. Now, nearly 3 years later, the Polish people still face continuing curbs on freedom and their basic human rights.

We in this Nation can offer only moral support to those who still are behind the Iron Curtain, and we can offer economic aid in limited amounts. And we can also remember that May 3, now a symbol of yearning for restoration of Polish independence, may some day once again become a holiday for a free people in a free land.

In response to a request from the Polish National Fund of New Jersey, I ask unanimous consent to have printed in the RECORD a message of the President of Poland. Mr. Sigmund H. Uminski, president of the fund in New Jersey, has explained to me that it had been the custom in Poland before the war for the President of Poland to issue such a message. Free Poles still continue this custom.

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

MESSAGE OF THE PRESIDENT OF POLAND, ON MAY 3, 1959

On the occasion of the Polish National Day, His Excellency August Zaleski, legitimate president of the Polish Republic, issued the following message to the Polish nation:

"The Reform Constitution of May 3, 1791, was described by Hugo Kollataj, one of its fathers, as 'a gentle revolution.' It really was the incorporation of the most progressive principles of liberty proclaimed by the thinkers of contemporary Western Europe and as such again testified to the ties of Polish civilization with that of the West.

"Notifying the new constitution to the French National Assembly, King Stanislas Augustus of Poland wrote: 'Barely had you given the world a great example, when it was followed by others. Here is a nation, always a friend of France, which has raised and dedicated the standard of liberty without fighting, without bloodshed, and amidst the joy of all classes of its citizens.'

"In actual fact, the Polish Reform Constitution was the outcome of a compromise attained by two parties. To the eternal glory of the leaders of the Reform Party and that of the King, united by the love of their country, they succeeded in setting aside what had separated them and created a memorable work—the anniversary of which has been celebrated by the Polish people for the last 168 years.

"Unfortunately, it was not granted to Poland to carry the constitution into practice. Its liberal character was too much at variance with the convictions of the autocrats neighboring with Poland. They conspired against the existence of such a dangerous example among them.

"They knew the significance of a constitution for every nation. The Polish Constitution of May 3, 1791, affirmed: 'The fate of us all depends solely on the consolidation and perfecting of the national constitution.'

"During the short period of Poland's recovered independence, lasting barely 20 years, the Polish nation consolidated and perfected its constitution in such wise that it assured the existence of the legitimate authorities of the Republic even during an enemy occupation of the country. It is indubitably an invaluable advantage which all Poles living in freedom should cherish and defend with all their might since it provides the best possibilities for the struggle to restore Poland's freedom.

"In God I trust that now, as in 1791, all Poles, again united by the love of their country, will join in this struggle."

TRIBUTE TO CAREER OF HON. ERNEST GRUENING, OF ALASKA

Mr. NEUBERGER. Mr. President, the New England Journal of Medicine for November 4, 1954, published an outstanding article in tribute to our illustrious colleague, the junior Senator from Alaska [Mr. GRUENING]. The author of the article is a distinguished New England physician, Dr. James Howard Means, former dean of the Harvard University Medical School, and at one time a classmate of Senator GRUENING at Harvard.

I ask unanimous consent that the article, describing the eventful career of ERNEST GRUENING, be printed in the body of the CONGRESSIONAL RECORD.

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

DOCTORS AFIELD: ERNEST GRUENING

(By James Howard Means, M.D.)

A doctor far afield from the medical point of view, but very far from afield in the career he finally elected to follow, is the Honorable ERNEST GRUENING, M.D., LL.D., journalist, public servant, and statesman.

GRUENING was a member of the Harvard College class of 1907 and of the Harvard medical school class of 1911. Actually, he left the medical school in the middle of his fourth year to take a job as cub reporter for the Boston American. Then and there he switched careers from medicine to journalism, or as he put it himself, he "decided to give up one profession for another, and exchange the art of curing the ills of the human body for an attempt to play a similar part in relation to the body politic." As it has turned out, these were prophetic words for he has indeed, throughout his life, played with distinction the role that so early he indicated. In spite of his change in objective, however, he returned to the medical school long enough to earn his M.D. degree, which was granted him at commencement in 1912.

Returning directly to his newspaper work he signed up, this time with the Boston Herald. It is interesting that, although he said, "It is always a good plan to start with Hearst in the newspaper game," he did not stay in that controlled environment very long. It was not one that his independent and forthright spirit could tolerate.

On the Herald he advanced rapidly through the various gradations of newspaper work until July 1914 found him acting city editor of the Herald and November of that year managing editor of the Boston Traveler, which had then become the Herald's evening edition.

He served in this last-mentioned job for 2 years, and of it he had these significant remarks to make:

"It was an interesting job. The times were thrilling (World War I prior to U.S. participation); circulation, that summum desideratum of newspaper publishers, came readily. The only problems were those common to many American newspapers—to try to make the management understand that a newspaper owes very definite obligations to its readers—to the public—and that advertisers are entitled to the space they buy and not to special favors and considerations in the shape of suppression and distortion of news; that, in short, independence and intellectual honesty are the best policies."

If the press of the United States had had the ability or the desire to approach these high standards the country might be happier and better today.

In October 1916 GRUENING made a startling exposure of certain shocking shenanigans

going on in city hall, Boston, over the censoring of plays, and thus earned the enthusiastic approval of the editor of the Herald. The wounded, however, were so exalted politically that the owners of the Hereald-Traveler ordered the publication of a retraction, and since GRUENING would have no part in such ignominy, he resigned.

He went next to the Boston Journal, then a moribund paper, and together with a small group of friends attempted to keep it alive. Some progress was made, but uncontrollable circumstances proved too difficult, and the paper failed. GRUENING next took a whirl as managing editor of the New York Tribune, and after that he did his bit by enlisting in the field artillery.

After the war he managed La Prensa in New York—the only Spanish-American paper in the United States—for a year and a half, and then shifted for the first time to weekly journalism by becoming managing editor of the Nation, a post that he held for 3 years.

During this period he became conscious of, and strenuously opposed to, U.S. imperialism in the Caribbean. Under his direction the Nation brought to light certain facts about the unjustifiable military intervention in Haiti in 1915 and in the Dominican Republic in 1916. In consequence of this exposé a Senate Commission of Inquiry was sent to the island in 1921, and GRUENING was invited to accompany it. The findings of the Commission led to the withdrawal of U.S. forces from the Dominican Republic in 1924 and from Haiti in 1932.

In 1923 GRUENING began a study of Mexican affairs, paying four visits to that country in as many years, and one to Spain for background. In 1928 the results of his studies appeared in his book Mexico and Its Heritage.

Two other newspaper items should be mentioned. In 1927 he was invited by a group of citizens of Portland, Maine, where, as in many other places, existing newspapers were quite under the control of business and political interests, to start for them an independent paper and to become its editor. He accepted this challenge. Its name was the Portland Evening News, and he kept it going until 1932. Then, however, as with many fighting independent newspapers, the financial odds were too great, and it had to be discontinued.

GRUENING next went back to the Nation for a year, this time as editor, and finally wound up his journalistic career with a three months' fling as editor of the New York Post.

In 1934, for the second time in his life, he made a major change in career. This time he switched from journalism to the public service of his country. President Roosevelt, in the fall of 1934, appointed him Director of the newly created Division of Territories and Island Possessions of the Department of the Interior.

The function of this new agency was to combine into one organization the affairs of territories and insular possessions that had formerly been scattered through several agencies. It included the Virgin Islands, Puerto Rico, Alaska and Hawaii. GRUENING put his heart into this work and visited and studied all the areas within the jurisdiction of his division. The overcrowded and poverty-stricken state of the people of Puerto Rico particularly aroused him. Observing the simple fact that the population of this island was increasing faster than the food supply, and with scant funds available to import food, he made attempts both at industrialization and population control through education.

In 1939 GRUENING was appointed Governor of Alaska, and he served in that vital post until 1953. Directly after his appointment Alaska became of immense military importance. In 1940 the Governor obtained for the first time the establishment of a National Guard, and when this was federalized, he organized a territorial guard that had units scattered over the entire territory. From the beginning of his experience there, GRUENING had great faith in Alaska. For years he has worked continually for its statehood. Recognizing its strategic importance, he believes that it would be a stronger outpost for the United States if it had the larger population and resources that statehood would give it.

There can be no doubt of the great usefulness of ERNEST GRUENING'S life. He has always fought for the freedom of the press and has striven to improve the lot of the common man. In him the virtues of courage and sincerity are combined with keen insight into public affairs. It is for this reason that he may properly be called a statesman.

The readers of a medical journal will at once ask, Were his four years in medical school wasted, either for him or for the school? The costliness of medical education is such that it is usually an economic misfortune when a person who has earned a medical degree forsakes medicine. In GRUENING'S case, certainly this is not true. For himself, he has more than once stated that he has found his medical education constantly of value to him. It has given him understanding of the role of health in human welfare, and of how it can be promoted, that he would otherwise have lacked. The medical school can take satisfaction in having contributed to the education of a man who has served the country so well and will continue to do so, for his career is by no means finished. It is known, for example, that his book, The State of Alaska, will be published this autumn. This will, no doubt, be the definitive work on the Territory and Uncle Sam's relation to it during the 87 years in which it has been his stepchild.

THE STATE OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, the West Virginia State motto, Montani Semper Liberi, means "mountaineers are always free." We West Virginians are proud of our rich heritage of freedom, and of the picturesque hills and majestic mountains for which West Virginia is known. Our rich natural resources, our geographic location, and our neighborly and free people, make West Virginia a wonderful place in which to work and play and live. The State has tremendous possibilities for industrial growth.

I ask unanimous consent to have printed in the RECORD an article entitled "The State of West Virginia," which was published in the current issue of the Vancoram Review, a house organ of the Vanadium Corp. The Vanadium Corp. broke ground for its modern ferroalloy plant at Graham Station, Mason County, in March 1951. The article, which I commend to my colleagues, reflects the feeling of pride which Vanadium Corp. shares with other West Virginians, pride in our State, its history, its resources, and its future.

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

STATE OF WEST VIRGINIA

Men endowed with persistent visions of individual human rights under representative government created the State of West Virginia.

Strong men, with great objectives, they conquered rugged mountains, trackless wilderness and hostile Indian tribes. Their land was bloodied in the American Revolution and in the War Between the States, yet the dramatic history of the Mountain State is also the heroic story of legislative struggles for the democratic way of life.

The character of the founders is reflected in the motto upon their State's seal, Montani Semper Liberi, "mountaineers are always free." The State seal also appropriately carries symbols representing the cardinal, black bear, sugar maple, and great laurel.

Sometimes called the most southerly of the northern, most northerly of the southern, most westerly of the eastern, and most easterly of the western States, West Virginia stretches north above the latitude of Pittsburgh, Pa., and reaches south below Roanoke, Va. Its western extremity is in the longitude of Port Huron, Mich., the eastern in that of Rochester, N.Y.

The State's area is slightly more than 24,000 square miles. An average altitude of 1,500 feet makes it the highest east of the Mississippi River. Of the State's boundary of 1,170 miles, only 200 are manmade. Natural boundaries are the Ohio, Big Sandy, Tug Fork Rivers, and Potomac River; and the 365-mile crest of the Alleghenies. A northern panhandle, in one place barely 5 miles wide, adjoins Pennsylvania and Ohio. Maryland and Virginia squeeze an irregular eastern panhandle to a minimum width of 15 miles.

Forests occupy two-thirds of the State. Mountain ranges, peaks and deep, narrow valleys make some areas rough and isolated. Mistletoe and the great laurel grow wild. Hunting and fishing are rewarding.

TRANSPORTATION AIDS DEVELOPMENT

Natural barriers, which so long deterred settlement by any except the most determined, now are surmounted or detoured by highways, railroads, and airlines. Some 70,000 farms, blessed by a 40-inch annual rainfall, yield fruits, vegetables, wheat, corn, dairy products, poultry, and meats.

The transformation of part of this mountainous wilderness into an industrial empire began about 1797 with the establishment of water-driven saw and grist mills. Coal was discovered in 1742 and oil and natural gas in 1859. Many of the men who helped to create the world petroleum industry got their early training in West Virginia.

To this day, oil, natural gas, coal, glass, salt, limestone, clay, sand, and lumber are among the State's important products. Since 1931 West Virginia has been the Nation's second largest producer of bituminous coal. Reserves are estimated to be sufficient for 400 years.

In 1790 the first iron furnace west of the Alleghenies began operating in what is now West Virginia's northern panhandle. This furnace, of 2 tons daily capacity, made cannon balls used by Capt. Oliver H. Perry against the British fleet on Lake Erie during the War of 1812.

Modern industrialization, while widely distributed, has shown a spectacular concentration in that relatively broad section of the Ohio River Valley known as "the American Ruhr." In the 125 miles between Moundsville to the north, and Point Pleasant to the south, nearly half a hundred modern industrial plants contribute to West Virginia's growing economy. Their products range from ferro alloys, steel, and aluminum to paper, glass, chemicals, abrasives, ceramics, as well as finished products such as oilfield equipment and ships.

By developing its natural resources, both coal and water, West Virginia has become a large producer of steam electric power. An extensive high-wire system is linked with interstate circuits.

Many peoples desired the land that is now West Virginia with its 55 counties. In 1675 the Iroquois controlled the Ohio Valley section, but ceded much of the area to the British 3 years later over the protests of the Shawnees, Delawares, Mingoes, and other tribes. They fought to regain and retain it

as a major source of fish and game. The land was claimed also by the French on the basis of expeditions down the Ohio in 1749.

The original Indian rule was challenged by explorers from Virginia's Jamestown. Their 17th century search for short routes west culminated in an expedition led by Virginia's Lt. Gov. Alexander Spotswood in 1716. His band crested the Blue Ridge and there drank a toast to Britain's king.

Returning to Williamsburg, Governor Spotswood organized his troop into the Transmountain Order, Knights of the Golden Horseshoe. He thought to extend crown possession westward, but his efforts were less productive than the reports of the adventurers. Their glowing tales of wooded mountains, fertile valleys, and refreshing springs suggested that men might acquire and develop land in freedom.

In 1726 Morgan ap Morgan built a log home in what is now Berkeley County and thus became the first recorded settler. The next year a settlement sprang up at Packhorse Ford, now Shepherdstown. By 1735 much of the area of the Potomac Valley, or Northern Neck, had been settled.

Many settlers—English, Scots, Irish, Welsh, Swiss, German, and the Quakers—poured into the broader valleys, especially that of the Ohio. By mid-18th century both the French and the Indians had abandoned all claims to the land. It was then proposed, by Benjamin Franklin, among others, to make the region the 14th Colony, Vandalia.

Men of tidewater Virginia had been moving their families westward in an attempt to escape confiscatory taxation, to own and to retain land, to vote and to worship as they pleased. Above all, they wanted a government more representative and democratic than that dominated by tidewater Virginia's aristocracy, which was influenced by feudal philosophies and enforced by despotic crown officials.

GRIEVANCES AND WAR

But King George III delayed recognition of the new colony and the breaking point came in 1774 when Lord Dunmore, Virginia's Crown Governor, sought to distract attention from grievances and to discourage westward migrations by declaring war on the Indians. Under the guise of protecting the settlers, the Governor organized an army for what was to become known as Lord Dunmore's war. The army started westward in September 1774, and split into two forces. Lord Dunmore led one force northwest to Fort Pitt, now Pittsburgh, Pa. The other group, consisting of 1,200 men under a Virginian, Brig. Gen. Andrew Lewis, was dispatched to the southwest.

Lewis brought his men to the junction of the Ohio and Great Kanawha Rivers, where they encamped on the wooded peninsula now occupied by Point Pleasant. On October 10, 1774, the Virginians were attacked by Indians led by a Shawnee warrior. Popular with the settlers, who knew him as Chief Cornstalk, he was opposed to the attack but had been overruled by the Indian council. The Virginians beat off the Indians, but lost nearly one-quarter of their men.

Chief Cornstalk sought out Lord Dunmore and pledged to keep peace for 3 years. The respite enabled settlers to fortify Point Pleasant and to extend their holdings in the valley. During the peace Cornstalk was murdered and Lord Dunmore removed from office.

FIRST BATTLE OF REVOLUTION

Histories customarily record the battles at Concord and Lexington, Mass., in April 1775, as the first engagements of the Revolution. The honor is claimed also for Major John Sullivan's December 14, 1774, raid on Fort William and Mary at Portsmouth, N.H. However, in 1908 the U.S. Senate recognized the precedence of the October 10 Battle of Point Pleasant.

Historian Virgil A. Lewis, writing in 1887, described in this way the battle's priority and importance: "On that day the soil on which Point Pleasant now stands drank the first bloodshed in defense of American liberty. It was here decided that the decaying institutions of the Middle Ages should not prevail in America, but that just laws and priceless liberty should be planted forever in the domains of the New World."

While the Revolution ended on October 19, 1781, with the formal surrender of Cornwallis at Yorktown, it is West Virginia tradition that the last battle was the September 10, 1782, attack on Fort Henry, now Wheeling.

The close of the 18th century marked the beginning of prolonged legislative battles for representative government. Differences of opinion as high as the Alleghenies separated Virginians of the east and the west. Review and revision of the Virginia State Constitution in 1850 won some recognition for the people of the west. In 1860 they succeeded in electing a Governor, Joseph Johnson.

Virginians of the west had as yet no state, but they upheld principles of federal union and of human freedom. When in 1861, Virginia approved an act of secession, the men of the western country met at Wheeling, restated their opposition to secession and initiated serious discussion of forming a separate State, New Virginia.

In June 1861, at a second Wheeling convention, plans were made for organizing a State government and electing a Governor, In August formal work was begun to establish a new State to be called "Kanawha." By now Virginia was a State divided. For the east, Gov. John Letcher held office at Richmond. For the west, Gov. Francis H. Pierpont held office at Wheeling.

In 1862 another convention completed preparations for the State of West Virginia and adopted resolutions providing for the gradual abolition of slavery. The general assembly appealed to Congress for recognized statehood and President Abraham Lincoln signed a bill making West Virginia, as of June 20, 1863, the 35th State and member of the Federal Union.

Meanwhile the War Between the States had broken out. Its first land battle was fought at Philippi, W. Va., on June 3, 1861. Union forces under Col. William J. Kelly defeated Confederates under Col. George A. Porterfield and captured the covered bridge which still carries U.S. Route 250 across the Buckhannon River.

This minor engagement had major repercussions. It kept in Union control the Baltimore & Ohio Railroad and opened a corridor south for passage of troops and supplies. It also started upon the path to military fame Union Gen. George B. McClellan, who had ordered the troops into action to prevent depredations by Porterfield's men.

West Virginia was the scene of many other battles, among them Rich Mountain, Laurel Hill, and Corrick's Ford. Skirmishes were frequent in the Kanawha Valley and in the eastern Panhandle. One community, Romney, changed hands more than 50 times. Thousands of West Virginians enlisted in the Union Army; other thousands, among them General Thomas J. "Stonewall" Jackson, joined the Confederates.

The ending of the war and the achievement of statehood brought prosperous growth. Boundary agreements were reached with neighboring States. In 1872 a new State constitution was adopted, and in 1885 the capital was transferred from Wheeling, on the Ohio, to Charleston, on the Great Kanawha.

VCA COMES TO WEST VIRGINIA

Operations of Vanadium Corp. of America were started in this historic country in 1951 with the purchase of approximately 400 acres of land beside the Ohio River at Graham Station, Mason County. The site was developed by erecting a ferroalloy plant which, in 1952, was enlarged.

Since 1953 the plant, one of the most modern in the world, has been producing Vancoram Exlo, a special low-carbon ferrochromium alloy used in making stainless and heat-resisting steels; Ferrosilicon, a deoxidizer and degasifier for irons and steels; and ferrochrome silicon alloys for stainless steels. Additionally Graham plant produces alsifer, noduloy and silicomanganese alloys.

Normally providing year-round jobs for several hundred trained workmen and technicians, the Graham plant makes substantial contributions to the economies of four counties—Mason and Jackson, in West Virginia, and Meigs and Gallia, in Ohio.

THE PLANT ON THE BEND

The Graham Plant is located in "the American Ruhr" at that sweeping turn in the Ohio River known as the Bend. It is served by railway, highway and waterway. Electric power is supplied by the Appalachian Power Co.'s Philip Sporn Station, which adjoins the Graham Plant property.

The site shares West Virginia's dramatic history. Graham Station is named for Rev. William Graham, an early landowner, and, in the old days, was a terminus of a ferry service to Racine, Ohio.

Land in this region had been deeded by Lord Dunmore to Virginians who had served in the French and Indian Wars. Among them was George Washington, who headed a surveying party and received acreage immediately south of the Great Kanawha.

Another to receive a grant was John Polson who, in 1798, deeded a 6,000 acre tract bordering the Ohio River to Reverend Graham. The Graham plant occupies a portion of this tract. Reverend Graham subsequently conveyed the tract to others and it became the subject of one of the first lawsuits instituted in Mason County, and an early and basic case reviewed by the United States Supreme Court.

Mason County, established in 1804, is named for George Mason, one of the framers of Federal and State constitutions. Point Pleasant is the county seat. The county now contains about five times the area of the original land grants. Its place names—among them New Haven and Hartford—reflect the New England backgrounds of early settlers.

Mason County long has produced coal and salt, but farm production also has been extensive, especially of livestock, dairy products, tobacco, poultry and eggs. The present trend is toward industrialization.

INDEPENDENCE DAY CEREMONIES, INDEPENDENCE HALL, PHILADELPHIA, PA.

Mr. CLARK. Mr. President, on April 22, 1959, the Philadelphia City Council adopted a resolution urging members of the State Legislature of Pennsylvania and of the Congress of the United States to form a delegation of distinguished legislators to come to Philadelphia to attend the ceremonies on July 4 at Independence Hall. I hope the resolution will be favorably considered by both the Senate and the House, so that a congressional delegation may go to Independence Hall on July 4.

The principal speaker on that occasion will be the distinguished junior Senator from Alaska [Mr. GRUENING]. I believe this will be a most appropriate way of commemorating our National Independence Day and, at the same time, of paying honor to our distinguished colleague.

Mr. President, I ask unanimous consent that the text of the 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 352

Resolution urging members of the State Legislature of Pennsylvania and of the Congress of the United States to form a delegation of distinguished legislators to come to Philadelphia to attend the ceremonies on July 4, at Independence Hall

Whereas this Nation observes the 183d anniversary of its independence on July 4, 1959; and

Whereas the city of Philadelphia, where the Founding Fathers created the historic document of liberty, the Declaration of Independence declaring the 13 Colonies a free and independent Nation, will observe this occasion with appropriate public ceremonies in Independence Hall at 11 a.m.; and

Whereas this celebration will salute the new State of Alaska and will feature as its keynote speaker the Honorable ERNEST GRUENING, U.S. Senator from the State of Alaska; and

Whereas an unduplicated historic moment will be shared at this observance when the 49-star flag will be raised officially for the first time in accordance with the law that the new flag does not fly officially until the 4th of July following the vote of the people for statehood; therefore

Resolved by the Council of the City of Philadelphia, That we hereby urge the members of the State Legislature of Pennsylvania and of the Congress of the United States to form a delegation of distinguished legislators to come to Philadelphia to attend these ceremonies on July 4 at Independence Hall, as an inspiration to their constituents all over America to join also in the national pilgrimage to this hallowed shrine; and be it further

Resolved, That the city representative forward invitations and certified copies of this resolution to Hon. David L. Lawrence, Governor of Pennsylvania; Hon. John Morgan Davis, Lieutenant Governor; Hon. Hiram G. Andrews, speaker of the house; and Hon. M. Harvey Taylor, president pro tempore of the State senate; and to Hon. Sam Rayburn, Speaker of the House of the Congress of the United States; Hon. Carl Hayden, President pro tempore of the U.S. Senate; the Representatives in Congress from Philadelphia and the U.S. Senators from Pennsylvania, with the request that they bring this ceremony to the attention of their illustrious colleagues.

THE O'MAHONEY AMENDMENT TO THE BANK MERGER BILL

Mr. ROBERTSON. Mr. President, on last Thursday, the Senator from Wyoming [Mr. O'MAHONEY] submitted an amendment to Senate bill 1062, the bank merger bill. I immediately requested the views of the three Federal bank supervisory agencies, namely, the Comptroller of the Currency, the Federal Reserve Board, and the Federal Deposit Insurance Corporation. I have now received from these agencies letters giving their views on the O'Mahoney amendment. I ask unanimous consent that these may be printed at this point in the RECORD, so that other Senators may have the benefit of these views.

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

FEDERAL DEPOSIT INSURANCE CORPORATION,
Washington, D.C., May 11, 1959.

Hon. A. WILLIS ROBERTSON,
Chairman, Banking and Currency Committee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR: I was absent from Washington the latter part of last week, in attendance at the annual convention of the North Carolina Bankers Association, and hence I could not follow the developments relating to the bank merger bill (S. 1062) which occurred during this time. Upon my return there were made available to me copies of the telegrams which you exchanged with Attorney General Rogers and a draft of the amendment that Senator O'Mahoney proposes to introduce when the bill comes up for debate on the floor of the Senate. I have also read with interest the record of your statements to the Senate on this subject last Thursday, as it appears in the CONGRESSIONAL RECORD.

In behalf of the Corporation, I want to assure you that the Corporation approves and recommends for enactment S. 1062, as approved by the Senate Banking and Currency Committee. Further, the Corporation does not favor the O'Mahoney amendment, and recommends that it be not adopted.

Our general counsel has given consideration to the amendment, and I am enclosing herewith a letter to you, which sets forth the basis for our opposition to the amendment.

Sincerely yours,

JESSE P. WOLCOTT,
Chairman.

FEDERAL DEPOSIT INSURANCE CORPORATION,
Washington, May 8, 1959.

Hon. A. WILLIS ROBERTSON,
Chairman, Banking and Currency Committee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR: The chief of staff of your committee has provided the Corporation with copies of the telegrams that were exchanged last week between yourself, as chairman of the Senate Banking and Currency Committee, and the Attorney General, pertaining generally to amendments to the pending bank merger bill (S. 1062), and a copy of a proposed amendment which Senator O'MAHONEY contemplates introducing during the discussions of the bill on the floor of the Senate. Mr. Yingling has requested that we favor the committee with an expression of our views on the amendment.

The committee-approved draft of S. 1062 fixed the administrative responsibility and decision in the three Federal bank supervisory agencies, with public interest as determined by a consideration of well-established banking factors, together with competitive factors, as the gage to be applied in the determination of the propriety of all bank merger transactions involving insured banks. The amendment, while ostensibly leaving the decision authority in the banking agencies, fixes the competitive factor as the sole test in judging the propriety of such transactions, except in four specified instances, and then provides for public hearings if either of the banking agencies or the Attorney General disapproves the transaction, and further provides for a special appeal to the court of appeals of the District of Columbia at the instance of any aggrieved party or of the Attorney General. This brief analysis of the provisions of the respective proposals points up the fact that the amendment would effect fundamental changes in the theory, administration, and jurisdiction of bank merger transactions of such consequence that it, in effect, would constitute a new and different proposal.

As you properly stated on the floor of the Senate, yesterday, neither interested bankers nor the banking agencies which are charged with the primary responsibilities have had an opportunity to express their views as to the applicability and propriety of the amended proposal. Suffice to say that the three bank supervisory agencies are united in opposing the adoption of the amendment, for the basic reason that it is their joint view that the committee bill provides a practical, effective, and workable formula for the screening of bank merger transactions in public interest, while the amended proposal provides a complicated formula, impractical of operation, which dissipates responsibility, and would ultimately lead to confusion in administration.

The O'Mahoney amendment contemplates the adoption and application of Clayton Act terminology to banking transactions involving mergers, consolidations, or acquisition of assets, or assumption of deposit liabilities, of insured banks. The testimony submitted to your committee by the several bank supervisory agencies has called attention to the fact that Clayton Act terminology cannot, in public interest, and should not, for the stability of the banking structure, be applied to banking transactions. The merit of this contention is fully recognized in the amended proposal, but there is an attempt to avoid or evade the implications thereof. The O'Mahoney amendment provides for certain exceptions to the application of the Clayton Act provision which would prohibit any merger transaction where there is a substantial lessening of competition, and thus, in four specified instances, transactions may be approved notwithstanding that the transaction would result in a substantial lessening of competition. Proponents of similar legislation in the past have used the four examples with others generally as illustrations of the general type of transactions that should, in public interest, be excluded from the application of the provisions of the Clayton Act, always admitting that the strict application of this language would in many instances be contrary to best public interest. It is evident from the provisions of the proposal that the present proponents accept the proposition that the banking factors, as set forth in the committee-approved bill, may in many instances be permitted to outweigh the factors of competition, if our sound banking structure is to be maintained, and if the public is to be fully served. However, it is now proposed that these exceptions shall no longer be considered as mere illustrations of general situations, but that the four stated exceptions, and such stated exceptions alone, shall provide the limited field in which the banking factors are to be applied to merger transactions. Thus, Congressman CELLER, in testifying before the Banking and Currency Committee on the current consideration of the subject bill, testified in part as follows:

"In addition to the acquisition of a bank which otherwise would be faced with a possibility of failure, there are other circumstances in which, from a banking standpoint, the acquisition of a bank by another bank may be in the public interest. For example * * *. These various situations are illustrative of the circumstances where the consummation of the transaction would not be contrary to the public interest and not be banned under the 'substantially' test."

While we disagree with Mr. CELLER'S conclusion that the illustrations that he gave would not be prohibited by the strict application of the Clayton Act terminology to such transaction, nevertheless we must wholeheartedly agree that these illustrations and others that will be presented determine conclusively that the strict application of

the inflexible terminology of the Clayton Act to bank merger transactions would not be in best public interest.

In his testimony, Mr. Joseph M. Naughton, president of the Second National Bank of Cumberland, Md., who appeared at the committee hearings on behalf of the American Bankers Association (committee hearings, p. 72), set forth a list of illustrative circumstances in which bank merger transactions may substantially lessen competition, and yet be desirable in public interest. Thus, Mr. Naughton testified:

"Moreover, there are certain circumstances in which bank mergers may substantially lessen competition and yet be desirable in the interests of the public and sound banking, such as the following practical examples:

"1. Where there is a reasonable probability of the ultimate failure of the bank to be acquired.

"2. Where because of inadequate management the acquired bank's future prospects are unfavorable.

"3. Where the acquired bank is a problem bank with inadequate capital or unsound assets and its acquisition by another bank would be the best practical means of dealing with the problem.

"4. Where the acquired bank has no adequate provision for management succession or its management is incompetent.

"5. Where the acquired bank is an uneconomic unit or is too small to meet the needs of its community by providing loans of sufficient size or by providing needed banking facilities.

"6. Where several banks in a small town are compelled by an overbanked situation to resort to unsound competitive practices which may eventually have an adverse effect upon the condition of such banks and the merger of the two or more banks would, therefore, be in the public interest."

After hearing the views of the three supervisory agencies and others who appeared before the committee, including the two above-mentioned witnesses, the committee concluded in its report that competitive factors involved in merger transactions are only one element of several to be considered, and that the committee wanted it to be crystal clear that the various banking factors in any particular case might be held to outweigh the competitive factors. Now, the O'Mahoney amendment admits by its wording that there are banking factors and certain banking factors will outweigh competitive factors, but it proposes to put the banking factors in a straitjacket. Only the specified and limited banking factors mentioned in the O'Mahoney amendment can outweigh competitive factors, and this provision marks a fundamental difference between the committee bill and the O'Mahoney amendment. The corporation believes that the philosophy stated by the committee in this report is sound and valid, and constitutes the proper approach for providing a gage for the screening of bank merger transactions.

The O'Mahoney amendment recognizes the following four instances in which the banking factors may outweigh or override the competitive factors:

1. Where there is probability of the ultimate failure of one of the merging banks;

2. Where one of them has inadequate or incompetent management;

3. Where one of the banks is a problem bank with inadequate capital and unsound assets; or

4. Where several banks in a small town are compelled by an overbanked situation to resort to unsound competitive practices.

The foregoing factors, enumerated in the amendment, are quite proper as instances or illustrations of situations where the banking factors must be predominant. It is to be noted, however, that such factors are set forth in the disjunctive, whereas, as a matter of fact, such factors in actual cases normally occur in the conjunctive. Thus, in most instances it is not practical, feasible, or even possible, to justify or criticize a merger transaction by the consideration of a single factor, for if a single factor were considered alone, it might well be that one answer would be achieved, while if all of the factors be considered jointly, giving due weight to each, then a different answer would properly be reached. Also, the factors that are enumerated in the amendment constitute some of the many factors that provide an equally proper basis for approval, and by proper basis I mean that such transactions are in public interest and in conjunction with sound banking.

One of the major considerations that gives rise to merger transactions in smaller banks located in smaller communities is the lack of management succession—not a failure of management, but rather the realization by management that the death or permanent illness of a single individual would be disastrous to the institution. As of today, management is adequate and competent, and, therefore, the second factor enumerated in the O'Mahoney proposal would not be applicable, and there is no provision made in the amendment for such a situation.

Permit me to elaborate briefly. In actual cases produced by lack of management succession, management and the supervisory agencies alike are often faced with the alternate propositions of merger or liquidation. Neither wants to deprive the community of existing and needed banking services. Congress cannot legislate against liquidation, but Congress can provide for this kind of a case, and it has so provided in the committee bill which authorizes approval of transactions where the foregoing considerations are predominant. Under the amendment, liquidation would be the only course open and available.

Our economy is generally expanding, but the rate of growth will vary as between regions and the banks must be able to adjust to and serve the ever-changing needs of trade and commerce within their communities. With growing communities, there is need for enlarged financial services, and hence it is found that the needs for larger loans, the need for additional categories or types of credit, the need for generally expanded banking services may be one of the underlying factors that encourage merger transactions. Within proper limits, these may be representative of sound justification for mergers which are consistent with the public interest.

The foregoing concerns growing regions and communities. As has been said, our economy is generally expanding, but, in fact, declines will be taking place in some communities in the midst of the general advance, and banks in such communities, too, must be able to adjust to their changing state. The relocation of a factory or the bypassing of a town by a superhighway may convert a once active and prosperous community to an inactive, sleepy village. The construction of a dam or power project, with consequent flooding of large tracts of fertile farmland, represent other instances which may occur and which justify the merger of banking institutions. Yet these situations do not come within the purview of the four specified exceptions.

Again, the primary considerations for bank mergers do not ordinarily appear as single and isolated items providing the basis for such transactions, but they are ordinarily present in the conjunctive and with other factors frequently unique to the particular transaction. It is submitted that it is only by a consideration of all the factors present that a proper determination can be made as to whether the merger transaction is in public interest and consistent with sound banking. The committee proposal permits—and even requires—that such determination be made in each instance. We submit that the guide of public interest, after a consideration of all the factors, provides a worthy gage, which will take into consideration not only the usual, but likewise the unusual, elements of the transaction. It is necessary, if proper decisions be made, that consideration be given to all these factors.

Congress has established a criterion of banking factors. More than 20 years ago the formula was incorporated in the Federal Deposit Insurance Act as a guide not only to the Corporation, but to the other supervisory agencies, for consideration in determining whether applying banks should be eligible for Federal deposit insurance, and in consideration of branch applications. It has now been broadened so that the Comptroller must take into consideration these factors in granting national bank charters, and the Board of Governors of the Federal Reserve System must consider them in actions upon applications for membership in the system. These factors have been put to practical use and application over a period of more than 20 years by the Federal bank supervisory agencies, and thus the factors have stood the test of time as being competent guides by which to gage the propriety of banking transactions. The committee-approved bill has reaffirmed the use of these established factors as basic criteria for the determination of the propriety of merger transactions. The committee bill, in addition thereto, charges the agencies with the responsibility of appraising the impact of the merger transaction on competition by a consideration of the factors of competition and monopoly. An amendment to the bill, made by the committee but not appearing in the original draft of the proposal, requires the agency on all occasions, except in the instance of an emergency, to seek the views of the Attorney General on the competitive and monopolistic factors. Under the committee bill the Attorney General has no responsibility in reference to the banking factors, and, further, his views, as expressed in any memorandum that he gives to the agencies, are persuasive and not binding. In other words, the committee bill, by its terms, and the committee, by its report, makes it clear and certain that the banking factors may in certain instances outweigh the competitive factors, and so the committee bill by its provisions makes public interest and public welfare the guide by which to gage these transactions. The discretion and decision in the weighing of the factors are vested exclusively in the appropriate banking agency. This we believe to be a proper grant of authority. It centralizes responsibility in the agencies best qualified to discharge such responsibility.

The issues that are presented by the O'Mahoney amendment have heretofore been presented and discussed before the committees of Congress. It has been one of the major contentions of those favoring the application of the inflexible rules of the Clayton Act to banking transactions that the language of the Clayton Act has been judicially interpreted. As a corollary, they point out that the word "unduly," as used in the committee approved bill, has not been judicially interpreted. I submit that these arguments are not entirely valid, and, further, that they do not constitute a proper basis for the adoption of Clayton Act terminology, subject only to the exceptions noted in the current proposal, in lieu of the adoption of the banking factors as the primary considerations to be applied to such transactions.

The chairman most aptly pointed out on the floor of the Senate last Thursday that there has only been one adjudicated case in

the banking industry under the provisions of the Clayton Act. This decision provides no help or guide to the Attorney General or to the bank supervisory agencies for a test as to what constitutes "a substantial lessening of competition." The adjudicated case, *Transamerica Corporation* v. *Board of Governors* (206 F. 2d 163), involved a citation of Transamerica Corp., a holding company, by the board of governors, alleging that Transamerica had violated section 7 of the Clayton Act, in that it and its predecessors had continuously and systematically for many years been acquiring stocks of independent commercial banks located in the States of California, Oregon, Nevada, Washington, and Arizona, and "the effect of such acquisitions may be to substantially lessen competition, restrain commerce, or tend to create a monopoly." The appellate court, in reversing the decision of the trial court, stated that the application of this clause (sec. 7 of the Clayton Act) requires a preliminary determination of the "area of effective competition" between the companies involved before the question of competition may be considered. Because the Board had not fixed the "area of effective competition" and had not made findings related to such area, the proceedings against Transamerica were dismissed. There is nothing in this case to which the Attorney General can point that will give him any assistance in resolving the validity of any transaction between two or more individual banks. I repeat, this case constitutes the only judicial authority in the banking industry on the subject.

We turn now to the use of the word "unduly," which has been criticized because the word has "practically no judicial analysis" and "its meaning is unclear." Again, the chairman of the Senate Banking and Currency Committee, in his statement on the floor of the Senate on Thursday, pointed out that the Interstate Commerce Act of 1920 provides for "unduly restrain competition," and this terminology has received the approval of the Supreme Court as being language with meaning.

Further, there have been frequent references in the current and prior hearings on this and similar bills to the *International Shoe* case (280 U.S. 291). It has been characterized as one of the bulwarks in the interpretation of the Clayton Act. Reference to this case is made in the committee report on this subject.

Pertinent to the meaning of the term "unduly," I quote from a paragraph in the majority opinion of the case:

"Section 7 of the Clayton Act, as its terms and the nature of the remedy prescribed plainly suggest, was intended for the protection of the public against the evils which were supposed to flow from the undue lessening of competition. In *Standard Oil Company* v. *Federal Trade Commission* (282 Fed. 81, 87), the court of appeals for the third circuit applied the test to the Clayton Act which had theretofore been held applicable to the Sherman Act, namely, that the standard of legality was the absence or presence of prejudice to the public interest by unduly restricting competition or unduly obstructing the due course of trade."

I respectfully submit that in this case, which is recognized, as stated above, as one of the landmarks in Clayton Act litigation, the Supreme Court had some idea of the meaning of the term "unduly" as it might apply to competition and monopoly.

From a discussion of generalities pertaining to the O'Mahoney amendment, let's now turn to some specifics. I would direct attention to the wording of the fourth exception noted in the amendment for the application of the competitive standard, being the clause that reads as follows: "Or that several banks in a small town are compelled by an overbanked situation to resort to unsound competitive practices which may eventually have an adverse effect upon the condition of such banks and the merger of the two or more banks would, therefore, be in public interest." I would first inquire as to how small a town must be to be a small town, or how large a town can be and still be a small town. Is it a population of 500, or 1,000, or 5,000, or 10,000, or 25,000, or 100,000? I assume that we can consider that a town with a population of 1 million is a big town or a city, but what about a town of 25,000, and if 25,000 be the line of demarcation, why is it different from a town of 26,000 or 27,000? Certainly the language, as proposed in the amendment, is no criterion for lack of ambiguity. Further, this clause provides for a finding that banks are compelled by an overbanked situation to resort to unsound competitive practices. May I submit that it would be impractical, if not impossible, for any of the agencies charged with responsibility hereunder to make a finding that the bank or banks were compelled by their competitors to engage in unsound practices. Now, it is true that terminology similar to this has been used by witnesses when they were citing this as an example or illustration for the inapplicability of Clayton Act terminology, but there was no intention, by the use of the illustration, that it should be verbatim incorporated as a fixed condition in an applicable statute. A consideration of this provision indicates that clarity of expression has not been achieved in the proposal.

Let us turn next to the provision for public hearing and appeal therefrom to the appellate court of the District of Columbia. The proposal contemplates that the applicant banks will file an application for initial consideration of the merger with the appropriate bank supervisory agency. Such agency will then seek the views of the other two banking agencies and the Attorney General. If either of the agencies or the Attorney General does not approve the transaction, and the appropriate agency vested with the authority to make the decision wants to approve, then, before doing so, it must hold a public hearing on the application. This means that there must be a unanimity of views on every application to obviate the necessity of a public hearing, and in every instance the Attorney General may require such public hearing.

Under this provision, notwithstanding the banking agencies approve the merger, and the appropriate agency finds that an emergency exists, the Attorney General nevertheless can still require a hearing. The effect of this provision is that no emergency action can be taken with assurance by the Corporation to render financial assistance to a troubled bank, as contemplated by the Federal Deposit Insurance Act, without waiting 30 days for the action of the Attorney General. This provision would unreasonably restrict and hamper the Corporation in many instances in the discharge of its insurance responsibilities.

It is also to be noted that the disapproval by the Attorney General, necessitating a public hearing, is not restricted to his conclusions from a consideration of competitive factors, but may be based on a disagreement with the banking agencies on the banking factor exceptions.

We have heretofore commented on the fact that the hearing is to be held by—or before—the agency which has been fully informed as to the facts—pros and cons—and, on the basis thereof, has ruled in favor of the merger. There would seem to be no advantage to requiring the banks to take this additional hurdle, involving as it does delay and expenses, particularly before the agency that is theretofore fully informed. Perchance the hearing provides a record for a judicial interpretation. The amendment does not state whether the appellate court shall on appeal consider the facts "de novo," or shall be limited to a determination as to whether the agency decision is substantially supported by the evidence. This provides another area of ambiguity and doubt.

Then as to the record—it is contemplated by the committee bill, and I assume by the amendment, that the agency decision will be in part supported by materials and data in the records and files of the appropriate agency. As is well known, most of the information that bank supervisors obtain concerning banks under their supervision is contained in the reports of examination, and other special reports of the individual banks. For years State and Federal bank supervisors have stood shoulder-to-shoulder in the maintenance of the confidential and privileged character of reports of examination. The supervisory agencies have repeatedly stated that they can only adequately discharge their responsibilities if the integrity of the reports of examination is maintained. The proposition is fundamental to supervisory authority. Returning to the hearing, the agency will not (cannot with propriety) put into the record of the hearing its confidential files and data. Thus, if the decision be appealed, the appellate court can get a full record of the hearing, but it will not have access to the privileged facts, which facts may be decisive of the agency decision. These considerations provide a real obstacle to the use of judicial review as a vital step in stopping bank merger transactions.

The public hearing and appeal provisions, which constitute the backbone of the amendment, do not provide techniques which will be of material value in arriving at a proper decision in bank merger transactions, and again we mean decisions in public interest. The procedures required by the amendment provide confusion, dissipation of responsibility, and add delay and expense, all without any compensating advantage. The committee-approved bill vests primary responsibility for screening banking transactions in one of the three supervisory agencies. It requires the several supervisory agencies to harmonize their policies on merger transactions. It also requires the agencies to seek the advice and counsel of the Attorney General on competitive factors, except in emergency transactions. However, the test to be applied is public interest, public good—a right good guide—and the final decision is made by the agency which has the greatest knowledge and experience with the merging institutions. It is our view that the committee bill provides a proper and adequate means of screening merger transactions among banks, curtailing them to the extent that they should be limited, but permitting such transactions to occur that provide a basis for continuing service to the public at the same or improved levels.

For these many reasons, we sincerely recommend that the O'Mahoney amendment be disapproved, and that the Senate adopt the committee-approved bill.

Sincerely yours,

ROYAL L. COBURN,
General Counsel.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, May 8, 1959.

The Honorable A. WILLIS ROBERTSON,
Chairman, Committee on Banking and Currency,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It is understood from the chief of staff of your committee that you wish to have the views of the Board regarding an amendment introduced by Senator O'MAHONEY on May 7, 1959, to the bill S. 1062, relating to bank mergers which was favorably reported by your committee on April 17.

The Board strongly opposes enactment of the proposed amendment. In the Board's opinion, adoption of the amendment would

be directly at variance with the underlying purposes of the bill as reported by your committee. The reasons for the Board's position are set forth in detail in the enclosed memorandum.

Briefly stated, the proposed amendment would (1) Prohibit the Federal bank supervisory agencies from approving any bank merger if its effect might be substantially to lessen competition or to tend to create a monopoly, except in certain limited circumstances described in the amendment; (2) require the appropriate bank supervisory authority to hold a hearing in any case in which either of the other two Federal bank supervisory authorities or the Attorney General expresses disapproval of a proposed merger; (3) allow an appeal from the decision of the bank supervisory authority, to the Court of Appeals for the District of Columbia, by any party adversely affected or by the Attorney General; and (4) require each of the bank supervisory agencies to submit a report twice a year with respect to all bank mergers approved by it, indicating the names and resources of the banks involved and submitting a copy of the report made by the other Federal bank supervisory agencies and by the Attorney General regarding the competitive factors involved in the merger.

The proposed amendment, by prohibiting approval of any merger that might substantially lessen competition, would bar all consideration of other factors that might make a proposed merger desirable, or even essential, in the public interest. This would represent a fundamental change in the concept of the reported bill which contemplates that due weight should be given to financial condition, character of management, and convenience and needs of the community, as well as effect upon competition. The amendment would make "substantial lessening" of competition the controlling factor in all cases.

The holding of hearings with respect to bank mergers as required by the amendment would be inadvisable and in many cases could have detrimental effects upon the banks involved, their customers, and the general public. The provisions of the proposed amendment granting judicial review of orders of the bank supervisory agencies at the instance of aggrieved parties are unnecessary.

The authority that would be given the Attorney General to obtain judicial review of the banking agency's decision would vest in the Attorney General an effective control over bank mergers that would tend to minimize, if not ignore, factors that should be considered in determining whether such a merger is in the overall public interest. Again, this would be inconsistent with the concept of giving due weight to all factors pertinent to the public interest and not to competition alone. It would also be at variance with the concept of the bill of vesting judgment in the bank supervisory agencies with respect to all of the statutory factors including the competitive effect of a particular merger. Furthermore, the Attorney General would be placed in the anomalous position of representing the United States in appealing from the decision of a Federal agency while at the same time representing the agency itself as appellee, unless, of course, special arrangements were made for the use by such agency of its own counsel.

For these reasons the Board earnestly hopes that the proposed amendment will not be adopted.

Sincerely yours,

C. CANBY BALDERSTON,
Vice Chairman.

MEMORANDUM REGARDING AMENDMENT SUGGESTED BY SENATOR O'MAHONEY TO BANK MERGER BILL (S. 1062)

(1) The proposed amendment would prohibit any merger the effect of which may be substantially to lessen competition, or to tend to create a monopoly. The obvious effect of this prohibition would be to make substantial lessening of competition, the standard now contained in the Clayton Act, the controlling test as to bank mergers. It would require disapproval of any merger which might quantitatively lessen competition, notwithstanding offsetting favorable factors that would clearly make the proposed merger desirable in the public interest. While the proposed amendment would purport to set forth certain situations in which this prohibition would not apply, there is no assurance that the situations described in the amendment are exhaustive of the types of situations that might require consummation of a bank merger even though it would lessen competition. In other words, the proposed amendment would be directly contrary to a fundamental concept of the reported bill, which is designed to enable the bank supervisory agencies to consider and weigh various factors affecting the public interest, including but not limited to the effect of the merger upon competition.

As stated in the report of the Senate Banking and Currency Committee of April 17, 1959, it is essential in the case of a bank merger that any lessening of competition "should not be used as a controlling or determinative factor in and of itself" (p. 22) and "that the competitive factors, however favorable or unfavorable, are not, in and of themselves, controlling on the decision" (p. 24).

(2) The proposed amendment would require the holding of a hearing with respect to every merger considered by one of the three Federal bank supervisory agencies as to which either of the other bank supervisory authorities or the Department of Justice have expressed disapproval. Such a hearing requirement could well be detrimental to the public interest. The standards stated in the reported bill would require the appropriate bank supervisory agency to consider the financial condition and competency of management of the banks involved, as well as the competitive effect of the proposed merger. In order to provide a complete record, a hearing would of necessity contain references to the internal condition and management of a bank that for good reasons should not be disclosed other than to the authority considering the matter.

Various items of information of this kind, taken alone, could easily give rise to unfounded rumors as to the financial condition of a bank, the adequacy of its capital structure, or the character of its management, and might well result in irreparable injury to the bank, its stockholders, its depositors, and the public. It is for this reason that such information has always been treated in the most confidential manner by all bank supervisory authorities. Furthermore, revelation of all information relating to the required consideration of the competitive effect of a proposed merger could easily result in giving competing banks information now held in confidence which might unjustly injure the competitive position and business prospects of the bank involved.

(3) Apart from the inadvisability of such hearings, the holding of hearings with respect to bank mergers is questionable. The Federal bank supervisory agency that would be required to pass on a bank merger would be the agency that normally has supervision of the bank that would continue after the merger. That agency would, therefore, have available to it, or could obtain, full information as to the financial condition, management, and other factors pertinent to a decision as to whether the merger should be permitted. A hearing would add little or nothing to the information available to that agency and needed by it in order to appraise the merger in the light of the statutory standards.

(4) The proposed amendment would require hearings even in those cases in which, because of emergency circumstances, a report would not be required under the reported bill to be obtained from the Attorney General. For example, if one of the Federal bank supervisory agencies should express its disapproval of the proposed merger, for whatever reason, a hearing would be mandatory, despite the existence of emergency conditions requiring immediate action.

(5) The provisions of the proposed amendment authorizing appeal from a bank supervisory agency's decision on a proposed merger are unnecessary. Under present law, a person aggrieved by the agency's decision could seek judicial review of the agency's action, either through a suit for a declaratory judgment or an injunction, or a combination of the two, wherein a court of law could determine whether the agency's decision was capricious or arbitrary or in excess of its statutory authority.

(6) The provision of the proposed amendment that would give the Attorney General a right of appeal from the decision of one of the bank supervisory agencies as to a proposed merger would obviously afford the Department of Justice an effective power to substitute its judgment for the judgment of the banking agency and to assert that power solely on the basis of the Department's opinion as to the effect of the merger upon competition, without regard to any favorable factors that would make the proposed merger desirable in the public interest. Again, this result would clearly be contrary to the basic intent of the reported bill.

In this connection, it is important to observe that in the event an appeal should be taken by the Attorney General pursuant to the proposed amendment, unless the agency involved obtained its own counsel, there would result a situation in which the Attorney General would appear before the appellate court both as the appellant and also as representative of the appellee, the particular bank supervisory authority whose decision would be in question. This result would, of course, follow from the fact that the Attorney General, as the legal officer of the United States, normally represents agencies of the Federal Government in suits involving such agencies.

The proposed amendment would give the Attorney General an unqualified right to challenge the decision of the appropriate bank supervisory agency by appeal to a court solely on the basis of his disapproval of the merger on the ground of its competitive effect. Nevertheless, the Attorney General's right to appeal would not be limited to cases in which he might disagree with the banking agency's judgment as to effect on competition; on appeal he could challenge that agency's judgment as to factors related to financial condition, character of management, and other matters wholly unrelated to competitive effect.

It should be borne in mind that, if a proposed merger approved by one of the banking agencies should in fact violate the antitrust laws, the Attorney General would continue to have power to prevent the merger pursuant to his jurisdiction under the Sherman Act. In the absence of such a situation, however, the proposed amendment would have the effect of substituting the judgment of the Attorney General for that of the banking agency as to all statutory factors, including competition, notwithstanding the banking agency's specialized experience in the field of banking. This would be in direct conflict with the sound philosophy of the reported bill and the proposed amendment itself, both of which would place in the banking agencies charged with primary supervision of the institutions involved the responsibility for exercising judgment as to all of the statutory factors including the competitive effects of a proposed bank merger.

TREASURY DEPARTMENT,
COMPTROLLER OF THE CURRENCY,
Washington, D.C., May 11, 1959.

Hon. A. WILLIS ROBERTSON,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: You have requested our comments on an amendment to S. 1062, the bank merger bill, introduced by Senator O'MAHONEY.

The basic aim of this amendment is to make the standards contained in section 7 of the Clayton Act applicable to bank mergers and to make competitive standards conclusive. Both of these proposals have been fully considered by the Senate Banking and Currency Committee on at least three occasions, and have been rejected. For reasons previously stated on many occasions before congressional committees the Comptroller of the Currency is opposed to this approach to bank mergers. The effect of the amendment would be to take effective control over bank mergers out of the hands of the bank supervisory agencies and place it in the hands of the Department of Justice. As we testified before your committee S. 1062 as introduced by you for yourself and Senators FULBRIGHT and CAPEHART implies recognition that a strong banking system is vital to the welfare of the Nation and that banking is a supervised and regulated industry. It would extend Federal regulation to bank mergers not now subject to Federal control in a manner consistent with the existing banking structure and it would leave jurisdiction over bank mergers in the bank supervisory agencies with authority to weigh and adequately consider the important banking factors in conjunction with purely competitive factors in order to arrive at fair and well-balanced decisions.

The adoption of the O'Mahoney amendment which would make competitive factors conclusive completely ignores the fact that banking is an industry clothed with the public interest and that the public interest must be considered in bank merger transactions. As you know, a representative of the Justice Department has testified before your committee that that Department in enforcing section 7 of the Clayton Act must determine whether there is a substantial lessening of competition without viewing that in the light of the public interest. The banking agencies on the other hand do take into consideration, and under S. 1062 as reported would be specifically permitted to take into consideration in passing upon bank mergers the usual banking factors such as the effect upon the soundness of the banking system, the effect upon the convenience and needs of the community, the effect upon the particular banks involved, whether the resulting institution will be capably managed, soundly capitalized, and in a sound asset condition, and whether the plan is fair and equitable to the stockholders of each of the banks. Thus, under S. 1062 as reported the banking agencies would be permitted to act upon bank mergers after full consideration of all the factors which should be considered and in the light of the public interest.

The use of the word "unduly" in S. 1062 would give the banking agencies needed flexibility whereas the substitution by the O'Mahoney amendment of the phase "substantially to lessen competition" would inject into banking a rigidity which would be highly undesirable.

We have previously testified that the applicability to banks of percentages which have been applied to industrial corporations under Clayton Act language, would clearly not be in the public interest. It must be kept in mind that the relevant market for banking is for the most part local rather than national in scope.

S. 1062 would require the appropriate bank supervisory agency in passing upon bank mergers to seek the views of the other two bank supervisory agencies and to request a report from the Attorney General on the competitive factors involved. The O'Mahoney amendment would add a provision to the effect that in the event either of the other two banking agencies or the Attorney General disapproves the application a public hearing shall be held at which all interested parties shall be afforded a reasonable opportunity to testify, and from which any party adversely affected or the Attorney General could appeal to the Court of Appeals for the District of Columbia. The amendment does not make it clear that the disapproval must be on competitive grounds nor that any such hearing shall be confined solely to competitive factors. Should it be contemplated that such a public hearing would not be confined to competitive factors but would require a consideration of all the factors involved in the decision to approve or disapprove, it would introduce into banking a completely novel and, in our view, dangerous concept which should not be adopted by the Congress without first having had serious and adequate consideration by the appropriate congressional committees. Public hearings have never been held on the mergers of financial institutions and for very good reasons. We know of no State which requires public hearings in connection with bank mergers. Consideration of bank mergers by supervisory agencies involves consideration of intimate details of the conditions and affairs of the banks involved including management weaknesses, investment depreciations, classified loans, and other such matters which should not be made public. A great deal of the information considered by bank supervisory agencies in passing upon bank mergers is contained in the examination reports of the banks. Traditionally, since 1863 these reports have been regarded and treated as confidential not only by the bank supervisory agencies, but also by the courts. See *Bank of America National Trust and Savings Association* v. *Douglas* (App. D.C. 1939) 105 F. 2d 100.

Moreover, bank mergers should not be held pending for long periods of time. The provisions contained in the amendment for public hearings with subsequent appeal to the courts could result in long drawn out proceedings.

The provision contained in the proposed amendment for appeal by the Attorney General to the courts from the order of the Comptroller of the Currency would place the Comptroller's Office in an untenable position. Under existing laws and regulations the Attorney General is required to represent the Comptroller of the Currency in litigation. Hence should the Attorney General appeal from an order of the Comptroller of the Currency the Attorney General would be placed in the position of being the plaintiff and at the same time counsel for the defendant; and the Comptroller would have as his counsel the plaintiff in the litigation against him.

Even though competitive factors would be made conclusive by the O'Mahoney amendment, there would be inserted a statement to the effect that the provision shall not be deemed to prohibit a merger in certain enumerated cases. The exceptions provided are completely inadequate. The bank supervisory agencies have testified in detail on many occasions as to why it is impossible to enumerate all of the categories of cases in which flexibility is needed. Aside from this the O'Mahoney amendment does not even include all of those situations which have been pointed out as properly belonging in any such enumeration. For example, there is no recognition in the proposed amendment of the fact that it may be necessary on occasion for smaller banks to join forces in order to provide more effective competition to nearby larger institutions. Nor is there recognition of the fact that some smaller banks are unable to meet the borrowing needs of their communities and which might make it highly desirable for these banks to become parts of larger organizations. The report of the House Judiciary Committee at the time it reported favorably a bill which would have amended section 7 of the Clayton Act to make it applicable to bank mergers, recognized that there are other situations than those listed in the O'Mahoney amendment in which, from a banking standpoint, the acquisition of a bank by another bank may be desirable. For example, the committee report referred to a situation in which the acquired bank had not made provision for management succession. The report further stated that the same principle applies where there are not adequate banking facilities.

In those cases which are enumerated as exceptions the language is much too restrictive. In the second exception where because of inadequate or incompetent management the acquired banks future prospects are unfavorable, the bank agency would have to find that correction could be made "only" by a merger or consolidation. There are almost always alternative methods of dealing with such situations although some obviously would be better than others. To require a finding that merger is the only solution makes the exception unworkable for practical purposes. The same objection applies to the third exception where also there would have to be a finding that merger was the only solution.

Another objection to the attempted enumeration of exceptions is that there would be left no latitude for the exercise of judgment by the bank supervisory agencies in borderline situations.

In addition to the basic unsoundness of the O'Mahoney amendment, the amendment contains many ambiguities and in many respects is unclear.

As indicated above, it is not made clear that the hearings which would be required would be confined to the competitive aspects of the bank merger at issue.

Under S. 1062 as reported it is clear that the views of the other two supervisory agencies shall be sought only on the question of the competitive effects. Under the proposed amendment it is unclear as the question on which the views of the other two agencies shall be sought. Under the language of the amendment it would seemingly not be solely and perhaps not at all on the question of the competitive effects.

The amendment would require that the appropriate agency seek the views of the other two banking agencies on "such question" (sic), and shall request a report from the Attorney General on the competitive factors. The very next paragraph, however, refers to disapproval of the application by the Attorney General, thus implying that in addition to making a factual report on competitive factors the Attorney General shall have the right to approve or disapprove the application. Nowhere in S. 1062 or in this proposed amendment is he given any such authority.

The provision for public hearing in the event of disapproval of the application by one of the banking agencies or the Attorney General would, under the laguage of the amendment, apply to the emergency cases referred to in the preceding paragraph of the amendment as well as to all other cases. Thus, the provision that in case the agency finds an emergency exists it may shorten the period for the Attorney General to report to 10 calendar days would be useless for if the Attorney General disapproves a hearing would have to be held with right of

appeal to the court before the agency could act notwithstanding the emergency nature of the situation.

It is not clear what the situation would be with respect to public hearings should the agency find under the second proviso that an emergency makes necessary immediate action in order to prevent the probable failure of one of the merging banks. Apparently, notwithstanding the emergency nature of the situation, the agency would nevertheless have to seek the views of the other two banking agencies either of which could bring into play the public hearing provisions by disapproving.

In addition to the basic objections to the proposed legislation from a policy standpoint, and the ambiguities and lack of clarity which would be written into law should the Congress adopt the O'Mahoney amendment, it remains to be said that the procedure provided is so cumbersome in nature that it would render the bank supervisory agencies completely unable to deal with a nationwide banking emergency such as has existed before in this country and which, while it is to be hoped will not occur again, the bank supervisory agencies must be prepared to face, and to properly handle in the the interests of maintaining the economy and banking services in the Nation. It is most unfortunate that those seeking to make Clayton Act standards applicable to bank mergers do not recognize the importance to the economy of a strong banking system, nor the dire consequences which might someday result to the Nation if the bank supervisory agencies are unduly restricted in their efforts to deal with their responsibilities conscientiously and effectively.

Sincerely yours,

RAY M. GIDNEY,
Comptroller of the Currency.

THE MORGAN-GUARANTY TRUST CO. MERGER

Mr. ROBERTSON. Mr. President, a letter which has been received by the Banking and Currency Committee raises questions on the Morgan-Guaranty merger. Among other things, the letter criticizes the Federal Reserve Board for permitting this merger.

It is unfortunate that such a misunderstanding exists; and I have answered the letter fully, in order to correct it.

The Morgan-Guaranty merger was not reviewed or approved by the Federal Reserve Board. Under the present law, no approval or permission from any Federal banking agency was needed for the merger.

The only matter submitted to the Federal Reserve Board was a request to use the old Morgan office at 23 Wall Street as a branch of the new bank. This was approved by the Federal Reserve Board, on the basis, I assume, of considerations applicable to the use of the branch—not on the basis of considerations relating to the merger.

The Morgan-Guaranty merger is a demonstration of the need for the enactment of Senate bill 1062, in order to provide uniform and effective legislation covering the field of bank mergers. It is not the basis for any criticism of the Federal Reserve Board.

I ask unanimous consent to insert in the body of the RECORD copies of the incoming letter and my reply.

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

TEXTILE WORKERS UNION OF AMERICA,
LOCAL 1355, AFL–CIO,
COMMITTEE ON POLITICAL EDUCATION,
Hendersonville, N.C., May 5, 1959.

Senator J. W. FULBRIGHT,
Chairman, Senate Committee on Banking and Currency, U.S. Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: In the CONGRESSIONAL RECORD for Monday, April 27, in the House proceedings for that date, there appears on pages 6851–6852, inserted therein by Representative PATMAN, of Texas, a chart relative to the recent merger of J. P. Morgan-Guaranty Trust Co., and on the preceding page appear the remarks of Representative PATMAN when he introduced the chart.

In discussions amongst our membership on the implications of this merger we are inclined to agree with Mr. PATMAN's remarks concerning the Federal Reserve Board's action in permitting it. We are also very much concerned with its probable impact on the business world, and are very much afraid that if such mergers are allowed to continue, it will not be but a few short years until one or two concerns will have a virtually unbreakable monopoly and stranglehold on all of the Nation's finances.

We do not feel that it is either legally or morally proper for two such organizations as J. P. Morgan Co. and Guaranty Trust Co. to gain the monopoly of the Nation's business that they have by this merger, and feel very strongly that Congress should, at the very least, pass a resolution enjoining the Department of Justice to investigate this merger. It strikes us as a red flag being waved in the face of business, large and small.

We realize this defense of business, coming from a labor union, sounds strange, in face of the fact that we are always being accused of fighting business. However, our fight with business and management is only to the extent that both labor and management are after essentially the same things, a fair and equitable share of the better things in life, both socially and economically, and does not include doing away with business. Both labor and management, or business, if you prefer, should never lose sight of the fact that one cannot exist without the other, and labor should never lose sight of the fact that someday the opportunity may present itself for a few of us to enter a business of our own, and if such mammoth financial mergers, with all its implications as this one, are allowed to exist or continue, then the individual may as well forget trying to start anything new. If one cannot get bank financing, what incentive is there for progressive-minded men and women to enter the business world?

We note that there are two bills before the Senate, S. 1120 and S. 1062, relative to Federal Reserve and Federal Deposit Insurance. These bills, of course, we are completely unfamiliar with, and do not know if they will remedy the situation, or make it worse. However, in view of the above statements, and in order to lend a more firm air of authority and conviction to our statements and feelings on this subject, we submit to the Congress of the United States the following resolution and respectfully request and urge your support for action on same.

"Resolved, That we condemn the recent merger of the J. P. Morgan-Guaranty Trust Co. as being unsound, because it represents a grave threat to individual business, and a monopoly of all the major banking insurance, and business firms of the Nation;

Resolved further, That it is contingent upon the present Congress to pass a resolution, or whatever form of legislation may be necessary to accomplish the act, enjoining the Department of Justice to investigate the aforesaid merger, to determine and destroy its monopolistic aspects, and that the Federal Reserve Board be censured for its action in permitting this merger and enjoined from any such future acts of this magnitude."

Respectfully yours,

A. H. CRIPPEN,
Director, Committee on Political Education.

U.S. SENATE,
COMMITTEE ON BANKING
AND CURRENCY,
May 11, 1959.

Mr. A. H. CRIPPEN,
Director, Committee on Political Education, Textile Workers Union of America, Hendersonville, N.C.

DEAR MR. CRIPPEN: Your letter of May 5, 1959, to Senator FULBRIGHT has been referred to me. In that letter you tell about the discussions among your membership on the subject of the recent Morgan-Guaranty bank merger, and you set forth two resolutions adopted by your members:

"Resolved, That we condemn the recent merger of the J. P. Morgan-Guaranty Trust Co. as being unsound, because it represents a grave threat to individual business, and a monopoly of all the major banking, insurance, and business firms of the Nation;

"Resolved further, That it is contingent upon the present Congress to pass a resolution, or whatever form of legislation may be necessary to accomplish the act, enjoining the Department of Justice to investigate the aforesaid merger, to determine and destroy its monopolistic aspects, and that the Federal Reserve Board be censured for its action in permitting this merger and enjoined from any such future acts of this magnitude."

I want to answer your letter at length, partly in order to tell you what the Senate Banking and Currency Committee has done and is doing to provide for the control and regulation of bank mergers, and partly to correct the erroneous understanding that the Federal Reserve Board approved or authorized the merger. No authority or approval by the Federal Reserve Board was needed for this merger, and none was given. All the Board did, and all it could do under present law, was to review an application to operate the old office of J. P. Morgan at 23 Wall Street. It is because the Board had no authority to review the merger itself, and similar mergers, that the committee has reported out S. 1062 and is urging that this bill should be passed at once.

The Committee on Banking and Currency is concerned over the incomplete and ineffective Federal legislation on the subject of bank mergers. Along with Senator FULBRIGHT and Senator CAPEHART, I introduced S. 1062 this year, in an effort to provide uniform and effective regulation of mergers of all banks over which the Federal Government now has supervision. The Banking and Currency Committee, after hearings and careful consideration, reported this bill out to the Senate on April 17, 1959, and it is expected to be considered by the Senate in the immediate future, perhaps tomorrow.

For your information, I enclose copies of the bill, as reported, the hearings, and the committee report.

One of the situations where Federal control over bank mergers is ineffective is in cases like the Morgan-Guaranty merger.

These two banks were members of the Federal Reserve System and they were insured by the Federal Deposit Insurance Corporation. The new bank also is an insured member bank. But these Federal banking agencies had no authority to review, and to approve or disapprove the merger (approval by the Federal Reserve Board would have been required if the capital stock or the

surplus of the new bank had been less than the capital stock or the surplus of the merged banks; but this was not the case). The merger was reviewed and was approved by the New York State Superintendent of Banks, but not by any Federal banking agency.

The merger is subject to the Sherman Antitrust Act, and if Attorney General Rogers should feel that the merger constituted a violation of that act, he could institute a proceeding to break up the new organization. Newspaper reports indicate that the Attorney General does not intend to do so, but the committee has not had any official advice from the Attorney General as to his plans with respect to this merger.

The only action taken by the Federal Reserve Board, or by any other Federal banking agency, in connection with the Morgan-Guaranty merger was that the Federal Reserve Board was asked to approve, and did approve, the use by the new bank of the office at 23 Wall Street which had formerly been occupied by J. P. Morgan & Co., Inc. This was about two blocks away from the head office of Guaranty Trust Co., at 140 Wall Street.

The application considered by the Federal Reserve Board related only to the request to use 23 Wall Street as a branch office, and the Federal Reserve Board's consideration should have been, and I assume was, limited to factors involved in the use of the branch office. The Federal Reserve Board, in reviewing the application for the branch office should not, and I assume did not, take into consideration factors relating to the merger.

Since the business of the two merging banks had been and would continue to be, I understand, almost exclusively a wholesale banking business, involving loans to and deposits by large corporations and other financial institutions, and since, I understand, neither bank has engaged in any neighborhood or local banking business, at least in the Wall Street area, I can easily understand how the Federal Reserve Board could reach the conclusion that maintenance by the new bank of a branch office at 23 Wall Street, in addition to a head office about 2 blocks away at 140 Broadway, would have no possible adverse effect on competition.

To express it another way, the Federal Reserve Board could not say that an industrial firm seeking to borrow $10 million from a bank would happen to drop in at the 23 Wall Street office because it was nearby and convenient, but would go to some other bank, perhaps to the Chase-Manhattan Bank office at 40 Wall Street or the First National City Bank office at 55 Wall Street, if the nearest Morgan Guaranty offices were around the corner at 140 Broadway.

Consequently, from the information I have received, the Board's decision to approve the branch at 23 Wall Street seems entirely reasonable and proper, if considered for what it was—approval of a branch office. But the Board's decision on this single limited question should not be taken to mean that the Board authorized or approved or reviewed the merger between the two banks.

As I have said, the Federal Reserve Board had no authority to review the Morgan-Guaranty merger. It is because of the Board's lack of authority to review this merger, and because of other similar gaps in the existing law, and because of unsatisfactory standards in those cases where the law does apply, that the Banking and Currency Committee has recommended the enactment of S. 1062.

I might add that the authority of the Board to review applications for branches resulting from mergers, and the authority of the Board to consider competitive factors in such a review, have been challenged in litigation in the U.S. district court. The Board was sustained by the district court. I am advised that the time for appeal of this decision to the Court of Appeals has not expired. It would not, of course, be proper for me to comment on this litigation; I mention it merely to show the lack of clarity and certainty of the present statutes, and the need for uniform and effective legislation.

The Senate has twice, in 1956 and again in 1957, passed bills similar to S. 1062, but these bills have not been enacted into law. The Banking and Currency Committee, as my report states, has amended the bill to give the Justice Department greater participation in the review of the merger.

It is the committee's hope that the bill now before the Senate will be promptly enacted into law, so that we can have uniform and effective regulation of bank mergers, by the informed and responsible Federal supervisory agencies, with the benefit of full information from the Department of Justice.

Sincerely yours,

A. WILLIS ROBERTSON,
Chairman.

NOMINATION OF POTTER STEWART TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT—PERSONAL STATEMENT BY SENATOR SMATHERS

Mr. SMATHERS. Mr. President, in the midafternoon of May 5, while in my office visiting with some constituents, I inquired of the Democratic cloakroom as to whether a vote was expected that afternoon. I was advised there would be none.

On the strength of that representation, I drove those distinguished Florida visitors to the airport; and during that time we discussed the prospects of my proposing legislation which is designed to give to self-employed the right to set aside certain portions of their income for retirement purposes, a refinement of the original Jenkins-Keogh bill.

After dropping them at the airport, I drove back by way of St. Albans School, to pick up my son, at which time I was told a vote was being taken in the Senate. I rushed back to the Capitol, and onto the Senate floor, where I was advised the vote had been concluded, but that the result had not yet been announced. I inquired of one of the attendants on the floor what the vote was about, and was told it was on the nomination of Mr. Potter Stewart, to be a Supreme Court Associate Justice. The clerk then called my name, and I announced in the affirmative. The result of the vote was then stated by the Chair as being 70 yeas and 17 nays in favor of confirmation. In short, the nomination was confirmed.

I then walked back to my office in the new Senate Office Building. En route, I fell into a discussion with some of the assistants for a southern Senator, who advised me they thought I had voted incorrectly, and stated what I felt were good reasons for their conclusions.

The next morning I read the debate preceding the vote, as published in the CONGRESSIONAL RECORD. I was particularly impressed by the remarks of the able senior Senator from Georgia. Having read those remarks, I am thoroughly convinced that I should not have voted for confirmation of the nomination, but on the contrary, that I should have voted against it.

I am relieved that my vote on the question of confirmation of the nomination of Mr. Potter Stewart was not decisive. He won by a 53-vote majority. I would, however, assure him and any others that, with the knowledge I now have, I would not have voted for confirmation of his nomination.

I cannot help but believe that, despite Mr. Stewart's previous 3 years on the circuit court of appeals, his particular philosophies and views do not represent the views of the people of the State of Florida, nor do they represent my own.

HYDROELECTRIC DEVELOPMENT IN ALASKA

Mr. GRUENING. Mr. President, recently, there appeared in the Daily Oregonian, of Portland, Oreg., an excellent description of what the full development of the hydroelectric potentials of the mighty Yukon, at Rampart Canyon, Alaska, will mean. The article was written by the well-known and very able Washington correspondent, A. Robert Smith.

Mr. Smith, in his article, very penetratingly places the Rampart Dam project in perspective, both in terms of what its potential is for the economic development of Alaska and of the United States and its meaning in terms of winning the struggle in which we are now engaged with the powers of totalitarianism.

I call the particular attention of my colleagues to the statement in the article about how the Soviet Union is building up the economic potential of Siberia. There has been much talk of the economic cold war. In what Russia is doing on its side of the Bering Sea, we are given tangible proof—if any be needed—that that nation is waging the economic cold war with full realization that, first, it will last a long time; and, second, that whatever side is to win must be strong in its own resources. Russia has no policy of "no new starts." Apparently it has seen the wisdom of spending to increase economic potential.

I wish this administration could be made to see the wisdom of such a policy here at home.

My colleague [Mr. BARTLETT] and I appeared before the Appropriations Subcommittee last week to request starts on various longstanding and approved engineering projects in Alaska for flood control and harbor development, which will do much to improve the economy of the various regions in which they are located. For the supremely important studies leading toward the construction of the Great Dam on the Yukon at Rampart, the request was a modest one of only $100,000 for this year, with an additional $35,000 for some lesser hydroelectric studies which will be needed for dams which can be completed in a few years and will tide over Alaska's great need for hydroelectric power until this major project on the Yukon can be completed more than a decade hence. We are very hopeful that Alaska may be-

come a living demonstration of America's determination to move forward with the development of natural resources, of which our hydroelectric potential in Alaska is the greatest and the least developed. Less than one-fourth of 1 percent of Alaska's hydro potential has been harnessed. It would be a shocking thing if it could be said that Alaska, which was once Russian America, would lag behind in development which the Kremlin is now going all-out to effect in Siberia, and that had Alaska remained under Russian rule, a similar desirable and needed development of hydroelectric resources would long since have begun there.

I ask unanimous consent that Mr. Smith's excellent article be printed in the RECORD at the conclusion of my remarks.

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

BIG HYDRO PROJECT LOOMS FOR ALASKA

(By A. Robert Smith)

WASHINGTON.—The Corps of Engineers has, in effect, chosen the new State of Alaska in which to challenge the Russians in the kilowatt race. On the Yukon River they are preparing to start detailed engineering plans for a dam that would dwarf Grand Coulee and all those bigger hydroelectric projects the Soviets are now building.

Closing the kilowatt gap is a great concern of Maj. Gen. Emerson C. Itschner, Chief of Engineers. He came up to Capitol Hill last session and told a group of western Senators in detail how the Russians were forging ahead in construction of great hydro powerplants, at a time when the United States seemed to be slowing down because of budget balancing priorities.

Itschner reported the Soviets are building Krasnoyarsk Dam on the Yenisey River with a powerplant capacity of 4,004,000 kilowatts; Bratsk Dam, Angara River, 3,840,000 kilowatts; Stalingrad Dam, Volga River, 2,300,000 kilowatts; and they have completed the 2,100,000-kilowatt Kuybyshev Dam on the Volga.

All, he pointed out, are greater in power capacity than America's largest dam, Grand Coulee, which generates just under 2 million kilowatts.

Itschner said Soviet progress in water resource development "is demonstrating to the world what can be done in this field by well-considered, long-range planning, and a willingness to make sacrifices in present standards of living in order to achieve the goal of a great future industrial development." He told Senators "the Soviets have given water resource development a priority second only to the development of heavy industry designed to support military programs."

At a closed door conference with Alaskan Senators last week, Itschner spoke further of this United States-Soviet rivalry. The upshot of the meeting was agreement to push for planning and subsequent construction of Rampart Dam, a 4,770,000-kilowattt project that would be the world's largest hydropower plant. No borings have been taken of the site, so engineers don't know what type dam it would be—or the cost.

The Senate Public Works Committee quickly approved a resolution authorizing planning to commence.

Quite incidental to the international rivalry involved, this move may give the Corps of Engineers the upper hand over the Bureau of Reclamation in the 49th State in a rivalry that is reminiscent of yesteryear in the Columbia Basin. The Bureau has built Alaska's only Federal dam—the 32,000-kilowatt Eklutna project near Anchorage. Some Reclamation officials have been urging that the Bureau launch an aggressive program to develop Alaska's great hydro potential.

But Alaskan Senators don't want their State to be declared a "Reclamation State," because legally this would require Alaska to pay into the Federal reclamation fund 52½ percent of the revenue it now stands to get from mineral leasing on its public lands—as all other Western States now do in return for reclamation benefits.

With a baby oil boom going, Alaskans want to hang onto this revenue. So their Senators are turning to the Corps of Engineers with an invitation to come to the Yukon to regain American kilowatt supremacy.

Although Rampart Canyon is within transmission line distance of Anchorage (300 miles) and Fairbanks (90 miles), arguments against the dam will doubtless resemble those once made against Grand Coulee (Who will use all that power, the polar bears?).

Engineers estimate it will take 15 to 20 years from now to complete it, considering undercertainty of appropriations year-to-year, even if Congress authorizes construction without a long struggle. Alaskan Senators see it as a big factor in helping their State attain the industrial base to support the 15-million population they visual for the bright future of this American Scandinavia.

CANADIAN AGRICULTURAL POLICIES

Mr. HUMPHREY. Mr. President, just across our northern international boundary there is developing a refreshing contrast to the ill-founded and costly farm policies of the Republican administration.

In Canada, the farm income improvement and stabilization program is being used to help preserve and improve family farming for the benefit of consumers.

In the United States, our Government has sat idly by as farm prices and farm income have gone down and down and as surpluses have accumulated. In Canada, the Government moved to stop further declines in the returns to hog producers. The vertical integration of farming by nonfarm interests is developing in Canada as well as in the United States. It is heartening to read the comments of the Canadian Minister of Agriculture affirming that he does not intend to allow the income protection program to finance or to assist further vertical integration of hog production by nonfarmers. We would welcome such a pronouncement in the United States from the Secretary of Agriculture.

It is also significant to note that the Canadian Minister of Agriculture looks toward deficiency payments with a family farm cutoff as the appropriate instrument to improve the family farm income while preserving the family farm pattern of agriculture. Here in the United States, we find only opposition on the part of the administration toward this type of program—except, of course, when it is applied to wool and sugar.

Mr. President, the senior Senator from Minnesota agrees fully with the Canadian Minister of Agriculture that hog product purchases as a means of price support can only result in hastening the trend toward vertical integration of hog production by chain stores and meatpackers. That is why the Senator from Minnesota criticized the canned meat and gravy purchase program operated by Secretary Benson. This is why the Senator from Minnesota has introduced amendments to every farm bill that has come to the Senate floor to provide for the inauguration of a payment-type income improvement program for hogs.

Mr. President, may I quote from the comments of the Canadian Minister of Agriculture, as follows, as reported in the Manitoba Co-operator of April 2, 1959:

Federal Minister of Agriculture Douglas Harkness does not intend to operate the Federal Agricultural Prices Stabilization Act for the benefit of anyone except bona fide farmers and, of course, consumers.

Addressing the Meat Packers Council in Ottawa, Mr. Harkness added, "In my view, there is no justification for using the taxpayers' money to support livestock raising or feeding operations by large feed companies, processing companies, or retailing chains."

Last week Mr. Harkness announced that the price support on hogs would be cut October 1. His statement to the House of Commons at the time was:

"The Agricultural Stabilization Act provides for the announcement of support prices on an annual basis. The existing support price for hogs expires at the end of March. Therefore, I am now announcing that the existing price of $25 per 100 pounds, basis Toronto and Montreal, warm dressed weight, for A grade carcasses, with appropriate prices for other markets, will continue in effect until September 30. For the period October 1, 1959, to March 31, 1960, the support price will be at the mandatory level, which is 80 percent of the 10-year average or $23.65 per 100 pounds, basis Toronto and Montreal.

"As is well known, hog marketings in 1958, and more particularly during the last quarter of 1958 and in 1959 to date, have been running at unusually high levels. This has resulted in hog prices over the past 6 months remaining at or close to the support level. It has also resulted in a considerable accumulation of pork products by the Stabilization Board.

"There is good reason to believe that one of the important factors behind the increased production of hogs is the development of so-called vertical integration, financed or sponsored in one way or another by large commercial organizations.

"The assured price under the existing stabilization program appears to have been an important factor in the greatly accelerated production under this type of operation. I have, therefore, directed the Stabilization Board and officers of the department to actively explore the method of providing price support for hogs by means of a payment to producers, commonly described as a deficiency payment, rather than by an undertaking to purchase the product. Under this alternative method, the price of hogs would not be supported in the market but producers would be paid the difference between the actual average price received and the prescribed support price. This method would make it possible to withhold payments from commercial organizations operating under the so-called vertical integration plan and to limit payments to any individual to a specific number of hogs delivered.

"I am sure that all who have knowledge of hog production and marketing procedures will agree that before radical changes are made an administratively sound plan must be developed. Consequently, I cannot at this moment state where the proposed change can be put into effect. However, I wish to assure the House that every effort will be made to complete the necessary studies and

put the alternative plan into effect at the earliest possible date."

Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

RESOLUTION BY INTERNATIONAL RESCUE COMMITTEE IN SUPPORT OF WORLD REFUGEE YEAR

Mr. HUMPHREY. Mr. President, I wish to invite the attention of the Senate to a resolution which was recently adopted by the International Rescue Committee in support of World Refugee Year, which commences in July of this year.

In our own country the United States Committee for Refugees has been formed to stimulate efforts here on behalf of World Refugee Year. The distinguished chairman of this committee is Dean Francis Sayre, of the Washington Cathedral. Under his dedicated leadership, I am confident that the committee will perform a most important and beneficial function.

May I also take this opportunity to pay special tribute to the President of the International Rescue Committee, the Honorable Angier Biddle Duke. We are all indebted to this great American for his humanitarian and untiring efforts on behalf of the victims of tyranny. His work, and that of the committee itself, deserves our full support.

I ask unanimous consent that the resolution to which I have made reference 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 ON WORLD REFUGEE YEAR

Whereas the 13th session of the General Assembly of the United Nations on December 5, 1958, adopted a resolution in which it urged member states to promote a World Refugee Year, beginning in July 1959, as a practical means of securing increased assistance for refugees throughout the world; and

Whereas the U.S. Government has joined in sponsoring this proposal and will be implementing its observance in the United States of America; and

Whereas the United States Committee for Refugees has been formed to stimulate American efforts on behalf of World Refugee Year;

Whereas the International Rescue Committee has for 25 years given assistance to refugees from tyranny:

Resolved, That the Board of Directors of the International Rescue Committee—

(1) Strongly endorse the objectives of World Refugee Year;

(2) Offers its full cooperation to the United States Government and the U.S. Committee for Refugees in stimulating increased American participation in World Refugee Year;

(3) Expresses the belief that plans for World Refugee Year should take account of the fact that as long as there is tyranny there will be refugees from tyranny; therefore, plans for increased efforts on behalf of refugees should prevent raising false hopes of quick or final solutions, but work for genuine solutions which involve the realization that refugees from behind the Iron Curtain are a collective responsibility of the Western World and that the United States should take its fair share of these refugees, including hardship cases.

THE LONG ORDEAL OF COEXISTENCE

Mr. HUMPHREY. Mr. President, we are living in difficult and tragic days, but not without the hope of a better future. The cold war has produced attitudes of apathy and even cynicism among some of our people. I do not believe such negative attitudes are justified when we see our present time of troubles in historical perspective. In this connection, I should like to call the attention of my colleagues in this Chamber to an article, "The Long Ordeal of Coexistence," by Reinhold Niebuhr, which appeared in the March 30, 1959, New Republic.

Professor Niebuhr points out that the struggle between the Communist world and the free world is not only a military struggle, but perhaps fundamentally a moral struggle which expresses itself more in economic and political terms than it does in strictly military terms. By presenting the cold war in a meaningful historical perspective, Professor Niebuhr gives us a sensed proportion and a sense of courage for dealing with the grave problems which confront us in Berlin, in the Far East, and in the Middle East.

I ask unanimous consent that Professor Niebuhr's article, entitled "The Long Ordeal of Coexistence," be printed in the RECORD.

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

THE LONG ORDEAL OF COEXISTENCE

(By Reinhold Niebuhr)

For the long haul of competitive coexistence, we require something better than the emotional attitudes engendered by the cold war. Polemical animus is not a source of wisdom, for it fails in giving us insights about the virtues and weaknesses of both ourselves and our adversaries. This is particularly true in our own Nation, where polemical attitudes are colored by the cynicism of disappointed hopes. We need not consider the disillusioned Marxists, whose dreams were mocked by the terror of Stalinism, because they had little influence on our national life. But we must think of the hopes which the genuine leaders of the Nation once had, not for the Marxist utopia, but for partnership with Russia after the war. These hopes were expressed by such diverse figures as Franklin Roosevelt and Dwight Eisenhower, Henry Stimson and Senator Arthur Vandenberg. They were rather desperate hopes; they disregarded the obvious reluctance of the wartime partnership with the Russians and obscured the dynamic of the Communist plan of world salvation, which was only momentarily deflected by the incidental collaboration with a capitalist nation.

The Charter of the United Nations expressed and was founded upon these hopes; for the charter assumes the unanimity of the great powers and rests its plans for peace upon a concurrence between them. Such unanimity has been absent almost from the beginning. The arrangements for the governments of both Germany and Berlin, exposing us as they do to Russian pressure whenever it suits Russian purposes, are so fantastic that they can be explained only in terms of illusions about our former ally and present adversary, so widely held that both the President and his chief military adviser held them in common. In a sense, this was a fortunate fact, because it has prevented extreme partisan exploitation of past mistakes. About the share of the military commander in these mistakes it is only necessary to remind the reader of what Dwight D. Eisenhower had to say about Russia in "Crusade in Europe."

"Past relations between America and Russia were no cause to view the future with pessimism. Historically the two nations preserved an unbroken friendship since the founding of our Nation as an independent Republic. * * * Both were free of the stigma of empire building by force."

The judgment about "empire building" was historically false, even when applied to traditional Russia. But it was even more fantastic if it was meant to be relevant to the new Russia, so soon to become the center of a new imperialism, informed by a dynamic utopian creed. Even the implied barb at our most intimate ally, Great Britain, was not a unique mistake. It was the stereotype of American attitudes, despite two wartime alliances. Clearly we are disappointed partners, who mistook a military marriage of convenience for a marriage between kindred souls. Our emotions are now frantic because our hopes were high. But these emotions must not blind us to the present sober obligation of measuring both our own resources and those of our adversary in the fateful encounter in which we are involved.

We must think particularly of comparative political and economic resources in the struggle, for these will undoubtedly dominate our history and that of the world for decades to come. At the same time, we dare not undervalue the military dimension of the East-West conflict, though for our present purposes we can tentatively dismiss that part of the encounter by acknowledging that such peace as we enjoy (if that is the word for it) rests upon a "balance of terror"; and that we cannot afford to fall too far behind the Russians in maintaining the balance, lest they push us to the limits of our patience because they erroneously believe that we are not prepared to join issue with them, either in limited wars or in the ultimate conflict.

In the realm of politics it is important to recognize that the struggle is not so simply a contest between despotism and freedom as many complacently assume. Admittedly, the Communist system is still totalitarian. The political leadership still dominates the whole of Soviet life and still forces the whole of the culture to conform to the standards of socialist realism which means the glorification of the political status quo. But what is developing now cannot be understood either in terms of analogy with Hitler's despotism or in comparison with Stalin's reign of terror. Khrushchev may become another Stalin; the 21st party congress certainly gave evidence of disquieting obeisance to the autocrat. But it is well to notice the difference: Compare the crude backward nation in which Stalin ruled and the emerging dynamic society in which Khrushchev achieved his eminence. That society is dominated by a Communist creed, but it also is the prey of contests of interest between competing oligarchies—economic, military, and political. Essentially Khrushchev has triumphed thus far because he has shrewdly used the still powerful political oligarchy as his instrument. He beat the rising economic managers, who were behind Malenkov, partly by destroying their chain of command to Moscow in his famous decentralization maneuver, which placed the local industrial manager under the local party boss. He also defeated Malenkov, by the trick of restoring the wartime hero of the Army, Marshal Zhukov. But when that worthy, seemingly secure as a member of the presidium, tried to make military power independent of the party, Khrushchev used party fears and the jealousies of Zhukov's war buddy Marshal Konov, to overthrow the

military hero. Before all this happened he engaged in the hazardous venture of destroying the Stalin myth, both for the sake of extricating himself from the taint of Stalinism and of assuring the budding bourgeoisie—the classes of oligarchs of the new dynamic society—that they would not be again subject to Stalin's capricious terror. He also gave something to the common man of Russia by swiping the consumer promises of the defeated Malenkov, without making the mistake of arousing the fears of the military oligarchy by invading heavy industry for the sake of the consumer. He has since improved his position with the Russian consumers by mixing plausible and implausible promises, including a 40-percent rise in wages, the reduction of hours to 35 per week and a general rise of gross national product by 80 percent in 7 years. The implausibility of the promises are slightly obscured by the enormous achievements of Russian technics, by the 5-percent annual increase in productivity and by the inability of any of the lesser oligarchs effectively to challenge Khrushchev's figures.

Thus, his achievements are those of a shrewd politician but of a politician working in an oligarchic community, and therefore comparable to, say, Sir Robert Walpole's achievements in the context of the aristocratic politics of England at the beginning of the 18th century. It would be foolish to detect here the beginnings of an "open society." The Russian system still tolerates a monopoly of power, which Khrushchev has, in a sense, aggravated by preserving or restoring the monopoly of the political oligarchy. In subordinating the military oligarchy, communism has achieved a unique distinction in the history of dictatorships. And by subordinating the economic oligarchy, communism probably prevents the rise of a class with an independent source of power—an important element in the rise of democratic society.

Khrushchev, as a versatile politician, may have been the agent of these developments, but his personal achievements should not obscure the historical context which made them possible. For Khrushchev is presiding over a nation very much on the make. The Russian society is fermenting with the dynamic possibilities of a technical civilization. It will probably be a vexatious oligarchy for decades to come. But it cannot turn back, even as Khrushchev could not exercise Stalin's terror on the technicians whose achievements have added to the prestige of the Communist boss. It is furthermore disquieting to realize that our free society does not have the attractive power for the new nations which we attributed to it. The newly independent nations may merely exchange the restraints of the collectivism of a pastoral or feudal society for the technical collectivism of Communism. Communism has, moreover, become a political movement appealing to a whole people and to their rulers, and not simply to the "oppressed." It promises them quick results in industrialization and the abundance of a technical civilization.

The stability which each new nation seeks is, furthermore, not as obviously compatible with freedom as we often assume. Freedom, justice and stability have been wedded only in Western Europe and the British Commonwealth, and even in Western Europe the record is not too impressive. France has not digested its revolution in a century and a half. Germany is just beginning a new life after a terrible interlude. Italy is still unstable.

Outside of Europe our democratic allies are not exactly exemplars of an "open society." We may still remember the pious resolutions with which the Batista dictatorship supported us in the United Nations. Certain of the Latin American nations are dictatorships. The fallen Iraqi Government, lynch-pin of the Baghdad Pact in the Middle East, was a dictatorship, as is the government which supplanted it. Our intimate ally, which pretends to be China on the island of Formosa, is a police state. The democratic achievements of the Rhee government in Korea are not too impressive. Vietnam, the brand plucked from the burning, is strongly anti-Communist but certainly not democratic. In short, the record of the free world proves that the compatibility between freedom, justice, and stability is a rare achievement. The nontechnical world will be pardoned if it regards the achievement as beyond its present competence.

In the field of economic competition our handicaps seem even more disturbing than in the political field.

The launching of the earth satellites, culminating in the achievement of the moon or sun satellite, was the Soviet Union's dramatic announcement to the world that it had mastered the techniques which are the foundation of industrial abundance. The once backward Russians had in four decades entered the circle of technically competent nations. Capitalism and democracy were cherished in the 19th century, not only for their freedom, but as the prerequisites of technical competence. If communism now steals the "emperor's clothes" of this prestige and sets itself up as the necessary prerequisite of industrialization, one must recognize a certain ironic justice in the vagaries of history, and realize that the claim will seem plausible to some of the budding nations of the awakened continents. We have not noted sufficiently that communism, which once promised utopia to the downtrodden of the industrial nations, has been transmuted and now promises industrial power and independence to the colonial nations, meanwhile exploiting the present or residual resentments of once subject peoples against Western imperialism. Western imperialism was morally ambiguous rather than purely exploitative; and none of the new nations could have achieved integral nationhood without the linguistic, technical, and legal means of integration supplied by their former masters. Yet these subject nations did experience the white man's racial arrogance, and they cannot be expected to discriminate too sharply now between the creative and exploitative aspects of the former imperialism. Nor can they easily discern the perennial pattern of imperialism in the bland promises of help from the Communist "big brother."

While these Communist promises and performances contain many dishonesties, it cannot be denied that the help of a once backward nation, offering both economic and technical assistance to the now backward nations, can be impressive. It is particularly so since the Russian oligarchy in its foreign-aid program does not have to deal with a budget conscious electorate. It can barter its productive capacity with other nations so long as it allows moderate improvement in the living standards of its own people, who are not accustomed to the standards of comfort which Western nations, particularly our own, regard as their God-ordained right.

Our Nation, at least its most thoughtful citizens and leaders, is becoming increasingly aware that this economic competition is the paramount issue confronting us. But are our leaders? They are not incapable of occasional eloquents statements on the importance of the economic competition, but usually they are content to picture our struggle with communism in simpler moral terms. For example, just before his illness, Secretary Dulles assured the American Bar Association that our Nation is dedicated to the high goal of establishing the world rule of law which substitutes law and justice for force, while the Communists use the United Nations for propagating their conception that laws are means by which those in power suppress or destroy their enemy.

Such official explanations of the essence of the struggle have the same relation to realities as fairy tales have to facts. We need not be the paragons of virtue and Communists need not be the devils which we and they are in the imagination of some to make our contest with communism a fateful one. It is also apparent that that contest can be successful only if we are armed, not only with a sense of the virtue of our cause, but with a full realization of the hazards we face in the military, economic and political realms in this struggle; and only if we are fully conscious of the political and moral ambiguities in which we are involved. If we fail in these marks of maturity, the alleged flexibilities of an open society will degenerate into an inflexible stance of moral complacency, somewhat akin to the original Communist dogmatism.

ISRAEL AND THE AFRO-ASIAN WORLD

Mr. HUMPHREY. Mr. President, ever since the Republic Israel was founded, I have emphasized the positive role that this small state could perform as an example of political democracy and economic progress in an area of the world where the people are reaching out for new political loyalties and are no longer content with the bitter fruit of poverty. I believe Israel has played, is playing, and will continue to play this positive role in certain parts of Asia and Africa.

In a recent article, Arnold Rivkin, director of the African economic and political development project at the center for international studies of the Massachusetts Institute of Technology, stated that an increasing number of nations in Africa and Asia are looking to Israel for economic and technical assistance, trade, and investment capital. He refers to this as "a striking development in international relations," and indeed it is. Mr. Rivkin's article, "Israel and the Afro-Asian World," appeared in the April 1959 number of Foreign Affairs. I ask unanimous consent that the article be printed at this point in the RECORD.

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

ISRAEL AND THE AFRO-ASIAN WORLD

(By Arnold Rivkin)

A striking development in international relations is the mounting interest with which more and more states of Africa and Asia, notably Ghana and Burma, are looking to Israel. They have found in Israel, a state with an advanced technology capable of extending assistance, providing technicians, entering into trade, and supplying investment capital without in any way compromising their sovereignty or threatening their independence. Israel also has the advantage of being a relatively neutral source of assistance, without any of the possible ideological implications which might attach to assistance from the West or the Communist bloc. In addition, the dynamism of the Israeli development effort, the pioneer spirit that pervades it, and its visible achievements in difficult circumstances have undoubtedly excited the interest of many underdeveloped countries, and provide an attractive model with which they can identify themselves.

For Africa, Israel's desire to establish reciprocal relations offers a special attraction in that it can serve as a countervailing political force to offset Egypt's ambitions there. This

was first perceived by Prime Minister Nkrumah of Ghana, who has his own plans for Africa; and as a result the Israeli initiative has found its warmest reception in Ghana.

African relations with Israel, which have been evolving over the past 18 months, have proved capable of withstanding antagonistic and even disruptive external pressures. Egypt's previously discreet efforts to weaken the Ghanaian-Israeli relationship became relatively overt at the Accra Conference of Independent African States in April 1958. There, the Egyptians tried to obtain an anti-Israel resolution which would tend to drive a wedge between Ghana and other African States on the one hand and Israel on the other. They were defeated. Dr. Fawzy, Foreign Minister of the United Arab Republic, sustained a double rebuff, first, in his failure to have the question of Israel placed on the Conference agenda as a separate item, and second, in the noncommittal resolution which emerged from the Conference, calling for a "just" resolution of the Arab-Israeli dispute. At the subsequent All-African People's Conference held in Accra in December 1958, Egypt sustained still another setback in her efforts to introduce the Israeli issue at an African conference. This meeting of representatives of African political parties, trade unions and nationalist organizations firmly resisted Egyptian efforts to label Israel as an imperialist state along with the United Kingdom and France.

One of the highlights of the All-African People's Conference, which assumes particular importance in this context, was a somewhat enigmatic statement by Prime Minister Nkrumah in his address to the opening session of the Conference. "Do not let us also forget," he warned, "that colonialism and imperialism may come to us yet in a different guise, not necessarily from Europe. We must alert ourselves to be able to recognize this when it rears its head and prepare ourselves to fight against it."[1] Certainly this is susceptible, inter alia, to the interpretation that Nkrumah was warning against direct Egyptian expansionism or indirect Communist penetration of African areas through a willing Egypt. This interpretation is consistent with the report that "Dr. Nkrumah told intimates late last week that he would ignore Bandung [Conference of African and Asian States in 1955] because he felt that President Gamal Abdel Nasser * * * had corrupted its principles of non-interference and intruded Asian and Communist influences into African affairs."[2]

The role President Nasser envisages for Egypt in Africa is set forth in his book on the Egyptian revolution. It expresses a latter-day version of the "white man's burden," complete with references to Egypt's "manifest destiny" and "civilizing burden" in "the interior of the Dark Continent:"

"The peoples of Africa will continue to look to us, who guard their northern gate, and who constitute their link with the outside world. We will never in any circumstances be able to relinquish our responsibility to support, with all our might, the spread of enlightenment and civilization to the remotest depths of the jungle."[3]

In north Africa this role has meant interference in the internal political affairs of Tunisia and Morocco and calculated campaigns to penetrate the public administration and educational system of Libya. In the Sudan it has meant interference in the Sudanese national elections, assertion of territorial claims against the northern frontier boundary of the Sudan, and disputes over use of the Nile River waters. In the Horn of Africa it has meant an intrusion in domestic affairs by a political appeal to Moslem unity. In Africa generally it has meant a drumfire of anti-Western and anti-Israel propaganda and a beehive of conspiratorial activity against incumbent regimes in independent African states as well as in dependent territories.

Under the circumstances, for an African nation to establish close relations with Israel is at once courageous and useful. The kind of political penetration that Egypt has achieved in Libya would be particularly dangerous in sub-Sahara Africa at a time when education and public administration are generally undergoing drastic changes with the coming of independence. The ability and willingness of Israel to supply technicians and management personnel on reasonable terms for sterling reimbursement is thus extremely important. It could be a crucial factor in preventing indirect aggression by Egypt.

II

The most far reaching of the evolving relationships between Israel and Afro-Asian states is that between Israel and Ghana. As a precedent and as a model for other countries to follow, it warrants examination in greater detail. What are the elements of this new relationship which may at first glance appear unlikely between states with seemingly disparate interests?

Trade: Early in 1957 the Israeli Minister of Commerce and Industry went to Ghana to represent Israel at the Independence Day ceremonies of the new nation. Shortly thereafter trade relations between Ghana and Israel were inaugurated, and the first shipment, a modest export of 1,000 tons of cement and miscellaneous industrial items from Israel, took place in May 1957. In the following August the Ghanaian Minister of Trade and Industry headed a trade mission to Israel to explore the possibilities of developing a regular flow of trade between the two countries. These visits at the ministerial level led to the initialing of a preliminary trade agreement in January 1958, and in July long-term trade and payments agreements came into force. The agreements are for a period of 4 years but are automatically renewable on a yearly basis unless terminated by either party after appropriate notice.

A principal feature of the agreements is the provision of credits to Ghana in the impressive sum of $20 million over the 4-year period. Credits for capital goods and services are to run 6½ years; others are to run 5 years. All credits involve a 2-year grace period for payments of principal. Under the trade agreement Ghana will buy cement and other building material and equipment, tires, glass, ceramics, paper, cardboard, leathergoods, plastics and other industrial goods, processed foods, chemicals and pharmaceuticals, and in return will export to Israel cocoa, coffee, copra, oil seeds, hides and skins, palm kernels and oil, hardwoods, bauxite, manganese and rough diamonds.

In 1956, prior to independence, Israeli trade with the Gold Coast was virtually nonexistent; 1 year later Israeli exports to Ghana during its first 9 months of independence exceeded $100,000, and imports from Ghana reached $300,000. In 1958, on the basis of unofficial statistics, Ghanaian exports to Israel will show a further growth but are not likely to increase at the rate of growth projected for Israeli exports to Ghana.

Dizengoff West Africa, Ltd., was organized in Israel in 1957 as a trading company with the exclusive purpose of engaging in two-way trade between Israel and West Africa. It established an office in Accra early in the same year and a second branch office was opened early in 1958 at Lagos, Nigeria. In the first 9 months of operation of the Accra branch, Dizengoff received orders for $550,000 worth of Israeli goods—primarily cement, tires and food products—and placed orders for approximately $250,000 worth of Ghanaian goods—mainly cocoa and timber.

Investment: In the fall of 1957, the Black Star Line was incorporated in Ghana with 60 percent ownership vested in the Government of Ghana and 40 percent ownership in Zim Israel Navigation Co., Ltd., a private Israeli corporation. The corporation has an authorized capitalization of $1,400,000, with $840,000 paid in. Zim is the managing agent and will operate the Black Star Line for the first 5 years. Thereafter, the Government of Ghana may, if it desires, take over these functions and, in fact, buy out the Zim interest. The company owns three vessels and has four others under long-term charter sailing on regular schedules, primarily between West Africa and the United Kingdom and Western Europe. The start of operations in December 1957 was commemorated by Ghana in a series of three colorful postage stamps designed by an Israeli artist.

In conjunction with the establishment of the Black Star Line, Israel has provided a technical asistance mission to assist in the establishment and operation of a Ghanaian Nautical Academy to train officers for the developing merchant marine. For a number of years Israel will help to staff the academy and on-the-job training will be made available aboard Zim vessels and in Zim offices in Israel and abroad.

The second major Israeli investment in Ghana is in the building. The Ghana National Construction Co., Ltd. was established in March 1958, with 60 percent participation by the Ghana Industrial Development Corp., a wholly owned government corporation, and the remaining 40 percent controlled by Solel Boneh, the industrial complex of the Israeli labor organization, Histadrut. The new corporation is to engage primarily in large-scale construction projects in the public sector, but it may also participate in private projects, particularly industrial building. Technical assistance is also an important feature of this investment. Solel Boneh is to train a substantial number of Ghanaians in the skills and techniques of the construction industry. The capitalization of the new coporation, all paid in, is $560,000.

These two investments have established precedents, particularly with respect to the distribution of ownership and the provision of Israeli technical personnel and assistance. Future investments in Ghana are likely to adhere to the pattern set in these two important ventures.

Technical assistance: In addition to private technical assistance associated with the two Israeli investments described, the Government of Israel has provided technical assistance in the fields of city planning, public veterinarian services, trade union organization, irrigation and drinking water supplies, and maritime law. Ghana has also shown considerable interest in receiving technical assistance in the operation of cooperatives. During the fiscal year 1958, Ghana received visits from Israeli technicians in the fields of cooperative farming and resettlement projects, cooperative banking, cooperative marketing and consumer cooperatives.

Perhaps the most dramatic technical assistance is to be found in the agricultural field. An Israeli cooperative settlement expert is studying the feasibility of creating farm communities patterned on the Israel kibbutzim and moshavim. Other Israeli technicians are pioneeering in water-drilling experiments in the hinterlands. And still others are concerned with commodity marketing, agricultural credit and agricultural productivity generally.

Exchange programs: In addition to trade, investment and technical assistance, there has been a growing exchange of official and

[1] The New York Times, Dec. 9, 1958.
[2] Ibid.
[3] Gamal Abdul Nasser, "Egypt's Liberation—The Philosophy of the Revolution" (Washington: Public Affairs Press, 1955), pp. 109–110.

unofficial visits between the two countries. Israel has initiated a scholarship program for Ghanaian students to study in Israel; more than 40 have already arrived there and the number is expected to increase steadily. The Israeli Government helped to recruit two Israeli professors of civil engineering to teach at Kumasi College of Technology for 3-year periods. There is also a growing number of private scholarships, such as the 10 granted by Solel Boneh to provide Ghanaians with the opportunity to become architects, engineers and building foremen.

The evolving Ghanaian-Israeli relationship thus brings together two new postwar states, both pioneers in their respective ways and areas, and both seeking in difficult circumstances to create enduring and viable nations. It brings together two former segments of the British Empire which, as part of that Empire, had no contracts. It brings together two states heretofore unrelated by historic ties, tradition or habit solely on the basis of newly developing mutual interests.

III

Many of the elements found in Israel's relationship with Ghana are present in her expanding relations with other areas of Africa and Asia. These contacts have been abetted by the completion of Israel's "dry land Suez Canal," the hard-surface road reaching to the port of Eilat on the Gulf of Aqaba. Israel has instituted regular freight service between Eilat and the entire east coast of Africa and the Union of South Africa, postal services between Eilat and Ethiopia and British East Africa, and expanding commercial contacts with Ethiopia, British East Africa, the Federation of Rhodesia and Nyasaland, Mozambique and the Union of South Africa. The recent trade agreement between the Federation of Rhodesia and Nyasaland and Israel is among the most important of these expanding trade relations. The agreement puts trade between the two countries for the first time on a general open license system and a most-favored-nation basis.

Both Liberia and Ethiopia maintain diplomatic relations with Israel, and both have been developing trade, investment, technical assistance, and cultural relations with that country. Both are reported to have stood firm with Ghana in resisting Egyptian attempts to obtain an anti-Israel declaration from the Accra Conference of Independent African States. The Liberian Construction Corporation was set up in Israel for the express purpose of constructing public works and roads in Liberia; and the Alliance Tire & Rubber Co., Ltd., of Israel, is in an advanced state of negotiations with respect to investment in a new rubber plantation in the western region of Nigeria. Israel has also developed increasing contacts with other parts of west and central Africa, and trade with French West Africa, especially increased last year, partly, perhaps, as a result of the visit of Mrs. Golda Meir, the Israeli Foreign Minister, to that area and to Nigeria in March 1958. In 1957 Israeli exports to the Belgian Congo and French Equatorial Africa also started to increase significantly.

In Asia the relationship between Israel and Burma comes closest to the Israel-Ghana model. Burma is Israel's oldest friend in Asia. Their growing relationship has been subjected to hostile pressure ever since early 1955, when Burma incurred Egyptian displeasure by its efforts to moderate the Arab anti-Israel resolution at the Bandung Conference. Shortly thereafter Prime Minister U Nu, of Burma, defied an Egyptian demand that he abandon an official visit to Israel. Instead U Nu made his visit to Israel and canceled a planned 3-day visit to Egypt scheduled at the same time. Israel has established diplomatic relations with Japan, Thailand, Laos, Ceylon, and the Philippines, as well as Burma. The one striking gap is the absence of any rapprochement with India, which has steadfastly refused to exchange Ambassadors although it recognized Israel as long ago as 1950.

On the economic side, there has been a growing stream of Israeli technicians going to Burma, and a reverse flow of Burmese trainees going to Israel. Both groups have been largely concerned with agricultural development. Recently 56 Burmese arrived in Israel to spend 1 year living and working on collective and cooperative farms on the frontiers of the country. At the same time a Burmese Army contingent of 33 officers and men will spend 1 year studying defense arrangements in these border settlements. In 1956 and 1957 Israeli exports to Burma, made up entirely of industrial goods, totaled approximately $1 million, while Israeli imports from Burma amounted to $900,000 in each of these years. For both countries, these are not insignificant totals.

A shipping partnership has recently been formed with financial interests in Hong Kong, which annually handles Israeli exports amounting to more than $2 million. The Gold Star Line is to operate between Far Eastern ports, the United States, and West Africa, with the Black Star Line serving as its representative in West Africa and as a connecting link with Western Europe. Thus, Israel has brought together in an imaginative way its developing and complementary relationships with Ghana and Hong Kong. In this type of arrangement there are potentially interesting possibilities for triangular trade.

Elsewhere in Asia, Israel has growing trade relations with Japan, the Philippines, and Iran. In 1957 trade with these states showed a significant increase over the 1956 levels. Growing numbers of Asian trainees are finding their way to Israel, including a small group of trainees from Thailand, India, and Japan who are studying at Israeli scientific and technical institutions. The most recent development is the creation by the Israeli Government of an integrated program of several months' duration for the study of agricultural settlements and cooperative enterprises. At the present time 60 trainees from 17 Afro-Asian countries and territories are participating.

IV

One of the most hopeful aspects of Israel's relations with Afro-Asian States is that her economic methods, rather than those of the Communists, may serve as a model for underdeveloped areas.

The Soviet and Chinese Communist models undoubtedly have a strong attraction for those countries which, after centuries of subsistence-level economies and, in many cases, generations of colonial status, are seeking the shortest route to economic development. The underdeveloped countries are casting about for the formula that will not only work for them but also achieve maximum results in minimum time. The temptation to find a short cut by the use of authoritarian policies and techniques is constantly with them.

The forced pace of Russian and Chinese development is likely to be attractive for new political leaders in underdeveloped countries under a variety of circumstances: for those laboring under a compulsion to show tangible results within a single generation; for those impatient with democratic processes for obtaining a consensus on development policies; for those unsure of their position and fearful of the political pressures likely to accompany economic growth; for those attracted by the argument that poor nations cannot afford the luxury of relatively unplanned growth of private economic sectors; and for those whose anticolonialism leads them to regard all private enterprise with suspicion and to consider private ownership of the means of production a dangerous relic of the colonial past.

The Israeli model might well prove to be a sort of economic third force—an alternative differing from the Western pattern but certainly far more compatible with free world interests than any Communist model. For Israel has many things in common with the underdeveloped countries: limited natural resources, short supplies of capital, fundamental social problems, major tasks of building a national state and developing new political institutions, and a will to develop modern economies—indeed, the whole range of problems confronting almost any new state in today's world. The inspirational note and sense of purpose associated with the Israeli economic development effort are likely to exercise an appeal for underdeveloped countries with a drive to achieve expanding economies and higher standards of living. Finally, and most important, Israel by no stretch of the imagination presents an external threat to these newly independent countries. Israeli assistance can be accepted without fear of strings which might in any way be thought to compromise the independence of the recipient states.

As Israel develops its relationships with other African and Asian countries, her economy and development schemes will be on exhibit before a growing number of visitors. The availability of qualified Israeli technicians and the apparent adaptability of Israeli economic development techniques are likely to enhance the possibilities for a transfer of some or much of the Israeli experience to African and Asian areas.

V

The general benefit to Israel of expanding relations with the Afro-Asian States is implicit in the foregoing. In conclusion, it seems worthwhile to note some of the specific advantages which may accrue to Israel as these relationships develop.

Already, Israel is breaking out of Nasser's Arab circle. Measures to secure and develop the port of Eilat and an overland route from the Mediterranean Sea to the Gulf of Aqaba are part of the unfolding strategy of outflanking the Arab blockade on the east. Similarly, the Black Star Line, founded in Ghana with substantial Israeli participation, provides a greater measure of security on the western flank. It would appear unlikely that Egypt will choose to interfere with free access to the Suez Canal of ships flying the flag of Ghana even if such ships should be plying routes originating or terminating in Israel.

The friendly and mutually profitable relations which Israel has achieved with other young states have also been successful thus far in forestalling Egyptian efforts to turn the Afro-Asian bloc against Israel. The refusal of the African States and political organizations to take an anti-Israel position at the respective Accra Conferences, already noted, is one instance of this important development.

The material advantages for Israel in developing fruitful economic ties with African and Asian States and territories are no less promising. The Afro-Asian world represents both markets for her manufactured goods—cement, tires, chemicals and pharmaceuticals—and sources of raw materials for her processing and manufacturing industries and of agricultural products which supply her with food and animal fodder on reasonable terms. Israel is particularly interested in obtaining rough diamonds for her important diamond finishing industry, which furnishes her second most important export by value. African areas, such as Ghana, are a source of diamonds outside the control of the international cartel, which in recent years has reduced Israel's share of total production within the syndicate.

Investment opportunities of the type already developed in Ghana and Hong Kong are also advantageous to Israel. They afford

employment opportunities for her technicians, provide a return on capital invested, and, in sterling areas, achieve savings in foreign exchange.

Finally, the advantages which Israel finds in her growing relations with the States of Africa and Asia are shared by the free world generally. Her assistance in economic development, the expanding use of her technicians and her agricultural and industrial technology, the increase in her private and quasi-public external investment and the growth of her trade—all these contribute to the strength of a number of young and uncertain states in Africa and Asia. In addition, in several of these states Israel offers an economic model as an attractive alternative to that offered by the Soviet Union. These developments are in the general interest as well as of value to the nations directly involved.

THE ESKIMO SCOUTS

Mr. GRUENING. Mr. President, on Saturday, the New York Times printed an excellent news article by Hanson W. Baldwin, the New York Times' military editor, which was headlined—"Eskimos Helping to Guard Alaska," with a subhead: "Guardsmen in Two Scout Units Keep a Keen Year-Round Watch Along Coastline." The article is illustrated with a map showing the extensive coastline of Alaska fronting on Soviet Siberia, with the caption under the map reading: "Eskimo scouts: vast coastline of Alaska kept under surveillance by more than 1,000 National Guardsmen."

I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRUENING. Mr. President, Mr. Baldwin, in the course of his article, says:

> As an intelligence organization, they—
>
> Meaning the Eskimo scouts—
>
> are highly effective. It is doubtful that any strangers could penetrate this human screen without detection.

I am particularly happy at this well-deserved tribute to our Eskimo guardsmen because the organization of these units goes back to the early dangerous days of World War II, when the United States was attacked without warning.

The four companies of Alaska National Guard which I had organized in the month preceding Pearl Harbor had been federalized. After World War II had begun and considering Alaska's vulnerability, I felt it imperative that we have no passive noncombatants in Alaska and that every able-bodied man who had not been called to the service otherwise be enlisted. So I secured permission to organize the Alaska Territorial Guard. In the course of the next few months, 111 units were organized, and they extended from Metlakatla, at the extreme southern and eastern end of Alaska, a fine community of Tsimshiam Indians, to Point Barrow on the north, to Gambell and Savoonga on St. Lawrence Island in the Bering Sea, in the west, and to the Pribilof Islands, in the southern part of the Bering Sea. These western units were, of course, the more important ones militarily since they fronted toward the west, from where the threat of enemy invasion would come. All these units acted with the greatest patriotism and devotion, serving voluntarily, without pay, and becoming, in the phrase of one high ranking officer in the Alaska defense department, "the eyes and ears of the Army."

They were organized largely through the energy and devotion of major—later lieutenant colonel—Marvin R. Marston, who traveled personally to every Eskimo village, by dog team or plane, whichever was available, bringing arms and ammunition so there would be no delay in equipping these brave, loyal, and patriotic citizens of Eskimo blood.

When, at the conclusion of hostilities, it was necessary to demobilize the Alaska Territorial Guard, I was determined that its members would be included in a reconstituted National Guard. I encountered a certain amount of opposition in the National Guard Bureau, owing to the fact that I could not guarantee that these units could drill at one spot 48 out of 52 weeks of the year, and that some of the units might be smaller than the usual requirement for National Guard companies, but I managed to persuade the National Guard Bureau that the very mobility of these units would be of the highest value under the changed conditions of warfare. I pointed out further than if the Russians should attempt to send any commando raids into Alaska, these might be constituted by Siberian Eskimos, whom only our own Eskimos could promptly recognize and identify.

It was finally agreed that our Eskimos should be incorporated in scout battalions of the Alaska National Guard.

To give the Senate some idea of the excellence and superiority of these men in the role to which they were assigned, I recall an encampment which was held at Fort Richardson, near Anchorage, in February 1952. It was a savage day. To the best of my recollection, the thermometer read in the neighborhood of 20 below zero, with a 30-mile an hour wind blowing. Nevertheless, these units took their target practice out of doors. The next day was still sufficiently cold so that the Alaska Defense Command decided to have the ceremonies incidental to awarding these men their medals for marksmanship indoors, and the ceremonies were held in the new auditorium at Fort Richardson. Present were the high command of the Air Force, Army, and Navy. Lt. Gen. William E. Kepner, commander in chief, and a most excellent officer, congratulated the men on their showing and expressed the wish that the scout battalion about to receive its award, numbering 400, numbered 40,000 instead.

As the ceremonies proceeded, the commanding officer of this battalion, Capt. Frank Clayton, called these guardsmen one by one to the platform, indicating the degree of award which they had received—either expert, or sharpshooter, or marksman, and thereupon, I, as Governor of Alaska and commander in chief of the National Guard, made the award. As man after man came to the platform for his award, I was more and more impressed with the large proportion that had qualified. It appeared as the roll-call progressed that it was over half, over three-fourths, over five-sixths, who were being decorated. So it seemed to me. Then Captain Clayton stepped to the microphone and said "That is all, Governor." I went to the microphone to congratulate the men of the 2d Battalion on their fine showing, and said: "As for those of you who did not make it this time, I am sure you will get an award the next time." At that point, Captain Clayton interrupted me to say: "Governor, every one of these men got an award." I turned to Maj. Gen. Julian Cunningham, commander of the infantry, on the platform, and asked him: "Is this not unusual?"

"Unusual," he replied, "it is unprecedented. I have never known of a unit with a 100-percent record like this one."

These are the men who would be under the parachutists if they should ever choose to come over from Soviet Siberia. No words of mine could add materially in praise to their record of loyalty, patriotism, and skill. We are proud of them.

Not only in the field of defense are they serving Alaska well, but also in other fields and particularly in the legislative field. For a number of years, Eskimos have been represented in the Territorial legislature and have served there with devotion and public spirit. In the first State legislature, the president of the senate was William E. Belz, an Eskimo, and there were, in addition: Eben Hopson, of Barrow, in the senate, and Charles Fagerstrom, of Nome, and John Nusunginya, of Barrow, in the house. The United States may well be proud of its Eskimo citizens of Alaska. They are first-class citizens in every meaning of the term, and a great asset to our Nation.

EXHIBIT I

[From the New York Times, May 9, 1959]

ESKIMOS HELPING TO GUARD ALASKA—GUARDSMEN IN TWO SCOUT UNITS KEEP A KEEN YEAR-ROUND WATCH ALONG COASTLINE

(By Hanson W. Baldwin)

From Cape Lisburne to the Pribilof Islands an unusual military organization, composed chiefly of Eskimos, guards the coastline of Alaska—the closest American territory to the Soviet Union.

The watchdog force is composed of two battalions of Alaska National Guard Scouts. They are scattered around the coastline from Barter Island to Bristol Bay. They augment naval patrol planes, radar stations, communications, intelligence and Air Force reconnaissance planes in observing and reporting.

The scout battalions, totaling more than 1,000 men, are on duty the year round. They report anything moving in the area—from ships to floating oil drums, aircraft, and men. They represent the only on-site ground defense of the Alaskan periphery.

Although they are equipped with weapons, their job is not primarily to fight—but to observe and to report.

As an intelligence organization they are highly effective. It is doubtful that any strangers could penetrate this human screen without detection.

The headquarters of the 1st Scout Battalion is at Nome, or the Seward Peninsula. This is a desolate town of 2,000, which has no

permanent doctor and no water mains. Its area extends from Canada, in the northeast, to St. Lawrence Island in the Bering Sea.

Ninety-five percent of the enlisted men and noncoms are Eskimos; six officers are white, nine Eskimos.

The 2d Scout Battalion has headquarters at Bethel. Its men include Eskimos, Indians, Aleuts, and whites.

ON DUTY ALL THE TIME

The men are on duty all the time, even though they maintain the regular National Guard schedule of 48 drill periods a year and 2 weeks of summer camp. The battalions are scattered in small groups. The 1st Battalion's men, for instance, live in 31 villages.

Each man keeps his M–1 rifle and ammunition and his personal equipment in his sod or frame hut. Sometimes he uses the rifle for hunting. Each detachment has a small portable radio. The noncommissioned officer in charge is responsible for maintaining a regular communication schedule with battalion headquarters, which, in turn, is linked with Alaskan Army Command Headquarters.

The men carry on their normal occupations. Many of them range widely over the Arctic ice or along the coast, hunting and fishing. But they are expected to report anything unusual they see at any time. They cover the coastline thoroughly and range well out into the Bering Strait. There are outpost detachments on St. Lawrence Island, the Pribilofs and Little Diomede Island. The last-named island is just 3 miles from Big Diomede Island, owned by the Soviet Union. The battalion commander visits his detachments by light aircraft, usually traveling 40,000 to 50,000 air miles annually. To reach some detachments he must use dog sled or skin boat.

A POINT OF PRESTIGE

Membership in the Scout battalions is proudly regarded; it conveys a local prestige. Many of the noncoms are headmen in their villages, president of the town council, or peace officers.

The reports and the discipline are both informal but effective.

Most of the men speak some English, although it is often broken and some complex military terms may have to be translated into Eskimo. The written English of their reports may be tortured, but it is always intelligible. The scouts have a remarkable facility for accurate and precise sketching and for dimensions and colors.

Master Sgt. Michael A. Okpealuk, noncom in charge of the Little Diomede Unit, has a strategic observation post, because of the island's proximity to Big Diomede. The Eskimos on the two islands are related, and used to go back and forth.

Until last year, however, the Russians had been enforcing a strict prohibition against fraternizing. But twice within the last year parties of Eskimos from Big Diomede have visited Little Diomede, gossipped and traded Russian cigarettes for American ones. Sergeant Okpealuk and his men have regularly reported these and many other incidents.

One radio report of January 22, 1959, read:

"Saw black smoke seems from stove coming out in spurts from Big D [Diomede] OP [observation post] 1200 hrs for 10 minutes weather clear observed from LDV [Little Diomede Village].

"JAMES IYAPANA, *Pfc.*"

Sergeant Okpealuk in a written "unusual incidents" report told his superiors that "I arrived here [Little Diomede] 16th of this month from Kotzebue after I return from Dexter encampment.

"Letter reports for the next four months may be delayed getting to you as usual for reason of no mail service but I will try all effort to send them by radio."

The Scout Battalions are some of the most unusual, but most effective units in the entire National Guard.

A dispatch from Adak, Alaska, published in the New York Times on February 13, mentioned a "winter night in 1944 when Capt. Hooley Gearing's boys stole the [Officers' Club] slot machine so he could play it on his flagship while his destroyers were en route to bombard the Kuriles."

Robert Lubar who is now on Fortune magazine, but in 1944 was an officer on Captain Gearing's flagship (U.S.S. *Picking*), writes that he has "conducted a 360-degree search of my memory and has failed to turn up any recollection of the slot machine being hauled aboard the flagship."

"I must add," he writes, "there is a ringing plausibility to the tale. The legend does no injustice to those of us who were aboard the flagship. There is incentive for taking along a borrowed slot machine on a bombardment run in which it is impossible to see the enemy or the target."

A SALUTE TO THE REPORTER MAGAZINE AND THE PROGRESSIVE MAGAZINE—INDEPENDENT JOURNALISM IN AMERICA

Mr. YARBOROUGH. Mr. President, since the founding of The Progressive by the late Senator Robert M. La Follette, Sr., of Wisconsin, in 1909, and the establishment of the Reporter 10 years ago by Mr. Max Ascoli, the field of independent thought and outspoken, unintimidated, journalism has worn a brighter face in America.

It is national journals of opinion such as these which provide an explanation and a greater interest in the vital happenings in our world.

Mr. President, in recognition of these two independent publications, I request unanimous consent to have printed in the CONGRESSIONAL RECORD an editorial from the Washington Post and Times Herald for Monday, May 11, 1959, under the heading "Tributaries of Opinion."

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

TRIBUTARIES OF OPINION

The main stream of public opinion sometimes might not move at all without the tributaries that replenish and animate the more lethargic currents of thought. It is in this sense that our journals of opinion play so vital a role; without the multifarious weeklies and monthlies, both liberal and conservative, our public debates might be lifeless indeed. Two journals which have honorably fulfilled this function are the Reporter and the Progressive. Both deserve a salute as they celebrate anniversaries in a field where survival is a distinction itself.

Ten years ago, Max Ascoli founded the Reporter as a liberal-minded fortnightly of opinion, and within that decade circulation has jumped from 15,000 to 125,000. The reason for this response can be found in the well-edited pages of the magazine, which has managed to combine sprightliness with substance. Especially memorable have been the extended articles which the Reporter has devoted to subjects ranging from Jimmy Hoffa to the China Lobby. The Progressive also falls on the liberal end of the spectrum. Launched in 1909 by Wisconsin's great Senator Robert M. La Follette, Sr., the monthly has become known as an authentic and vigorous voice of Midwest liberalism. Editor Morris Rubin performed a particularly appropriate service 5 years ago by devoting an issue to Joe McCarthy, the curious successor to La Follette's Senate seat.

Yet given the invaluable catalytic function of magazines like these, it is distressing to look at the economic realities. Without the help of a private fortune, Mr. Ascoli's now-solvent magazine could not have survived; the Progressive is supported by annual contributions from its subscribers. The venerable liberal weeklies like the New Republic, Nation and New Leader, as well as their conservative counterparts such as the National Review, have all depended to some extent on private help. A score of magazines have perished in recent years due to rising costs. This ruthless natural selection could lead to a suffocating sameness. Surely the national journals of opinion, which have stimulated so much debate on other matters, might well inspire some discussion on how diversity in published opinion may be assured.

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

Mr. YARBOROUGH. I yield.

Mr. PROXMIRE. I believe the Progressive magazine refers to what was the old La Follette Weekly published in Madison, Wis.

Mr. YARBOROUGH. The Senator is correct.

Mr. PROXMIRE. As a Senator from Wisconsin who is conscious of the great traditions of old Bob La Follette, and the way the Progressive magazine has fought to keep those traditions alive, I am very happy to join the Senator and to thank him for inserting this editorial in the RECORD.

Like all liberal magazines, the Progressive magazine has had a great struggle to keep its head above water. It has been fighting the cause of liberalism for a long time, against great odds, and has been doing an outstanding job.

Mr. YARBOROUGH. I thank the Senator from Wisconsin for his contribution.

The editorial in the Washington Post of today points out how independent sources of income were obtained by the Progressive magazine to keep it alive, and how the people of Wisconsin made contributions to it to keep it alive. Its income from the publishing activity was not sufficient.

The publisher of the Reporter magazine is a man of considerable wealth, who has put into that enterprise a great deal of his private means. The subscription list of the Reporter has grown from 15,000 to 100,000, and it is now in a stronger financial position.

I am glad the distinguished Senator from Wisconsin has helped to call these facts to the attention of the American people.

SIGMA DELTA CHI FOUNDERS DAY

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD a proclamation issued by the Governor of North Dakota fixing April 17, 1959, as Sigma Delta Chi Founders Day.

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

Whereas Friday, April 17, 1959, is the 50th anniversary of the founding of Sigma Delta Chi, the national professional journalistic fraternity—an organization dedicated to the highest ideals of journalism; and

Whereas members of this organization include a majority of North Dakota's working professional newsmen, who labor continually and unselfishly to further the progress of their State and contribute to the knowledge of its citizens; and

Whereas the North Dakota members of Sigma Delta Chi, like their 17,000 fellow members elsewhere in the Nation, have strived ceaselessly for preservation of the people's right to a free press; and

Whereas the State of North Dakota is privileged to have among its organizations an undergraduate chapter of Sigma Delta Chi at the University of North Dakota, as well as the statewide North Dakota Professional Chapter of the fraternity:

Now, therefore, I, John E. Davis, Governor of the State of North Dakota, do hereby proclaim Friday, April 17, 1959, as "Sigma Delta Chi Founders Day" in North Dakota and urge all of its citizens to pay tribute to Sigma Delta Chi, expressing appreciation to its members for the work they do to keep us informed, promote our State and community enterprises, and protect our rights and privileges.

In affixing my signature to this proclamation, I take especial note of the fact that members of Sigma Delta Chi will be in Williston April 16 and 17 to observe their golden anniversary with fitting exercises, and to participate in the annual meeting of the North Dakota Press Association.

Given under my hand and the great seal of the State of North Dakota here in my office in the State capitol at Bismarck, N.Dak., this 9th day of April 1959.

JOHN E. DAVIS,
Governor.

Attest:

BEN MEIER,
Secretary of State.

RESPONSIBILITY FOR FARM LEGISLATION

Mr. LANGER. Mr. President, this morning I received a radio broadcast reprint from the Farmers Union Grain Terminal Association, St. Paul, Minn., dealing with the farm bill and wheat in particular.

It is a sad reflection when the Democratic Party controls approximately two-thirds of the House and Senate, that November, December, January, February, March, and April—nearly one-half the year—has gone by since the election, and no farm bill has yet been reported to either the House or the Senate. The Democrats have the votes. They would be joined by many Republicans from farm States to pass a good, effective farm bill, and have the votes to override a veto. I believe in putting the responsibility squarely where it belongs, and it is on the Democratic majority.

I ask consent to have the broadcast printed in the RECORD.

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

GTA DAILY RADIO ROUNDUP FOR TUESDAY, MAY 5, 1959

What's happening in Congress on new wheat legislation? We'd like to give you an encouraging report but the truth is that neither the Senate nor the House farm committee has yet reported out a wheat bill.

Let's take a look today at a big city newspaper's view of the situation. The Wall Street Journal, the business newspaper, says that wheat legislation is heading for a snarl and that hopes are dimming for action this year.

"Almost everyone wants a new attack on the No. 1 surplus problem," the Journal comments, "but there's little agreement on how to do it." Less than a month remains until June 1 which is Congress' new deadline for Secretary of Agriculture Benson's announcement on wheat referendum choices.

The newspaper explains that "Congress is badly split. A sliding scale Senate bill would offer growers increased price props in return for voluntary acreage cuts. A House measuse would boost the support level from 75 percent of parity to 85 percent, but would clamp on tighter planting controls."

So what is going to happen? Here's the way the Wall Street Journal weighs the situation: "There's little time to reconcile House-Senate differences and produce a single bill in time to cover the 1960 crop. Meanwhile, Benson talks tough, hinting he'll urge a veto of any bill that raises price supports. This threat makes a House-Senate compromise harder. In fact, the newspaper indicates, Secretary Benson is content to leave Congress dangling. He hasn't made a concrete wheat proposal but he's let it be known in congressional circles that he wants no wheat program at all—and only very low price supports.

So the Secretary is playing a waiting game, apparently, and the Wall Street Journal points out that he hopes for a city revolt against farm programs that will gain him his ends in Congress.

And, actually, the farm Secretary is pushing hard for that revolt. In speech after speech, usually before city or business audiences, he is attacking the cost of farm aids, saying they account for the greatest amount of money spent on agriculture by any government.

There's no doubt that Members of Congress are getting pressure from some of the millions of people who hear and read these statements and, unfortunately, believe them. According to United Press reports, the administration is playing for a revolt on the Senate and House floors against the recommendations of their farm committees.

So you see the strategy by which the administration seeks to kill the wheat program.

But the farmers have some very good friends in Congress and they are working hard to hold, and even improve, the wheat program for 1960 and 1961. And may we suggest that letters from you farmers might help to swing the tide in their favor?

We'll keep you posted on developments in Congress as they occur, so tune in to the radio program brought to you by the farmers of GTA, the co-op way.

AWARD TO DR. ANNE H. CARLSEN AS HANDICAPPED AMERICAN OF THE YEAR

Mr. LANGER. Mr. President, Dr. Anne H. Carlsen, of Jamestown, N. Dak., was highly honored this morning by having presented to her by the Vice President of the United States the eighth annual President's Trophy as the Handicapped American of the Year. This award is given annually by the President's Committee on Employment of the Physically Handicapped in the name of the President of the United States.

Mr. President, it was a distinct pleasure and privilege for me to sit in the audience with the family and friends of Dr. Carlsen, who came from North Dakota to witness this splendid occasion at the Departmental Auditorium in Washington, D.C. Dr. Carlsen, who was born without feet or hands, has devoted her entire life to the rehabilitation and education of severely handicapped children, and has developed a worldwide reputation for her wonderful and amazing accomplishments.

Mr. President, yesterday the congressional delegation from North Dakota had Dr. Carlsen and a few of her friends at a luncheon in her honor in the Senate dining room, where we had the opportunity to discuss with her some of the problems affecting the handicapped. Pondering the wonderful work this courageous lady has been doing in her lifetime, reemphasizes in our minds the great need for legislation to aid the needy and the handicapped.

On behalf of the people of North Dakota, I extend our deepest thanks and congratulations to Dr. Carlsen for not only gaining this outstanding honor of being named the Handicapped American of the year, but because of her dedicated service to her fellow sufferers, the physically handicapped.

Upon receiving this award, Dr. Carlsen made a concise but truly touching appreciation speech when she in part said:

Mr. Vice President, you will agree with me when I say that America is truly a great country when an ordinary person such as me is honored by the President of the United States for doing an ordinary job for her country.

Mr. President, I ask unanimous consent that the press release issued by the President's Committee on Employment of the Physically Handicapped be printed in full at the conclusion of my remarks.

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

NORTH DAKOTA WOMAN WITH DOCTOR OF PHILOSOPHY DEGREE WINS PRESIDENT'S TROPHY, 1958

Born without feet or hands, Anne H. Carlsen, Ph. D. of Jamestown, N. Dak., has climaxed a lifetime of dedicated service to her fellow sufferers from impairment by being named to receive the eighth annual President's Trophy as the Handicapped American of the Year. It is awarded annually by the President's Committee on Employment of the Physically Handicapped in the name of the President of the United States.

Dr. Carlsen will receive the award May 7 at the annual meeting of the President's committee in the Departmental Auditorium, Washington, D.C.

Dr. Carlsen, who is superintendent of the Crippled Children's School, Jamestown, N. Dak., has devoted her entire lifetime to the rehabilitation and education of severely handicapped children and has developed an international reputation for her amazing accomplishments. While her school is frequently compared to the famous Mayo Clinic, Rochester, Minn., she hastens to protest that the Crippled Children's School "is in every sense of the word, a school."

Dr. Carlsen was nominated for the high honor by the North Dakota Governor's Committee on Employment of the Physically Handicapped, Walter R. Johnson, chairman. Her nomination was personally supported by Gov. John E. Davis, of North Dakota; Gov. Joe Foss, South Dakota; Gov. William G. Stratton, Illinois; Gov. Herchel C. Loveless, Iowa; and Gov. J. Hugo Aronson, Montana. Scores of her former students and many officials, prominent in the rehabilitation field in the Midwest, also added their approval to Dr. Carlsen's nomination.

Dr. Carlsen's life story is an inspiration for anyone who has ever suffered a physical disability or who has come in contact with physically impaired people in daily life. For years she was a teacher and a guiding spirit of physically handicapped children in North Dakota. Her own struggle which she has so ably won, has prompted many admirers to say that she is the "completely adjusted handicapped woman."

Dr. Carlsen was born in Grantsburg, Wis. She had only stubs of arms that ended above the elbow. One leg ended above the knee and the other was malformed, terminating in a clubfoot. At 4 her mother died. Her father, Alfred Carlsen, and a 13-year-old sister gave every encouragement to the little girl and soon she was playing games with the rest of the children and even managed to participate in an amended version of baseball with the assistance of a coaster wagon. Hers was a long uphill struggle including a long siege in a hospital to straighten contractures of her knees. This done, she was fitted with artificial legs and soon learned to use crutches. She has amazing dexterity with the stumps of her arms and manages to write a beautiful hand. Her most recent accomplishment was to qualify as a driver of a motor car.

"The spirit is a wonderful thing," Dr. Carlsen says, "I know what I can do."

Since taking over the reins at the Crippled Children's School in Jamestown in 1950, Dr. Carlsen has developed an international reputation for her genius in rehabilitating severely handicapped boys and girls. Numbers of severely impaired students leave the school each year, thoroughly trained for social independence. Many go on to college and win advanced degrees. One of Dr. Carlsen's prize pupils, a victim of cerebral palsy, is now a research physicist with the Federal Government. Dr. Carlsen's reputation has attracted physically handicapped students from as far away as Puerto Rico, Canada, and Alaska. At the present time, children from 15 States and Canada are enrolled in the Jamestown School.

Those who know Dr. Carlsen say she is a constant inspiration to her students. Much of her social time she spends with graduates of her school. To indicate her lifelong preoccupation with the problems of children, she received her doctorate for a thesis on the subject "A Comparative Study of the Response of Crippled and Noncrippled Adolescents on Some Personality and Interests Tests."

The President's Trophy is created each year by handicapped students at the Institute for the Crippled and Disabled, New York City, Willis C. Gorthy, director. It is a handsome metal plaque on a polished wooden base bearing a suitable inscription to the trophy winner and includes the signature of the President of the United States in facsimile.

The awards committee selected the 1958 winner.

FREE MARKET IN EGGS AND POTATOES

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have received from Leif Ringsruds, of Mayville, N. Dak., regarding a free market in eggs and potatoes.

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

TRAILL COUNTY FARMERS UNION,
Mayville, N. Dak., May 1, 1959.

DEAR SENATOR LANGER: We would like to see our acreage cut and an increase in price supports rather than a free market. We have a free market in eggs and potatoes now, and it is taking us further into debt. The eggs are 17 cents a dozen. The chickens don't pay for the feed consumed. When we sell the hens, we can get 5 cents and 7 cents a pound.

Yours sincerely,

LEIF RINGSRUDS.

OPPOSITION TO CREATION OF ADDITIONAL ADMINISTRATIVE ORGANIZATIONS TO CONDUCT AGRICULTURAL RESEARCH

Mr. LANGER. Mr. President, the Honorable Arlon G. Hazen, dean and director, Agricultural Experiment Station, Fargo, N. Dak., has written me in opposition to Senate bill 690. He pointed out that the Agriculture Experiment Station directors of our land grant colleges and universities have taken the position of opposing the creation of additional administrative organizations for conducting this kind of research.

Dr. Hazen agrees with the position taken by the experiment station directors. He further points out that an additional administrative unit would be unnecessary when we consider the rather elaborate machinery already in existence in the U.S. Department of Agriculture and in the individual States.

Mr. President, I ask unanimous consent that Dr. Hazen's letter, from the North Dakota congressional delegation, be printed in the RECORD at this point.

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

NORTH DAKOTA AGRICULTURAL COLLEGE,
AGRICULTURAL EXPERIMENT STATION,
State College Station, Fargo, N. Dak., April 22, 1959.

Hon. WILLIAM LANGER,
Senator.
Hon. MILTON R. YOUNG,
Senator.
Hon. QUENTIN N. BURDICK,
Representative.
Hon. DON L. SHORT,
Representative.

GENTLEMEN. The CONGRESSIONAL RECORD of April 16 shows that the Senate Committee on Agriculture and Forestry reported, without amendment, Senate bill 690. It is my understanding that this bill is almost identical with Senate bill 4100 of last year and provides for a separate administration for utilization research with agricultural products.

The agricultural experiment station directors of our land-grant colleges and universities have taken the position of opposing the creation of additional administrative organizations for conducting this kind of research. This letter is intended to relay to you my personal agreement with the experiment station directors' position.

I am keenly aware of your tireless efforts in support of a better agriculture for North Dakota and for our Nation, and I know your wisdom and decisions are based upon long experience. I do not know whether you favor or disfavor a new and separate administration such as is provided in Senate bill 690.

It would seem to me that an additional administrative unit would be unnecessary when we consider the rather elaborate machinery already in existence in the U.S. Department of Agriculture and in the individual States. Here I am referring specifically to the Agricultural Research Service and the Agricultural Marketing Service as well as the Federal-Grant program which is administered by the USDA, ARS in cooperation with the several State agricultural experiment stations. I believe our research dollars would stretch further in these established organizations than in a new administrative organization.

Sincerely,

ARLON G. HAZEN,
Dean and Director.

ROUNDTABLE DISCUSSION MEETINGS OF DEMOCRATIC SENATORS

Mr. GORE. Mr. President, some weeks ago I reported to the Senate on the series of informal round-table discussion meetings of Democratic Senators, which at that time had just begun. From the very beginning, the response to these meetings has been excellent, and I feel that each of the sessions has proven most informative and helpful.

We have been fortunate in obtaining as invited guests to head the discussions in the Old Supreme Court Chamber of the Capitol some of the leading intellectuals and authorities of our Nation. Guest speakers have included Dr. Henry A. Kissinger, of Harvard University, whose topic was "Central European Security"; Dr. Raymond L. Garthoff, author of "Soviet Strategy in the Nuclear Age," who led a discussion based upon the general subject area of his book; Dr. Gardiner C. Means, a leading economist, and Mr. Leon Keyserling, Chairman of the Council of Economic Advisers to President Truman, who gave their views on "Inflation, Employment, and Growth"; and the Honorable Dean Acheson. "The Position of the West," relating to the Geneva Conference of Foreign Ministers, was Mr. Acheson's subject at the meeting last Tuesday evening, and Mr. George Kennan, of The Institute for Advanced Study, Princeton, N.J., will give us his views on this same subject at the meeting tomorrow evening.

I take this means of inviting each Democratic Senator to participate in an examination of this timely subject.

It is contemplated that this series of meetings will continue through the month of May. Dr. Arnold Oscar Wolfers of the Johns Hopkins School of Advanced International Study has consented to lead a group discussion on the following Tuesday, May 19, on the topic of "Orientation for Tomorrow's International Problems."

The following week our guest will be Dr. Herbert York, Director of Defense Research and Engineering. His subject will be "Science and Defense."

Mr. President, since this series of roundtable meetings has been in progress, a total of 44 Democratic Senators have attended one or more of the sessions. The Geneva Conference, to which our topic tomorrow evening will relate, is of utmost significance. The discussion tomorrow evening at 6 p.m. in the Old Supreme Court Chamber by Dr. Kennan should be particularly provocative. It may well be that his views will differ from those expressed by Mr. Acheson last Tuesday evening. Dr. Wolfers may view our problems still differently. This should make these discussions and studies the more helpful.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

SAN LUIS UNIT, CENTRAL VALLEY PROJECT, CALIFORNIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

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.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS] for himself and the Senators from Oregon [Mr. MORSE and Mr. NEUBERGER].

DEFERMENT OF PROCLAMATION OF MARKETING QUOTAS AND ACREAGE ALLOTMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 226, Senate Joint Resolution 94.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 94) to defer the proclamation of marketing quotas and acreage allotments for the 1960 crop of wheat until June 1, 1959.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ELLENDER. Mr. President, I wish to thank the acting minority leader, as well as the acting majority leader, for permitting action to be taken on the joint resolution at this time.

The Secretary of Agriculture appeared before our committee on February 16 and 17 of this year, and among other things stated that in his opinion something should be done about wheat, by way of revision of the present laws.

Upon my recommendation he agreed to submit the administration proposal in bill form to the committee. This was received on March 12, 1959.

Earlier, on February 18, I had suggested to the committee that hearings be held as expeditiously as possible after receipt of the Secretary's proposal. Again on March 13, I suggested to the committee that since the administration's proposal had been received, the subcommittee responsible for price support legislation should consider holding hearings at an early date.

Thereupon the chairman of the subcommittee [Mr. JOHNSTON of South Carolina] scheduled hearings on wheat legislation on March 20, through the 25th.

During these hearings all farm organizations interested in wheat were heard, as well as the Department of Agriculture officials. I might say that all appearing before the committee presented different and in some cases diverse views as to what should be done about the wheat situation.

Following the wheat hearings the committee met on April 15 at which time the wheat problem was again discussed and a decision to hold further hearings on a committee print was made. These hearings were held on April 22. Again the committee attempts to find some area of agreement for stopgap legislation met with failure.

Since these last hearings the Committee on Agriculture has held four executive sessions during which wheat legislation was discussed but as yet has been unable to develop any legislation which would satisfy the divergent views of those interested in wheat.

All of us are in agreement that some action is necessary, but the solution of the problem is one which is rather difficult to find. The Committee on Agriculture and Forestry has been trying to draft some legislation to take the place of the present law, beginning with the 1960 crop. Unless such proposed legislation is enacted before May 15, acreage allotments and marketing quotas for the 1960 crop will have been proclaimed under existing law, so that any subsequent change in the rules will cause a certain amount of confusion and misunderstanding. The joint resolution before us would extend the time for the proclamation of marketing quotas and acreage allotments from May 15 to June 1. It is my hope that, in the meantime, the committee can report to the Senate a wheat bill which will be acceptable to the Congress.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture shall defer until June 1, 1959—

(1) any proclamation under section 332 of the Agricultural Adjustment Act of 1938, as amended, with respect to a national acreage allotment for the 1960 crop of wheat; and

(2) any proclamation under section 335 of such Act with respect to marketing quotas for such crop of wheat.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand adjourned until noon tomorrow.

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

INSURANCE OF SHIP MORTGAGES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 206, S. 1434.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1434) to amend title XI of the Merchant Marine Act, 1936, as amended, with respect to insurance of ship mortgages, and for other purposes.

The PRESIDING OFFICER. Is there objection to the unanimous consent of the Senator from Montana?

Mr. KUCHEL. Does the able acting majority leader contemplate having a quorum call?

Mr. MANSFIELD. Not at this time, because the Senator from Wisconsin [Mr. PROXMIRE] would like to address the Senate on another matter, and when he completes his address I shall suggest the absence of a quorum, so that the Senator from Delaware [Mr. WILLIAMS] may be present to ask questions of the Senator from Washington [Mr. MAGNUSON].

Mr. KUCHEL. Does the Senator from Wisconsin desire to speak on the pending measure?

Mr. MANSFIELD. No.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interstate and Foreign Commerce with amendments.

(Mr. PROXMIRE addressed the Senate in tribute to J. Edgar Hoover, Director of the FBI. His speech appears earlier in today's RECORD, following other speeches on the same subject.)

INSURANCE OF SHIP MORTGAGES

The Senate resumed the consideration of the bill (S. 1434) to amend title XI of the Merchant Marine Act, 1936, as amended, with respect to insurance of ship mortgages, and for other purposes.

The amendments of the Committee on Interstate and Foreign Commerce were on page 2, line 17, after the word "vessel", to insert "(or if the keel of the vessel was laid under such contract prior to the enactment of this act, and the vessel owner or prospective owner has an unexpired commitment from the Secretary of Commerce to insure a mortgage on the vessel, issued prior to enactment of this act under the law then existing, then prior to the expiration of such commitment),"; on page 3, line 1, after the word "construction", to insert "reconstruction, or reconditioning"; in line 4, after the word "construction", to insert "reconstruction or reconditioning"; at the beginning of line 7, to strike out

"either separately or in conjunction with a transfer of the vessel" and insert "without the prior written approval of the Secretary of Commerce"; in line 10, after the word "not", to insert "at the time of insuring the mortgage pursuant to the commitment"; after line 21, to strike out:

(4) the mortgage involves a principal obligation which when added to the unpaid balance of the principal obligations of prior mortgages on the vessel will result in a sum which will not, (a) if the vessel was not built with aid of construction-differential subsidy and complies with the requirements of section 509 of this Act, exceed 87½ per centum of actual cost of such vessel depreciated at the rate of 5 per centum per annum from the date such vessel is delivered by the shipbuilder to the date such mortgage is executed, and (b) if the mortgaged vessel was built with the aid of construction differential subsidy or does not comply with the requirements of section 509 of this Act, exceed 75 per centum of such amount.

And, in lieu thereof, to insert:

(4) the mortgage involves a principal obligation which when added to the unpaid balance of the principal obligations of prior mortgages on the vessel (other than mortgages that are being refinanced by this mortgage) will result in a sum which will not, (a) if the vessel was not built with the aid of construction-differential subsidy and complies with the requirements of section 509 of this Act exceed (A) if the vessel has not been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the mortgagor has paid or is obligated to pay for the construction (including designing, inspecting, outfitting, or equipping) of the vessel, depreciated at the rate of 5 per centum per annum from the date the vessel was delivered by the shipbuilder to the date such mortgage is executed, or (B) if the vessel has been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the mortgagor has paid or is obligated to pay for the construction (including designing, inspecting, outfitting, and equipping) of the vessel, depreciated at the rate of 5 per centum per annum from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning, and depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, plus 87½ per centum of all amounts the mortgagor has paid or is obligated to pay for the reconstruction or reconditioning of the vessel (if such reconstruction or reconditioning was done without aid of construction subsidy and the vessel complies with the requirements of section 509 of this Act; otherwise, 75 per centum of such amount), depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, and (b) if the vessel was built with the aid of construction-differential subsidy, or does not comply with the requirements of section 509 of this Act, exceed the amount computed under (a) above except that, where (a) above provides for 87½ per centum of the construction cost of the vessel, the percentage shall be 75 per centum.

On page 6, after line 4, to strike out:

(5) the mortgage has maturity dates which do not exceed the remaining years of a useful life of the mortgaged vessel of twenty years computed from the date the vessel was delivered by the shipbuilder.

And, in lieu thereof, to insert:

(5) the mortgage has maturity dates which, if the vessel has not been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the mortgaged vessel of twenty years computed from the date the vessel was delivered by the shipbuilder or, if the vessel has been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the vessel determined jointly by the Secretary of the Treasury and the Secretary of Commerce.

After line 17, to strike out:

(6) the loan agreement for the making of the loan secured by the mortgage, or the mortgage, provides that the loan, except such portion thereof as it has been agreed will be used to refinance an existing mortgage on the vessel which has been insured by the Secretary of Commerce, will be disbursed by the mortgagee to a shipbuilder in payment, on behalf of the mortgagor, of part of the contract price for the construction of a vessel contracted for by the mortgagor which has not yet been delivered.

And, in lieu thereof, to insert:

(6) the loan agreement for the making of the loan secured by the mortgage, or the mortgage, provides that the underwriter or mortgagee will disburse the loan for one or more of the following purposes: (a) to pay one of the components of actual cost of the vessels to be constructed, reconstructed, or reconditioned and, if any such payment is to reimburse the operator for payments made from his capital reserve fund, to deposit such payment in his capital reserve fund, or (b) to pay part of the loan to discharge an existing mortgage which is insured by the Secretary of Commerce on the vessel that is subject to the mortgage which is to be insured, or (c) to deposit part or all of the loan in the operator's capital reserve fund, if he is a subsidized operator, and in a construction reserve fund, if he is an unsubsidized operator; if any deposit is made in a capital reserve fund, or construction reserve fund under (c) hereof, such deposit may be withdrawn only to pay one of the components of actual cost of the vessels that are to be constructed, reconstructed, or reconditioned, or if for any reason such payments do not exhaust the deposit, then to pay off the loan secured by the mortgage that is to be insured.

On page 8, after line 8, to strike out:

(8) the mortgaged vessel is in as good condition as it would have been in if it had been mortgaged immediately after delivery by the shipbuilder (and remained subject to such mortgage until the date of execution of this mortgage) and such mortgage had been insured by the Secretary of Commerce, and all requirements of the Secretary of Commerce with respect to a vessel on which he has insured the mortgage had been complied with.

And, in lieu thereof, to insert:

(8) the mortgaged vessel shall be in class A-1, American Bureau of Shipping, with all required certificates, including but not limited to marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong, and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair and in all respects fit for service.

And, on page 9, after line 3, to insert:

SEC. 2. Section 1104(a)(2) of the Merchant Marine Act, 1936, as amended, is amended by striking out of the proviso the words: "That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, which is eligible for mortgage aid" and inserting in lieu thereof the words: "That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is, or in the case of a vessel to be reconstructed or reconditioned would have been, eligible for mortgage aid for construction".

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 title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271–1279), is amended—

(1) by redesignating sections 1107, 1108, and 1109 as sections 1108, 1109, and 1110;

(2) by striking out of section 1102 the reference "section 1109" and inserting in lieu thereof the reference "section 1110";

(3) by striking out of section 1104(f) the reference "sections 1101–1109" and inserting in lieu thereof the reference "sections 1101–1110";

(4) by striking out of section 1106, before the dash, the word "except" and inserting in lieu thereof the words "except as provided in section 1107 or"; and

(5) by inserting after section 1106 a new section 1107 to read as follows:

"SEC. 1107. The Secretary of Commerce is authorized, upon such terms as he may prescribe, to make a commitment to the prospective owner of a vessel who is a citizen of the United States, prior to the time when the keel of such vessel is laid under a contract which such prospective owner has made with the shipbuilder for the construction of the vessel (or if the keel of the vessel was laid under such contract prior to the enactment of this Act, and the vessel owner or prospective owner has an unexpired commitment from the Secretary of Commerce to insure a mortgage on the vessel, issued prior to enactment of this Act under the law then existing, then prior to the expiration of such commitment), to insure the interest on and the unpaid balance of the principal of a mortgage or mortgages which such prospective owner, as mortgagor, may at any time place on the vessel in order to finance the construction, reconstruction, or reconditioning of other vessels or both to refinance a mortgage insured by the Secretary of Commerce on the vessel and to finance the construction, reconstruction or reconditioning of other vessels, subject to the following conditions—

"(1) the commitment shall not be assignable without the prior written approval of the Secretary of Commerce;

"(2) the vessel is not, at the time of insuring the mortgage pursuant to the commitment, subject to a mortgage which has not been insured by the Secretary of Commerce;

"(3) within a reasonable period prior to, or at the time of, insuring the mortgage pursuant to the commitment, the Secretary of Commerce makes the finding required by section 1104(c) of this Act (which requires a finding that the mortgaged vessel or the project with respect to which the mortgaged vessel is to be operated will be, in the opinion of the Secretary of Commerce, economically sound);

"(4) the mortgage involves a principal obligation which when added to the unpaid balance of the principal obligations of prior mortgages on the vessel (other than mortgages that are being refinanced by this

mortgage) will result in a sum which will not, (a) if the vessel was not built with the aid of construction-differential subsidy and complies with the requirements of section 509 of this Act exceed (A) if the vessel has not been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the mortgagor has paid or is obligated to pay for the construction (including designing, inspecting, outfitting, or equipping) of the vessel, depreciated at the rate of 5 per centum per annum from the date the vessel was delivered by the shipbuilder to the date such mortgage is executed, or (B) if the vessel has been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the mortgagor has paid or is obligated to pay for the construction (including designing, inspecting, outfitting, and equipping) of the vessel, depreciated at the rate of 5 per centum per annum from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning, and depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, plus 87½ per centum of all amounts the mortgagor has paid or is obligated to pay for the reconstruction or reconditioning of the vessel (if such reconstruction or reconditioning was done without aid of construction subsidy and the vessel complies with the requirements of section 509 of this Act; otherwise, 75 per centum of such amount), depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, and (b) if the vessel was built with the aid of construction-differential subsidy, or does not comply with the requirements of section 509 of this Act, exceed the amount computed under (a) above except that, where (a) above provides for 87½ per centum of the construction cost of the vessel, the percentage shall be 75 per centum:

"(5) the mortgage has maturity dates which, if the vessel has not been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the mortgaged vessel of twenty years computed from the date the vessel was delivered by the shipbuilder or, if the vessel has been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the vessel determined jointly by the Secretary of the Treasury and the Secretary of Commerce:

"(6) the loan agreement for the making of the loan secured by the mortgage, or the mortgage, provides that the underwriter or mortgagee will disburse the loan for one or more of the following purposes: (a) to pay one of the components of actual cost of the vessels to be constructed, reconstructed, or reconditioned and, if any such payment is to reimburse the operator for payments made from his capital reserve fund, to deposit such payment in his capital reserve fund, or (b) to pay part of the loan to discharge an existing mortgage which is insured by the Secretary of Commerce on the vessel that is subject to the mortgage which is to be insured, or (c) to deposit part or all of the loan in the operator's capital reserve fund, if he is a subsidized operator, and in a construction reserve fund, if he is an unsubsidized operator; if any deposit is made in a capital reserve fund, or construction reserve fund under (c) hereof, such deposit may be withdrawn only to pay one of the components of actual cost of the vessels that are to be constructed to be reconstructed, or reconditioned, or if for any reason such payments do not exhaust the deposit, then to pay off the loan secured by the mortgage that is to be insured;

"(7) the mortgage complies with all of the requirements of section 1104(a) of this Act (which defines an eligible mortgage) except subdivision 2 thereof (which specifies the maximum principal amount of the mortgage), subdivision 3 thereof (which specifies the maximum duration of the mortgage), and subdivision 8 thereof (which specifies the purpose of the loan secured by the mortgage);

"(8) the mortgaged vessel shall be in class A-1, American Bureau of Shipping, with all required certificates, including but not limited to marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations neecssary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong, and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair and in all respects fit for service."

SEC. 2. Section 1104(a)(2) of the Merchant Marine Act, 1936, as amended, is amended by striking out of the proviso the words: "That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, which is eligible for mortgage and" and inserting in lieu thereof the words: "That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is, or in the case of a vessel to be reconstructed or reconditioned would have been, eligible for mortgage aid for construction".

Mr. MANSFIELD. 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. MAGNUSON. 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. MAGNUSON. Mr. President, Senate bill 1434 amends title XI of the Merchant Marine Act of 1936, as amended. The bill was reported unanimously by the Committee on Interstate and Foreign Commerce.

At present, under the act of 1936, the owner of a vessel must borrow money for a mortgage on ship construction at the time the mortgage is instituted by the Maritime Board. Usually that is when the keel is laid and the vessel is about ready to be built in the dock.

The bill would permit flexibility of financing by allowing the owner of a vessel to use his own money and to take advantage, perhaps, of low interest rates at a given time; then later, apply the mortgage on the vessel, and the mortgage would be picked up as of the terms of the original mortgage when it was placed by the owner.

The best description of the purpose of the bill is given by the Comptroller General of the United States, who, as everyone knows, watches such matters as this very closely. In a letter dated March 24, 1959, the Comptroller General said:

This arrangement—

That is, as proposed by the amendment—

would delay borrowings until needed, and could result in a saving in interest and mortgage insurance costs, a reduction in the life of the insured mortgage, a better utilization of reserve funds by subsidized operators, and greater flexibility in the financing of new ship construction. Furthermore, the conditions under which the insurance commitment must be exercised appear adequate to safeguard the interests of the Government.

The bill was proposed by the Department of Commerce and the other Government agencies concerned and was highly recommended by all of them. I introduced the bill at their request. After hearings, the bill was reported unanimously by the committee.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. WILLIAMS of Delaware. If a vessel is built by the United States Government on a contractual basis and is then later sold to a shipping company at a lower price, under the bill the mortgage could not be, as I understand it, for more than 87½ percent of the lower purchase price from the Government? Is that correct?

Mr. MAGNUSON. That is correct.

Mr. WILLIAMS of Delaware. Under no circumstances would the construction be financed on a relationship to the total cost originally.

Mr. MAGNUSON. That is correct.

Mr. WILLIAMS of Delaware. The specific example I had in mind was the *United States*, which was built at a cost of about $100 million and was sold back to the operator at a price of about $40 million. I wanted to be certain that under the bill a mortgage could not be guaranteed by the Government for 87½ percent of the original cost but that the formula would apply only to the lowest sale price or lowest cost figure.

Mr. MAGNUSON. It is my understanding from the testimony and also from the interpretation made by the Comptroller that under any such arrangement as the Senator suggests the Comptroller General would refuse to make payment.

Mr. WILLIAMS of Delaware. That was my understanding of the bill after a study of it. But I wanted to be certain that the legislative background is clear that it is the intent that under no circumstances would more than 87½ percent of the cost to the owner be granted, after all subsidies had been taken into consideration and that under no circumstances would the Federal Government be guaranteeing a mortgage higher than a price for which they may have sold the ship.

Mr. MAGNUSON. That is correct.

I think the bill will greatly aid an urgently needed ship construction program, because it will allow subsidized lines to use their otherwise idle reserve funds and make ship construction more advantageous for themselves and the Government as well.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that that portion of the committee report dealing with the effects of the bill and the effects of the amendments, together with the communications from the Government departments, be printed at this point in the RECORD.

There being no objection, the portion of the report (No. 206) referred to was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

Title XI of the Merchant Marine Act, 1936, as amended, authorizes the Secretary of Commerce to insure ship mortgages which in principal amount do not exceed 75 percent, or in some cases 87½ percent, of the actual cost of construction, reconstruction, or reconditioning of the vessel mortgaged. Under existing law, a vessel mortgage is not insurable unless it is placed on the vessel before it is delivered by the shipbuilder.

This bill would amend existing law so as to allow the steamship operators to defer placing the mortgage on the ship until such time as they could get the best possible interest rate, yet still retain the right to be eligible for mortgage insurance. At the same time there would be no increase of Government risk or need for additional Federal expenditure under the legislation.

NEED FOR THE LEGISLATION

The administration, the industry, and the Congress have recognized the need for greater flexibility on the part of the shipping industry in the financing of vessel construction, reconstruction, or reconditioning. Both the administration and the industry have recommended bills S. 1434 and S. 1457, respectively, in the 86th Congress, similar in principle, that would implement the benefits now available under title XI, Merchant Marine Act, 1936, as amended.

To overcome the problem of block obsolescence in the American merchant marine, the shipping industry and the Federal Maritime Board have cooperated in a long-range effort to update the fleet. In a hearing before your committee witnesses from the Government, the shipping industry, and the institutional lenders testified that the efficient and economic replacement of vessels under such a program would be aided by giving the steamship lines the same financing flexibility as is now available to other businesses.

Shipowners, under present law, are frequently forced to take mortgages when interest rates are high because that is the only time title XI insurance is available.

The owner may, however, be able to pay up to 100 percent of the cost of construction of a given vessel in order to avoid prevailing high interest rates, if that vessel can later be mortgaged under a title XI insured mortgage to finance subsequent vessel replacements or improvements. This bill would simply provide the flexibility necessary to enable the owner to make the most economical use of his own funds and to select, within the limits of his own resources, the most favorable time to resort to private borrowing.

EFFECT OF THE BILL

Existing law, as indicated above, limits the placing of an insured mortgage on a vessel to a time prior to the delivery of the vessel. As an example of the flexibility this proposed amendment to title XI would allow, suppose a shipowner constructing vessel A decided to use his own resources for the immediate financing of the new ship in order to avoid high interest rates in effect at the time. At a later date, when interest rates were lower, the shipowner could place a mortgage on vessel A and apply the resulting funds to the construction, reconstruction, or reconditioning of another vessel.

BILLS COMPARED

Both S. 1457 and the bill herein reported recognize the need for amendment to implement title XI, which was designed to aid borrowing from private resources. Each bill seeks the same objectives without increasing the Government's risk. The essential differences between the two bills is in form and procedure. The administration bill accomplishes its purpose by adding a new section to title XI. S. 1457 would make detailed amendments throughout title XI.

It is the belief of your committee that the better course is to deal with the matter in a separate section. In addition, the administration recommended version requires that the owner obtain a commitment to insure a mortgage from the Secretary of Commerce prior to the laying of the keel on the vessel to be mortgaged, except in the case of an owner who has obtained such a commitment in the construction differential subsidy contract applicable to such vessel.

SUMMARY OF DEPARTMENTAL RECOMMENDATIONS

There is an immediate need by the shipping industry for this legislation. On a similar bill, H.R. 8129, considered by the House Merchant Marine and Fisheries Committee in the 85th Congress, 2d session, the departmental comments were all favorable, except that of the Commerce Department which recommended two modifications not adopted by the House. It is to be noted, however, that the administration bill reported with amendments by your committee was prepared under the guidance of the Department of Commerce. The Department of Commerce has concurred in the amendments.

Following are reports of the Government departments on S. 1434:

DEPARTMENT OF JUSTICE,
Washington, D.C., March 26, 1959.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 1434) to amend title XI of the Merchant Marine Act, 1936, as amended, with respect to insurance of ship mortgages, and for other purposes.

The bill has been examined, but since the subject matter thereof does not directly affect the activities of the Department of Justice, we would prefer not to offer any comment concerning it.

Sincerely yours,

LAWRENCE E. WALSH,
Deputy Attorney General.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, March 24, 1959.

B-115403

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, U.S. Senate.

DEAR MR. CHAIRMAN: Further reference is made to your letter of March 17, 1959, acknowledged on March 18, requesting the comments of the General Accounting Office concerning S. 1434, 86th Congress, 1st session, entitled "A bill to amend title XI of the Merchant Marine Act, 1936, as amended, with respect to insurance of ship mortgages, and for other purposes."

The bill would enable a prospective owner to use his own resources for financing a new vessel without losing the benefit of mortgage insurance later during the 20-year life of the vessel, if the mortgage proceeds are to be used to finance the construction of other new vessels. This arrangement would delay borrowings until needed, and could result in a saving in interest and mortgage insurance costs, a reduction in the life of the insured mortgage, a better utilization of reserve funds by subsidized operators, and greater flexibility in the financing of new ship construction. Furthermore, the conditions under which the insurance commitment must be exercised appear adequate to safeguard the interests of the Government.

In view of the foregoing, and while we recognize the amendment to be a matter of policy for determination by the Congress, we believe it is worthy of consideration.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

THE SECRETARY OF COMMERCE,
Washington, March 11, 1959.

Hon. RICHARD M. NIXON,
The President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a draft bill, together with a statement of purpose and provisions, to amend title XI of the Merchant Marine Act, 1936, as amended, with respect to insurance of ship mortgages.

The draft bill would authorize a delay in placing a mortgage on a newly constructed vessel, if the loan secured by the mortgage is to be used to make the downpayment on other vessels to be constructed, without depriving the owner of the privilege of obtaining Government insurance of the mortgage. Under existing law a vessel mortgage is not insurable unless it is placed on the vessel before the vessel is delivered by the shipbuilder. Under the draft bill, if the loan is to be used for the foregoing purpose and the mortgagor obtains a commitment before the keel of the vessel to be mortgaged is laid, the mortgage would be insurable if placed on the vessel at any time during the vessel's economic life. All restrictions under existing law would be applicable in addition to new restrictions which would keep the substance of the insurance transaction the same as it is under existing law, except that the Government would not be under risk for so long a time.

The draft bill would make it possible for an operator who plans to replace a fleet of vessels to pay in full for the first vessel and to mortgage the vessel subequently (and obtain Government insurance of the mortgage) to obtain the downpayment on other vessels, rather than mortgaging each new vessel as it is delivered by the shipbuilder as he must under existing law if his mortgages are to be insurable.

The draft bill would thus enable the operator to arrange his financing in a more flexible way, would save him interest, and would reduce the period of time during which the Government would be under risk with respect to the vessel mortgage.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report to the Congress.

Sincerely yours,

LEWIS L. STRAUSS,
Secretary of Commerce.

[Enclosures.]

STATEMENT OF PURPOSE AND PROVISIONS OF DRAFT BILL TO AMEND TITLE XI OF THE MERCHANT MARINE ACT, 1936, AS AMENDED, WITH RESPECT TO INSURANCE OF SHIP MORTGAGES, AND FOR OTHER PURPOSES

The purpose of the draft bill is to amend the Merchant Marine Act, 1936, as amended, by inserting in title XI (Federal Ship Mortgage Insurance) of that act a new section 1107, which would permit the prospective owner of a vessel that is to be constructed to delay placing a mortgage on the vessel, until some time after the vessel has been delivered by the shipbuilder, without losing his privilege of having the mortgage insured by the Secretary of Commerce.

The purpose of the new section is to permit the prospective owner to save interest, and to reduce the period of time during which the Secretary of Commerce is under risk with respect to the mortgage.

The new section would be available both to subsidized and to unsubsidized operators.

An operator who plans to replace his existing fleet by new construction that will be built at staggered intervals over a period of years may have sufficient money on hand to pay in full for the first ship. Under existing law, however, if he does this, he will not later be able to mortgage the vessel and obtain Government insurance of the mortgage in order to obtain the downpayment on future vessels.

If, for example, an operator who has (1) a fleet of four ships, (2) plans to replace one each at 3-year intervals at a cost of $10 million each, and (3) a fund of $10 million to finance such replacement, spends the entire fund to pay for the first ship, he cannot under existing law, later obtain an insurable mortgage on the vessel to finance the downpayment on the other three vessels, because under existing law a vessel mortgage is not insurable unless it is placed on the vessel before the vessel is delivered by the shipbuilder. Under existing law, therefore, to finance his replacement program, the operator cannot use his fund to pay in full for the first ship, but must use his fund to make the minimum downpayment on each ship ($2½ million if he receives construction-differential subsidy) and must mortgage each ship as it is delivered so that the mortgage will be eligible for Government insurance.

The existing law thus unduly restricts the operator in arranging his financing, makes the financing more expensive to the operator than is necessary, and keeps the United States under risk on the mortgages for a longer period than is necessary.

The draft bill would remedy this situation by authorizing the Secretary of Commerce to make a commitment to the vessel operator before the keel on the first vessel is laid, to to insure any eligible mortgages such operator, as mortgagor, may place on the vessel at any time to obtain the downpayment on other vessels. The foregoing authorization is subject to conditions which will keep the substance of the mortgage insurance transaction the same as it is under existing law, except that the placing on the vessel of the mortgage that is to be insured would be delayed until such time as the operator needs the money to make the downpayment on other vessels.

Under provisions of the existing law, the Secretary of Commerce is authorized to insure a mortgage on a vessel if he finds that the vessel or the project with respect to which the vessel is to be operated is in his opinion economically sound and if the mortgage (1) secures a loan made to finance construction of the vessel; (2) involves a principal obligation not exceeding 87½ percent of the actual cost of the vessel, if the vessel complies with the requirements of section 509 of the act, or 75 percent of the actual cost of the vessel if the vessel does not comply with those requirements; (3) has a mortgagee who is responsible and able to service the mortgage, and a mortgagor who possesses the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the mortgaged property; (4) secures bond, notes or other obligations having maturity dates satisfactory to the Secretary of Commerce but not exceeding 20 years; (5) contains amortization provisions satisfactory to the Secretary of Commerce requiring periodic payments by the mortgagor; (6) secures bonds, notes, or other obligations bearing interest at a rate not exceeding 5 percent per annum, or, if the Secretary of Commerce finds the lending market demands it, not exceeding 6 percent per annum; (7) provides in a manner satisfactory to the Secretary of Commerce for the application of the mortgagor's periodic payments (except interest payments) to amortization of the principal of the mortgage; (8) contains such terms and provisions with respect to construction, maintenance, and operation of the vessel and with respect to repairs, alterations, payment of taxes, insurance, delinquency charges, revisions, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters pertinent to the security as the Secretary of Commerce may prescribe; and (9) provides that the mortgagor shall pay the mortgagee the amount of each mortgage insurance premium at least 60 days before payment of such charge to the Secretary of Commerce is due.

Under the draft bill, all of the foregoing requirements would have to be met at the time the mortgage is to be insured except (1), (2), and (4), and in addition the following requirements would have to be met: (1) The vessel is not subject to a mortgage that has not been insured by the Secretary of Commerce; (2) the principal obligation of the mortgage to be insured shall not exceed an amount which when added to the unpaid balance of the principal obligations of prior mortgages will exceed 87½ percent or 75 percent, as the case may be, of the actual cost of the vessel depreciated at the rate of 5 percent per annum from the date the vessel was delivered by the shipbuilder to the date the mortgage is executed; (3) the mortgage has maturity dates which do not exceed a period of 20 years from the date the vessel was delivered by the shipbuilder; (4) the purpose of the loan secured by the mortgage is to finance the construction of other vessels or both to refinance a mortgage on the vessel which is insured by the Secretary of Commerce and to finance the construction of other vessels; (5) the loan agreement for the making of the loan secured by the mortgage, or the mortgage, provides that the loan, except such portion as it has been agreed will be used to refinance a mortgage on the vessel which has been insured by the Secretary of Commerce, will be disbursed by the mortgagee to a shipbuilder in payment, on behalf of the mortgagor, of part of the contract price for the construction of a vessel contracted for by the mortgagor which has not yet been delivered; and (6) the vessel is in as good condition as it would have been in if it had been mortgaged immediately upon delivery of the vessel by the shipbuilder and such mortgage had been insured by the Secretary of Commerce, and the mortgagor had complied with all of the requirements of the Secretary of Commerce with respect to a vessel on which he has insured the mortgage.

Under the draft bill, therefore, the risk to the United States under the insured mortgage is the same as it is under existing law, except that under the draft bill the United States would not be under risk for as long as it is under existing law.

Under existing law if an operator has (1) a fleet of four vessels, (2) plans to replace one each at 3-year intervals at a cost of $10 million each, and (3) a fund of $10 million to finance such replacement, he must mortgage each vessel as it is delivered by the shipbuilder if he wishes to obtain Government mortgage insurance. Each vessel, therefore, would be subject to an insured mortgage for a period of 20 years.

Under the draft bill, the operator could pay for the first vessel in full, obtain a mortgage commitment from the Secretary of Commerce, and mortgage the vessel later on to obtain all or part of the downpayment on the other three vessels. If he mortgages the vessel in the amount of $2½ million at the end of 3 years to obtain the downpayment on the second vessel, and again at the end of 6 years in the amount of $2½ million to obtain the downpayment on the third vessel, then at the end of 9 years he will be able to mortgage the vessel only in the amount of $250,000, because 75 percent of the depreciated actual cost of the vessel at the end of 9 years would be $4,125,000, and the unpaid principal balance of prior mortgages would be $3,875,000.

The foregoing example is not the only way in which the draft bill could be used. Under the draft bill, an operator who pays for his first vessel in full and, before the keel is laid, obtains a commitment from the Secretary of Commerce to insure mortgages on the vessel, could, at any time during the 20-year life of the vessel, obtain Government mortgage insurance on eligible mortgages on the vessel in the aggregate amount of 75 percent or 87½ percent, as the case may be, of the depreciated actual cost of the vessel for the purpose of financing the construction of other vessels.

CONCLUSION

In view of the foregoing, your committee urges the prompt enactment of this legislation.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MAGNUSON. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. 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. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROPOSED CHANGES IN ACT CREATING THE COMMONWEALTH OF PUERTO RICO

Mr. FULBRIGHT. Mr. President, a few weeks ago the Governor of the Commonwealth of Puerto Rico, the Honorable Munõz-Marín, made a significant statement regarding the signing of a joint resolution proposing certain changes in the Federal Relations Act which created the Commonwealth of Puerto Rico.

Governor Munõz has already demonstrated an unusual talent, not only for governing the Commonwealth but, also, for expressing clearly the significance of complicated governmental actions.

Governor Munõz possesses a talent for reducing to clear and simple terms the most involved and complicated constitutional principles.

The evolution which one observes now taking place in governmental institutions and relations in many parts of the world emphasizes the importance of men such as Governor Munõz, and the achievements of his regime in Puerto Rico. It may well be that no other area can or should duplicate the experience of Puetro Rico, but certainly much can be learned by the emerging nations of Africa and Asia from that experience.

I should like to quote one paragraph from Governor Munõz' statement, to illustrate to my colleagues a significant facet of the Governor's statement:

For the dynamic system of the United States there is nothing unusual in creating new political forms when these are required by new ways of political freedom or economic needs. At the beginning of this century it created the concept of unincorporated territory, a concept which had not existed before in the American system. It created the concept so as not to have to ruin the Puerto Rican economy by strictly applying the Federal Constitution to the island, as it would have had to do if Puerto Rico had been considered an incorporated territory. Acting in conjunction with Puerto Rico, it likewise created the Commonwealth between 1950 and 1952.

Finally, let me draw the attention of my colleagues to the fact that the Governor in his speech proposed that Puerto Rico now consider making voluntarily its contribution to the Government of the United States. Puerto Rico has made remarkable progress in her standard of living, but it is still far less than one-half that of the United States. Yet this remarkable Governor is proposing that Puerto Rico consider making a contribution to our common effort to maintain a democratic system of government.

Mr. President, I ask unanimous consent to have the complete text of the Governor's statement printed in the RECORD at this point.

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

ANNOUNCEMENT BY GOV. LUIS MUNÕS MARÍN OF THE COMMONWEALTH OF PUERTO RICO TO THE COMMONWEALTH LEGISLATURE OF THE SIGNING OF THE RESOLUTION PROPOSING TO THE CONGRESS OF THE UNITED STATES MODIFICATIONS TO THE FEDERAL RELATIONS ACT

I take pleasure in communicating to you, for the information of that high body, that on this 19th day of March 1959, I have signed Joint Resolution 2 of the legislative assembly.

Joint Resolution 2 proposes to the Congress of the United States the approval, if considered convenient, of a number of modifications to the Federal Relations Act (compact) which, if voted also by the Puerto Rican electorate, will clarify and modify the relations between Puerto Rico and the Federal Union.

It is fitting to affirm at this point, as emphatically as possible, that the proposed changes are entirely within the new status created by the Congress of the United States and the people of Puerto Rico between 1950 and 1952. These changes are intended to perfect the said status, and not to transform it into federated statehood or separated independence.

The concept of permanent association, as it should be understood in Puerto Rico, means that the people of Puerto Rico, in the exercise of their natural rights, which have been recognized by the Congress of the United States, have created for themselves their own political organization, have organized into a political state, and at the same time have agreed to remain united with the American Union to be a part, in a new manner, of its political system.

With the creation of the Commonwealth, the political system of the United States no longer consists exclusively of a Federal Union of 49 States—which will soon be 50—of a Federal District where the Government of the Union has its seat, of certain incorporated Territories—which, upon Hawaii's entrance into the Union, will have been reduced to none—and of several unincorporated Territories. The political system of the United States now consists of these types of entities and of a new type: The Commonwealth of Puerto Rico. In a letter addressed to me by the Department of the Interior in Washington on November 13, 1958, the Under Secretary, Mr. Elmer F. Bennett, clearly expressed this reality when he said that "it is recognized that the Commonwealth is an entity within this Nation which is not a State, and that the Commonwealth is neither an 'incorporated Territory' nor an 'unincorporated Territory' as those terms have been traditionally and historically applied and interpreted."

In the Commonwealth, as in the federated States, two governments coexist and work together, each supreme in the jurisdiction over the citizens which has been assigned to it by a compact. In the case of the federated States, the compact distributing jurisdictions is the Constitution of the United States. In the case of the Commonwealth, it is the compact approved by the Congress of the United States and the electorate of Puerto Rico. But it is not the case that the U.S. Government in its functions involving the citizens living in Puerto Rico means the presence of an extraneous government among us. We are citizens of the United States, and the Government of the United States has with us, and we have with it, the same relationship of reciprocal loyalty existing between any other citizen of the United States and the Government of the United States. In the United States, too, the sovereign government of each State functions simultaneously with the Federal Government.

The Federal Government has functions in Puerto Rico in the same though more limited manner as in the federated States. When they voted the compact, the people of Puerto Rico decided that the Federal laws regulating these functions and responsibilities are effective in Puerto Rico. Whether these responsibilities are to be more or less numerous, that will depend on what Puerto Rico and the Federal Union will have covenanted at any given time.

The concept of a Commonwealth did not originate all of a sudden. It comes from a historical process of development that started at the end of the Spanish-American War and continued when the Congress created the political entity "the people of Puerto Rico" and a "government of Puerto Rico". This government, though acting by delegation of powers, with its executive and some of its legislative officials appointed from the outside, compared in the scope of its powers with a State of the Union.

When this regime was subsequently liberalized (but still a government by delegated powers) and full legislative powers were placed in the hands of the people of Puerto Rico, although subject to the practically absolute veto of the appointed Governor; when U.S. citizenship was conferred upon the Puerto Ricans, making them citizens of the United States and of Puerto Rico in the same manner that these same Puerto Ricans are citizens of the United States and of New York when they move to New York, for example; when the right of the people of Puerto Rico to elect their own Chief Executive was recognized (a new method in the political system of the United States indicative of the realistic attitude of Congress in clearly perceiving that Puerto Rico is an entirely new kind of entity within the American political system and that, therefore, it requires a political thought that is also new, for the greater development of its internal affairs and its relationship with the United States); when we observe all these changes, we can see that we are in the presence of an orderly process.

This process culminated when Congress recognized the natural right of the people of Puerto Rico to create their own government within the previously established framework of economic, social, and political relations and under a compact meriting the approval of both the people of Puerto Rico and the Congress of the United States. Congress recognized the natural right of Puerto Rico when it ratified the constitution of the Commonwealth, which expressly bases upon such right the authority of the people of Puerto Rico when it states:

"We, the people of Puerto Rico, in order to organize ourselves politically on a fully democratic basis, * * * do ordain and establish this constitution for the Commonwealth which, in the exercise of our natural rights, we now create within our union with the United States of America." (Preamble to the constitution, first paragraph.)

Both the people of Puerto Rico and the Congress of the United States clearly saw that in order to recognize this principle it was not necessary to alter the economic, social, or political relations that had been the groundwork of a process of continuous development for more than 50 years. In other words, in terms of those fundamental relations that would not and could not change because they were connected with a common citizenship, it was possible to create a political status which involved a new manner of association with the Federal Union.

For the dynamic system of the United States there is nothing unusual in creating new political forms when these are required by new ways of political freedom or economic needs. At the beginning of this century it created the concept of unincorporated territory—a concept which had not existed before in the American system. It created the concept so as not to have to ruin the Puerto Rican economy by strictly applying the Federal Constitution to the island, as it would have had to do if Puerto Rico had been considered an incorporated territory. Acting in conjunction with Puerto Rico, it likewise created the Commonwealth between 1950 and 1952.

In the present resolution passed by the legislative assembly and approved by me, the government of the Commonwealth of Puerto Rico proposes a number of clarifications and modifications. It is reasonable to ask if this represents the maximum possible development of the Commonwealth, of the system of permanent relationship between Puerto Rico and the United States. The answer is "No." The proposals represent the criterion of what the experience of the 7 years that have elapsed since the beginning of the Commonwealth points out as desirable, as mutually fair and advantageous for the United States and Puerto Rico. Future experience will show what other gradual and judicious changes, all of them within the specific nature of the Commonwealth, may be considered by both the people of Puerto Rico and the Congress of the United States. Without that future experience, we cannot predict what these changes should be. Clearly all of them should imply the greatest possible scope, within our association with the United States, of the powers and faculties of the people of Puerto Rico to govern

themselves internally and the greatest efficiency for the Government of the Federal Union to carry out the responsibilities it may retain with respect to Puerto Rico at any point in the course of history.

But if it is impossible to answer the question of which responsibilities, in addition to those already proposed in the joint resolution, may be transferred from the Federal Union to the Commonwealth, it is quite possible to state clearly and beyond a doubt which responsibilities may not be transferred within the concept of permanent association, from the Federal Union to the Commonwealth. It is fair and fitting that Puerto Ricans should have the answer to that question. And the answer is that the concept of permanent association irrevocably implies that there will be a common citizenship, and that, through its government instrumentalities, the Federal Union will be responsible for (1) a common defense, (2) a common currency, (3) common international political relations, (4) a common Federal judiciary system, and (5) the maintenance of a basically common free market. These are the strong ties of association that will always link the Commonwealth to the Federal Union. All future development of the Commonwealth must be in keeping with this concept.

There is another aspect of the development of the Commonwealth that I have mentioned in my messages to the legislative assembly before and after the present status was established. I am referring to the contributions which Puerto Rico should make to the extent that the growth of its economy will permit, in order to share, first, the expenses of the Federal Union in Puerto Rico for such purposes as exclusively affect the people of Puerto Rico, and then the amounts expended by the Federal Union, mostly outside Puerto Rico, for the common purposes of all the citizens of the United States, such as defense and international political relations.

In my message of March 20, 1952 (before the Commonwealth was established), I said:

"Puerto Rico ought to pay its share into the Federal Treasury as soon as it is in an economic position to do so in the same way that it is now contributing morally to the good democratic reputation of the Union. It would, however, be un-Christian, uneconomic, un-American and extremely foolish to exact such a contribution to the Federal Treasury if that were to mean aggravating instead of diminishing poverty, surrendering health to disease, closing instead of opening schools, lowering instead of improving standards of living, increasing instead of decreasing unemployment, and betraying the wing of hope to the claw of desperation. But a day will come when this will not be so. And when that day arrives we ought not to wait until we are asked to share in the expense; we should rather be the ones to propose the sharing and to pay for it ourselves in the exercise of our own democratic authority and our own sense of responsibility as members, in a new way, of a great Union."

And in my message of February 17 (after the Commonwealth was established) 1954:

"Some day Puerto Rico shall make its financial contribution to the Treasury of the United States, as it is already contributing, before the world, good will and better understanding to the Treasury of American democratic meaning."

I am bringing this up to stress the fact that Puerto Rico sees in the Commonwealth not a mere economic convenience but a political status that, with its potentialities, the people of Puerto Rico may reasonably consider permanent. The Commonwealth gives to Puerto Rico a maximum of creative freedom for the spiritual development and enrichment of its union with the United States, for its own benefit and for the benefit of the United States and of the creative flexibility of political thought throughout the world. Under the principle of no taxation without representation, the contributions that within the two stages already pointed out Puerto Rico may gradually come to make to share the expenses of the Federal Union, ought of course to answer in due time to a formula providing for action by the Legislature of Puerto Rico on behalf of the electorate, or directly by the electorate on its own behalf.

It goes without saying that the day when Puerto Rico may be able to make substantial contributions is still at a distance of many years, of several generations. However, I believe it necessary to bring this fact into special prominence at this time for two reasons:

(1) To make clear that the maximum development of the Commonwealth is not in the direction of independence, nor of federated statehood.

(2) To make it likewise clear that the fundamental insight embodied in the Commonwealth idea is based upon permanent values of freedom and self-government, and not upon financial values that, although long-lasting in character, are nevertheless transitory.

THE FULBRIGHT AMENDMENTS TO THE MUTUAL SECURITY ACT—LETTER FROM VICTOR REUTHER

Mr. FULBRIGHT. Mr. President, I have been gratified by the many expressions of support which I have received regarding some amendments which I have submitted to the Mutual Security Act.

A letter from a large labor union places the issue of foreign aid in proper perspective, to my mind, in relation to our domestic policies and programs.

Mr. President, I ask unanimous consent that there may be printed at this point in the RECORD a letter which I have received from Mr. Victor Reuther, representing the auto workers union.

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

INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT, AND AGRICULTURAL IMPLEMENT WORKERS, OF AMERICA, UAW,
Washington, D.C., April 30, 1959.

Senator J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, Washington, D.C.

DEAR SENATOR FULBRIGHT: Before Walter left for Berlin this week, I had the opportunity to review with him the general international situation and in connection with this, I called to his attention your action proposing a substantial increase in the international economic cooperation program, not on a hand-to-mouth or year-to-year basis, as a stepchild of military aid and assistance, but rather as an independent long-range investment in sharing the abundance resulting from automation and technological progress in this atomic age. Walter asked me to convey to you his congratulations for this positive initiative on your part.

It is most encouraging to see that you have acted so promptly and courageously on the recommendations made to the Senate Foreign Relations Committee by various task forces. We are pleased that you and your cosponsors, Senators HUMPHREY and KENNEDY, concur in the nature, magnitude, and duration of the basic recommendations made in those reports.

Ever since the winter of 1948 when the trade unions of the United States recommended larger commitments to implement the Marshall Plan, it has been our firm conviction that international economic cooperation is essential for closing the ever-widening gap between the industrially developed and the underdeveloped areas of the world. Herein lies the road to victory for free men in the contest that Communist imperialism is forcing upon the peoples of the world.

Our union has long been committed to the proposition that the United States should lead the way in this field by dedicating up to 2 percent of our gross national product for a positive peace offensive. We believe we can meet our domestic and international obligations only by balancing both our human and material budgets at full production and full employment levels and for as long as it may take to win. Tax loopholes can be closed and, if necessary, tax rates can be increased to put us on a pay-as-we-go basis over the next 20 years or longer if required. In assuring you of our continued support for such a stepped-up program of international economic development such as you yourself advocate, we should like to reiterate our strong beliefs in support of SUNFED (Special United Nations Fund for Economic Development). We firmly believe, along with many others in both political parties, that more and more of the economic development job should be assigned to the U.N. and affiliated multinational agencies.

Our support is offered independently of action on adequate domestic programs. We recognize the brutal fact that many domestic programs vital to the welfare, strength, and health of the American people and their economy are in danger of being butchered by the administration and the 86th Congress in the name of a balanced budget. We shall continue to fight for programs and appropriations adequate to meet these needs here at home at the same time that we step up our international responsibilities; we will not engage in attempted reprisals against international economic cooperation programs because of votes cast against domestic programs.

If there is any way in which you think we can be of direct help to you in achieving a more adequate international cooperation program, I trust that you will let us know.

We are taking the liberty of supplying copies of this letter to the members of the committee listed below.

Sincerely yours,

VICTOR G. REUTHER,
Administrative Assistant to the President.

Copies to Senator JOHN J. SPARKMAN, Senator HUBERT H. HUMPHREY, Senator MIKE MANSFIELD, Senator WAYNE MORSE, Senator RUSSELL B. LONG, Senator JOHN F. KENNEDY, Senator ALBERT GORE, Senator FRANK CHURCH, Senator ALEXANDER WILEY, Senator WILLIAM LANGER, and Senator GEORGE D. AIKEN.

EXHIBITION OF IMPRESSIONIST AND POST-IMPRESSIONIST PAINTINGS AT THE NATIONAL GALLERY OF ART

Mr. FULBRIGHT. Mr. President, I have been authorized by the Director of the National Gallery of Art, John Walker, to call attention to the current exhibition of masterpieces of impressionist and post-impressionist paintings in the National Gallery. This exhibition will close on May 24.

Recognizing that Members of the Senate are extremely busy during the usual hours when the gallery is open, Mr. Walker has generously offered to open the gallery at any time the Members of the Senate, or the Members of the

House of Representatives, would like to view this exhibit. He has authorized me to say that if any of the Members wish to visit the gallery, if they will give him some notice by telephone, he will arrange to conduct them personally—if at all possible; and if there should be a conflict in his engagements, he will see that a qualified person conducts the Members through the gallery. He suggests that we may come individually, or in groups, or both—at our convenience.

On the opening night of this exhibition, there was such a crowd of people that it was impossible to view the paintings properly. This exhibition was arranged to celebrate the 50th anniversary of the founding of the American Federation of Arts, and also to honor the meeting of the International Chamber of Commerce, in Washington. The exhibition gives Members of the Senate a unique opportunity to see an extraordinary collection of paintings, borrowed from private collections in this country. Many of the pictures have never before been exhibited in this country, and probably will not be exhibited again in the near future. Among these paintings will be found some of the greatest masterpieces of all time. A statement, recently published in the local newspapers, indicated that this exhibition is valued at more than $20 million.

This is a rare opportunity, which I am sure many of the Members of the Congress will not want to miss. A telephone call to Mr. Walker, at the gallery, is all that is necessary to arrange for a visit.

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

The PRESIDING OFFICER (Mr. GRUENING in the chair). 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 (Mr. YOUNG of Ohio in the chair). Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. What is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment to Senate bill 44, offered by the Senator from Illinois [Mr. DOUGLAS], for himself and the Senators from Oregon.

Mr. KUCHEL. I wonder if the Senator from Illinois will lend me his ears for a moment, so that he might indicate whether he would be in a position to consider any reasonable unanimous-consent request by which the Senate might be placed on notice, in advance, as to the hour his amendment would be disposed of, and when the bill might thereafter be voted upon.

Mr. DOUGLAS. Mr. President, I appreciate the concern of my friend from California. I am, of course, anxious to expedite the business of the Senate, but I think no issue is settled unless it is settled rightly, and I think some further discussion of this measure is needed.

I should like to ask my good friend from California if he is now willing to accept the very reasonable amendment which the two Senators from Oregon and the Senator from Illinois have proposed, the main provision of which is to strike section 6(a).

If the Senators from California are willing to strike section 6(a), I think we shall be able to come to a unanimous-consent agreement for a reasonably prompt vote; but if they are not willing to strike section 6(a), I give assurance to my good friend from California that, in defense of the people, the Senator from Illinois, and I believe the Senator from Oregon is likewise disposed, intends to fight on the beaches, in the fields, on the streets, and from house to house, in an effort to protect the people of the United States from one of the greatest land steals that has ever been attempted in the history of this Nation.

Mr. KUCHEL. Mr. President, despite that Churchillian euphemism to describe a filibuster, I regret to inform my colleagues that I find myself unable to accept the amendment which they have proposed.

My only object in making my very brief comment was to ascertain whether it was possible to ascertain when the Senate could vote up or down the amendment offered by the Senator from Illinois and the Senators from Oregon. That is all I had in mind. Their amendment has been debated in the Senate now during the larger part of 2 days. This is the third day that a reclamation project affecting one State, a project which has been approved by every relevant Federal agency and by every relevant State agency, has been before the Senate as the pending business.

The same argument was advanced by the Senator from Illinois against the bill last year, when my then able colleague, Senator Knowland, and I had joined in cosponsoring a similar bill. That bill passed the Senate. This proposal is nothing new. I simply hope that after a certain number of times during which, repetitiously, the position of the Senator from Illinois has been advanced, the men and the one lady in the Senate may have an opportunity to vote on the amendment, for or against.

Mr. President, I yield the floor.

Mr. DOUGLAS. Mr. President, I deeply regret that my good friend from California accused the Senators from Oregon and me of an intention to filibuster. It is a very inexact use of the word "filibuster." If my colleagues will consult the Encyclopedia Britannica, they will find the word "filibuster" is defined as prolonged discussions or other delaying tactics intended to prevent a vote.

There is no such purpose on the part of the Senators from Oregon and the Senator from Illinois. We do not wish to prevent a vote. We want a vote to come.

But we want the vote to come only when the Senate and the public are informed about the contents of the bill and are aware of the issues which are involved. So, Mr. President, an attempt to delay a vote in order to develop the debate and the public understanding of an issue is not equivalent to a filibuster.

I repeat, we want the vote to come. We want the majority will to prevail. But we believe that the interests of the people, which have not received too much recognition until this measure came to the floor, should be properly considered and properly stated. While we made great progress in the two sessions last week in developing the case against the bill, I do not think we have developed it adequately or sufficiently.

For instance, over the weekend a number of letters and telegrams came to me which I think I should read. The first telegram came from Fresno, Calif., and states:

> We strongly approve your amendment to the San Luis bill. You are absolutely right that no project at all would be better than public water without a firm acreage limitation.
>
> RUSSELL E. LEAVENWORTH,
> *President, Fresno County Democratic Council.*
> ANN M. LEAVENWORTH,
> *President of the Democratic Women.*

I have also a telegram I have received from San Francisco, Calif.:

> Re San Luis bill. 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.*

I likewise received a letter from Miss Anga Bjornson, of Piedmont, Calif., who heard the debate last week. I read the opening paragraphs of her letter:

> Yesterday I had the privilege of sitting in the balcony of the Senate, listening to the magnificent discussion by both you and Senator MORSE and Senator LAUSCHE. As you may know, I am a resident in the State of California and a member of the Democratic Central Committee of that State. In 1954, this is incidental, I ran for the Senate and received 130,000 votes. I merely state this to let you know that I have been more than casually interested in politics.
>
> In all my political activity in that State I have fought for the Reclamation Act and I always find that the citizens of my community agree 100 percent with my interpretation of that basic act. I know, therefore, that if the people of California had heard your speeches yesterday they would have applauded 95 percent.

Then there are certain other paragraphs which I shall not read, but which, if the Senators from California so desire, I will show to them.

I now turn to a resolution adopted by the California Democratic Council, issued in its legislative letter of May 8, 1959. I should like to read, from page

2 of the letter, the appropriate paragraphs under the heading of "Water—San Luis Project":

H.R. 5687 and S. 44 are two bills now before Congress in Washington to authorize joint use of the San Luis Unit of the Central Valley project by California and the United States.

The bills both contain provisions (called Section 6a) which have aroused controversy concerning their effect on the 160-acre limitation of Federal reclamation law. Proponents of the controversial sections (principally Senator KUCHEL) say they just clarify existing law, opponents (Senators DOUGLAS, MORSE, and NEUBERGER) say they would erode existing reclamation law.

This is a further section of the statement from the Democratic Council:

The unbiased Los Angeles Times Washington Bureau describes section 6a as exempting landowners receiving State water in the joint project from the acreage limitation which applies to exclusively Federal reclamation projects. The same source also says, removal of the 160-acre limitation in the State service area was one of the conditions on which Kern County landowners near the project agreed to the joint construction legislation.

In other words, the Los Angeles Times says that the Kern County landowners—the large landowners of Kern County—insisted that section 6a was to be the condition of their approval of the San Luis project as a whole.

Statements in the hearings are to the same effect.

The newsletter goes on to quote the Senate Interior Committee hearings on Senate bill 44, dated March 16, 1958, quoting the Los Angeles Department of Water and Power representatives—

On the Senate floor Thursday Senator ENGLE said he personally opposes section 6a but that its inclusion had been insisted on by the above groups. Both Senator ENGLE and Governor Brown say publicly that, with or without section 6a, only State law applies to State water.

Conclusion: Delete the controversial section. However, there is a lot of heat and little light shed on this problem, so write Washington persuasively, considerately, impersonally, and without demanding anything.

1. Write or wire your Congressman and your Senator. Tell him the Los Angeles Times and Senate debate make it clear that only a limited group (large Kern landowners and similar interests in southern California) insist upon the offending part of section 6—and apparently for selfish reasons; that Senators MORSE, DOUGLAS, and NEUBERGER, who have nothing material to gain from the legislation—

I interpolate to say, that is the sober truth. We have nothing to gain from passage of the legislation, and we have nothing to gain from fighting it—

recommend removal of the offending section; that Governor Brown and Senator ENGLE say, in effect, that the section adds nothing to the bill; that the bill won't be a bad bill if the controversial provisions are removed, so why not delete them?

The letter goes on to ask the recipients of the letter to:

Write or wire Representative WAYNE ASPINALL, Democrat, of Colorado, and chairman of House Interior; California Congressmen D. S. SAUND and B. F. SISK; GRACIE PFOST, Democrat, of Idaho; AL ULLMAN, Democrat, of Oregon; and QUENTIN BURDICK, Democrat, of North Dakota, to the same effect. Act at once. They hear it Wednesday, May 13.

This is simply the Senate bill we are considering. The reason for the suggestion in the newsletter is that the same struggle will shortly go on in the House of Representatives.

I have other telegrams and letters.

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

Mr. DOUGLAS. I am glad to yield.

Mr. MORSE. I should like to have the attention of the two Senators from California.

I desire the attention of the Senator from California [Mr. KUCHEL] and the Senator from California [Mr. ENGLE] because in the last few minutes I have been having some discussions with colleagues, and there is reason to believe, in view of what has taken place thus far in this debate, that the proper course of action is for the Senate to recommit the bill to committee for further consideration of the evidence which has been brought out in the debate and for further consideration of the rising opposition in California to the retention of section 6(a) in the bill.

The latest bit of information comes from the head of the California Grange, Mr. George Sehlmeyer, in a telegram I have received in the last 30 minutes. It reads:

California State Grange supports amendment S. 44, all waters delivered from San Luis projects be under reclamation law, therefore suggest section 6(a) be deleted from the bill.

Mr. President, this is no filibuster. This is an attempt on the part of the two Senators from Oregon, under our leader with respect to the bill, the Senator from Illinois [Mr. DOUGLAS], to try to get the Senate, in its very busy deliberations, to consider the facts about the bill.

This is not the first time in 15 years I have been in this situation, Mr. President, when at the very minute we are meeting on the floor of the Senate, at 2:30 in the afternoon, numerous committees of the Senate are in session to take care of very important Senate business. Consequently, Senators are not present in the Chamber to consider what is involved in the bill. What is involved in the bill, as I said at great length last Tuesday and again Thursday, under the leadership of the Senator from Illinois [Mr. DOUGLAS], is a backdoor amendment to the reclamation laws of the United States through the medium of a project bill.

I will join the two Senators from California in a clean bill which proposes to amend the reclamation laws, because I think they should be amended. I think the 160-acre limitation provision should be amended with respect to certain fact situations.

Mr. DOUGLAS. Does not the Senator think that in such a rich area as the Central Valley of California, instead of the 160-acre limitation there should be perhaps a 60-acre limitation?

Mr. MORSE. As I stated to the Senator earlier, I think there is a possibility that a 40-acre limitation might be better. However, that all depends on the determination of questions of fact.

My good friend, the senior Senator from California [Mr. KUCHEL], is seeking to give the impression that the Senator from Oregon and the Senator from Illinois [Mr. DOUGLAS], are trying to conduct some sort of filibuster. We have been talking about the problems of the bill. We have been placing the facts with respect to the bill in the RECORD. We have been trying to warn a Senate, consisting for the most part of empty seats, for 2 afternoons on the floor of the Senate, about what we consider to be one of the most important major legislative issues, so far as our natural resources are concerned, that can confront the Senate at this session.

What is beginning to happen? At long last the country is becoming aware of the basic issue which is involved. We hear from the head of the State Grange of California. Do Senators suppose that the farmers of California do not have an interest in the bill? Do Senators suppose that the State Grange which is representative of thousands of operators of family-sized farms in California, do not grasp the significance of what is before us? This is the kind of support which will pour into the Senate once the operators of family-sized farms in America realize what is hidden in the bill in section 6(a).

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

Mr. DOUGLAS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. MORSE. I am perfectly willing to continue to discuss the bill—and the bill only—on the basis of its merits, for whatever additional time may be necessary in order to acquaint the people of America with the facts with respect to the bill. What I think we should do is to begin consideration of a motion to recommit the bill to the committee; and I shall make such a motion in due course of the debate this afternoon, if we cannot reach some amicable settlement in regard to eliminating section 6(a) from the bill.

Mr. KUCHEL. Mr. President, will the Senator yield to me for a brief comment?

Mr. MORSE. I do not have the floor.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DOUGLAS. Am I to understand that the senior Senator from California is asking the Senator from Illinois to yield?

Mr. KUCHEL. I am.

Mr. DOUGLAS. I am delighted to yield to my good friend—that is, to yield the floor to him for a brief comment, but not the argument.

Mr. KUCHEL. Mr. President, it has been said before, but let it be said again, that this is not merely a piece of legislation which a Republican Senator has introduced. It is not merely a piece of legislation which a Democratic Senator from California has introduced. The Governor of California, who was elected by the people last November, urges the Congress to pass the bill. He came here

and testified in favor of it. Who, in God's name, speaks for the people of California? Does a Democratic Governor? Do the two Senators from California?

Mr. DOUGLAS. No.

(Manifestations of laughter in the galleries.)

The PRESIDING OFFICER [Mr. YOUNG of Ohio in the Chair]. The Senator will suspend for a moment. Occupants of the galleries must maintain order, or the Sergeant at Arms will be instructed to clear the galleries.

Mr. KUCHEL. Does not the Governor of California, whether he be a Republican or a Democrat, have the right honorably to represent before the Congress what he believes are the best interests of the people who elected him—all the people of our State? I think so.

Do not my colleague and I have the right to stand on this floor and be given credit for indicating our best judgment as to what the best interests of the people of California are, and how they might best be served? I think so.

I do not quarrel with the right of the Senator from Oregon or the Senator from Illinois to say, "There is a great wave of sentiment sweeping across the country," and to introduce a few telegrams into the record. I could get a few telegrams on almost any subject. I do not quarrel with their right to do what they are doing.

But they are wrong, and the record should demonstrate that they are wrong. What is sought here—and, to the credit of the Senator from Illinois, he has indicated by his own words that that is what is sought—is to make the people of California conduct their water system, from San Luis south, under Federal law; and from San Luis north they can do it as the State legislature sees fit. What a mockery. What a ridiculous proposal. What a horrible thing it would be for the Congress to adopt such a policy with respect to any State.

I suggest that the Senator from Oregon is well within his rights in making a motion to recommit the bill. Let him make his motion to recommit; let us debate it. I believe that the debate, which has extended over two lengthy sessions, has fairly well covered the problem; but let us debate it further, and let the Senate vote the motion to recommit up or down, and get along with its business.

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

Mr. DOUGLAS. Mr. President, I had hoped to be able to make a speech in my own time, but I cannot deny my good friends from California the right to refute my arguments before I advance them.

I am very glad to yield to the junior Senator from California.

Mr. ENGLE. Mr. President, as I understand, the distinguished Senator from Illinois takes the position that his amendment striking section 6(a) would apply the 160-acre limitation to all the lands served by both the Federal and State governments under this project.

Mr. DOUGLAS. The Senator has put some words in my mouth.

Mr. ENGLE. I will give the Senator an opportunity to straighten out the situation.

I have stated consistently that striking section 6(a) from the bill would not accomplish what the Senator from Illinois says it would. I asked him the question, and he said, "Oh, yes; it would do what I have said it would do."

But I have asked the Senator from Oregon, a renowned and celebrated lawyer, the same question. He is not prepared to say that the amendment of the Senator from Illinois would accomplish what the Senator from Illinois says he is trying to accomplish. If the Senator from Illinois could accomplish, by the amendment he proposes, what he says it would accomplish, it should, of course, be resoundingly voted down by the Senate.

We should not, in the Senate, pass legislation which would apply the Federal reclamation law to a project which is built and paid for, lock, stock, and powerhouses, by the State of California. As the Governor has said—and he and I agree 100 percent—that is a matter resting within the discretion of the State legislature.

But I perceive that our two friends who are supporting the amendment are not altogether in agreement with respect to what it would do. It would not do what the Senator from Illinois says it would do. I am glad it would not, because if it happens to be adopted it will not do us any harm. I think we should straighten the record out on that score.

I have before me the telegram from Mr. George Sehlmeyer, master of the State Grange. I have known him for a period of 25 years.

Mr. DOUGLAS. Does the Senator deny the authenticity of the telegram?

Mr. ENGLE. Not at all. I have known George Sehlmeyer for many years. I know that he wants to apply the 160-acre limitation in California. I support the 160-acre limitation too. But then he says, "Support the amendment offered by the Senator from Illinois." What my friend George Sehlmeyer does not know is that the amendment of the Senator from Illinois would not do what the Senator from Illinois thinks it would do.

Mr. DOUGLAS. Mr. President, a number of themes have been introduced into this debate. I shall deal with the point just raised by the junior Senator from California in a moment. First, let me deal with the point raised by the senior Senator from California [Mr. KUCHEL].

He asked very eloquently, "Who represents the people of California?" He implied that the two Senators from California and the Governor of California represent them and oppose our amendment. Let me say that a careful examination of the telegram of the Governor of California will disclose that he is very careful not to commit himself against the Neuberger-Morse-Douglas amendment. He did not say that he wanted section 6(a) to stay in the bill; not at all, and there is no declaration to that effect in the telegram.

I do not wish to abuse the confidence of the junior Senator from California, but he has stated openly on the floor of the Senate he would be perfectly willing to have section 6(a) eliminated from the bill. Therefore apparently what the senior Senator from California is saying is this: "I represent the people of California. The law is the embodiment of everything that is excellent, and I am the very embodiment of the law."

I have read some quotations from representative groups in California who are in favor of the Neuberger-Morse-Douglas amendment to eliminate section 6(a). The California Grange wants to have it eliminated. The Farmers Union wants to have it eliminated.

Now I should like to read some testimoney and communications from the AFL–CIO. First, I should like to call to the attention of my colleagues a statement filed with the committee by Mr. C. J. Haggerty, secretary-treasurer of the California Labor Federation, AFL–CIO. I ask unanimous consent that that statement and the accompanying telegram to the Senator from New Mexico [Mr. ANDERSON] be printed in the RECORD at this point.

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

STATEMENT OF THE CALIFORNIA LABOR FEDERATION, AFL–CIO

In accordance with the long-established policy of the California Labor Federation, AFL–CIO, I appreciate the opportunity again to support a request for Federal aid for water development in California, specifically upon this occasion for construction of the San Luis project.

The feasibility of the San Luis project and the absolute necessity of its construction have been established beyond all reasonable doubt. We strongly urge its immediate authorization and early construction.

We recognize and support the position that provision should be made in the authorizing legislation for coordination of the Federal project with California water plans, should the State decide to enter the field of water and power development. At the same time, we insist that the Federal San Luis Unit be constructed under reclamation law without deviation or evasion, and that the occasion for cooperation with the State shall not be used as a pretext for undermining, or for permitting others to undermine national antiwater monopoly policy. We stand on our position as stated previously when San Luis project bills were under consideration by Congress (see hearings before the Senate Subcommittee on Irrigation and Reclamation, 85th Cong., 2d sess., on S. 1887), and appreciate that some of our earlier specific objections were met in preparing current drafts. We continue to insist, however, that Congress shall maintain present law and policy on San Luis, which S. 44 and H.R. 301 fail to do, and ask that these bills be redrafted to preserve existing law and policy.

There is no need to set up a new policy for cooperation between the Federal Government and a State government. Reclamation law already provides that the basis of cooperation between the Federal Government and other agencies, public and private, corporate and individual, shall be national water policy.

Reclamation law, which we believe should stand unchanged, provides that in the event of cooperation, the excess land provision shall govern all water-using Federal project facilities involved in the cooperative endeavor. The Warren Act of February 21, 1911 (36 Stat. 925, 926) states: "That whenever in

carrying out the provisions of the reclamation law, storage or carrying capacity has been or may be provided in excess of the requirements of the lands to be irrigated under any project, the Secretary of Interior * * * is thereby authorized * * * to contract for the impounding, storage, and carriage of water * * * with irrigation systems * * * individuals, corporations, associations, and irrigation districts * * *. What so impounded, stored, or carried shall not be used otherwise than as prescribed by law as to lands held in private ownership within Government reclamation projects. *Provided further,* That water shall not be furnished from any such reservoir or delivered through any such canal or ditch to any one landowner in excess of an amount sufficient to irrigate one hundred and sixty acres * * *."

We see no reason to make any exception to this law in any respect because the cooperation of the Federal Government proposed in the San Luis bills is with California or some California landowners. Unfortunately, H.R. 301 and S. 44 do propose to sacrifice the public policy inscribed in the Warren Act of 1911. The attention of Members of Congress and citizens could easily be diverted away from the crucial question whether the water benefits from Federal facilities, to the irrelevant inquiry, Where is the land located? Hoping we will forget that the limitation relates to water, these bills seek to divert our attention to land. Whether the land to receive water that is stored and carried in Federal reservoirs and canals happens to be situated in a State's service area or not, has nothing to do with the propriety of conforming to or escaping from public policy.

The issue is one of substance as well as principle. Physical advantages of the proposed integration with the Federal Central Valley project are indispensable, and all landowners will benefit from integration whether their lands lie within the Federal or the State's service area. Central Valley project facilities will be used to store and to bring water from sources hundreds of miles away, including water that will reach lands in the State's service area.

The financial benefits of integration are great, if not also indispensable to the benefitting landowners. It may be impossible to measure precisely in dollars the advantages to landowners of financial integration of San Luis with the Central Valley project, but a number of California Congressmen have applied, as descriptive terms, to similar benefits for Central Valley landowners the strong words, "unearned" and "unjust" enrichment. (CLAIR ENGLE, GEORGE P. MILLER, JOHN E. MOSS, HARLAND HAGEN, B. F. SISK, and J. J. MCFALL to Edmund G. "Pat" Brown, Feb. 4, 1957, L.A. 23,043, in the Supreme Court of the State of California, *The Ivanhoe Irrigation District, Plaintiff and Respondent,* v. *All Parties and Persons, etc., Defendants and Appellants,* petition for rehearing of the appellant, the State of California.)

These six Congressmen estimated that the financial advantages to landowners in the present Central Valley project were of approximately the following order of magnitude: a direct subsidy of $350 per acre from the Federal Government and an additional subsidy of $227 per acre from public power revenue; the landowner himself is expected to repay $123 per acre. (Ibid.) Recognizing that the Federal benefits to landowners in the State service area are somewhat less than in the Federal service area, and some uncertainty as to how closely these estimates fit the proposed San Luis integration, it is clear that the advantages to be conferred by the San Luis project on all landowners, at the hands of Federal taxpayers and California power users, will be substantial.

We see nothing in the facts of the San Luis project to justify relieving excess landholders in whatever service area from the Federal statute controlling "unearned" or "unjust" enrichment. On the contrary, the concentration of landownership in areas that would benefit from the San Luis project appears to be precisely the concentration that persuaded Congress to pass the excess land provision in the first place. Congressman George W. Ray, of New York, for example, seeking to protect the public interest in 1902, opposed all spending of public funds for reclamation. When Federal aid was being debated in the original reclamation bill in 1902, he said: "and so we find behind this scheme, egging it on, encouraging it, the great railroad interests of the West, who own millions of acres of these arid lands, now useless, and the very moment that we, at the public expense, establish or construct these irrigation works and reservoirs, you will find multiplied by 10, and in some instances by 20, the value of now worthless land owned by those railroad companies, the title to which they obtained through grants from the Government for building great transcontinental railroad lines" (35 CONGRESSIONAL RECORD 6685).

The original objections to public aid for private benefit, of course, were not grounded on the particular occupation of large landowners but on the excessive concentration of "unearned" benefits and water resources if size were not made a ground for limitation.

"Acceptability" is relative. On August 15, 1958, one Senator said on the floor of the Senate that he thought one very large landholding corporation in San Luis project area, although opposed to the excess land provision publicly, nevertheless "will be compelled to participate through the force of public opinion." Another Senator added immediately, "In my judgment, the Southern Pacific will reverse its decision, and will participate in the project, and will subdivide its land" (CONGRESSIONAL RECORD, vol. 104, pt. 14, p. 17733).

Former Senator Downey predicted in 1947 that the Di Giorgio Fruit Corp. would not accept the excess land provision (They Would Rule the Valley, p. 180). But when the electors of a dozen water districts along the Friant-Kern Canal voted 10 to 1, on the average, to accept water under reclamation law, this corporation complied, too (California Farmer, May 17, 1952, p. 533).

We believe that large landowners in California, generally, when they fully realize the public purposes of the excess land provision, and when they believe that neither Congress, the courts, nor unsympathetic, administrators will grant them escape from the law, will accept the law in good spirit and subdivide their lands.

The Supreme Court of the United States recently, in June 1958, has upheld the excess land provision against judicial attack. The Attorney General of the United States even more recently, on December 15, 1958, has upheld the law on Kings and Kern River projects in the immediate vicinity of the San Luis service area against upsympathetic administrators.

We urge Congress, likewise, to stand firmly now for historic public policy, rather than offer a partial exemption to excess landowners at San Luis, and stir hopes of more laxity elsewhere.

The present is no time for Congress to yield, just when the executive and judicial branches of Government are standing firm, when the electors in Central Valley, speaking clearly their acceptance of reclamation law, and when leading landowning corporations are moving in the direction of acceptance.

SAN FRANCISCO, CALIF.,
March 23, 1959.

Senator C. P. ANDERSON,
Chairman, Senate Irrigation and Reclamation Subcommittee, Senate Office Building, Washington, D.C.:

You will appreciate our difficulty 3,000 miles from Washington in keeping informed of every latest move to undermine antimonopoly and antispeculation law in our Central Valley project. On the assumption that a move has been or will be made before your committee to replace S. 44 by something worse as in the House H.R. 5687 now seeks to replace H.R. 301 the latter being identical to S. 44, I respectfully urge you to consider insofar as it is applicable to your deliberations and to print in your San Luis Central Valley project hearings this telegram of protest we have just sent to Congressman WAYNE ASPINALL, chairman, House Irrigation and Reclamation Subcommittee, the text of which reads as follows:

"Have just learned of introduction of San Luis bill H.R. 5687 on March 13. Emphatically protest this bill especially section 6 which explicitly subverts Warren Act of 1911 by proposing to substitute a location of land principle for the present beneficial use of public reservoirs and canals' principle, the latter is sound while the former illogical, irrelevant, diversionary, and subversive to policy. California Labor Federation, AFL–CIO oppose this effort to destroy national law and water policy governing Central Valley project and urges the 86th Congress to do as well as the 78th and 80th Congresses by striking down H.R. 5687. Please print this wire in the San Luis Central Valley project h- rings."

C. J. HAGGERTY,
Secretary-Treasurer, California Labor Federation, AFL–CIO.

Mr. DOUGLAS. Mr. President, as the senior Senator from California is well aware, Mr. Haggerty, representing AFL–CIO, specifically stated as follows:

We urge Congress, likewise, to stand firmly now for historic public policy, rather than offer a partial exemption to excess landowners at San Luis, and stir hopes of more laxity elsewhere.

The present is no time for Congress to yield, just when the executive and judicial branches of Government are standing firm, when the electors in Central Valley, speaking clearly their acceptance of reclamation law, and when leading landowning corporations are moving in the direction of "acceptance."

I will say at this point that, while it properly refers to the acceptance of reclamation law in the referendum elections in various water districts, the last clause perhaps places too much reliance and too much hope on the movements of the leading landowning corporations, more in fact than the circumstances justify.

Mr. Haggerty sent a telegram to Representative ASPINALL, as follows:

Have just learned of introduction of San Luis bill H.R. 5687 on March 13.

I understand H.R. 5687 is identical with S. 44.

Emphatically protest this bill especially section 6 which explicitly subverts Warren Act of 1911 by proposing to substitute a "location of land" principle for the present "beneficial use of public reservoirs and canals" principle, the latter is sound while the former illogical, irrelevant, diversionary, and subversive to policy. California Labor Federation, AFL–CIO oppose this effort to destroy national law and water policy governing Central Valley project and urges the 86th Congress to do as well as the 78th and 80th Congresses by striking down H.R. 5687. Please print this wire in the San Luis Central Valley project hearings.

C. J. HAGGERTY,
Secretary-Treasurer, California Labor Federation, AFL–CIO.

It is now printed in the CONGRESSIONAL RECORD.

I received a telegram this morning from Mr. Andrew J. Biemiller, director, AFL–CIO Legislative Department, which reads as follows:

Washington, D.C., May 9, 1959.

Senator PAUL H. DOUGLAS:

Deeply appreciate the good fight you are making to preserve 160-acre Federal reclamation law as it applies to San Luis unit, California. Deletion of section 6a and amendments as outlined in my letter of May 6 to all Senators would in our judgment protect national reclamation policy. Keep up the good work.

ANDREW J. BIEMILLER,
Director, AFL–CIO Legislative Department.

I have a letter dated May 6, 1959, from Mr. Biemiller, addressed to me, which reads as follows:

On behalf of the American Federation of Labor and Congress of Industrial Organizations and the California Labor Federation, AFL–CIO, I am writing you to outline a most urgent situation respecting S. 44, a bill to authorize construction of the San Luis unit of the Central Valley project in California.

This legislation contains clear and present dangers to Federal reclamation law. These dangers do not lie in the project itself, which deserves authorization, for it is badly needed by the people of the State of California. Instead the threat to the public interest lies in the language of S. 44 as it pertains to the antimonopoly, antispeculation provisions of the Reclamation Act of 1902 as amended.

Passage of S. 44 as it now stands would do serious injury to a half century of national reclamation policy. The language in the San Luis bill specifically in section 6 and in section 3 (f), (g), (h), should be stricken before this bill is allowed to pass. The above-mentioned sections offer nothing to the public interest and favor nobody but holders of excess lands.

I may add that it is precisely section 6(a) and the related part of section 1 which the Morse-Neuberger-Douglas amendment proposes to eliminate.

The letter goes on to say:

As you so well know, the excess land provisions of reclamation law assure widespread distribution of water resources, and place an upper limit on the public subsidy which any individual landowner may receive. Any landowner may own all the land that he wants and can obtain, but under the excess land provisions of the Reclamation Act, he cannot obtain water from a Federal project unless he agrees to comply with this section of the act, allowing water for his land up to 160 acres with 320 acres for a man and wife.

Six California Congressmen have estimated the value of public subsidy under reclamation law to landowners in the presently constituted Central Valley project. They give the figure as at least $577 per acre. Thus the holder of 160 acres would receive $92,320 in subsidy and the joint holders of 320 acres would have a subsidy value on this amount of land of $184,640.

In the San Luis project area, ownership tables carried in the records of the 85th Congress hearings on the San Luis project show 34 owners of land holding nearly three-fourths of a million acres, or an average of 22,000 acres per owner.

From these data it is readily understandable why the San Luis bill (S. 44) as presently written, destroying existing acreage limitation on these lands, would be of such tremendous benefit to a handful of great corporations and corporation farms. Each of these huge landowners would benefit from Federal subsidies to the amount of approximately $12.7 million per holding. The aggregate subsidies to this small group would amount to more than $430 million.

There is no doubt that the large landowners in California's most fertile and productive areas are using S. 44 as a tremendous "gravy train" for them at the expense of both Federal and State taxpayers. It is equally clear that if S. 44 passes the Senate of the United States without amending language to restore without question the operation of both State and Federal service areas under full provision of the acreage restrictions carried in the 1902 act, that this will set a precedent in every future reclamation project in the West. It will cause the program either to be an instrument to pour millions of dollars in subsidies to the corporation farmers and undermine the family sized farm, or cause a negative reaction in Congress that vitally needed and feasible reclamation projects, like San Luis, will be rejected by the Congress when authorization is sought.

Specifically, the AFL–CIO and the California Labor Federation urge that section 3(f), (g), and (h), and section 6, as they now stand in S. 44 be amended to:

(a) Restore unmistakably operation of the Federal service area under provisions of the Reclamation Act of 1902 without exception or equivocation.

(b) Establish the excess land provision of reclamation law to land facilities in the San Luis project jointly constructed and used by the Federal Government and the State of California.

(c) Reserve only to the Congress the power of decision on the date and the terms of any transfer of the San Luis project works to the State of California.

* * * * *

It should be * * * obvious as debate unfolds that this bill is obscurely and badly drafted and can be subjected to various kinds of interpretation.

We can see no reason, therefore, why there would be any objection by any Senator, including those in support of the bill, to clarifying its language so that the protection offered by the 1902 Reclamation Act, as amended, and other pertinent legislation, is clearly and unmistakably written into this bill. We bring this matter to your attention because of your long and untiring effort to protect the public interest against all efforts to weaken the 160-acre limitation law.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

In further reference to the paragraph in Mr. Biemiller's letter about the large holdings of some 34 owners in the area, I would point out that the public subsidy to these 34 owners, at $577 an acre, on the three-quarters of a million acres of land they own would, if they would secure water for it all, amount to more than $400 million. That is not all.

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

Mr. DOUGLAS. Not at this point.

This is in effect a proposal to give hundreds of millions of dollars to a limited, small group of huge landowners, many of whom obtained their land in devious ways, as is true of the Southern Pacific Land Co. We brought out in the debate—and it has not been challenged—that 120,000 acres lying within this so-called Federal service area, owned by the Southern Pacific Land Co., were originally given to that company in return for a railway which they promised to construct through that area, but which they never built.

The subsidy of $577 an acre which is proposed to be given on at least 120,000 acres of this company's land, will amount to a payment of over $75 million to this company alone if they can evade acreage limitation. In addition to this, huge amounts are to be given to the Boston Ranch Co., as well as to a number of other companies, whom I named in the CONGRESSIONAL RECORD last Thursday. I will sum up a few of them.

There is the Standard Oil Co., with 104,770 acres in the valley. At $577 an acre, that amounts to $60 million. Some of this land, of course, is outside the service area, but a portion of it I understand lies within the San Luis service area.

Then there is in this general area the Anderson-Clayton Company of Texas, with 24,771 acres. There would be a subsidy paid in that instance of more than $14 million. Helen Lillis has 20,000 acres. The subsidy would amount almost to $12 million in that instance. And so on through the whole list.

I wish the committee might have included in the hearings more specific information on the precise facts of land ownership both within the so-called Federal service area, and the areas outside to be served by the enlargement of the reservoir and project later.

What the Senator from Oregon and the Senator from Illinois are trying to say is that these great subsidies go primarily to a limited number of people.

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

Mr. DOUGLAS. I yield.

Mr. ENGLE. I should like to place in the RECORD the whole picture of the ownerships. Under 160 acres, there are 1,157 farms, totaling 44,086 acres.

Under 320 acres, which on a family ownership basis is within the Federal acreage limitation, there are 87 farms, totaling 22,034 acres. That is a total of 90 percent of the individual ownership.

Mr. DOUGLAS. Yes; but what percentage of the land do they have?

Mr. ENGLE. I am coming to that. Between 320 acres and 1,000 acres, there are 80 farms, having 47,701 acres.

Over 1,000 acres, there are 53 farms, having 255,619 acres.

Let me say to the Senator from Illinois that that is why we have insisted, and it is why the bill clearly provides, that the 160-acre limitation shall apply within the Federal service area. That is what I am talking about—the Federal service area. The 160-acre limitation, with its nonspeculative purpose, applies to this area. But the Senator keeps hollering about what is going on in that area. The 160-acre limitation applies. He certainly does not object to that, does he? Does the Senator from Illinois object to the application of the 160-acre limitation to those lands?

Mr. DOUGLAS. Of course I do not. The Senator from Oregon and the Senator from Illinois want the 160-acre limitation to apply to all the lands serviced by projects in which the Federal Government has made and will make a huge investment of funds.

Mr. ENGLE. I am all for that. I agree with the Senator on that.

Mr. DOUGLAS. Then the Senator should agree to strike section 6(a).

Mr. ENGLE. No. The Senator from Illinois, if his interpretation of the amendment is correct, wants to apply the acreage limitation law to projects built by the State government, projects for which the State has paid every cent. Then he wants to apply the 160-acre limitation of the Federal reclamation law.

What the Governor of California said in the telegram which I read to the Senate the other day was that he approved the principle of acreage limitation, as I do, as applied to Federal projects. With respect to parts of a project for which the State puts up money, that is a matter which ought to be decided by the State government and the State legislature, and he intended to see to it that that was given proper attention.

But the Senator from Illinois wants to sit in Washington and legislate reclamation law onto a part of a project for which every dime, every nickel, and every red cent was paid by the State of California.

I support the 160-acre limitation with reference to all those ownerships to which the Senator has referred, on which the 160-acre limitation applies.

Mr. DOUGLAS. Mr. President, I think this issue was covered quite fully in the discussion of last Tuesday and last Thursday. The first point is that the waters which will be used will be commingled waters, resulting from Federal investment and State investment, if the State goes through with the projects which they say they will complete.

Then, if we take the San Luis Dam itself, that is a dam the substructure of which is to be constructed by the Federal Government, with only a $10 million to $17 million initial contribution to be made by the State. The first story will be constructed by the Federal Government. The second story, the State says, will be constructed later with State funds. But that is a unified structure. We cannot cut across it with a knife and say, "Up to a certain height, this is a Federal dam, and above a given height it is a State dam." We cannot say of the waters in the reservoir, "This is Federal water, and the other is State water." No. The two are mixed inextricably. That is the San Luis Dam and Reservoir situation.

Upstream, we find other things. We find that the delta-cross canal, which joins the Sacramento River with this project, is already a Federal project, with Federal funds expended, and which is to be utilized by the allegedly State waters.

Then it is found that cheap Federal power will be needed from the waterfalls at Shasta and other places still farther up stream in order to hoist the water from the Sacramento River into the San Joaquin Valley to make the basic San Luis project feasible.

Then it is found that the prior Federal investments at Shasta, Keswick, Folsom, Trinity, and the other places are all necessary for this project.

I know our friends from California say that Oroville Dam is to be a separate State project in connection with the Feather River. It is very interesting that at this very moment California is asking for an increase in Federal planning money from $30,000 to $40,000 for Oroville Dam, and that the distinguished former Governor, whom the present junior Senator from California had the honor to defeat in the elections last fall, stated that California wanted "an appropriation of at least $75 million in Federal funds for the nonreimbursable benefits of the Feather River Project's Keystone Oroville Dam." That statement appears in the San Francisco Examiner of April 10, 1957. The Governor from California in 1957 made that statement, and it was printed in the San Francisco Examiner.

Mr. KUCHEL. The Senator from Illinois is nearer right than he thinks. If he will yield to me, I can give him the exact fact.

Mr. DOUGLAS. I am very desirous of being precisely correct. I do not want to overstress the truth.

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

Mr. DOUGLAS. I yield.

Mr. ENGLE. The Senator is pretty close to the facts.

Mr. DOUGLAS. I generally am, but I try to be right on the nose.

Mr. ENGLE. For his information, legislation has already passed Congress authorizing the Federal Government to make a contribution for the nonreimbursable flood control features of the Oroville Dam. That is what the distinguished former Governor was talking about.

Mr. DOUGLAS. And the present junior Senator from California as well.

Mr. ENGLE. I was the author of the bill.

Mr. DOUGLAS. Now we are getting down to cases.

Mr. ENGLE. I am proud of the fact that I was the author of the bill.

Mr. DOUGLAS. How can one separate water held back to serve the purposes of nonreimbursable factors, for flood control, from water which is held back for irrigation? We cannot say to 1 gallon of water, "You are a nonreimbursable gallon," and to another, "You are a reimbursable gallon."

The acre-feet of water which pour down, commingle and commix. Now the junior Senator from California, out of his own mouth, has said he wants a $75 million Federal appropriation for Oroville and to help hold the other waters which will come down. But he further says, "We do not want the Federal Government to extend the protection of the Federal irrigation law to the water which will be used for irrigation purposes." But I do not believe Congress can draw any such line, because that water is not marked as to whether it is used for irrigation or is held back for flood prevention. Ultimately it all goes downstream, although not at the same time it otherwise would.

Mr. ENGLE. Mr. President, will the Senator yield, so that I may answer his argument, which has a surface plausibility?

Mr. DOUGLAS. It not only has surface plausibility; it is true.

Mr. ENGLE. Any time a dam is placed in a river, everybody's water is stopped. There is no way to put a dam in a river and not stop everybody's water. A dam will stop water which belongs to the irrigation districts. It will stop water which belongs to the farms below. It will stop waters which belong to the State of California.

When the great Shasta Dam was built, a dam which blocks the Sacramento and other rivers of northern California below their confluence, everybody's water was stopped. Four and one-half million acre-feet of water were stored up.

The Sacramento River, which comes down from northern California some 150 miles, is used as a canal. It is everybody's water.

Mr. DOUGLAS. That river has been deepened and put into shape by Federal appropriations.

Mr. ENGLE. That is correct; just as in the case of other waterways throughout the Nation. But when the water gets out of the dam, the Federal water is distributed on Federal projects. The Federal water is picked up in the appropriate amounts at the Delta pumps, run to the San Joaquin Valley, and distributed on Federal reclamation lands under the 160-acre limitation. Those waters go into Shasta Lake, with its storage of 4½ million acre-feet. Irrigation districts such as the Anderson and Cottonwood districts take their waters out, and their waters are distributed free and clear of any acreage limitation. And that is as it should be.

Now the Senator from Illinois is beginning to see the implication of the sort of argument he is making, namely, that the mere commingling of water because the Federal Government sticks a piece of cement across a river, and thus blocks everyone's water, does not give the Federal Government the right to pursue each molecule of water as if it had "U.S.A." stamped on it. The law applies to the quantum of water delivered to the Federal reclamation projects, and not otherwise. If that were not the case, the Federal Government could not ever build a dam across a major stream in any State of the Nation without applying all the national reclamation laws to every project built by every State and every farmer group in the Nation; and the distinguished Senator from Illinois knows that would not happen. That is precisely why the formula about which he is arguing is wrong.

I would say to the Senator from Illinois that if California uses facilities built by the Federal Government and paid for by the Federal Government, to implement a California water project, such as the Delta pumps on the Central Valley project or the Delta-Mendota Canal, apply the 160-acre limitation. But that is not the situation in this case.

I call my colleague's attention to the fact that whenever a great dam is built and plugs a river—whether it is the Colorado River at Boulder, the Colorado River at Glen Canyon, the Colorado

River at Parker or Davis, the American River at Folsom, the Sacramento River at Shasta, or the Trinity River at the Trinity project—that wall of cement stops everyone's water; and the distribution of the water is not necessarily made on the basis of the national reclamation law. If that were the case, we simply would have to get out of the reclamation business.

Mr. DOUGLAS. Mr. President, I recite the facts about commingling of waters, use of Federally built facilities, and use of joint facilities only to show that, as a matter of fact, the Oroville Dam and so-called State service area project are not a separate State project. It will all be a joint project.

It will be a joint project because of the Federal-State joint works of the San Luis Dam and Reservoir, the federally built Delta Cross Channel, and possibly the enlarged Delta-Mendota Canal.

It will be a joint project because of the Federal supporting works that make the water and power available, which in turn make the San Luis unit possible. The cheap power is created and the water is stored and then channeled to the lands through the construction of the whole Central Valley project, in which water power, reservoirs, pumping, and channels are interwoven; and in this connection I could mention the Shasta Dam and powerplant; the Keswick Dam and powerplant; the Trinity Dams and powerplant, which are under construction, and are 65 percent complete; the Sacramento canals; the Nimbus Dam and powerplant; the Folsom Dam and powerplant, the Sly Power Dam, the Delta Cross Channel, to which I have referred, the Tracy pumping plant, the Delta-Mendota Canal, and the San Luis Dam and Reservoir itself.

And now I believe we shall have to add the Oroville dam project, for which the Senator from California and other Senators have been asking a Federal contribution of $75 million to help build the dams.

Previously, they have been saying this would be a 100 percent State project. But it turns out to be nothing of the sort. A large part of the basic cost of the Oroville project is to be charged to the Federal Government, in the case of the flood control, and possibly navigation costs; and only the residue, or the irrigation costs, are to be borne by the State government. And as I shall shortly suggest, perhaps even some of these irrigation costs of the so-called State project will also be thrust on the Federal Government.

But I should like to point out, in this connection, that the waters which will be held back by the Oroville dam for flood control and navigation purposes—for which the Federal Government is asked to pay—ultimately will go to the jointly-constructed San Luis reservoir, just as much as will the water which is specifically earmarked for irrigation. All the water pumped into the San Luis valley will go down there for irrigation, regardless of the cost allocations at Oroville dam between flood control and irrigation.

I point out that despite all these Federal contributions, the Senators from California do not want the Federal reclamation law to apply except in the so-called Federal service area in this valley. However, it is clear that in this valley there is an exceptionally high degree of concentrated land ownership. Probably three-fourths of the land is locked up in huge landed estates, largely descended either from the railway land grants or from the Mexican and Spanish land grants, or in other cases acquired by shrewd purchasing at low land values or by some questionable means.

These landowners are the ones who will make close to $600 an acre—which will be given to them by the taxpayers of the United States—by the taxpayers of Michigan, by the taxpayers of North Dakota, by the taxpayers of Oregon, by the taxpayers of Minnesota, by the taxpayers of Illinois, by the taxpayers of Wisconsin—by all the taxpayers of the Nation when the irrigation water is put on their lands. All of the taxpayers will pay the bill. But who will get the profit? The profit from these expenditures will be received by the big landowners in very large part, unless existing Federal land policies favoring family-farms are allowed to apply.

Very frankly, Mr. President, I take the position that although it may be against the immediate economic interests of my State to pay these taxes and, in return, to have these areas produce more wheat than they otherwise would produce, and to have that wheat enter into competition with wheat produced in the Middle West, I would be ready to agree that that be done if we could democratize the land ownership in this valley, so that the small farmers could have a chance to get hold of the land.

But I would be false to my trust if I voted for these huge expenditures which not only would enrich a few, but also would perpetuate a condition of agrarian feudalism, in which a few large landowners control the land, and thousands of persons, many of them Mexican-Americans, day laborers who live in poverty-stricken villages—and I have inspected some of the villages on this land—actually do the farming.

Mr. President, that is not the American system. The American system is that the person who farms the land should, insofar as possible, be the farm owner.

That is the basis on which democracy was established in the Mississippi Valley; but that basis of agrarian democracy does not exist in large areas of California. It does not exist in certain sections of Texas, which also inherited Mexican and Spanish law. But it is the condition which we hope will prevail increasingly in the future if we can only apply the U.S. reclamation law.

I have indicated that this is a rather frail reed in itself in the case of areas as rich as this one, because a family which grows fruit can make a living with 30, 40, or 50 acres, whereas a man and wife under the reclamation law can secure water for 320 acres. Personally, I think that if we wish to have a realistic, family-farm acreage limitation and if we wish to democratize agriculture, the limit should be 60 or 40 acres in these fertile valleys, as the Senator from Oregon has suggested.

But all we are trying to do is establish 160 or 320 acres as the limit—which will make these people rich beyond the dreams of avarice, and would give a man and wife a subsidy of close to $180,000 a farm.

But the junior Senator from California says that is not enough—that we must let the Southern Pacific Railroad Co., with its 120,000 acres in the Federal service area, have its 30,000 or so acres outside that area irrigated by the joint project without any limitation. We must let the Kern County Land Co. have all of its 348,000 acres that are in the so-called State service area receive water without acreage limitation, and so forth and so on.

Mr. President, I think that in this connection I should point out that there is a possible further Federal subsidy in the case of the Oroville Dam—namely, through interest-free payments to the so-called State irrigation project. That is a subsidy from the Federal Government. This shows what an illusion it is to call this a separate State project, from which Federal land policy should be excluded, as section 6(a) seeks to do.

I ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks, the clear and revealing statement dealing with this subject by the very able junior Senator from California, which was placed in the CONGRESSIONAL RECORD of September 19, 1957, by him and includes quotations from various California newspapers.

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

[From the CONGRESSIONAL RECORD of Sept. 19, 1957]

ENGLE WATER PLAN PRAISED

(Extension of remarks of Hon. CLAIR ENGLE, of California, in the House of Representatives, Friday, August 30, 1957)

Mr. ENGLE. Mr. Speaker, the early response to my proposal, whereby the Federal Government would make nonreimbursable contributions for flood control and interest-free loans for irrigation features of State projects constructed primarily for development of municipal and industrial water, has been most gratifying.

Under leave to extend my remarks, I include some of the articles and editorials appearing in leading newspapers in northern and southern California, with comments on the proposal, as follows:

"[From the Sacramento Bee of Aug. 12, 1957]

"ENGLE PROPOSES UNITED STATES-STATE WATER PLAN SPEEDUP

"(By Edward H. Dickson)

"WASHINGTON.—Chairman CLAIR ENGLE of the House Interior and Insular Affairs Committee today disclosed a new legislative plan which he said is designed to speed joint Federal-State construction of water projects in California and the other Western States.

Under the program, the Federal Government for the first time would be allowed to participate in projects designed primarily to

furnish domestic and industrial water rather than irrigation water.

"ENGLE, a Democrat representing the Sacramento Valley and Sierra Nevada district, made known his views in a letter to Assemblyman Carley Porter, of Los Angeles County, chairman of the subcommittee of the joint interim committee on State water problems of the State legislature.

"He urged that congressional and State legislative water committees meet this fall in California to discuss his suggested legislation and also the financing of future State water projects.

"OUTLINES STATE ROLE

"Under the Engle plan, the States would build the projects where the prime purpose is the development of domestic and industrial supplies with the State responsible for the financing of these features plus any hydroelectric power development.

"The Federal Government would make an outright contribution for flood-control benefits as a recognized Federal responsibility and also make an interest-free loan for benefits ascribed to irrigation.

"While many multiple-purpose projects built now by the Federal Government provide for flood control and domestic and industrial water, historically Congress has insisted that the primary purpose be the irrigation of farmland."

"[From the Sacramento Bee, Aug. 13, 1957]

"FEATHER RIVER PROJECT BACKERS LAUD ENGLE WATER PLAN

"Grover C. Shannon, of Yuba City, Sutter County, president of the Feather River Project Association, and Samuel B. Morris, of Los Angeles, a vice president of the group, today lauded a new proposal to speed joint Federal-State construction of water projects.

"The water development leaders from the northern and southern sections of the State praised a suggestion made yesterday by Congressman CLAIR ENGLE, Democrat, of Red Bluff, Tehama County, chairman of the House Interior and Insular Affairs Committee.

"Under ENGLE's plan the States would build the projects where the prime purpose is the development of domestic and industrial supplies, with the State responsible for the financing of these features plus any hydroelectric power development.

"The Federal Government would make an outright contribution for flood-control benefits and also make an interest-free loan for benefits ascribed to irrigation.

"Most encouraging

" 'It is most encouraging to learn of Congressman ENGLE's proposal that will make it possible for the Federal Government to grant benefits to State projects like the Feather River project,' Shannon said.

" 'The Feather River Project Association has just adopted a broad financing policy for State water projects. ENGLE's reported suggestions are covered by our program and would aid in the solution of Feather River project financing which is so important to millions of Californians.'

"Morris called the Engle plan a major step in encouraging local initiative to undertake large multipurpose water projects such as the Feather River project.

"State leadership

" 'Instead of depending upon Uncle Sam to do these jobs, California and other States can take the leadership to solve their own problems, where the major interest is domestic and industrial water supply, with assurance they would get the same degree of financial support for other purposes that would be given a strictly Federal project.'

"Historically, Congress has insisted that the primary purpose of Federal water projects be the irrigation of farmland. With California's expanding population the domestic and industrial demands are increasing but the cost of supplying them is considered by some water experts as prohibitive for State financing alone."

"[From the Los Angeles Examiner, Aug. 13, 1957]

"WATER AID PLAN BACKED

"Representative CLAIR ENGLE's proposal that Federal aid be extended to big State projects designed primarily to take water to cities and industries was commended here yesterday by Samuel B. Morris, a Feather River Project Association vice president.

"The effect of ENGLE's proposal, it was indicated, would be that the Federal Government, now limited to aid for or building of projects in which flood control and irrigation of farms is paramount, could help the Feather River project.

"In other words, the Government would put up the cash for flood control and provide interest-free loans for the important irrigation aspects of this big project which mainly is concerned with serving big growing cities.

"Major step

"Morris, now a consulting engineer, retired Los Angeles Department of Water and Power general manager, said of ENGLE's proposal:

" 'This is a major step in encouraging local initiative to undertake large multipurpose projects such as the Feather River project.

" 'Instead of depending on Uncle Sam to do these jobs, California and other States can take the leadership to solve their own problems, where the major interest is domestic and industrial water supply.

" 'This could be done with assurance that they would get the same degree of financial support for other purposes, such as flood control and irrigation, that would be given a strictly Federal project.

"Lower rates

" 'The result would be more eocnomical construction and lower water rates for users.'

"ENGLE, a Democrat, from Red Bluff, is chairman of the important House Interior Committee.

"He made his proposal to Assemblyman Carley Porter, of Compton, chairman of a subcommittee of the legislature's joint interim committee on State water problems.

"ENGLE suggested that this committee and a House group hold hearings this fall on financing the $11,500 million California water plan, of which the Feather River project would be the backbone."

"[From the Los Angeles Times, Aug. 14, 1957]

"WATER DISTRICT OFFICIALS BACK ENGLE'S PLAN

"Officials of the metropolitan water district yesterday joined the Los Angeles Water and Power Department in praising a proposal by Representative CLAIR ENGLE that the Federal Government help pay for, but not control, large municipal and domestic water projects.

"Joseph Jensen, chairman of the metropolitan water district board of directors, said ENGLE's suggestion 'should go far to advance Federal-State partnership on a fair and sound basis.'

"ENGLE had suggested, in a letter to Assemblyman Carley Porter, that the Federal Government should remove its ban on financial aid for water projects other than flood control and irrigation works. 'Then,' ENGLE said, 'the Government could help pay for domestic and municipal water projects but control of the works would remain with the State.'

"Samuel B. Morris, former general manager and now consultant with the Los Angeles Water and Power Department, already had said ENGLE's suggestion for Federal grants would tremendously increase prospects for a Feather River project to bring water to southern California from the North."

[From the Los Angeles Times, Aug. 15, 1957]

"ENGLE'S WATER AID IDEA GAINS FAVOR—PROPOSAL FOR NEW TYPE FEDERAL HELP ON PROJECTS WINS FEATHER RIVER GROUP O.K.

"(By Ed Ainsworth)

"Additional support, on a statewide basis, was given yesterday to a proposal by Representative CLAIR ENGLE, of California, for a new type of Federal financial aid to State water projects for domestic and industrial use.

"The Feather River Association, made up of members all over the State, endorsed the ENGLE suggestion as being in line with its own recently adopted policy statement on water project financing.

Word on approval

"Grover C. Shannon, of Yuba City, president of the Feather River Association, made the announcement approving the Engle plan. It already had been approved by Samuel B. Morris, consultant of the Los Angeles Water and Power Department, and by the Metropolitan Water District of Southern California.

"Representative ENGLE, chairman of the House Interior and Insular Affairs Committee, proposed early this week that Federal grants and loans be made on domestic and industrial water projects, with no strings attached."

[From the Los Angeles Herald-Express of Aug. 14, 1957]

"FEATHER RIVER PLAN AID

"New hope is raised for the planned construction of the giant Feather River project which would bring irrigation, domestic, and industrial water to Los Angeles and other sections of southern California by announcement by Congressman CLAIR ENGLE of proposed new Federal legislation.

"Congressman ENGLE, California Democrat, who is chairman of the House Interior and Insular Affairs Committee, is proposing legislation under which the Federal Government would advance interest-free loans for projects in which the principal purpose is to provide municipal and industrial water supplies.

"If this legislation is passed, it could mean that the funds required would be provided by the Federal Government and the State would carry out the construction and operation.

"Thus one of the biggest hurdles which has faced the Feather River project, obtaining the necessary funds, would be surmounted.

"The other principal obstacle, of course, is lack of agreement of the California Legislature on proposed constitutional amendments determining the rights of northern California 'counties of origin' and southern California counties to the flow of water from the Feather River.

"Southern Californians interested in the future of this end of the State, where the growing water needs of an ever-increasing population are of vital importance, should immediately write to their Congressmen and Senators in Washington requesting that they join forces in helping Congressman ENGLE in his campaign for the proposed legislation.

"Samuel B. Morris, nationally known consulting engineer, retired former general manager of the Los Angeles Department of Water and Power and now a vice president of the Feather River Project Association, assesses the new proposal as follows:

" 'This is a major step in encouraging local initiative to undertake large multipurpose water projects such as the Feather River project.

" 'Instead of depending upon Uncle Sam to do these jobs, California and other States can take the leadership to solve their own problems, where the major interest is domestic and industrial water supply, with assur-

ance that they would get the same degree of financial support for other purposes that would be given a strictly Federal project.

" 'The result should be more economical construction costs and lower rates to water users'."

"[From the Sacramento Bee of Aug. 16, 1957]

"ENGLE PLAN WOULD AID NEEDED WATER PROJECTS

"Congressman CLAIR ENGLE of the Second California District suggests a new concept of Federal-State cooperation in water resources development which merits the most careful study.

"He proposes the Federal Government be authorized to make financial contributions to State projects which are designed primarily to provide water for domestic and industrial purposes.

"Historically the Federal Government's role has been confined to irrigation undertakings in order to bring the semiarid lands of the West into useful production.

"ENGLE's plan recognizes that, because of the amazing population growth and the shift to an industrial economy, the development of domestic and industrial water supplies is of vital importance to California.

"The requirement for an irrigation supply, of course, will persist. And the Federal Government should and under the Engle plan would continue its part in financing such projects as San Luis and the Auburn Dam.

"But certainly the Federal Government's responsibility is no less in seeing that cities and towns have enough water.

"The difficulty is that the cost of providing such supplies often is prohibitive to the local governments, especially when the sources of water are far removed from the centers of population.

"Under ENGLE's proposal, for projects whose primary purpose is a domestic and industrial water supply, Congress would make outright grants for flood control, which is a traditional responsibility of the Federal Government. It also would make interest-free loans for irrigation, as presently is the practice.

"The States would finance the dams and incidental hydroelectric installations.

"The plan appears to be sound and represents an equitable division of the cost. It would enable States to go ahead with projects which they presently cannot finance. It would represent the highest order of partnership which the Eisenhower administration professes to support.

"Moreover, it is a plan which easily would be expanded to aid eastern localities where the problem is not one of irrigation but of domestic water supplies and should appeal to Congressmen from beyond the 100th meridian whose interest in western reclamation often has been remote."

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. Mr. President, I rise only to point out to my colleagues—the Senator from Illinois [Mr. DOUGLAS], the Senator from Oregon [Mr. MORSE], and other Senators—who have raised a vital question concerning the reclamation issue in connection with the irrigated land, that their arguments have not gone unnoticed. Sometimes I believe that those who stand to do the fighting and the battling for established public policy reach the conclusion that their arguments are being listened to by only a few, and perhaps not too attentatively at that. I wish the Senator from Illinois to know that I had very serious doubts as to how I would vote in reference to the San Luis unit, because there are grave problems involved respecting the relationships between Federal and State Governments. Nevertheless, no matter what those doubts are, it seems to me that if we are to amend the basic public policy of the Nation prescribing a 160-acre limitation for one person, or 320 acres for a man and his wife, it is something that ought to be done de novo, on its own. It is something that ought to be considered in terms of overall policy, rather than in terms of specific project units.

I imagine arguments could be advanced to the effect that there have been attempts to lift the limitation in other instances.

Mr. DOUGLAS. There have been some clearly unwise exemptions, in Texas, I think. But, generally, the limitation has been lifted in connection with high altitude projects, which probably should never have been started in the first place, because of the short growing season, and where it is probable, because the crops are of low value, that 160 acres will not produce an adequate living.

So a case could be made for lifting the limitation in high altitude areas such as are found in the Rocky Mountains. But we know there is no justification for lifting the limitation in the Central Valley of California, which is probably the richest agricultural area, potentially, in the United States. Here, if any place, the 160-acre limitation should be safeguarded; and, indeed, a more restrictive limitation might be needed.

Mr. HUMPHREY. I was about to say to the Senator that a reexamination of the 160-acre limitation is something which, if it is to be made at all, needs to be done not on a particular project, but in terms of the broad areas of the Nation that would be affected, such as high altitude areas, which the Senator has just mentioned, or areas where there is less fertility, but where we have some idea of what the fertility of the soil can be and will be.

I regret that section 6(a) is in the bill, because otherwise I think there would be no doubt about the importance of the passage of the bill. In fact, I would support the passage of the bill. I am hopeful section 6(a) can either be modified, so as not to upset the established pattern of the 160-acre limitation, or that it can be removed entirely.

I understand the pending amendment of the Senator is to strike that section from the bill.

Mr. DOUGLAS. That is the amendment of the Senators from Oregon and the Senator from Illinois.

Mr. HUMPHREY. On that basis, the matter of the relationships between the Federal and State Governments and land owners would be left to the courts to be determined. Is that correct?

Mr. DOUGLAS. That is correct.

Mr. HUMPHREY. That is a process which would probably lend itself to a more equitable settlement than would be obtained from a legislative settlement on a particular project. It does not foreclose the possibility of some adjustment by State legislative power over certain lands. Am I correct in that statement?

Mr. DOUGLAS. That is the point on which the junior Senator from California [Mr. ENGLE] touched earlier this afternoon, which I promised to deal with at a later hour.

The Senator from Minnesota, with his usually keen mind, has put his finger on a very difficult and controversial point. Let me state the situation in this way: The inclusion of section 6(a) makes it perfectly clear, I think, that the 160-acre limitation will not apply in the so-called added acreage over and above, or outside of, the initial acreage to be irrigated by water impounded in what are admitted to be exclusively Federal projects.

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. It is our contention that the additional irrigation of 500,000 acres would be carried out on projects, a long list of which I have given, in many of which Federal funds only have been spent, and in others of which Federal money and State money would be commingled, and that the water would be commingled. Furthermore, we say that if the added acreage is exempt from the operation of Federal law as section 6(a) would exempt it, then, in the absence of State law, the sky would be the limit.

I should like to have the attention of the Senator from California when I make this statement. It is my understanding that there is no acreage limitation at present under California State law.

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

Mr. DOUGLAS. I yield.

Mr. ENGLE. I desire to read, for the benefit of the distinguished Senator from Illinois and the distinguished Senator from Minnesota, the telegram which I received from Governor Brown, of California. This is what he said:

I am convinced that the Federal reclamation laws do and will apply to all Federal facilities and service areas of the San Luis project.

There is no doubt about it.

I resume reading the telegram:

In addition, with or without the language contained in section 6(a) under S. 44, the Federal reclamation laws do not and, in my view, should not apply to the State facilities and State service areas of the project. I am, and I believe that the California Legislature also is, opposed to any unjust enrichment or monopolization of benefits by owners of large land holdings as a result of either Federal or State operation.

However, I feel that the handling of this matter, insofar as State activities are concerned in relation to this project or other State construction, should come as a result of State legislation. I intend, at an appropriate time and before contracts are executed, to take this matter up with the California Legislature in order to preclude the undesirable results which I have described, but I firmly believe that this matter should not delay either Federal or State authorization or construction.

If I may proceed for a moment, what the Governor is saying is that there are going to be two separate service areas, Federal and State. The waters are commingled behind a single dam. That fact is what troubles my friend from

Illinois. But on that dam the State of California pays its full share when the water goes into a ditch under Federal law and under the 160-acre limitation.

When and if the State undertakes the second step and impounds the 100 million acre-feet, when the water goes into the ditches and to those areas to be served by State works, the State legislature, under the leadership of Governor Brown, will arrange for appropriate legislation to see that there is no unjust enrichment, because of a subsidy from the Federal taxpayers, going to those lands.

The bill, in section 6(a), states affirmatively that the Federal reclamation laws shall not apply to State service areas. I have said to the Senator from Illinois, and I have repeated day after day, that that language is surplusage. The amendment is to strike that language. What does an amendment do that strikes surplusage? Nothing. With or without that language, Federal reclamation law cannot apply to State service areas. The Senator from Illinois says that if we strike that language we will automatically apply Federal reclamation law to State service areas. I do not believe it, Governor Brown does not believe it, and I do not think the Senator from Oregon [Mr. MORSE] believes it.

Mr. DOUGLAS. I should like to reply to my good friend from California.

In the first place, as Senators will notice, the telegram from Governor Brown says in effect, "We do not now have any State law placing any limitation upon the acreage which can be served by 'State water' but I hope we will have. I intend to propose a law in the future. I oppose land monopolization. I hope the project will go ahead, and if it does, then to preclude the undesirable results of land monopoly, I will propose a law." I have paraphrased his message.

It is one thing for a Governor to propose, and it is another thing for a legislature to carry out the proposal.

My friends from California became indignant the other day when I reminded them of some of the facts about the California Legislature. I think the people of California are as good as the people of any other State, but the fact is that the Legislature of California is gerrymandered so that a few mountain counties control the senate. The great county of Los Angeles, with 7 million people, I believe has only one State senator. The San Francisco Bay area, the other great population area of California, is grossly underrepresented. The mountain counties have been manipulated in the past, as we all know, by lobbyists for the special interests of California.

I am happy to say I think there has been an improvement in the California Legislature. A Republican legislature has been replaced by a legislature largely Democratic. The forces of reform have therefore been greatly strengthened. But upon occasion there are a few black sheep—not many, but a few—and powerful groups can often induce a few black sheep to join the unregenerated black sheep, to make up a majority. The opposition can pick off a few of our men and get a majority.

Frankly, this is what I am afraid of. I think the Governor of California and the junior Senator from California should be afraid of it, also. I think what the Governor of California and the junior Senator from California are doing, in effect, is indulging in the well-known California real estate practice of selling us hope. Hope is a beautiful quality, but it is not a substitute for solid protection.

The point is that California has no State law on the matter. If we should sweep away the defenses of the Federal law as section 6(a) does, until a State law were passed, there would be no limitation. One can imagine the way the large landowners would go to town, get their subsidies, and refuse to split up their land.

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

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. Did I correctly understand the distinguished junior Senator from California to say he felt that section 6(a) in this bill was so much surplus and therefore was not necessary?

Mr. ENGLE. To use a legal term, we call it surplusage.

Mr. HUMPHREY. Yes.

Mr. ENGLE. The distinguished Senator from Illinois has disagreed on this floor with respect to the impact of the language. I say that the language in section 6(a) is surplusage. The Governor of California in his telegram agrees that the language is surplusage.

I am sure the Senator from Oregon [Mr. MORSE], who is a fine lawyer, agrees with me that simply stating what the law is would not change the law and would not make applicable something not otherwise applicable. Removing the language from the bill will not have the effect the Senator from Illinois says it will have.

Mr. HUMPHREY. If the language is eliminated from the bill it will, of course, leave the restriction on Federal lands untouched. If the language is stricken from the bill the law will remain as it is.

Mr. ENGLE. The Senator is correct. The 160-acre limitation will apply like a straitjacket to every acre of federally serviced land.

Mr. HUMPHREY. Is it the interpretation of the Senator from California that the dispute over the commingled water—and this is a new type of commingling—is a dispute which is for the courts to determine rather than for the legislative body to determine. Is that the interpretation?

Mr. ENGLE. It has been said that the matter would be taken to court, but it ought to be handled by the legislature if there is any doubt about it. In any case, it ought to be handled, with reference to the State service area, by the State government and by the State legislature. I am referring to those elements of the project built completely by the State, as to which every dime of investment will be handled by the State government. It is the intent to do exactly that.

Mr. DOUGLAS. Mr. President, if the State wants to adopt its own acreage limitation, that will be fine. Let the State do so first, however, and then let it come back to us.

Let us not destroy the Federal land policy now, before the State acts, on the basis of hope. Let us not do that.

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

Mr. DOUGLAS. Not at this time. I should like to continue for a minute.

Mr. ENGLE. I would be delighted to comment.

Mr. DOUGLAS. I know my good friend from California, like the rest of us, sometimes in the heat of debate, says things he does not wish fully to stand on later. I do not want to hold my friend to his statements too rigidly.

Mr. ENGLE. I do not want to retract anything. I merely want to embellish the statements.

Mr. DOUGLAS. In a colloquy held on May 7, 1959, among the Senator from California, the Senator from Illinois, and the Senator from Oregon, when we were dealing with the question of section 6(a), the Senator from California [Mr. ENGLE] said:

> I will be glad to have the matter settled right here and thus abate the rumpus a little.

And the Senator from Oregon [Mr. MORSE] said:

> I understand the Senator is willing to have the matter settled here. That is, I must say, an admission on the Senator's part of how sound the senior Senator from Illinois is in the amendment which he has offered, because he then points out that it does make a difference whether the section is in or out of the bill.

We hoped, when the junior Senator from California uttered those words, that he would be willing to have section 6(a) stricken from the bill, that he recognized that it did make a difference. Very frankly, we have been prolonging this debate not only to produce additional evidence, but also to let the better nature of the junior Senator from California assert itself, and to lead him to agree to eliminate section 6(a) of the bill.

Day after day has gone by, and although we hoped we might get a telephone call or a visit from the junior Senator from California or from the senior Senator from California, to announce that they were willing to back up, they seem to be held somehow, in some way, in a bind, and they cannot do it.

I think we should offer on opportunity for the better natures of the Senators from California to continue to work, because we know that they do have better natures and very strong better natures. We think they should be given an opportunity to operate.

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

Mr. DOUGLAS. I am glad to yield to the senior Senator from North Dakota, one of the best fighters for the underdog the Senate has ever had.

Mr. LANGER. I thank the Senator very much.

Do I correctly understand the Senator's position to be that we should not pass the bill until the California Legislature has acted?

Mr. DOUGLAS. The Senator is correct.

Mr. LANGER. Is that the entire position?

Mr. DOUGLAS. Or we should strike section 6(a) from the bill, if we act in the absence of some desirable land policy adopted by that legislature.

Mr. LANGER. That is what I referred to. We should delete section 6(a).

Mr. DOUGLAS. That is correct. We should delete section 6(a). Then if the California Legislature wants to enact a decent acreage limitation, which will meet the Federal standards, we should consider it.

I think the California Legislature could introduce a really desirable principle, by providing limitation of less than 160 acres. If the junior Senator from California were to appear before the California Legislature, the legislature would be willing, possibly, to adopt a 60-acre limitation, if it were made a political issue in the State of California.

Mr. LANGER. Mr. Presdent, when we passed the homestead law, with respect to the rich land in the Red River Valley—an area familiar to the Senator from Minnesota [Mr. HUMPHREY], and where I live, an area which the Senator from Illinois also knows so well—we placed in the law a limitation of 160 acres, which has worked out very well. We have provided a 160-acre limitation for irrigated land for many years. We have had the law, and have abided by it. It seems strange that we should be asked to proceed to amend the law without having the committee thoroughly analyze the matter. That should be done before the Senate is asked to vote on the matter.

Mr. DOUGLAS. Mr. President, I am very glad the Senator from North Dakota spoke as he did. It does not surprise me in the slightest. The Senator from North Dakota is sometimes misunderstood in the country, but if one examines his record one will find the Senator from North Dakota has always been consistent in favor of a broad democratization of property in this country, a wide distribution of property and power, so that no one will have enough power to oppress others, but everyone will have enough power to protect himself.

He has always realized the vital connection between agrarian democracy and industrial and political democracy. The stand which he takes with respect to the 160-acre limitation is thoroughly in keeping with his entire public record.

As Senator after Senator takes the floor and testifies in behalf of this principle, I hope the Senators from California will change their position and accept the amendment to eliminate section 6(a) which so gravely endangers that principle of agrarian democracy.

While some of us are willing to waive our sectional interest and vote for the expenditure of huge Federal sums if the Valley is democratized, we are not for granting huge subsidies to a relatively limited group; and if section 6(a) is retained in the bill, we shall fight the bill. Not only will we fight the bill, but there are others who will fight the bill for other reasons.

For example, the Senator from Georgia [Mr. RUSSELL] thought he had won a great victory last Thursday when he was successful in obtaining the adoption of the amendment which provided that, on land newly irrigated by this project, water would not be furnished for the production of crops which were in surplus, and for which Government subsidies were paid.

I am sure the Senator from Georgia thought he had therefore protected the cotton-producing States from the growing of additional cotton. Senators from wheat-producing States probably felt that they were protected against the growing of additional wheat in other States.

But I am afraid the Senator from Georgia was sold a false bill of goods, because if we read that amendment, we see that it merely provides that, on newly irrigated land, such crops would not be raised. The realities of the situation are that in the last year for which we have a record, some 273,000 of the initial block of approximately 440,000 acres were irrigated fom underground waters, and from local water supplies, and in other years additional acres had been irrigated.

So those lands would not be newly irrigated. If we turn to the feasibility report, on page 6 we find the statement from the Department of the Interior, Bureau of Reclamation, that more than 400,000 acres have been developed for irrigation, but the water supply is inadequate to irrigate it all in any one year. In 1950, about 273,000 acres were irrigated. Of this, grain occupied 162,000 acres, and cotton 73,000 acres. The remainder was devoted to forage, truck, and miscellaneous field crops. The nonirrigated areas in 1950 included 12,000 acres of grain and 64,000 acres of native pasture.

The point is that the Senator from Georgia obtained exclusion from the receipts and of water of only the 76,000 acres, and he did not obtain exclusion of whatever part of the more than 400,000 acres which have been developed for irrigation might be used to produce the basic crops in surplus.

What will happen? Additional water will be placed on those lands. They will be irrigated not merely every other year, but every year. More water will be put on this land than can be put on it at present. The crops of cotton and wheat on such lands will increase, and those crops will enter into competition with the Southern States and the Midwestern States.

I am not going to raise this point as an objection to the plan from my standpoint because, as I have said, I am trying to consider the national interest. But I believe there will be many Members of this body who will not wish to bring into competition with the cotton-producing States of the South and the wheat-producing States of the Northwest and the trans-Missouri area, additional supplies of cotton and wheat.

If section 6(a) is in the bill, our friends from California may find that those of us who object to section 6(a) and those who will object to the bill itself because of increased production of crops already in surplus, may have sufficient strength to defeat the bill.

Therefore, once again I urge the Senators from California to think of the interests of their State, and not tie themselves to the chariot—or to the trucks, if I may use a modern analogy—of the big landowners. I ask them not to come into this Chamber shackled with the chains of the Southern Pacific Land Co., the Boston Ranch Co., the Kern County Land Co., the Standard Oil Co., the other oil companies, and other large landowners in this area.

I am not making any threat, because that would be unbecoming a Senator, but I wish to point out the realities of the situation. If our California friends insist on holding onto section 6(a), they may defeat the whole measure.

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

Mr. DOUGLAS. I am glad to yield to my distinguished friend from California.

Mr. ENGLE. With reference to the Senator's argument respecting the limitation on cotton and other subsidized crops, I am glad the Senator has called attention to what may be an ambiguity in that section, although what was intended by the section is subject to interpretation. I am sure the Senator from Georgia, when he offered the amendment which was adopted, meant to say that the level of price-supported crops in the federally serviced area should not increase by reason of this project being brought into existence.

When we use the words "newly irrigated lands"——

Mr. DOUGLAS. They represent only 76,000 acres.

Mr. ENGLE. That would be true if we construed "newly irrigated lands" to mean lands on which this water is not being placed, but which were otherwise irrigated. I think the language is subject to the interpretation we intended, namely, that the expression "newly irrigated lands" means simply newly irrigated from this project, whether or not there was an original or supplemental supply of water.

I am glad to give the assurance that if that language is not clear, and if what we intend to do is not clear, with the help and concurrence of the distinguished Senator from Illinois, we will take care of the situation.

Mr. DOUGLAS. The Senator cannot depend upon me to improve that language.

The point is that, of the 440,000 acres in the Federal service area, 400,000 have been developed for irrigation and only 76,000 are not irrigated.

The Russell amendment merely bars the growing of surplus crops on the newly irrigated areas, or on the 76,000 acres. It does not bar production on the 440,000 acres. Application of more water to the 400,000 acres would increase the quantity of cotton and wheat, and therefore depress the price of cotton and wheat which the farmers of the South and the Midwest would receive. It would result in the payment of subsidies to the big landowners. Some of the landowners in this area are already recipients of the biggest cotton subsidies in the country.

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

Mr. DOUGLAS. I am glad to yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. I should like to ask the distinguished Senator from Illinois how this bill—and I am speaking of the entire bill—can be in the national interest at a time when we have a vast overproduction of farm commodities, when our Committee on Agriculture and Forestry is deeply concerned over the tremendous wheat surpluses, when we are working very hard to develop some way of limiting farm production, when our present farm program is immensely costly to the American taxpayers, and when, because of the technological explosion of farm production, we have a very serious farm income situation. How can a Senator such as I, from Wisconsin, which is the No. 1 alfalfa-producing State in the country, support a bill which, as shown in the RECORD of last Thursday, on the basis of remarks of the junior and senior Senators from California, would vastly increase the production of alfalfa?

It seems to me that this is going to be in competition with the farmers of my State; it is true to some extent in indirect competition, but also in direct competition. I would say that for fruit farmers throughout the country it would have a depressing and adverse effect.

I believe that a project such as this, which costs $290 million in additional Federal authorization—am I correct in that figure?

Mr. DOUGLAS. We have already spent in this Central Valley area approximately $630 million. Another $230 million has been authorized and probably will be appropriated.

The pending bill authorizes a further $290 million. There is the prospect in the offing of $190 million on top of that for distribution works, and appropriations are authorized for those. It looks as though the project will call in the aggregate for the expenditure of $1,300 million of Federal money. Therefore there is an enormous amount of Federal money involved.

I do not blame the Senator from Wisconsin for balking at this proposal. I almost have had to hold my nose and swallow hard to take in and accept such a project as this. I did so because I have traveled through the valley. It is literally one of the wonderlands of this Nation, lying, as it does, between the coast range and the Sierras. It may well be that at some time in the future, with a teeming population, we shall need this land. The acreage yields will be very high.

Therefore I am ready to waive, with a great deal of reluctance, my own personal doubt, and probably I am a little more ready to waive the immediate interests of my State and of our farmers because we do not produce much wheat or alfalfa. Our main crops are soybeans and corn. Therefore I do not believe we would be injured too much. If we were more seriously injured, perhaps I would feel impelled to take a different position. However, I do not blame the Senator from Wisconsin for opposing the measure.

As the debate proceeds, and the longer the Senators from California try to protect the large landowners, there will be more Senators rising on the floor of the Senate to oppose any further appropriation for this valley.

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

Mr. DOUGLAS. I am glad to yield.

Mr. PROXMIRE. I would agree that a project of this kind, which might very well increase our national bounty and the productivity of our soil, would be someday in the long-range national interest. However, I believe it is a matter of timing. It might be in the national interest, not in this year, but perhaps in 10 or 15 years from now, when we might well have a different situation, when we might have a shortage. There is no foreseeable shortage today. There is an enormous overproduction. It would seem to me that to ask Senators to vote for an authorization of $290 million of additional Federal funds in order to increase the production of food in the next few years is something which in all good conscience those of us who have any regard for economy, and who have any concern for the income of our farmers, would find extremely hard to justify to the people in our States.

Mr. DOUGLAS. I am delighted that the Senator from Wisconsin has taken his stand. From the standpoint of his State he is completely correct. He raises more doubt in my own mind. If he keeps up much longer, I shall vote against the bill even with section 6(a) eliminated. I hope, however, that we can get a democratization of the valley.

The Central Valley, the Imperial Valley, and sections of Texas contain the last principal refuges of agrarian feudalism in this country.

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

Mr. DOUGLAS. I yield.

Mr. ENGLE. The point made by the Senator from Wisconsin would be valid if we were starting de novo to bring in new areas of production. In other words, California is a great State. It has a population of 15 million. There will be somebody on this land, and there will be some farming going on there whether it is irrigated or nonirrigated land. As a consequence, there will be agricultural production from this land in any case.

At the present time the wells go down from 600 to 2,000 feet. Necessarily the type of production which can be obtained from such a service area of some 500,000 acres is a very limited type. It falls into categories which come under supports. Whenever water is put on land the production tends to move from the production of crops which are supported into other crops. Let us take cotton, for example. We expect cotton production to decrease. We expect wheat production to decrease. They constitute two big problems with reference to subsidized agriculture. Two big problems, in agriculture, as we all know, are in the field of wheat and cotton. We expect the production of those commodities to decrease.

As a consequence, it is not a matter of dealing with what we might do de novo. The areas are there. By putting water on the land we can get a smaller ownership, as the Senator from Illinois wants. History has shown that every time water is put on land acreages owned by the individual grow smaller. In addition, production goes into row crops, and various other type of production, instead of cotton and wheat.

There is no production of corn, peanuts, or tobacco in those areas. Those three crops are a few of the main staples.

It is true that under the projected crop program in this area, alfalfa production would increase. However, California is having a hard time taking care of its own production in the field of alfalfa and all sorts of legumes.

The tendency at the present time is to enable American agriculture to pivot into areas which are not subsidized by the Federal Treasury, and to withdraw from the production of corn and cotton and peanuts and tobacco and wheat, and into areas of agriculture where high subsidies are not provided. That is what this kind of project will do. I realize that the Senator from Wisconsin has been attending hearings dealing with the wheat problem, and I know that some of our other colleagues have also.

The purpose is to reduce the production of subsidized crops. For instance, in this area there are some 162,400 acres in grains of one type or another, and, in addition to that, other types of forage crops are in production there. The way to reduce that production is to get the land irrigated and in that way make it possible to grow row crops. In that way it would be possible to support the local population through the production of such crops, and get away from the subsidized crops.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield at this point so that I may reply to the Senator from California?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. I believe the Senator from California makes the very best of a difficult case. What I am concerned about is the effect the proposed type of irrigation will have on commodities which are not basic commodities. Of course, I am concerned with dairy products also, because there is a clear connection between the production of alfalfa and the production of milk.

I am also concerned with the production of vegetables. Wisconsin is the No. 1 State with regard to the production of some vegetables. I am also concerned with fruit, because we are getting into a situation where we will have to change our basic farm program, and to the point where many competent agricultural economists believe that we should either support no farm commodities or all of them.

If we are to have a vast expansion of the production of a number of farm commodities which are now not supported, we might very well come into the position where the production will be such that prices will drop sharply, and where

there will be an understandable demand for the reduction of the production of such commodities.

Therefore, any proposal that we should take $290 million out of the Federal Treasury in order to increase farm production is one for which it is extremely hard for any Senator to vote, even though the production is not of those crops which now happen to be basic crops and on which production is limited.

Mr. ENGLE. I would not want the Senator to think that we are proposing to increase production. What we are expecting is a change in the nature of the production. The land will not stay idle. It cannot stay idle. The owners of the land are going to produce crops. The thing to do is to get the land into the kind of production that is least likely to be subsidized by the Federal Government. We are moving in that direction with this kind of project.

Mr. PROXMIRE. Is it the Senator's view that the increase in the irrigation of the land, either of the presently irrigated acres or the acres which are now irrigated every other year, will not increase the production of farm commodities?

Mr. ENGLE. I believe it will create a greater income for the area. It would have to do so, in order to pay for the project. But I think that in terms of subsidized crops, it will, for all practical purposes, move such crops out of that area—that is, subsidized crops as we know them today.

Mr. PROXMIRE. But because there is land substitution, and as the production of melons and other fruits and vegetables becomes more intense, and the price drops, it seems to me there will be a substitution of land for such production, and the land use to produce those commodities will be transferred into the production of other commodities which are in surplus.

The whole farm problem is so intertwined and so interdependent that it seems to me that if production is greatly expanded in any field, it will have serious and substantial consequences and effects in other fields.

Mr. ENGLE. California is having a very difficult time in retaining enough land on which to grow sufficient food to provide for the people who live immediately adjacent to the farm area. Orchards have been pulled out by the hundreds of acres in Southern California to make way for the building of houses. The same thing has happened in the Santa Clara Valley. Beautiful prune orchards have been pulled out, and the land subdivided for building purposes. So far as the production of those crops is concerned, California is actually running out of land.

That is why I was particularly willing to have the Senator from Georgia [Mr. RUSSELL] offer his amendment, which provides that there cannot be any increase in the production of the basic crops. Otherwise, this kind of project does not make sense. That is the way we intend it.

Mr. CARROLL. Mr. President, will the Senator from Illinois yield, so that I may propound a question to the Senator from California?

Mr. DOUGLAS. I yield for that purpose.

Mr. CARROLL. How long will it take to build this project?

Mr. ENGLE. I assume about 5 years.

Mr. CARROLL. What has been the increase in population in California within the past year or 2 years?

Mr. ENGLE. California has been gaining population at the rate of almost one congressional seat a year. After the next apportionment, there will be seven new seats. So the population increase is on the order of 500,000 a year.

Mr. CARROLL. Has there been any estimate of the population increase for California in the next 5 years?

Mr. ENGLE. I assume it will be on the order of 2,500,000. The present population is somewhat in excess of 15 million, according to the best estimate.

Mr. CARROLL. I apologize for interrupting. I was not in the committee when this project came before it. I was not a member of the subcommittee.

Is the water to be only for irrigated lands, or is it contemplated that the water will be used for the vast population coming into California? Will it be for domestic or metropolitan use?

Mr. ENGLE. There is not a large amount of this water which will be used for municipal and domestic purposes. The major purpose of the Federal part of the project is to take care of what I explained to the Senator from Wisconsin [Mr. PROXMIRE]: transferring this land from the production of cotton and wheat, primarily, into the production of row crops—vegetables, melons, and the like—which supply the local population.

Mr. CARROLL. It seems to me that it will be a joint project.

Mr. ENGLE. Yes. The State project, incidentally, which is to supplement this project, is almost entirely for municipal and domestic use.

Mr. DOUGLAS. I congratulate the Senator from Colorado for putting his finger on the decisive factor, that this is a joint project. It is exclusively Federal to begin with; and then it will have joint use facilities in the later developments.

This is the issue: If section 6(a) is eliminated, then on the second area which is brought under cultivation, in default of State action there will be no acreage limitation. The Federal protection will be swept aside, and the big landowners can go rolling through. The California Legislature will be the only group which can stop them.

Should we abandon Federal protection with the hope that the California Legislature will later act, particularly in view of the fact that the Senate of the California Legislature is grossly gerrymandered?

I understand that the Senators from California winced last week when I mentioned the control which Mr. Arthur Samish exercised over the legislature in the past. I may say that while there has been a big improvement in California in the election of more democratic, liberal, and progressive State legislators, in view of the past record we are not justified in depending upon the frail reed of State action. What is likely to happen is that there will be no defense, and the big landowners will now take over.

If the large landowners take over in the second area, they will make it very difficult for the 160-acre limitation to be applied in the so-called Federal area, because the Federal area will be enclosed by a State area in which there are no limitations. It will be very difficult to maintain democracy inside the so-called Federal area when it is surrounded by feudalism in the exterior area. This point was well developed by the distinguished junior Senator from Oregon [Mr. NEUBERGER] in opening the debate on this subject last week.

But I also call attention to the fact, which is illustrated on the first map in the rear of the Chamber, that Southern Pacific Land Co., in its holdings in the area designated as Federal, has a checkerboard pattern. The usual practice was followed in the granting of these lands, namely, that 640 acres was granted to them in alternate sections, east and west, and then north and south, surrounding the one area which was not given to them. So if we look at the map, we find checkerboards in which the white areas, not owned by the Southern Pacific Land Co., are almost completely enclosed by red areas, which are owned by the Southern Pacific Land Co.

The Southern Pacific Land Co. has explicitly said it does not intend to sell its land. It has made that fact clear, again, again, and again. The details of their statements have been placed in the RECORD several times.

The continued control of the Southern Pacific Land Co., the Boston Ranch Co., and other companies within the Federal service area, will be reinforced if they are surrounded by areas in which the 160-acre limitation does not apply.

So, as a practical matter there is every likelihood that the big landowners within the so-called Federal area may be able to hold out and defeat the attempts to enforce the 160-acre limitation for their land, just as they have done on Pine Flats, where they have thus far forced the hand of the Secretary of the Interior and compelled him to give them the water without their subscribing to the acreage limitation.

In this connection, I call attention to the testimony of J. E. O'Neill before the Committee on Interior and Insular Affairs, and printed in the hearings from pages 88 to 96. Mr. O'Neill is president of Westlands Water District, and he testified to practically what I have stated.

The Senator from New Mexico [Mr. ANDERSON] asked him the question:

> If you took that 65,000 acres out—left it out entirely—would that change the feasibility?
>
> I do not know how it could be done, but would that change the feasibility of the project somewhat?
>
> Mr. O'NEILL. Well, I don't know how it could be done, especially on the distribution system. Because they have alternate sections within our district.
>
> Senator ANDERSON. Checkerboarded?
>
> Mr. O'NEILL. Checkerboard; yes. And they make it very difficult and very expensive to

the other lands to bypass Southern Pacific lands.

Mr. KUCHEL. Mr. President, will the Senator yield on that point?

Mr. DOUGLAS. I yield.

Mr. KUCHEL. The Senator from Illinois understands, does he not, that under Federal reclamation law, when a project such as this one is authorized by Congress, the Secretary of the Interior is required in advance of construction to enter into contracts with the landowners—the farmers—in the area, so that there will be no question about the engineering and economic feasibility of the project? The Senator is aware of that requirement of the law, is he not?

Mr. DOUGLAS. That is the theory. But in practice, as the Senator from California well knows, in connection with the Pine Flats projects, local interests demand that not merely the retention dams, but also the distribution system be constructed first. Then later they say, "We will decide whether or not we want to take the water under the terms of Federal law."

In the case of Pine Flats—and Isabella Dam also, I believe—the big landowners said, "We do not want the water on those terms." But there the distribution system was; and, as things wound up, the big landowners are getting the water, but they have not split up the land holdings.

Mr. KUCHEL. Mr. President, if my friend were testifying in a court of law, that answer would be stricken as not responsive. I asked him whether he was acquainted with the fact that in advance of construction, the Secretary of the Interior is required to enter into contracts with the landowners of the district, to determine the feasibility of the project.

Mr. DOUGLAS. But he did not get such contracts with the Pine Flats owners.

Mr. KUCHEL. Was it built under the Federal reclamation law?

Mr. DOUGLAS. The Federal reclamation law applied to the lands irrigated by that project.

Mr. KUCHEL. Again my friend is not responsive, Mr. President.

Mr. DOUGLAS. Does Senator mean that I do not answer in the way he wants me to answer?

Mr. KUCHEL. No, Mr. President; my friend, the Senator from Illinois, is unacquainted with the history of my State's irrigation projects. When he refers to Pine Flats, let me tell him that Pine Flats had nothing to do with the reclamation laws of the Federal Government.

Mr. DOUGLAS. Let me say that I should like to have a chance to insert in the RECORD at a later point an opinion from the Attorney General which holds precisely to the contrary of the statement the Senator from California has just made. He has held that reclamation law does apply. I ask unanimous consent that that may be done, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. KUCHEL. Mr. President, I have no objection at all. In fact, I hope the Senator from Illinois will do so, because I am acquainted with, and I have read, the opinion of the Attorney General. I merely wish to say to my able friend, the Senator from Illinois, that there is no relationship, in my opinion, between the problem the Senator from Illinois is discussing and the Pine Flats project. That is my opinion.

The PRESIDING OFFICER. Is there objection?

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 2, 1959.

Hon. PAUL H. DOUGLAS,
U.S. Senate, Washington, D.C.

DEAR SENATOR DOUGLAS: In view of your interest in these matters, I am enclosing a copy of an opinion of the Attorney General of the United States dealing with the administration of the Flood Control Act of 1944 (58 Stat. 887), particularly as it relates to Pine Flat Reservoir, Kings River project, and to Isabella Reservoir, Kern River project, California.

As you will note in the opinion, it was rendered in response to a request by Secretary Seaton and an expression of interest on the part of the Department of the Army.

Sincerely yours,

ELMER F. BENNETT,
Under Secretary.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., December 15, 1958.

The Honorable THE SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: This is in response to your request for my opinion with respect to a question arising in the administration of the Flood Control Act of 1944 (58 Stat. 887), particularly as it relates to the Isabella and Pine Flat Reservoir projects constructed pursuant to section 10 of the act (58 Stat. 891–892, 901). The Department of the Army has also expressed its interest in the question.

I am advised that the Isabella Reservoir project is a multiple-purpose dam and reservoir for flood control, irrigation and related purposes located on the Kern River northeast of the city of Bakersfield in California. The Pine Flat Reservoir project is a similar multiple-purpose dam and reservoir constructed in California on the Kings River east of the city of Fresno. It appears that all the necessary diversion works, canals and ditches for irrigation were constructed by the landowners in each vicinity prior to the construction of either the Isabella or Pine Flat project. However, in each case space in the dam not immediately required for flood control purposes can be used for the conservation storage of water. Water so stored can be released for irrigation purposes merely by opening the outlet valves of the dam. While no facilities in addition to those presently constructed are needed to serve the purposes of irrigation, the reservoirs and dams store waters so that they can be released when needed rather than being dissipated by natural flow down the channels. Therefore in each case the project substantially improves the irrigation water supply.

Section 10 adopts and authorizes "to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers" specified "works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes." The works specified include the Isabella and Pine Flat projects. Section 8 of the act (58 Stat. 891, 43 U.S.C. 390) provides, subject to conditions contained therein, that when any such works may be utilized for irrigation purposes, "the Secretary of the Interior is authorized to construct, operate, and maintain, under the provisions of the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto), such additional works in connection therewith as he may deem necessary for irrigation purposes." The section also provides that dams and reservoirs operated under the direction of the Secretary of War may be utilized for irrigation purposes only in conformity with its provisions.

The question originally presented was whether the Secretary of the Army or the Secretary of the Interior is responsible for contracting with respect to the disposition of irrigation benefits from dams and reservoirs constructed under the authority of section 10 where such benefits may be supplied without the construction of additional irrigation works. However, discussion with representatives of the Department of the Army and the Department of the Interior has disclosed that that question is of only incidental interest. The question of primary concern does not relate to which officer has the duty to contract on behalf of the Government in the circumstances, but rather whether the reclamation laws apply to any contract for the disposition of irrigation benefits which may be negotiated, irrespective of which officer has that duty. This opinion therefore treats only with that question. The question of contracting responsibility is discussed merely to the extent that it bears upon the applicability of the reclamation laws.

I conclude that even though no additional works need be constructed to make irrigation benefits available from the projects in question, the Flood Control Act of 1944 requires that the reclamation laws apply to any contract for the disposition of irrigation benefits made available from the Isabella and Pine Flat projects. In connection with this conclusion it should be noted that irrigation use is subject to regulation for flood control. In addition, under the reclamation laws rights to the use or distribution of water vested under State laws are not affected.[1]

1. The provisions of the act: The question here involved turns upon sections 8 and 10 of the Flood Control Act of 1944. Section 8 provides:

"SEC. 8. Hereafter, whenever the Secretary of War[2] determines, upon recommendation by the Secretary of the Interior that any dam and reservoir project operated under the direction of the Secretary of War may be utilized for irrigation purposes, the Secretary of the Interior is authorized to construct, operate, and maintain, under the provisions of the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto), such additional works in connection therewith as he may deem necessary for irrigation purposes. Such irrigation works may be undertaken only after a report and findings thereon have been made by the Secretary of the Interior as provided in said Federal reclamation laws and after subsequent specific authorization of the Congress by an authorization act; and, within the limits of the water users' repayment ability such report may be predicated on the allocation to irrigation of an appropriate portion of the cost of structures and facilities used for irrigation and other purposes. Dams and reservoirs operated under the direction of the Secretary of War may be utilized hereafter for irrigation purposes only in conformity with the pro-

[1] Sec. 3 of the Reclamation Act of 1902 (32 Stat. 390; 43 U.S.C. 383). See *United States* v. *Gerlach Live Stock Co.*, 339 U.S. 725.

[2] The title of the Secretary of War was changed to Secretary of the Army by sec. 205(a) of the National Security Act of 1947 (61 Stat. 495, 501; 5 U.S.C. 181–1(a)).

visions of this section, but the foregoing requirement shall not prejudice lawful uses now existing: *Provided*, That this section shall not apply to any dams or reservoir heretofore constructed in whole or in part by the Army Engineers, which provides conservation storage of water for irrigation purposes."

Standing alone, the first two sentences of the section relate only to such additional works in connection therewith as the Secretary of the Interior may deem necessary for irrigation purposes. Any impact which section 8 may have upon the question here considered must, therefore, turn upon the meaning of the first clause of the third sentence to the effect that "dams and reservoirs operated under the direction of the Secretary of War may be utilized hereafter for irrigation purposes only in conformity with the provisions of this section."

It has been urged that this provision is limited by the conditions of the first two sentences to situations in which additional works are required. If so, section 8 would not necessarily require that the reclamation laws apply to situations such as the instant ones in which no additional works are required for irrigation purposes.

In addition, it may be contended that section 10 of the act implies that the reclamation laws are not intended to apply to the Pine Flat and Isabella projects. Section 10 provides:

"SEC. 10. That the following works of improvement for the benefit of navigation and the control of destructive flood waters and other purposes are hereby adopted and authorized in the interest of the national security and with a view toward providing an adequate reservoir of useful and worthy public works for the postwar construction program, to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated and subject to the conditions set forth therein."

The language of section 10 authorizing construction of the Isabella project is as follows:

"The project for the Isabella Reservoir on the Kern River for flood control and other purposes in the San Joaquin Valley, Calif., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated January 26, 1944, contained in House Document No. 513, 78th Congress, second session, at an estimated cost of $6,800,000."

The report of the Chief of Engineers referred to in the section does not indicate whether the reclamation laws were intended to be applicable to the Isabella project. Rather, he appeared to recommend that the whole question be deferred pending further studies. His report stated:

"The exact manner of use of the storage for irrigation purposes will be influenced by future developments in the area and must take cognizance of existing and future water rights established by State law and of the desires of the local interests owning such rights. Continuing studies by the Bureau of Reclamation, this Department, and the local organizations will establish the best plan of operation and appropriate cost allocations. Under these conditions it is considered appropriate that provision be made for the construction of the reservoir with Federal funds, and that after completion and when use thereof is made conservation interests be required to pay the United States for the beneficial use of the conservation capacity, either in lump sum or annual installments". (H. Doc. No. 513, 78th Cong., 2d sess., p. 6).

The Chief of Engineers further stated:

"Authority to construct should be understood to include authority to make modifications of the plans, to construct the reservoir at Federal cost, and to make arrangements for payment by the State or other responsible agency to the United States for the conservation storage when used" (ibid., pp. 6–7).

In its report on H.R. 4485, which was enacted as the Flood Control Act of 1944, House Committee on Flood Control stated with respect to the Isabella, or Kern River, project that it "believes that the interests of the Bureau of Reclamation are fully safeguarded by the cooperative procedures recommended by the Chief of Engineers in his report, which recommendations attain the force of law through adoption of the report in the bill" (H. Rept. No. 1309, 78th Cong., 2d sess., pp. 40–41).

The Pine Flat Reservoir project was authorized by the following language of section 10:

"The project for flood control and other purposes for the Kings River and Tulare Lake Basin, Calif., is hereby authorized substantially in accordance with the plans contained in House Document No. 630, 76th Congress, 3d session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable at an estimated cost of $19,700,000: *Provided*, That the conditions of local cooperation specified in said document shall not apply: *Provided further*, That the Secretary of War shall make arrangements for payments to the United States by the State or other responsible agency, either in lump sum or annual installments, for conservation storage when used: *Provided further*, That the division of costs between flood control, and irrigation and other water uses shall be determined by the Secretary of War on the basis of continuing studies by the Bureau of Reclamation, the War Department, and the local organizations."

The Chief of Engineers made a somewhat more specific recommendation as to the principles to guide the disposition of irrigation benefits from the Pine Flat project than he had made with respect to the Isabella project. He stated:

"Since the flood-control and water-conservation benefits, estimated to accrue to the project, are substantialy equal, I am of the opinion that the first cost of the reservoir should be charged one-half to flood control and one-half to water conservation. Under reclamation law the $9,750,000 chargeable to water users would be repaid in 40 equal annual payments without interest, or at the rate of $243,750 annually. This sum would carry the fixed charges, with interest rate of 3.5 percent and amortization in 40 years on $5,210,000. I consider that this sum would be a fair charge to local interests for the conservation features of this multiple-purpose project * * *" (H. Doc. No. 630, 76th Cong., 3d sess., pp. 4–5).

This recommendation is apparently what was referred to in the proviso to the authorization of the project as "the conditions of local cooperation specified in" the Chief of Engineers report which "shall not apply." Instead, the second proviso directs "that the Secretary of War shall make arrangements for payment to the United States by the State or other responsible agency either in lump sum or annual installments, for conservation storage when used."

In view of the foregoing, it may be seen that section 10 expressly provides that the Secretary of War shall make arrangements for payment for conservation storage with respect to the Pine Flat project and appears to adopt the recommendation of the Chief of Engineers with respect to the Isabella project that authority to construct should include authority to make arrangements for payment for conservation storage. In addition, in the case of Pine Flat the section appears to reject a formula for repayment which the Chief of Engineers considered to be derived from "reclamation law." In the case of Isabella the grant of authority to the Secretary of War contemplates that it will be exercised in the light of future studies, but not necessarily in accordance with the reclamation laws.

From the foregoing it may be seen that the contention that the reclamation laws were not intended to apply to the Isabella and Pine Flat projects rests upon two bases: First, that section 8 does not apply to projects which do not require additional works in order to make irrigation benefits available; and, second, that the implication of section 10 is that the reclamation laws were not intended to apply to the two projects.

However, the interpretation of section 8 suggested above is subject to serious objection. Since the first two sentences of the section already deal with projects which require additional works for irrigation use, the view that the whole section applies only to such projects would make the third sentence redundant. It may, rather, be contended persuasively that the reference to "conformity with the provisions of this section" is intended to bring into play the basic provision of the first sentence, i.e., that the irrigation aspects of any dam and reservoir otherwise operated under the direction of the Secretary of War shall be "under the provisions of the Federal reclamation laws * * *." On balance I would be inclined to accept this interpretation. However, any doubt as to the meaning of section 8 and its inter-relationship with section 10 may, I believe, be resolved by reference to the legislative history (*United States* v. *Local 807* (315 U.S. 521, 528); *District of Columbia* v. *Murphy* (314 U.S. 441)). It also seems appropriate to test any implication which may be drawn from section 10 in the light of that history.

2. The legislative history: Beginning in 1939 there were substantial disputes relating to the projected dams and reservoirs on the Kern and Kings Rivers.[3] Those disputes centered upon the interrelated questions whether these were essentially flood control or irrigation projects, whether the Bureau of Reclamation or the Corps of Engineers should construct them, and which agency should administer the reclamation benefits which the projects might provide. The disputed questions also related to the conditions of local cooperation and the applicability of the reclamation laws, particularly the "160-acre"[4] and "antispeculative"[5] provisions.

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[3] See, e.g., hearings before the House Committee on Flood Control, 77th Cong., 1st sess., on H.R. 4911.

[4] Sec. 5 of the Reclamation Act of 1902 (32 Stat. 389, 43 U.S.C. 431) provides in part that "No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any 1 landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made."

[5] Section 46 of the Omnibus Adjustment Act of 1926 (44 Stat. 649, 43 U.S.C. 423e) provides in part that contracts made by the Secretary of the Interior with irrigation districts "* * * shall further provide that all irrigable land held in private ownership by any one owner in excess of 160 irrigable acres shall be appraised in a manner to be prescribed by the Secretary of the Interior and the sales 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

The issues came to a head in connection with three bills which were considered in the course of the 78th Congress. These were H.R. 4679, the Department of Interior Appropriation Act for the fiscal year ending June 30, 1945 (act of June 28, 1944; 58 Stat. 463), H.R. 3961, the rivers and harbors bill, and H.R. 4485 which was ultimately enacted as the Flood Control Act of 1944.

In connection with the Department of Interior appropriation bill, the House Appropriations Committee refused to approve a request for the sum of $1 million for preliminary work on the construction of the Kings River (Isabella) project. It referred to information presented to it by representatives from the area and called attention to the fact that the House Committee on Flood Control was considering the project as a flood control project (H. Rept. No. 1395, 78th Cong., 2d sess., p. 14). The Senate committee recommended restoration of the item because of objections to the repayment provisions recommended by the Chief of Engineers in House Document No. 630, 76th Congress, 3d session, discussed above, and because the committee believed that section 46 of the Omnibus Adjustment Act of 1926 would not apply to the project if it were constructed by the Corps of Engineers (S. Rept. No. 899, 78th Cong., 2d sess., pp. 3-4). The item was again struck in conference (H. Rept. No. 1678, 78th Cong., 2d sess., pp. 1, 14) and the bill was enacted without that provision. This, however, was obviously merely a preliminary skirmish which was resolved in the light of the fact that the issue was being considered in other contexts.

In connection with consideration of H.R. 3961, the rivers and harbors bill, the House adopted a section 4 which would have made the excess-land provisions of the Federal reclamation laws inapplicable to lands which will receive a water supply from the Central Valley project, California (CONGRESSIONAL RECORD, vol. 90, pt. 2, p. 2765; pt. 3, pp. 2921–2924). The Senate committee recommended elimination of section 4 as it passed the House and proposed the insertion instead of a provision somewhat similar to section 8 of the Flood Control Act as it was ultimately adopted (S. Rept. No. 903, 78th Cong., 2d sess., pp. 4–5; CONGRESSIONAL RECORD, vol. 90, pt. 7, p. 8676). However it differed from section 8 in that it expressly made the reclamation laws applicable to the irrigation uses of works constructed by the Army pursuant to the bill and did not require, as does section 8, specific authorization by the Congress for the construction of additional irrigation works. During the Senate discussion, Senator Overton, chairman of the subcommittee of the Senate Committee on Commerce responsible for both the flood control and rivers and harbors bills, offered an amendment to section 4 of the latter bill to make it identical with section 8 of the flood control bill, indicating that the purpose of the change was to require specific congressional authorization for the construction of additional irrigation works (CONGRESSIONAL RECORD, vol. 90, pt. 7, pp. 8674–8675). He stated that the amendment met with the approval of the Department of the Interior (ibid., 8675).

The third sentence of the Overton amendment was further amended on the floor of the Senate so as to make it read "in conformity with the Federal reclamation laws and the provisions of this section," thus, in substance, reinstituting the language of the original Senate committee amendment. Senator Hatch who offered the floor amendment stated "It merely emphasizes the first line, but it makes no change." Senator Overton stated, "it is wholly unnecessary, but there is no objection to it" (ibid., 8875). As so amended the bill passed the Senate (ibid., 9247, 9252).

However, the conference report recommended inclusion of both the Senate and House versions of section 4 (H. Rept. 2070, 78th Cong., 2d sess., pp. 1, 7). Because of Senate opposition to the House amendment (CONGRESSIONAL RECORD, vol. 90, pt. 7, pp. 9493–9500), the rivers and harbors bill failed of passage during that session of Congress. Early in 1945 the 79th Congress enacted a rivers and harbors bill (act of Mar. 2, 1945, 59 Stat. 10) similar to H.R. 3961, but eliminating several items including the controversial section 4. (See S. Rept. No. 63, 79th Cong., 1st sess., pp. 1–2; H. Rept. No. 63, 79th Cong., 1st sess., pp. 1–2; CONGRESSIONAL RECORD, vol. 91, pt. 1, pp. 531–532, 1335, 1337.)

At the outset of any discussion of the legislative history of the Flood Control Act of 1944, it must be recognized that both the President and the Secretary of the Interior wished the Isabella and Pine Flat projects to be constructed by the Reclamation Bureau and operated under the reclamation laws.[6] It is similarly clear that as enacted the Flood Control Act vested construction authority in the Corps of Engineers and to that extent failed to adopt the recommendations of the President and the Secretary of the Interior. This conclusion does not, however, dispose of the question whether the act intended the reclamation laws to apply to the irrigation aspects of the projects, as to which the history of section 8 and the various forms which it took is enlightening.

As introduced and as originally recommended by the House Committee on Flood Control, section 6 (which was later enacted as section 8) of H.R. 4485 provided:

"Hereafter, whenever in the opinion of the Secretary of War and the Chief of Engineers any dam and reservoir project operated under the direction of the Secretary of War can be consistently used for reclamation of arid lands, it shall be the duty of the Secretary of the Interior to prescribe regulations for the use of the storage available for such purpose, and the operation of any such project shall be in accordance with such regulations. Such rates, as the Secretary of the Interior may deem reasonable, shall be charged for the use of said stored water; the moneys received to be deposited into the Treasury to the credit of miscellaneous receipts."

Describing this provision the House committee stated:

"The construction of multiple-purpose reservoirs is in the public interest. Sound public policy requires not only that flood-control storage be under the supervision of the Secretary of War and the Chief of Engineers but also that storage for the reclamation of arid lands be under the supervision of the Secretary of the Interior.

"The committee recognizes that good administration demands that projects be built by the agency having the dominant interest with suitable provisions for safeguarding the interests of other agencies. Accordingly, the bill provides that whenever in the opinion of the Secretary of War and the Chief of Engineers any dam and reservoir project operated under the direction of the Secretary of War can be consistently used for reclamation of arid lands, it shall be the duty of the Secretary of the Interior to prescribe regulations for the use of the storage available for such purposes, and the operation of any such project shall be in accordance with such regulation. Such amounts as the Secretary of the Interior may deem reasonable shall be charged for the use of such stored water; the moneys received to be deposited into the Treasury to the credit of miscellaneous receipts" (H. Rept. No. 1309, 78th Cong., 2d sess., p. 8).

Thus at this point in the legislative development of the bill, section 10 provided that the Secretary of War would make arrangements for the payment of conservation storage of water with respect to the Isabella and Pine Flat projects and section 6, as recommended by the committee, would merely have authorized the Secretary of the Interior to prescribe regulations for such use of the stored water. The Secretary of War was to be guided in the exercise of his authority by the regulations issued by the Secretary of the Interior. However, the bill was silent as to whether those regulations were to constitute an application of the reclamation laws, were to be issued without regard to those laws, or whether their applicability was to be left to the Secretary of the Interior's discretion.

The further history of the bill on the floor of the House of Representatives throws light on these questions. Chairman Whittington proposed three amendments which were adopted by the House and which emphasized the applicability of the reclamation laws (CONGRESSIONAL RECORD, vol. 90, pt. 3, p. 4204). The first amendment was to replace the phrase "stored water" in section 6 with the word "storage." Mr. Whittington's explanation of the amendment was as follows:

"The section under consideration provides that where there is water for reclamation of arid lands in any reservoir and provision therefor that the distribution of the water shall be by the Secretary of the Interior, the Director of Reclamation will handle the distribution; there was a criticism that this language, which is substantially the reclamation law, undertook to change existing law and required the beneficiaries of reclamation to pay for water. This language in here is the language of the Reclamation Act and they pay only for storage."

The second amendment was to insert the words "Under existing reclamation law" after the authority conferred upon the Secretary of the Interior by section 6 to prescribe regulations for the use of storage. He explained this amendment as follows:

"It was asserted that where provision was made in a reservoir where there was water for reclamation that the Commissioner of Reclamation should have the power to prescribe regulations ad libitum without regard to existing law. This is merely a perfecting amendment. This amendment provides that these regulations shall be under existing reclamation law. It is a perfecting amendment."

Finally, Mr. Whittington proposed a proviso similar to that which was ultimately enacted as part of section 8 to the effect "That this section shall not apply to any dam or reservoir heretofore constructed which supplements any existing locally operated irrigation district." This amendment was explained as follows:

"At one or two reservoirs at least provision is made for the water for lands that are not presently under the Director of Reclamation in districts where the local interests have constructed their own canals and their own distribution system. The purpose of this amendment is to limit the provisions of this act so that they shall not apply to districts with canals and distribution facilities that have already been paid for and constructed by local interests."

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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."

[6] See Letters from President Franklin D. Roosevelt to Hon. William M. Whittington, chairman, House Committee on Flood Control, dated May 5, 1941, and February 7, 1944. Hearings before the Committee on Flood Control, House of Representatives, 78th Cong., 2d sess., on H.R. 4485, pp. 615–617. See also letter from Secretary of the Interior Ickes to Senator Josiah W. Bailey, chairman, Senate Committee on Commerce. Hearings before a subcommittee of the Senate Committee on Commerce, 78th Cong., 2d sess., on H.R. 4485, pp. 310–314.

While Mr. Whittington did not emphasize the limitation, it is significant that the proviso was limited to dams or reservoirs "heretofore constructed," since the Isabella and Pine Flat projects were at this time merely proposals.

The changes made in section 6 as it passed the House provided strong support for the view that the reclamation laws were intended to apply to the irrigation uses of any project authorized by the Flood Control Act, and the Secretary of the Interior took that position in his letter of June 2, 1944, to Senator Bailey. He stated:

"I regard section 6 of the bill as intended to provide for the application of the Federal reclamation laws to projects having irrigation possibilities. * * * However, the provisions of this section are not entirely apt in their relation to the various technical features of the Federal reclamation laws. For this reason, I would much prefer to have the section read substantially in accord with the following proposed amendment." [7]

He thereupon proposed a substitute section, the first and third sentences of which were substantially similar to section 8 as it was ultimately enacted. It differed from that section primarily in that the second sentence did not require specific congressional authorization for the construction by the Secretary of the Interior of additional irrigation works. The Senate committee thereafter recommended that section 6, now to be numbered section 8 because of other Senate committee amendments, be amended substantially as proposed by the Secretary of the Interior. However, the committee inserted in the second sentence the requirement of subsequent congressional authorization for any additional works constructed by the Secretary and incorporated a proviso similar to that proposed by Congressman Whittington relating to works "heretofore constructed." The committee stated:

"During the hearings and also by letter the Secretary of the Interior expressed to the committee his views with regard to the utilization of multiple purpose projects under the control of the War Department where irrigation may be involved and he expressed the view that the language of H.R. 4485, if modified, would provide for more effective administration in relation to the various technical features of the Federal reclamation laws. The committee therefore recommends the adoption of amendment No. 10 which is generally in accord with existing law and the expressed views of the Secretary of the Interior" (S. Rept. No. 1030, 78th Cong., 2d sess., p. 4).

This was the form in which the bill was finally enacted.

During the course of the debate in the Senate, Senator O'MAHONEY, together with certain other Senators, proposed a number of amendments to the bill. Included among them was a new section 6 which would have expressly conferred upon the Secretary of War authority "to contract for water storage for any beneficial uses or purposes." Senator O'MAHONEY described the amendment to be "intended as an authorization to the Secretary of War to make contracts for use of surplus water stored in dams which would be constructed solely by the Army Engineers," and stated that irrigation uses were among those as to which this amendment would confer contractual authority upon the Secretary of War (CONGRESSIONAL RECORD, vol. 90, pt. 6, p. 8548). Another proposal included among Senator O'MAHONEY's amendments was a revision of section 8 to read substantially in its present form but which would have expressly provided that the section "shall not apply to any dam or reservoir heretofore or hereafter constructed which supplements any existing locally operated irrigation system or other locally operated water facilities" (ibid., 8850).

Senator Millikin, a cosponsor of the amendment, explained that the two proposals had "the combined purpose of not subjecting all of the detail of the reclamation law to projects where the Army Engineers have a reservoir in the middle of an existing privately owned irrigation system; are in independent position to take the water and therefore should not be required to go through all of the incidents of a reclamation project started from grass roots" (ibid., 8549).

In a letter to Senator HILL dated November 29, 1944, Secretary Ickes objected strenuously to both proposals on the grounds that they would disregard the reclamation laws while placing the Corps of Engineers in the irrigation field. (Ibid., 8545–8546.) Instead of being acted upon, the amendments were referred to the Senate Committee on Irrigation and Reclamation. (Ibid., 8550.)

During the course of the debate, Senator MURRAY introduced an amendment to delete the projects on the Kings and Kern Rivers from the bill (ibid., pt. 7, pp. 8622–8623) and to modify section 8 so that the third sentence would provide that:

"Dam [sic] and works authorized by this act may be utilized for irrigation purposes only in conformity with the provisions of said Federal reclamation laws and this paragraph." (Ibid., 8618.)

In opposing the Murray amendments, Senator Overton stated:

"The able junior Senator from Montana has made considerable comment in reference to the Sacramento and San Joaquin Rivers and the Central Valley, in California. The principle to which I have just referred was carried out in respect to the projects contained in the bill which were authorized for those streams. The testimony shows, I think rather conclusively, that the projects herein authorized to be constructed by the Army Engineers are ones in which flood control predominates over irrigation. Of course, the Senate will understand that, insofar as irrigation is concerned, all surplus water which can be used for irrigation is turned over to the Department of the Interior, and the method of irrigation and the operation of the irrigation works are under the control of the Department of the Interior" (ibid., 8625).

* * * * *

"Mr. President, the Assistant Chief of Engineers, as well as all the engineers who appeared before our committee, stated that they had absolutely no objection whatsoever to the irrigation and power amendments which were suggested by the Secretary of the Interior. They were similar to those suggested by the Senator from Montana, and were subsequently incorporated in the pending bill. The engineers stated that they were perfectly willing to turn over to the Department of the Interior control of the power generated for distribution, and were perfectly willing to turn over to the Bureau of Reclamation the distribution of all surplus water held back by the dams constructed by them, the distribution of which would come under the reclamation law, or would follow whatever method Congress might determine upon" (ibid., 8626).

The amendments were rejected (id.).

After the passage of H.R. 4485 by the Senate, including the committee amendment of section 8 (ibid., 8668), the bill went to conference. The House conferees agreed to the Senate amendment (H. Rept. No. 2051, 78th Cong., 2d sess., p. 2), and the statement of the managers on the part of the House describes the amendment as follows:

"This amendment of the Senate replaces section 6 of the House approved bill with certain modified language substantially as requested by the Secretary of the Interior and constitutes section 8 of the Senate approved bill. The Senate language will provide for more effective administration in relation to the various technical features of the Federal reclamation law. It establishes a procedure for the utilization of multiple-purpose projects for irrigation purposes when the Secretary of War determines upon recommendations of the Secretary of the Interior that a project operated under the direction of the Secretary of War may be utilized for irrigation purposes" (ibid., p. 7).

When the bill returned from conference the following colloquy took place on the floor of the Senate:

"Mr. HILL. There still seems to be confusion on the part of some Senators with reference to the application of reclamation laws in regard to some of these projects.

"I heard the distinguished senior Senator from Louisiana, when the bill was under consideration, and I think he made it very clear. However, I wish to ask this question: Is it not a fact that section 8 of this bill, as agreed to in conference, makes some reclamation laws applicable to the handling of irrigation water of any of the projects, including California projects, where it is found that irrigation may be carried out? I ask the Senator in charge of the bill whether it is not a fact that the President wanted the California projects in this bill constructed under the Bureau of Reclamation so that the water policies would conform to reclamation laws?

"Mr. OVERTON. The Senator is correct with respect to the projects in the so-called Central Valley of California. The President wrote me and the chairman of the subcommittee in this regard. However, in view of the fact that the Senate amendment made not only the California projects but all such projects subject to irrigation laws, and in view of the fact that the House concurred in this action by agreeing to section 8 of the Senate bill, I am sure that the President will feel that we have met the problem that he raised. Section 8 of the bill clearly places reclamation uses of water from these projects under the Secretary of the Interior and under the applicable reclamation laws. No project in this bill which may include irrigation features is exempted from the reclamation laws.

"Mr. HILL. I thank the Senator.

"Mr. OVERTON. The Senate amendment made not only the California projects, but all such projects subject to the irrigation law. In view of the fact the House concurred in that action by agreeing to section 8 of the bill, I am sure the Senator from Alabama will feel that we have met the question which he has raised. As I stated a while ago, section 8 of the bill clearly places reclamation uses of waters from all projects authorized in this bill under the Secretary of the Interior, and under the applicable reclamation laws" (CONGRESSIONAL RECORD, vol. 90, pt. 7, p. 9264).

The foregoing discussion of the legislative history of the bill clearly indicates that while the President and the Secretary of the Interior were unsuccessful in their efforts to have the projects here discussed constructed by the Bureau of Reclamation, they were able to impress upon the Congress their views that the irrigation uses of any waters made available by these projects should be made subject to the reclamation laws. This also appears to have been the view expressed by the chairman of the House committee which considered the matter when he explained his amendments. The change in the language of section 8 made by the Senate committee was apparently intended to dissipate any ambiguities which might

[7] Hearings before a subcommittee of the Senate Committee on Commerce, 78th Cong., 2d sess., on H.R. 4485, p. 313.

exist in this regard. While more apt language could have been used for this purpose, and indeed some was suggested, the intent is clear. Certainly this view of the bill was emphasized by Senator Overton in the course of the debate on the flood control bill.

It is significant that both Senator Overton and Senator Hatch regarded the latter's amendment to section 4 of the rivers and harbors bill so as to make the third sentence refer expressly to the reclamation laws as merely a matter of emphasis which made no change in substance. The discussion of the Murray amendments to the flood control bill were to the same effect.

The interpretation of section 8 as being intended to make the reclamation laws applicable to the projects here considered is also reinforced by the discussion in the Senate of the O'Mahoney amendments. It will be recalled that these amendments had as one of their puposes exemption from the reclamation laws of projects in areas where private irrigation systems already existed. At no point in the discussion of those amendments was it ever suggested that this proposal was in fact incorporated in the bill, and the subsequent statements of Senator Overton, made in the course of the discussion of the Murray amendments, are clearly to the contrary.

As suggested earlier, the provisions of section 10 conferring authority upon the Secretary of War to make arrangements for payment for conservation storage with respect to Pine Flats and Isabella can be contended to carry the implication that the reclamation laws are not to apply to irrigation benefits provided by those projects. However, this is at best an implication, and the section does not expressly preclude the application of the reclamation laws. On the other hand, section 8, read in the light of its legislative history, appears to me to require their application. It has been stated that "In construing any statute the legislative intent, if it can be ascertained, must control; and in arriving at the legislative intent the entire statute, its form, its several parts, its purposes, its relation to other statutes, and the effect of construing it one way or another, must be considered" (39 Op. Atty. Gen. 42, 44 (1937)). Indeed, these principles were applied by my immediate predecessor in connection with the construction of another section of the Flood Control Act of 1944 (41 Op. Atty. Gen. No. 36, p. 9 (July 15, 1955)). To the same effect, the Supreme Court has said:

"In the interpretation of statutes, the function of the courts is easily stated. It is to construe the language so as to give effect to the intent of Congress. There is no invariable rule for the discovery of that intention." *United States* v. *American Trucking Associations*, 310 U.S. 534, 542.

The legislative history of the Flood Control Act of 1944 and its structure impel me to the conclusion that the provisions of section 8, interpreted as suggested above, rather than whatever may be implied from the terms of section 10 should determine whether the reclamation laws should apply to irrigation benefits made available by the Isabella and Pine Flat projects. In reaching this conclusion, I am impressed by the fact that section 10 is basically an enumeration of over 90 projects which are authorized by the act. The dispute over whether the Bureau of Reclamation or the Corps of Engineers was to construct the projects here involved was resolved by their inclusion in section 10. After that issue was resolved, the question of the applicability of the reclamation laws was largely discussed in connection with section 8 as it evolved. The expression of intention that the reclamation laws apply to projects such as are here involved appears too strongly in the legislative history of section 8 to permit its frustration by virtue of any implication which might be drawn from section 10.

For these reasons, I conclude that section 8 makes the reclamation laws applicable to contracts for the disposition of irrigation benefits from dams and reservoirs constructed under the authority of section 10, even if no additional works are required to be constructed in order to make such irrigation benefits available.

Sincerely,

WILLIAM P. ROGERS,
Attorney General.

Mr. DOUGLAS. Mr. President, what I am trying to show is that in view of the large landholdings of the Southern Pacific Land Co., arranged, as those holdings are, in a checkerboard pattern, if it refuses to come in, it will be able to shut off water from the lands enclosed within those rectangles; even if the distribution system crossed their lands it is doubtful if it would be feasible to serve the other lands alone; and the position of the Southern Pacific Land Co. resisting sale of their excess lands, would be further strengthened if in the area outside of the admittedly Federal project there were to be no limitations whatsoever upon land ownership. Since the two areas will be served by water either wholly or partially distributed by Federal projects, and made possible by Federal projects, we should not waive Federal reclamation law in the illusory hope that if we do so, the State would impose an adequate substitute for the Federal reclamation law.

The other day I used the analogy of the defensive tactics of a football team. A linesman would be very poor, indeed, if he did not try to stop the opposing team at the line, and if he let the opposing backs go through the line, and hoped that the defensive backfield men would do all of the tackling. Yet that is precisely what the Senators from California are asking us to do. They are asking us to waive the restrictions of the Federal law in the possibility or in the hope that the backfield—in this case, the California Legislature—will come forward with adequate protection.

We say there is a great difference between hope and reality. Many Governors propose programs to legislatures but the programs are not always put into effect. I have no doubt that Governor Brown intends to propose a program of land limitation, although bills to that effect have not yet been introduced, apparently. But it is one thing for the Governor to propose such a program, and it is quite another thing for California to enact such a law. Until California comes forward with a law at least as good as the Federal law, I do not believe we should give up the protection the Federal law affords.

Mr. President, this matter is a very serious one. The farm policy of our country has been based upon the idea that ownership should be widely distributed, that there should be family-size farms, that we should not have the agrarian conditions of Eastern Europe, where there are a few landowners and many farm laborers.

That was the economic basis of feudalism in East Germany. It is the economic basis for feudalism in Sicily and the Valley of the Po in Italy, today. It was the economic basis in Hungary and in Poland.

Wherever there is that condition, there is an unhappy peasantry, and an unstable economic and political situation which ultimately results in political convulsions.

Fortunately, our Government, in the Homestead Act, adopted a different policy. Fortunately, the climate of the Northern States caused the lands in that area to be adjusted to small farms. The areas where the huge estates were maintained were the slave States of the South and the areas we took from Mexico, where Spanish and Mexican law had prevailed, and where huge estates had been built up. That was the condition of Texas and of what is now New Mexico and of California and perhaps of sections of what is now Arizona.

The question is one of basic values: Do we want California and the great Central Valley, which some day will be opened up, to be on the basis of small farms, where the owner farms the land; or do we want it to be on the basis of huge estates?

As I think I mentioned in the debate on this bill last year, I have visited this area and I have seen both types of settlements.

I visited one town on the west side of the San Joaquin Valley, where the land was distributed in relatively small fruit farms or fruit ranches. The homes were American homes. There were telephones, running water, electricity, television sets. There was a good high school in the community. The community itself looked like the towns of the Middle West or of New England. It was what I like to think of as an American community.

Then I visited a town on the east side of the San Joaquin Valley, where the land around the town was held almost entirely by one company. The people who lived in that community were almost entirely Mexican-Americans who were day laborers. They lived in miserable houses. The streets were not paved. The houses could perhaps best be described as hovels. The town itself was run down. It consisted of only a few stores. One of them was a tavern. In another one, rude clothing was sold—the overalls which in California are called, I believe, levis, and rough shirts. There was also a general store where the cheapest articles were offered for sale. I did not have time, because it was dusk, to ascertain how many doctors were around there, but I can hazard a guess that not many were there.

Some years ago articles were written about two of these communities, after a thorough study, by economists connected with the Department of Agriculture; and I believe that study so aggravated the big landowners of the area that they then closed down on the unit inside the Department of Agriculture which made the study, in order to prevent similar comparisons from getting to the American people.

Now, that is the issue. The issue is which type of community we want in the area we are considering. It is an issue as to whether we want to pay huge subsidies for the benefit of a relatively

restricted few, or whether we want to use the money which we appropriate for reclamation, in an effort to build up a greater degree of democracy in the valley.

This is an issue, Mr. President, which has divided the politics of California for a long time. I pay tribute to the humble men and women who have fought for the principle of democracy in the valley, at great personal cost to themselves; to those who have fought for the 160-acre limitation, at the price of being blacklisted from their jobs and driven from their communities by the large landowners. I pay tribute to the few politicians who have taken up the cause of the small landowner, and especially former Representative Helen Gahagan Douglas, who was crucified in the campaign of 1950 because, among other reasons, she stood for this principle.

Many people have died by the roadside, politically and otherwise, in contending for the principle. They contended for something which they thought was precious and divine, but the juggernaut of the large landowners has gone over them. Now we on the floor of the Senate are to see whether the blood of the martyrs is to be the seed of the church, or whether they shall have died in vain.

The record is replete also with the stories of politicians gaining office with promises, but, for one reason or another, being seduced by the roadside and ending up as the defenders of the large landowners in this area.

I am not referring to the present Senators from California. I like them as friends. I think they are fine public servants.

But we ought to know of some of the instances which have occurred in the past and the tragic consequences which have come to men because they lost their early ideals and abandoned the principles for which they had initially fought. I do not want to see that happen again.

The taxpayers of the country are being asked to make a huge investment in the Central Valley. We have already committed ourselves for $860 million. We are being asked to commit ourselves for $290 million more. After that there will be a request for another $190 million for a distribution system. We are asked to contribute a large portion of the cost of the Oroville Dam, which it is being contended is an exclusively State project, but which is no such thing.

All we are asking is that if the Federal Government contributes this money, at least we should let the historic land policy of the American people apply.

If my good friends say that the elimination of section 6(a) will not have any effect, let them carry the case to the courts. I believe that the elimination of section 6(a) will indicate pretty clearly that it is the intention of the Congress that the 160-acre limitation shall apply throughout this area; but if there are others who think to the contrary——

Mr. KUCHEL. Mr. President, will the Senator yield on that point?

Mr. DOUGLAS. Yes.

Mr. KUCHEL. I appreciate the frankness with which the Senator from Illinois is now speaking. Is it the Senator's belief that his amendment will result in having Federal reclamation law applied to all the water which would come from a dual-purpose San Luis Reservoir?

Mr. DOUGLAS. I am not thoroughly acquainted with the riparian rights of landholders alongside the waterways in California, and it may be that property holders along the rivers which will have increased water flow or existing irrigators may have some prior claims to this water. But certainly the elimination of section 6(a) will make it clear it is the intent of Congress that Federal reclamation law shall not be barred from applying to lands outside the area served exclusively by the initial Federal projects, but also served later by joint projects.

Mr. KUCHEL. By any joint project, or by this one project as to which the Senator is offering his amendment?

Mr. DOUGLAS. This particular project, yes.

Mr. KUCHEL. That is the Senator's opinion as to the meaning of the amendment he is offering?

Mr. DOUGLAS. Yes.

Mr. KUCHEL. Let me ask this question in good faith. The Senator knows the San Luis reservoir would be located, roughly, in the middle of California, going from north to south. Is that correct?

Mr. DOUGLAS. Yes.

Mr. KUCHEL. The reservoir would supply water on its way south.

Mr. DOUGLAS. That is correct.

Mr. KUCHEL. Would it be fair to say that the Senator's amendment, in his opinion, would seek to apply Federal law to waters in the State system south of the reservoir, but not north of the reservoir?

Mr. DOUGLAS. I may say to my good friend, who talks about a State system, my contention is that there will not be any pure State system arising from this project. What we shall have will be a completely Federal system, first, and then a commingled Federal-State system.

Mr. KUCHEL. I most respectfully state to the Senator from Illinois that he is in error. The people of my State have begun to acquire rights-of-way and have perfected plans for the building of a State system to be paid for by the people of the State, and not by the Federal Government.

Mr. DOUGLAS. I say to my good friend that all of that would be impossible if there were no prior Federal project. The second story to the San Luis Dam could not be constructed without the first structure or substory being federally constructed.

Let me point out those in the area outside the Federal service area will be compelled to use, at least in part, the Delta-Mendota Canal, which has already been constructed by the Federal Government. They may have to use some Federal power to pump water from the Sacramento to the San Joaquin.

They will have to use the federally constructed Cross Delta Channel from the Sacramento to the San Joaquin. They will, indirectly, have to use dams constructed on the upper Sacramento at Shasta, Keswick, and the other places.

They will have to use the Federal appropriation which has been or will be requested for Oroville and they apparently hope to get interest-free irrigation money also.

All of those projects are prerequisite. It will not be an exclusively State project. There will be commingled water and commingled facilities.

Mr. KUCHEL. Mr. President, will the Senator yield again?

Mr. DOUGLAS. I yield.

Mr. KUCHEL. Is it fair to say that the Senator's amendment and the theory which the Senator believes is inherent in his amendment cannot and will not apply to waters prior to the time they flow into the San Luis reservoir? Is that a fair statement?

Mr. DOUGLAS. If there is irrigation north of San Luis——

Mr. KUCHEL. As there is.

Mr. DOUGLAS. If there is irrigation north of San Luis, with these commingled waters assembled and distributed as a result either of exclusively Federal facilities or of commingled facilities, then of course Federal law would apply in that instance, too.

Mr. KUCHEL. Is the Senator telling me that his amendment would apply to waters before they come into San Luis? Is that the intent of the Senator's amendment?

Mr. DOUGLAS. To the degree that there is additional territory brought under irrigation by these additional waters; yes.

Mr. KUCHEL. I will simply say to the Senator, that is a technical legal question. I want the Senator to have a little time to think about it, because I believe the Senator will want to say that his amendment would apply to the use to which the water in this dam would be put, but that waters prior to the time they come into the reservoir obviously could not be regulated by the law with respect to this dam. I think the Senator is going to want to tell me that.

Mr. DOUGLAS. Something more is involved in this matter than merely the San Luis Dam. The whole valley project is involved.

Mr. KUCHEL. I am trying to understand the intent of the Senator in offering his amendment, and to have it spelled out so that other Senators can understand what my friend has in mind.

I ask again, Is it not true that my friend offers his amendment to govern the use of waters in the reservoir after they come to the reservoir? Is that not true?

Mr. DOUGLAS. I will say that if we strike section 6(a), the existing Federal reclamation law will be applicable wherever Federal waters, in whole or in part, irrigate additional areas of land or put additional quantities of water on land already being irrigated by pumping.

Mr. KUCHEL. Is the Senator going to answer my question?

Mr. DOUGLAS. I am not necessarily going to answer the question the way the Senator from California wants me to answer it.

Mr. KUCHEL. I would say the Senator has not answered it at all.

Mr. DOUGLAS. I believe probably many questions will have to be left for judicial interpretation. However, inclusion of section 6(a) will sweep away all

defenses and will mean farewell to the 160-acre limitation.

Mr. KUCHEL. Mr. President, will the Senator yield once more?

Mr. DOUGLAS. Of course. I am always glad to yield to my good friend.

Mr. KUCHEL. When the Senator uses the phrase "Federal waters" as he discusses his amendment, and as he endeavors to state today what his intention is; what does the Senator mean by "Federal waters"? What does the Senator mean by that phrase?

Mr. DOUGLAS. I would say they are waters the assembling and distribution of which have been primarily effected by Federal investments in dams, power stations, distribution channels, reservoirs, pumping stations, distribution systems and so forth.

Mr. KUCHEL. The Senator heard my colleague earlier today, did he not, when he indicated that after the waters spill over the great Shasta Dam and go down the river they feed irrigation districts which are not complying with and are not required to comply with Federal law, and feed others in the Central Valley project which do?

Mr. DOUGLAS. The landowners may have had prior riparian or irrigation rights under California law.

Mr. KUCHEL. Let us assume they did not, which is the fact.

Mr. DOUGLAS. I think the U.S. Bureau of Reclamation ought to look into this matter. This is a new subject for the U.S. Bureau of Reclamation. I hope very much the Bureau will take it up.

I thank the Senator from California for suggesting this possibility. I will address a letter to the Commissioner of Reclamation tomorrow, calling attention to the fact that he may have slipped as to the rights of the U.S. Government.

The Senator from California has raised a most important question in the public interest, and I congratulate him.

Mr. KUCHEL. I want my friend to accept my thanks for those kind words.

My fondness for the Senator from Illinois, like my fondness for the Senator from Oregon, is going to continue, but I wish to say, most respectfully, that some of the comments my friend from Illinois has made in the course of this debate demonstrate his unawareness of California and the needs of the people of California. I say that most respectfully, and I say it particularly with reference to the manner in which the Senator has not answered the questions I have asked him about the very amendment he has offered.

Mr. DOUGLAS. My good friend from California, who accuses me of being unaware of the needs of California, has, I think, justified a reply on my part.

I never believe in applying the "tu quoque" or "you're another" argument, but I must say to my good friend from California I am really surprised by the course of this debate.

I have always found the Senator from California, on the floor of the Senate and in committee meetings, to be responsive to the needs of the average man. I think the Senator has been a great addition to the Senate, even though he is of a different political party. I am disappointed to find him unappreciative of the real needs of the people who live in the Central Valley. The Senator has listened too much to the siren call of the large landowners. That is true.

Mr. KUCHEL. No. No.

Mr. DOUGLAS. They have misled my good friend, and I am sorry to see that. I think my friend is going to recover his sense of direction. I think the compass of his conscience will point him in the right direction. I have great hope for his ultimate redemption. Since the Senator expressed his pain at my being unaware of the alleged needs of the people of California——

Mr. KUCHEL. My intense pain, I will say to the Senator from Illinois. It is a very intense pain. I feel it in my heart.

Mr. DOUGLAS. I have an equally intense pain at the derelictions of the senior Senator from California.

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

Mr. DOUGLAS. I am glad to yield to the Senator from Oregon.

Mr. MORSE. I have two or three questions to ask, in view of the very pertinent inquiry made by the senior Senator from California.

I think the Senator from Illinois very rightfully said that now he intends tomorrow to address a letter to the Bureau of Reclamation, seeking information regarding the inquiry of the senior Senator from California. That means we will need more time in order to determine finally what should be the disposition of the bill, until the Senator hears from the Bureau of Reclamation. Is that not a reasonable conclusion?

Mr. DOUGLAS. I think it would be highly desirable.

Mr. MORSE. The Senator also addressed himself to the senior Senator from California, pointing out that he in effect has been taking the position, with regard to the proposed legislation, taken by the large landowners in the Central Valley of California. This seems to be evidenced by the fact that the Senator from Illinois has put in the RECORD today support for the amendment offered by the Senator from Illinois from such groups as the farmers' union and labor groups.

Mr. DOUGLAS. The Grange.

Mr. MORSE. The Grange, and many of those people interested in the family farm problems of California. That documentation would add up to the conclusion, would it not, that the position taken by the senior Senator from California is certainly not the position being recommended to the Senator from Illinois by the representatives of the family farm groups of California?

Mr. DOUGLAS. I think that is true. I shall be glad to go to California and debate this issue up and down the Central Valley and up and down the coast with the two Senators from California. I will pay my own way to California, and I am ready to hold joint debates in Sacramento, Bakersfield, Fresno, San Francisco, and Los Angeles. In fact, I am tempted to issue a challenge now to the Senators to debate this issue.

Let us recommit the bill in the meantime, until the people of California have had a chance to pass upon the matter.

Mr. CARROLL and Mr. KUCHEL addressed the Chair.

Mr. DOUGLAS. I am glad to yield first to the Senator from Colorado.

Mr. CARROLL. I should like to ask a question of the senior Senator from California.

Mr. KUCHEL. Yes, sir.

Mr. CARROLL. I seek information.

As I understood the question propounded by the senior Senator from California to the Senator from Illinois, it is whether or not some of the waters flowing from the north into the San Luis Dam are under Federal control. Is it not true that today waters which move through Mendota are clearly under Federal control, under the reclamation laws? Is it not true that such waters will come into the San Luis Reservoir?

Mr. KUCHEL. Yes; during certain periods of the year.

Mr. CARROLL. Assume that the State should construct a parallel system for State waters, running to the east of the Mendota, or the San Luis wasteland, as shown on the map. That would be State water. Is there any contention that such State water shall be under Federal control?

Mr. KUCHEL. Not at all; and if I may elaborate on the excellent point the Senator is making, let me say this: Picture California, 1,100 miles long, with a wonderful Federal system, under Federal reclamation law, in the Central Valley project, which is in being. Then picture a second system, a State system, paralleling it, designed to bring surplus northern water into the parched and arid southern part of the State. If there were two reservoir sites, and if the State developed one reservoir site and the Federal Government developed the second reservoir site, so that there would be two parallel systems, each with a storage reservoir, there would be no problem. California would not be heard to say that the State law should apply on the Federal system; and I know that my friend from Illinois would not contend that the Federal law should apply to the State system.

Mr. CARROLL. I have listened to the very excellent debate of the able public servant, the senior Senator from Illinois [Mr. DOUGLAS]; and I think he makes a good point. I ask the senior Senator from California to consider this point very carefully:

Is it not true, as appears from a study of the maps, that the Federal area to be served is clearly defined? If the area is clearly defined, how could there be confusion and commingling of water, unless there was an ulterior purpose in the inclusion of section 6(a) in the bill?

Mr. DOUGLAS. Mr. President, may I be permitted to answer that question?

Mr. CARROLL. If the Senator from Illinois will permit me, I should like to continue along this line.

If the map is correct, all of this area comes under the Federal reclamation law.

Mr. KUCHEL. The Senator is correct.

Mr. CARROLL. As I understand, all the people of California want is the money to build this great reservoir. They want to use about $290 million of the people's money, on the basis of a loan.

Mr. DOUGLAS. Plus $190 million.

Mr. CARROLL. Most of which is reimbursable.

Mr. KUCHEL. The Senator is correct.

Mr. CARROLL. I believe the Senators from California should give serious consideration to the amendment of the Senator from Illinois. I think it would clarify the situation.

There is no contention on the part of the people of California that the Federal Government should not continue to maintain control, under Federal reclamation law, with respect to that portion of the water which comes within the law.

Mr. KUCHEL. The Senator is absolutely correct.

Mr. CARROLL. I assume that there is no disposition on the part of anyone to say that the Federal Government should control State water.

Mr. KUCHEL. Yes. That is what the Senator from Illinois wants to do to the State system.

Mr. DOUGLAS. That is not State water. The additional acreage would be irrigated by water largely assembled through prior Federal expenditures. It would be commingled water, assembled and distributed through commingled facilities, and therefore the project could not be isolated as an exclusively State project.

If we permit unlimited landownership in this peripheral area, we shall enclose the so-called Federal area with an area largely dominated by large landowners, and we shall make still more difficult the task of maintaining the 160-acre limitation within the original block of land in the so-called Federal service area.

Mr. CARROLL. Mr. President, will the Senator further yield?

Mr. DOUGLAS. Certainly.

Mr. CARROLL. At this point I believe there is some confusion in the mind of the junior Senator from Colorado.

It seems to me that the senior Senator from Illinois and other Senators are concerned about the application of the 160-acre limitation. Why not eliminate section 6(a)? The senior Senator from California says there is no doubt in his mind that the area is marked out. Marked out for what? For Federal water. For what purpose?

Mr. KUCHEL. For irrigation.

Mr. CARROLL. If this area is marked out for a Federal purpose, it comes under the Federal reclamation law, does it not?

Mr. KUCHEL. Yes.

Mr. CARROLL. Therefore, why go into the question of the commingling of water, and try to legislate on the floor of the Senate? There may have to be a judicial determination later. Why not meet the issue in the proper tribunal, and in the proper area?

Mr. KUCHEL. I will tell the Senator why not, in my opinion.

I think it is the clear duty of the Congress to spell out the intent with which it enacts legislation. I studied the speech of my friend from Oregon [Mr. MORSE] over the weekend. I spoke with the leaders of public agencies in California over the weekend. The Senator from Illinois is quite frank. He says that he offers the amendment to eliminate section 6(a) to throttle, by Federal legislation, the people of California in their waterworks.

Mr. DOUGLAS. Mr. President, I protest. That is a gross misstatement of the position of the Senator from Illinois.

Mr. KUCHEL. I do not think it is.

Mr. DOUGLAS. Our friend has allowed himself to be carried away by the enthusiasm of his advocacy.

Mr. KUCHEL. With the Presiding Officer now occupying the chair [Mr. ENGLE], I feel comfortable about it. [Laughter.]

Mr. DOUGLAS. I have great confidence in his fairness as a Presiding Officer, when he is in the chair. He may be a protagonist of his case on the floor, but when he is placed in the chair, I think he will decide any issue put to him on the basis of parliamentary law. I will not say that I am comfortable with him in the chair, but I feel safe with him in the chair. [Laughter.]

Mr. KUCHEL. I join my friend in those sentiments.

Mr. DOUGLAS. I do not believe the junior Senator from California would take undue advantage of the Senator from Oregon or the Senator from Illinois.

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

Mr. DOUGLAS. I note the presence in the Chamber at this moment of both Senators from Oregon. This is a matter of extreme importance to the State of Oregon. The State of California is switching water from the northern part of the State of California to the southern part of the State. That is all right.

But it is well known that it has designs on the Columbia River, too.

Mr. KUCHEL. Careful——

Mr. DOUGLAS. The Columbia River has one of the greatest flows of water in the country—approximately 180 million acre-feet a year.

Mr. KUCHEL. Mr. President, I protest my friend's statement.

Mr. DOUGLAS. Mr. President, who has the floor?

Mr. KUCHEL. I think the Senator from Illinois is now being carried away.

The PRESIDING OFFICER. The Senator from Illinois has the floor. Does the Senator from Illinois yield?

Mr. DOUGLAS. I do not, at least not until I finish this paragraph.

There have been articles in the newspapers to the effect that it would be a fine thing if the water of the Columbia River were at some point hoisted over some of the mountains or brought through a tunnel and taken down to California, because California can put it to better use than can Oregon.

Under what conditions would the water be taken? For whose benefit? For the benefit of the people of Oregon or the benefit of the people of California?

And if and when taken to California, for whose benefit would the water be used within California? Would it be taken there for the benefit of the large landowners, who are now attempting to take the water of northern California, held back and then channeled down by a Federal investment? Or would they distribute it for the benefit of the average people of California?

I believe the Senators from Oregon have a real interest in this issue.

What we are doing now will set a precedent for later developments. If I were a Senator from Oregon I would be very skittish about accepting any of this bill, because it may pave the way for one of the greatest water steals and water diversions in the history of the Nation.

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

Mr. DOUGLAS. I am glad to yield to the Senator from Oregon.

Mr. MORSE. We always like to give our California friends the benefit of the doubt, but we watch them. There has been too much Columbia River diversion propaganda coming out of California to allow us ever to abate our vigilance.

If the Senator from Illinois will yield, I should like to address a few remarks to the Senator from Colorado [Mr. CARROLL].

Mr. DOUGLAS. I yield for that purpose, with the understanding that I do not lose my right to the floor.

Mr. MORSE. I believe the Senator has made a contribution to the debate which is very much worthwhile, and has raised the same question with the senior Senator from California which the Senator from Illinois and the senior Senator from Oregon have been raising now for the third afternoon of debate on this issue. There will be some more afternoons of debate on this issue, if necessary, in order to make the public aware of what is involved.

The Senator from Illinois is quite right in his reference to the danger of a water steal. I believe that the bill in its present form, with section 6(a) in it, has lurking in it the danger of the greatest water steal in the history of our country.

I do not intend to let this steal go through the Senate, with empty seats confronting us for the most part during this debate, to be voted on finally by Senators who may not have the time, because of their busy schedules, to read the RECORD.

Therefore I believe we must discuss the subject until the people of the country become aware of what is involved here. They are becoming aware, judging by the increasing number of messages which we are receiving, even from people in the State of California. I have received some more since the Senator from Illinois put in some messages earlier this afternoon. In due course of time I shall put them into the RECORD, on my own time, and at some length.

I wish to say to the Senator from Colorado that we have some questions of fact here. In my judgment, we are not the competent group to decide those questions of fact. Those questions of fact, as the Senator from Colorado

knows as a lawyer, are operative facts inherent in a judicial determination of the application of the reclamation laws to specific litigation which is bound to arise in the future no matter what bill on this issue we should pass.

There has been discussion here this afternoon, as there was last Tuesday afternoon and last Thursday afternoon, of the problem of whether there is or is not a commingling of waters. Let me say that we do not get the answer by having the Senator from Colorado ask the Senator from Illinois, the two Senators from California, or the Senator from Oregon whether there is any dispute about the commingling of waters in this matter. There is such a dispute. There is a great dispute about it. I do not purport to answer that question this afternoon.

I wish to say, however, that it is a question that calls for the presentation of legal proof in a courtroom as to what degree, if any, there is a commingling of waters. That is what I said in my legal argument last Thursday, and I wish to refer to it again this afternoon. This is not the forum in which that question and the next question I will raise in my discussion with the Senator from Colorado should be raised. It is a question of whether or not there is a certain commingling of waters. That should be for judicial determination. The question as to whether or not the Federal service area is clearly defined is disputed. That ought to be decided in a courtroom, not here. It involves an operative fact. It can be resolved in the process of determining to what extent the reclamation laws apply to the various segments of this project.

The question as to whether or not there is a State system separate and distinct from the Federal system involved in this project is a question of fact which is in dispute.

The Senator from Illinois has pointed out time and time again in the debate that we could not raise in this debate the issue of whether the 160-acre limitation applies to the new land which is going to be brought under irrigation by the project, if it were not for the fact that we have the basic Federal dam project, with the deep foundation, on top of which it is proposed that some State money be spent for a superstructure which will make it possible to store more water behind the dam. Does that change the water into State water, or does it leave in that reservoir Federal water?

The Senator from Colorado and I know that we cannot determine that question of fact on the floor of the Senate. It is an operative question of fact inherent in a judicial determination of the application of the reclamation laws to the project.

What is the next question of fact? It has been stated by the two Senators from California that they plan to dig some canals or channels right alongside of the Mendota Canal and some other Federal canals, taking water out of the reservoir impounded by a basic Federal dam on which a superstructure has been built with the use of State money. Let me say that we will look in vain through the record for any guarantee that that is the way it is going to be done, but let us assume that it is going to be done that way. Does that make it State water and not Federal water? It is a question of fact, to be determined by litigation, not to be determined on the floor of the Senate.

Let us move into another question of fact which is involved here. What is the effect of section 6(a)? It is pretty clear, although it does not in its language mention the 160-acre limitation, that those who want it kept in the bill—the Southern Pacific Land Co. and all the other large landowners—believe that in section 6(a) they have a gimmick whereby they will be able to have the 160-acre limitation removed from their land.

Section 6(a) is not necessary in this bill, let me say to the Senator from Colorado, for a final determination as to whether the 160-acre limitation does or does not apply. However, if we leave it in the bill—and this is what the senior Senator from California, I respectfully submit, has as his chief motivation—it strengthens the waiver of the 160-acre limitation, he believes. That is why I say to the two Senators from California—and I say it respectfully—I do not believe they are being fair to those of us from the great water resources States of the West to put us in a position where we have to oppose the San Luis project, when we are for it, because they have this gimmick in section 6(a), and because they want to stack the case against us.

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

Mr. MORSE. Not yet. Because they want to get us into the position of leaving 6(a) in the bill, and in that way strengthen the big land companies in litigation which is bound to follow as to the effect of section 6(a). It would strengthen those land companies in the position they will take, namely, that the reclamation laws do not apply.

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

Mr. MORSE. I will yield in a moment.

I say to the two Senators again, "You are overlooking some shoulder-to-shoulder support which you would get from the senior Senator from Oregon, and I believe also from most of the other western Senators, if we were to pass this bill with 6(a) omitted from it, and were then to present to the committee, of which the Senator from Colorado is a member, a clean bill for a revision of the reclamation laws. On such a revision proposal we would be found going along with some modification of the reclamation laws, but not for such a modification as would waive the 160-acre limitation on the richest land area in this country."

We say "You should not be trying to determine that matter in connection with this litigation."

I repeat my question of last Tuesday and Thursday to my two good friends from California: Why do they not take section 6(a) out of the bill? If I understand the Senator from Colorado [Mr. CARROLL] correctly, he is raising the same question. Why do they not take section 6(a) out and let the matter run its course through the judicial processes of the country; then come forth with a clean bill on reclamation law amendments, and let us work together as a group of western Senators on a problem which is of common importance to all of us?

What I think the two Senators from California are doing is putting those of us in the three Pacific Coast States in a very difficult position. We should not be asked to determine on the floor of the Senate the answers to a whole series of questions which ought to be determined by the courts rather than by the Senate.

Mr. DOUGLAS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DOUGLAS. Mr. President, I ask unanimous consent, that I may be permitted, without losing the floor, to yield, first to the Senator from California, who wishes to reply to the Senator from Oregon, and that I may then yield to the Senator from Colorado.

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

Mr. KUCHEL. Mr. President, I can say this for my colleague as well as for myself: We respect the right of the able Senator from Oregon to his opinion. But, speaking for myself, I say the Senator from Oregon is wrong in his opinion, and he is wrong in describing, in particular, the motivation of the Senator from California.

The fact of the matter is that both Senators from California gave the most searching scrutiny to the Senate RECORD of last week. Speaking for myself, I telephoned persons who represent public agencies in California, trying to ascertain if there were a way in which we could do what it sometimes seemed to me, from statements in the RECORD, the Senator from Oregon wanted to do, and yet, at the same time, to avoid what the Senator from Illinois frankly says he desires to do.

Here is an instance in which persons who are skilled lawyers in my State, and who represent public agencies, believe that the Senator from Illinois, in the position he takes, would have some vigorous supporters if the legislation got into the court, in contending that judicial adoption of the Douglas-Morse amendment would mean that the Federal reclamation law would cover all the waters coming out of the dam which is provided for by the bill.

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

Mr. KUCHEL. I wish to make a very short answer to the able Senator from Oregon; then I shall take my seat.

Here, Mr. President, is the reason why we cannot accede at this late date. We disagree with what the Senator from Illinois and the Senator from Oregon say, but we also do not want to run the chance that our disagreement with these two estimable Senators will be misconstrued. The fact is that we do not want the Federal Government to tell the people of California how they shall utilize their waters. The fact that it is simply good business judgment for the State and the Federal Government to

sponsor jointly and to use jointly one reservoir should not alter that situation.

I say to the Senator from Oregon that I do not speak in this debate for any single citizen of California. I speak for the people of California who, through their official representatives, this year were able to come to an agreement on the language which should be used. I think we have a duty clearly to say to our fellow Senators what the intention of the bill is. That is the extent of what I have tried to do in this debate.

Mr. MORSE. Mr. President, will the Senator from Illinois yield, so that I may make a brief reply to the Senator from California?

Mr. DOUGLAS. I yield for that purpose.

Mr. MORSE. I say to the senior Senator from California that there is not a single thing which PAUL DOUGLAS and WAYNE MORSE could possibly say in this debate which would change the reclamation laws of the country as they are now on the books. There is not one single thing I could say in the debate which would cause any court, including the Supreme Court of the United States, in any way to be released in any degree from its judicial obligation to apply the Federal reclamation laws as they are.

Mr. KUCHEL. As Congress wants them to be.

Mr. MORSE. No. Let me finish. There is not a thing we can say which would change the Federal reclamation laws.

But if the Senators from California get by with section 6(a), it is our fear that by legislation they will be changing the Federal reclamation laws, and the courts would have to follow that change made by a statute enacted by Congress.

The senior Senator from California, is overlooking, I think, what the Senator from Illinois has said. He seems to think there is a variation or a difference between that and what the senior Senator from Oregon said. Let us assume there is a variance. I do not happen to think there is, but let us assume there is. It would not make a single bit of difference in a court, because the court has the job of determining what the application of the reclamation laws is to the San Luis project. But put section 6(a) in the law, and the hands of the court are tied, because the court will have been told, under section 6(a), in effect, in my opinion, that the reclamation laws are modified by law.

Mr. KUCHEL. Modified how?

Mr. MORSE. I think the court may find that the 160-acre limitation does not apply to comingled waters. We want to find out what the law is.

Mr. KUCHEL. Oh no; we want to determine how to legislate.

Mr. MORSE. We want to know whether the law applies. So we ask: Why are the Senators from California not willing to take the reclamation laws as they are now on the books? Why do they want to question the reclamation laws by this provision of the bill rather than by a separate, distinct reclamation amendment?

Mr. KUCHEL. I say to the Senator from Oregon that it is the duty of the legislative branch of the Government to pass legislation with regard to a specific intention. Congress ought to indicate what the intention is by the legislation it enacts.

I suggest to the Senator that we abandon our responsibility if we simply say this: Let the courts decide. Does the Senator from Oregon mistake my intention with respect to an understanding of the bill with section 6(a) in it?

Mr. MORSE. I think the Senator is trying to amend the reclamation law.

Mr. KUCHEL. To what extent?

Mr. MORSE. By not having the 160-acre limitation apply to new lands, as they relate to Federal waters. The Senator says it does not affect Federal waters. I say let us leave the laws as they are and let the courts determine the question.

Mr. KUCHEL. Let us see if we can come to an honest agreement. Let us see if both sides can honestly agree to something.

Does the Senator from Oregon agree that any person in California who obtains water from the State of California by entering into a contract with the State to purchase a certain amount of water ought to follow State law, and not Federal law?

Mr. MORSE. Where Federal water is not involved.

Mr. KUCHEL. What does the Senator mean by "where Federal water is not involved"?

Mr. MORSE. That is exactly what I am trying to point out. The Senator is trying to determine that question on the floor in relation to his project. I say the question ought to be determined by the application of Federal reclamation laws, as the courts find them to be in a specific case.

Mr. KUCHEL. But what does the Senator believe Federal waters to be? How would he define them?

Mr. MORSE. That would all depend on the operative facts of each individual case which came before the court. There can be no other answer. How can we look into the future and decide on the floor of the Senate the particular application of the general principle of each individual case which the Senator from California wants to raise?

I simply say that where Federal waters are involved, I want the 160-acre limitation to apply. If there is a case of solely State waters, of course it does not apply; that is up to the State legislature to determine.

Mr. KUCHEL. But we use the terms "State waters" and "Federal waters." Good heavens, Mr. President. There is no such thing as State waters in one instance, in one part of a State, and Federal waters, in another.

Mr. DOUGLAS. I am glad the Senator from California has admitted that fact.

Mr. MORSE. That is our point.

Mr. KUCHEL. Let me try to be helpful. I thought for a moment there was an opportunity to get together. I am afraid now there is not. But, Mr. President, these terms are used. All we tried to do, I will say to my friend, the Senator from Oregon, was to indicate that State law would follow the State system, and that the fact that one dam would serve a Federal reclamation project and a State system, as well, was not a basis for applying the law of the Federal Government to the law of the State.

Mr. MORSE. Let me say most respectfully that I do not think the senior Senator from California is giving sufficient weight to what the March 17, 1959, hearings show some of his constituents, representing the large landholders of California, clearly implied was their intention. We do not intend to vote for section 6(a) of the bill, which we believe is designed to carry out the intention of the large landowners of California—which is to scuttle the 160-acre limitation.

Mr. KUCHEL. Mr. President, the Senator from Oregon is mistaken.

Mr. MORSE. I have stated what I believe the intention to be. The Senator from California says I am mistaken. That is his interpretation. We have stated ours. Certainly both of us have a right to state our own interpretations.

Mr. KUCHEL. Certainly.

Mr. MORSE. Now let the courts determine the matter.

Mr. KUCHEL. But that was not the intention of the Senate Committee on Interior and Insular Affairs. In the committee, no vote on that question was taken.

Mr. MORSE. But my colleague is a member of that committee. He is saying, in effect, that he does not think that point of view was given the consideration it should have been given in the committee. After having voted in the committee for the Senator's bill, now he has come to the floor of the Senate and has observed for the first time the problem that is hidden in the bill; and the Senator has become a cosponsor of the amendment. He is a member of the committee.

Here is the Senator from Colorado [Mr. CARROLL], who has been raising some questions which I believe are subject to the interpretation that he, too, is making. He is asking, "Why do you not go along with the proposal to strike out section 6(a)?" He is a member of the committee.

Mr. KUCHEL. Mr. President, my friend, the Senator from Colorado, can speak for himself as to what he is going to do.

But I wish to suggest to the Senator from Oregon that the great Senator from Wyoming is in favor of this bill; and the great Senator from New Mexico is in favor of this bill; and the great Senator from Montana, the chairman of the committee, may, I believe, rise and say that he has changed his position on this matter. My point simply is that there are differences of opinion. I respect the right of my colleagues to have differences of opinion. But that does not mean that we who differ should simply roll over and say, "All right; we will abandon what we in good faith believe."

We have talked with representatives of public agencies. We have not talked with large landowners or with anyone from our State who has not had a public interest. That is why I want the

Senate to proceed in good time to vote this issue either up or down.

Mr. MORSE. Mr. President, I never quote Senators without their permission. However, the Senator from California has just mentioned some members of the Committee on Interior and Insular Affairs, among whom is at least one who has told me that section 6(a) should be stricken from the bill. He says this issue was not raised in the committee.

I have just talked to the Senator from New Mexico [Mr. CHAVEZ], a very able member of the Committee on Public Works. I am sure he will not object to my quoting him now. He asked that the Senate not vote on this matter until tomorrow, because he wishes to be here to vote to strike section 6(a) from the bill.

The sad fact is that I believe the Senate Committee on Interior and Insular Affairs never gave consideration to the points we are making in regard to section 6(a), points which the Senator from Illinois [Mr. DOUGLAS] has brought out so eloquently on the floor of the Senate.

I believe section 6(a) is pregnant with great abuse, so far as the future of reclamation law is concerned.

Mr. KUCHEL. And in my judgment the position the Senator takes is pregnant with great damage to the people of California.

Mr. DOUGLAS. Mr. President, I think the genetic effects of this provision will be extremely unfortunate and will produce malformations in the body politic of California.

Mr. CARROLL. Mr. President, will the Senator from Illinois yield to me?

Mr. DOUGLAS. I am glad to yield. In fact, I believe I have received unanimous consent to yield to the Senator from Colorado.

The PRESIDING OFFICER. That is correct.

Mr. CARROLL. Let me say to the senior Senator from California that the more I listen to this debate, the more I am convinced that my colleagues have almost reached a point of agreement. I say this very seriously. For example, a little while ago I asked about the area to be covered by the Federal system. It would seem that that area has been very clearly defined.

Mr. KUCHEL. That is correct.

Mr. CARROLL. But suppose in the parallel system of which we speak—and in that connection we have referred to the map—some State waters were to come through.

Mr. DOUGLAS. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I yield.

Mr. DOUGLAS. It is not a parallel system; I wish to emphasize that point. The second system will be a commingled system almost throughout its course.

Mr. CARROLL. Regardless of that, my point is that if it involves State water which goes upon some Federal area—and this is the point the Senator from Oregon makes, and I believe it is an important point—we cannot determine that, to use his expression, as an operative fact. That question must be determined by the courts, on the basis of the testimony of engineers—competent witnesses and experts.

I am very serious about this matter. As the two Senators from California know, I want to vote for this project. I know the real problems which confront the people of California. Millions of people are very seriously affected. I was in that area a few months ago, and I think of the 6 million people in and around the Los Angeles area and the desperate need for water. I do not share the viewpoint of some of my colleagues; namely, that water is not needed for the land. I think it is needed.

I know there will be a financial windfall for certain landowners; but that presents another question.

The question before us, as I think the Senator from Oregon and the Senator from Illinois have made plain, is how are we to preserve the Federal reclamation system.

I am sure the Senator from California is very sincere. I am convinced that he has no ulterior purpose; I am convinced that he does not intend to undermine the Federal reclamation laws.

Mr. KUCHEL. That is correct.

Mr. CARROLL. Therefore, I appeal to his good judgment in this matter, and I believe the people of his State will understand. If we can move ahead here, I will stand on his side and I will fight for him. But, as a member of the committee, I think we must face this issue, which was not brought up in the committee.

The able Senator from Illinois has raised certain questions. This is not an attempt to defeat the project. California will get this project, in my opinion; but I believe California should bow a little, and should let the bill go to conference until there is further study, and should let it go to the courts, if necessary—although I do not think the Senator from California wants it to go to the courts. But there is the problem of commingling.

Mr. KUCHEL. Mr. President, will the Senator from Colorado yield briefly?

Mr. CARROLL. Yes.

Mr. KUCHEL. I should like the Senator from Colorado to listen to language which I think was recommended by the Senator from Oregon and the author of the report in the House of Representatives, Representative B. F. SISK. Here is what he suggests in place of the present section 6(a):

> The State's use of joint-use facilities authorized by and constructed in accordance with this act shall not cause the Federal reclamation laws to 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 7, 1956.

Does not that have some interest to the Senator from Colorado?

Mr. CARROLL. It has great interest.

But this is the reason why I think the matter should go to the other House: When we speak of a contract, that is an important point. But suppose there is a contracting agency within the Federal system, too. Then we get into the question of commingling. That is what some are afraid of. For instance, suppose the great landowners come under the Federal system.

Then they are bound by Federal law. I do not know whether this point has been brought out in the debate. I was not going to name any names; but, on the other hand, I do not think it would make any difference if I did. Let us say Southern Pacific owns land in this area. I do not know how much it does own in the area. Does anyone doubt for a minute that the great landowners will not have a tremendous financial windfall? Why? Because when water is put on this rich land, the value of the property is enhanced greatly.

Mr. KUCHEL. But they cannot get it.

Mr. DOUGLAS. The testimony of six Members of Congress is that the value of the land will be increased, on an average, $577 an acre. The Southern Pacific Land Co. has testified it owns 120,000 acres in this area. Therefore, if the company gets the water and holds onto the land, it will benefit to the degree of $70 million. That is what is really involved here. There are similar large land holdings, perhaps not of this magnitude, but running into 10,000, 20,000, and 30,000 acres. As a matter of fact, Standard Oil Co. owns more than 100,000 acres—most of it, however, outside the immediate San Luis area. And the Kern County Land Co. appears to have the largest holdings of any—south of the so-called Federal service area.

Mr. CARROLL. This is the real point which is raised, and I want the senior Senator from California [Mr. KUCHEL] to listen very closely. All the Senator from Illinois has said is accurate but for one thing. Under either the Federal reclamation law or a regulation under that law, as I understand it, if landowners contract for water upon the land, which will make it valuable, within a certain period—10 years—they must divest themselves of the land, and that land will be broken up into small units.

Mr. KUCHEL. At the prices at which the Secretary of the Interior shall appraise the land.

Mr. CARROLL. Perhaps that will help us on the question of speculation. That fact presents the real issue. That is why I should like to have both Senators from California listen. This is something that perhaps the senior Senator from California has not thought about. I have great confidence in his integrity. Let us assume that in a Federal area a contract is entered into for Federal water. Let us assume a contract is entered into for State water. There is a commingling of the water on the land by virtue of the contracts. Those involved may say, "We are not bound under the 10-year rule, and the Secretary of the Interior is not bound to set the value of our land."

Mr. KUCHEL. Under this proposed legislation, that simply could not happen. It is provided that before the dam shall be constructed for joint use, the State and the Federal Governments must enter into a contract. There will be no problems of dual jurisdiction over a given area.

The State project here contemplated is called the Feather River project. It is

overwhelmingly in the interest of water supply, for example, for the housewife who lives in my hometown of Anaheim and who needs water. Why is there a need for such water? The State of California is involved in a lawsuit with Arizona over the use of water. God knows what is going to happen. The Upper Colorado River project is a reality. The people of the State of Colorado need water. The project under discussion will be one way of bringing water, which is wasted by flowing into the Pacific Ocean, into the populous Los Angeles area.

It is true that subsequent to the Feather River project there will be other projects constructed under State works. It is also true that State water may still be desired for agricultural purposes—I do not know—but it is not going to take place at this time.

Mr. CARROLL. I am willing to go on record as to my legislative intent. I think the State of California should have control and jurisdiction over its own waters.

Mr. KUCHEL. I thank my friend—as Colorado should have over its own waters.

Mr. CARROLL. That is right. But, by the same token, when there is water within the Federal reclamation system, there is no question that it is subject to the Federal reclamation laws.

Mr. KUCHEL. And should be.

Mr. CARROLL. Very well, but here is the point, and now we get off on a tangent argument, and we get into other arguments which go to the merits of whether this proposal would be good legislation. I think great harm will be done if section 6(a) is not withdrawn and we let the bill go to the other House containing that section. There will be ample time to argue and to consider this matter. The question will be under consideration in the other body. Representative SISK's amendment may be offered. There will be time to study and examine it.

There is a deep-seated feeling that, however unwitting, an attempt is being made to undermine the effect of the Federal reclamation laws, which are vital to the West. Whether that feeling is founded on fact, the question has been raised. The more I think of the question and the more I listen to the debate, the more I feel section 6(a) must come out of the bill.

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

Mr. CARROLL. I yield.

Mr. DOUGLAS. I commend the Senator from Colorado. He comes from one of the irrigation States. It is well known that those representing the 16 or 18 irrigation States are a band of brothers. They generally stand together for appropriations.

May I say that in these projects they are bleeding the rest of the country white.

In the first place, a large part of the cost is absorbed in flood control and navigation aspects of the projects, on which there is no return. Another portion of the cost is absorbed in power projects, when it really should be charged to irrigation. Then, on the small portion which is charged to irrigation, no interest is paid. Then the principal which is repaid is impounded and not returned to the Federal Treasury, but is used for further reclamation.

Believe me, the reclamation States have made all the other States pay. If blood be the price of reclamation, we have paid in full. There is a revolt coming from the sections of the country, which pay the taxes in large part.

However, in this particular instance, I am willing to swallow my scruples if only we can be assured that this subsidy will be used to help the family-sized farm, and not help the big, agrarian, feudal landholders in this area.

What is it in the Federal reclamation law that the two Senators from California want to avoid? They say they do not want the Federal reclamation law to apply in this 500,000-acre block of land—of course they never tell us precisely where or how much it is—which will be brought in after the initial 440,000 acres are.

Why? There is only one answer—because they do not want the 160-acre limitation to apply. The Senators will not come out openly and say that, but that is the reason.

There is no question of States' rights involved. As a matter of fact, we know California does not have any law on this subject at present.

Knocking out section 6(a) would not replace the Federal reclamation law with a State law. A vacuum would be left. There should not be a vacuum left in this area any more than there should be a vacuum left in nature. We do not want a vacuum in the law, because into that vacuum will rush the big landowners with their possession of tens of thousands of acres, in some cases over a hundred thousand acre, so that they will get an increase in the value of their land, to the extent of $600 an acre, on an average, which will mean enormous benefits. From whom? These benefits will come from the taxpayers of the country as a whole.

In this process the entire irrigation and reclamation program of the country will be so besmeared and discredited that an indignant public will repudiate the whole thing.

I have been greatly pleased to observe the way the reclamation bloc seems to be breaking up, and how one Member after another will rise in his place to urge, in the interest of reclamation as a whole, that section 6(a) be stricken from the bill.

The Senator from Colorado is a loyal member of the reclamation bloc, although he is also a great public servant. The two Senators from Oregon have served notice on the Senators from California that they cannot go along with section 6(a). There has been unofficial testimony from others, yet these Senators hold on to section 6(a) because, I believe, the large landowners who agreed to this bill do not want the 160-acre limitation law applied.

Mr. President, the Senators from California speak of a partnership between the Federal Government and the State government. As they look at it, one part of this project is to be Federal, and another distinct part is to be State.

I wish to point out that the whole additional investment will be built upon the existing Central Valley project, upon which the Federal Government and the taxpayers of the Nation have already expended $630 million, and upon which they are pledged to spend an additional $230 million, or a total of $860 million.

Furthermore, the bill calls for an additional $290 million for the Federal share of the San Luis Dam and for other works, and authorizes another $190 million for a distribution system in the offing. Roughly we are going to have a prior investment of $1.3 billion.

And what is the State's share of all of this? The State says, "We will pay some of the added costs of the foundations, which have to be dug, at a cost of from $10 million to $17 million." This is California's immediate contribution. This is the partnership.

This is a marvelous partnership for California, to be able to put up $10 million to $17 million and have the use of $1.3 billion. It puts in the shade the so-called 50–50 principle of the hash made out of one horse and one rabbit. It is much worse. It is more like one molecule compared to a tremendous aggregation of material.

Then there are vague promises about the future.

I should like to point out that the whole project is dependent upon many prior Federal projects, including the great dams up north at the base of Shasta, which I have enumerated.

There is the exclusive Federal investment in the Delta Cross channel or canal, which will be used to take water from the Sacramento River to the pumping station.

Cheap Federal power will be used to lift the water from the Sacramento Basin into the San Joaquin Basin, for the so-called Federal part of the project, and possibly for the later additions, and so on.

The San Luis Dam will be a joint facility

The Oroville Dam, which has been heralded as an exclusive State project, is to have a large Federal investment of "at least"—those were Governor Knight's words—$75 million.

Yet these new additions are said to be exclusively State projects.

Mr. President, I think the full nakedness of this project is becoming manifest. I should say that the partnership is like the celebrated cartoon which John M. Baer used to draw and have published in the magazine Labor, in which he had one section of the country feeding the cow and another section of the country milking the cow. This is the partnership. The rest of the Nation will feed greenbacks into the Central Valley projects—hard-earned money for which people all over the country have worked for, and, which they have paid in taxes—and the people who will milk the project will be the big landowners of the valley.

Mr. President, that is really what is at stake if we do not strike out the section 6(a) which seeks to bar Reclamation

law from any application to their joint project.

Unless there are further questions I am disposed to yield the floor. If there are any Members of the Senate who wish to interrogate me I would not wish to disappoint them, but I am perfectly ready to yield the floor.

Mr. President, I yield the floor.

AGE REQUIREMENTS FOR ELIGIBILITY FOR OLD-AGE AND SURVIVORS INSURANCE

Mr. PROXMIRE. Mr. President, both houses of the Wisconsin Legislature have met to memorialize this Congress to reduce age requirements for eligibility for old-age and survivors insurance to 60 years of age. Like all memorials from this session of the Wisconsin Legislature, this is bipartisan. The Wisconsin Assembly is 55 to 45 Democratic, the State senate is 20 to 13 Republican.

I am glad to commend this memorial to my colleagues.

As one who has been to literally thousands of plant gates in my State over the past 6 years and talked to hundreds of thousands of working people, I can say without qualification that no single action of the Congress would be more warmly welcomed by working people throughout Wisconsin than the reduction in social security age eligibility which this memorial proposes.

I can recall very well sitting in the Senate gallery some 14 years ago, when I was in the Army stationed in Washington, and hearing "Mr. Republican"—Senator Robert Taft, of Ohio—talk of the golden day when American citizens could retire at an earlier age. As I recall, he may have mentioned 60 as the objective at this time.

Of course, Mr. President, I recognize that such a retirement provision would be very expensive. It would require a sharp increase in social security taxes on both employees and employers, but I think the suggestion nevertheless has very great merit; and I suggest my colleagues can benefit from careful study of the reasons for the reduction in social security age set forth in the resolution.

I ask unanimous consent, Mr. President, that the resolution be printed in the body of the RECORD, immediately following these remarks.

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

JOINT RESOLUTION 4, A

Joint resolution memorializing Congress to reduce age requirements for eligibility for old-age and survivors insurance

Whereas there is a serious shortage of jobs across the Nation; and

Whereas automation or the use of modernized machinery has enabled industry to boost production while the job market sags further; and

Whereas unemployment in Wisconsin is still widespread; and

Whereas people over 60 years of age with no special skills find it almost impossible to obtain jobs; and

Whereas the employment outlook for young people is considerably dimmed because older workers with seniority rights are continued at arduous tasks which tax their strength and vitality in order to meet requirements under present retirement plans: Now, therefore, be it

Resolved by the assembly, the senate concurring, That the legislature urge the Congress of the United States to reevaluate the age requirements for eligibility for old-age and survivors insurance in an effort to provide social security for unemployed older workers at an earlier age; and be it further

Resolved That a copy of this resolution be sent to the Honorable Dwight D. Eisenhower, to each Member of the House of Representatives from Wisconsin, to Senators PROXMIRE and WILEY and to the Governor and legislative body of each State.

PHILLIP ASH,
President of the Senate,
LAWRENCE R. LARSEN,
Chief Clerk of the Senate.
GEORGE MOLINARO,
Speaker of the Assembly.
NORMAN C. ANDERSON,
Chief Clerk of the Assembly.

AWARD TO CANON CITY CHAMBER OF COMMERCE

Mr. CARROLL. Mr. President, the Canon City, Colo., Chamber of Commerce has won recognition for its outstanding achievement in developing a better understanding of the American economic system.

The Chamber of Commerce of the United States gave its top award of 1958 to the Canon City Chamber of Commerce for its economic understanding program, and I believe it an honor which was well deserved. I am most happy at the prize-winning activity.

Dr. Kon Wyatt, Sr. is president of the Canon City Chamber of Commerce, and George Reitemeier is the manager of the livewire organization. Joe Chapman is another leader in the very worthwhile program which made it possible for the Canon City organization to receive this national honor.

Canon City has many attractions. The bridge across the Royal Gorge at this place is one of the most spectacular sights in the Nation.

But Canon City is not dependent on spectacular scenery to justify its existence. It has a population of 17,500, has good schools and churches, manufacturing, industry, fine homes and happy people.

But the chamber of commerce inaugurated a program which is worthy of high praise, and this was not overlooked by the U.S. Chamber of Commerce when it presented its top award to the Canon City Chamber of Commerce.

The business relations committee of the chamber of commerce was formed in Canon City only slightly more than 2 years ago. Its program was based on the belief that divisions within the community and the lack of real cooperation with the citizens in all walks of life came from the lack of understanding of each other's problems. This was the basis for the program which has developed national recognition.

It was felt the best start for such a program was to draw together the business people of the community. The discussion group program was the kickoff. The results of closer unity and cooperation were felt immediately in the business area. The other groups' programs were then inaugurated, and within a few short months walls and barriers which divided the groups within the community were torn down.

With this new climate of relationships the Canon City Chamber of Commerce took many steps forward in solving community, social and labor problems.

Among the outstanding programs offered during the year was a Business-Clergy Day. Ministers of many churches attended all-day sessions at six diversified business firms. In this manner many concepts not correctly understood were explained, which dispelled the error from the minds of the participants. A similar program was carried out for the teachers and educators of Canon City, and later the businessmen visited the schools.

Over 50 business and professional men and women participated in a 17-week course in basic economics to prepare themselves to tell the story of free enterprise. These students of business acted as hosts to the many groups which were exposed to a clearer understanding of economic problems and their influence on social and political issues. The course provided the opportunity to many to gain their first knowledge of economics. Guest speakers were frequent, and told the story of free enterprise and its advantages.

This outstanding program brought about better team play in the community, and I am most happy the U.S. Chamber of Commerce has selected the Canon City Chamber of Commerce for its top award in promoting economic understanding.

SIXTY-FIFTH ANNIVERSARY OF CATHOLIC CZECH AMERICAN NEWSPAPER NAROD

Mr. HRUSKA. Mr. President, on May 16th the Catholic Czech American newspaper, the Narod will publish an anniversary issue marking its 65th year of uninterrupted existence.

This newspaper was founded as a daily by the late Right Reverend Abbot Procopius Neuzil, O.A.B., in 1894. It was published by the Benedictine Fathers of St. Procopius Abbey as a daily until 1954, when it was changed to a semi-weekly publication.

Originally its publication was entirely in the Czech language. It is published at this time in that language with a 12-page supplement in the English language.

It has served the cause of America well among immigrants from Czechoslovakia, in many ways, toward the goal and objectives of good American citizenship. Traditionally, it has taken a leading role in many Catholic social and charitable endeavors among the Czech Catholic people.

In more recent years, it has taken its place among those foremost in vigorously exposing and opposing communism in this country. Especially has it striven to counteract the Communist lies and propaganda which are circulated among and directed against Americans of Czech and Slovak origin.

The leaders and the publishers of this journal are to be congratulated upon this journal's attaining its 65th anniversary. They are to be commended for their leadership and vision, as well as their constant efforts, to attain the best in American citizenship.

May their efforts continue with the same dedication and the same zeal into the many years which lie ahead.

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. MANSFIELD. 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. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MORSE. Mr. President, I understand it is the intention of the leadership either to recess or adjourn tonight and to proceed with the debate tomorrow. I am much pleased, as usual, to accommodate the leadership, but I have a couple of matters I desire to put in the RECORD.

I have received a telegram from one of the leaders of the Young Democrats of the State of California, Mr. Keith Murray, 350 Santa Clara, Oakland, Calif., in which he states:

> 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.

That telegram is only one of the many additional communications which are being received from Democrats in California, let me say to the junior Senator from California and my very good Democratic friends from the House who are also interested in the bill, showing the Democratic Party policy in California. I am informed that it has always been consistent with the policy of the National Democratic Party in regard to the matter of protecting the small family-sized farm in connection with the 160-acre limitation.

I do not intend to walk out on that Democratic Party policy. I intend to fight for it on the floor of the Senate. I have received another communication, from a very fine Democratic leader of California, Miss Anga Bjornson, who, I am sure, is well known to the junior Senator from California and to my Democratic friends in the House who are very much interested in the bill. She is one of the leaders of the Democratic Party in California, and at the present time is a member of the Democratic central committee of that State.

I received a letter from her today. I think she addressed another letter, of somewhat different content, but the same meaning, to my great leader in this debate, the Senator from Illinois [Mr. DOUGLAS].

She pointed out that last Thursday she sat in the Senate gallery and listened to the debate in the Senate, participated in by the two Senators from California, the Senator from Illinois, and the Senator from Oregon. In this letter, which I shall place in the RECORD with the consent of the Senate, she states that she agrees with the position taken by the Senator from Illinois and the Senators from Oregon, and disagrees with the position taken by the two Senators from California in regard to section 6(a) of the bill.

She is a member of the Democratic Central Committee of California. She so completely agrees with us and so completely disagrees with the reported position of the Governor of California on this question that she sent us a copy of the letter which she has written to the Governor of California, seeking to apprise him of the fact that she does not believe that he has been fully informed as to the implications of section 6(a) of the bill, and suggesting that he obtain a little better understanding of the facts before he permits his name to be used on the floor of the Senate in support of section 6(a).

The question was asked this afternoon by the senior Senator from California [Mr. KUCHEL] as to who speaks for the people of California. The Senator from California seems to think the Governor of California speaks for the people of California. My reply is that he does not if he is wrong on an issue. The only thing that speaks for the people of California is the right side of an issue; and if a Governor is wrong on an issue, I do not accept him as speaking for the people of California. I am sorry if the Governor believes—although we have nothing in the RECORD which specifically so states—that section 6(a) should remain in the bill, in the light of the record made in this debate. If we had anything of the sort in the RECORD, the only conclusion I could reach would be that on that issue Pat Brown would be dead wrong.

If the two Senators from California wish to use Pat Brown, the Governor of California, as a witness in support of section 6(a), I believe they should get from the Governor of California a statement for the RECORD tomorrow to the effect that he has read the debates, that he has read the arguments advanced on the floor of the Senate against section 6(a), and that he thinks the issue should be decided by way of an amendment to the reclamation laws rather than by the courts of America, which have authority to decide questions affecting the application of the reclamation laws.

If the name of the Governor of California is to be used in debate in support of the contention that the Governor believes section 6(a) should remain in the bill, I believe we should have a statement from the Governor for the record. I cannot purport to speak for the Governor of California, but I have a very high regard for him. I had a high regard for him when he was attorney general of the State of California. I have a high regard for him as Governor of California. I think it is very easy to give the impression in this debate that the Governor of California is for the bill, unchanged, when he has not had the benefit of a study of the debates and the arguments which have been made.

This afternoon a member of the committee, the Senator from Colorado [Mr. CARROLL], after becoming familiar with the content of the debate, stated on the floor of the Senate that he agrees that section 6(a) should be dropped from the bill.

Mr. President, I ask unanimous consent that the letter which I have received from Miss Bjornson and a copy of the letter she wrote to Governor Brown, be printed in the RECORD, with the understanding that I shall delete from the two letters any language which could possibly violate rule XIX of the Senate.

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

PIEDMONT, CALIF., *May 8, 1959.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Yesterday, I had the privilege of sitting in the balcony of the Senate, listening to the magnificent discussion by both you and Senator DOUGLAS and Senator LAUSCHE. As you may know, I am a resident in the State of California and a member of the Democratic central committee of that State. In 1954, this is incidental, I ran for the Senate and received 130,000 votes. I merely state this to let you know that I have been more than casually interested in politics.

In all my political activity in the State I have fought for the Reclamation Act and I always find that the citizens of my community agreed 100 percent with my interpretation of that basic act. I know, therefore, that if the people of California had heard your speeches yesterday, they would have applauded 95 percent.

Unfortunately, as no one knows better than you how difficult it is to make people aware of the fights that take place in the Congress of the United States as well as State legislatures * * *.

I know Governor Brown personally, and he knows that I have worked in the State for the Democratic Party and also supported him wholeheartedly in every election in which he has been a candidate.

I am enclosing a copy of the letter I am sending to him in regard to the debate which took place yesterday. I hope you have time in your busy schedule to read what I am sending you. I am sending similar letters to Senators DOUGLAS and LAUSCHE.

Thanking you again, and someday I hope you, too, will have your name and picture in the room in the Senate dedicated to great Senators. You surely deserve it.

Sincerely yours,

ANGA BJORNSON.

PIEDMONT, CALIF., *May 8, 1959.*

Hon. EDMUND G. BROWN,
Governor, Sacramento, Calif.

DEAR PAT: I've been visiting across the country for a few weeks now, and came in to Washington, D.C., just in time to see the Congress in action yesterday. I sat in the balcony of the Senate during the debate on S. 44, the San Luis project. It puzzled me to see a man whom all liberal Democrats admire, Senator PAUL DOUGLAS, of Illinois, take the lead in opposition to S. 44 as offered by our two California Senators, KUCHEL and ENGLE. He pointed out that he was for the

development of the water and land potentials of our rich Central Valley, that his opposition to S.44 was because it destroyed the long-established land policies of this Nation as contained in the acreage limitation law of 1902. As you know, the law provides that Federal monies and subisidies for water development must not result in enrichment of those land profiteers who get more than enough water from such installations than is required for a family sized farm.

When all the camouflage was lifted by Senator DOUGLAS' brilliant attack on S. 44, it was apparent that we are dealing here with an attempt of the big landowners, the corporations like the Southern Pacific with 120,000 acres of land gotten through false promises in which they promised to build a railroad which they never built, get a tremendous windfall through the construction of the San Luis project. What surprised me was that the California Senators did not answer this charge, as the record of the debate amply shows.

But a Senator said on the floor of the Senate that you had proposed a plan for the expenditure of $11 billion of money in a State water project, which included the State's part of the San Luis. Am I to understand, as a Californian who, as you know has taken and now takes a very active part in the political and public life of the State, that we are to bond ourselves and the next generation for 40 years to come for this enormous sum to benefit the rich corporations owning the bulk of the land to be irrigated by the San Luis project?

I have been proud of our Democratic platform. And when a Senator read a telegram from you on this whole subject, urging the passage of S. 44 as introduced, saying that at some future time, whenever it seems appropriate, the matter will be taken up with the legislature, imposing acreage limitations through State law to prevent large landholders benefiting from public development of irrigation water, I was astonished.

For surely one could not pass a bad law now and then hope to change the situation at some future time when the dam is built and the water is being spread on the lands of the corporation farms. For we all know very well, that to get legislation passed then, or to get these corporation farms to sign contracts to dispose of their excess lands then, will prove utterly impossible.

Frankly, Governor Brown, I feel it is because these great land owners do not fear the fulfillment of such a promise as was read that they are all supporting the passage of S. 44 now. We, the people of California, and you, their representative, are not going to link ourselves up alongside these land grabbers and speculators by giving them S. 44 as introduced, if we mean to keep faith with the principles of democracy in which we believe.

This is what Senator DOUGLAS told the Senate.

In my humble opinion, you should wire our representatives in both Houses of Congress, while there is yet time to save the San Luis project, to pass a proper measure, seeking those amendments which will insure the application of the acreage limitation law. For this purpose, all of section 6(a) should be stricken.

The language appearing on page 3, lines 2 and 3 should be stricken, reading as follows: "Except so far as the provisions thereof are inconsistent with this act;" and all of section 3, (f), (h), and (g) should be removed. Then the intent of the act will be clearly to make the acreage limitation law apply to these mixed development programs in which the State and Nation have a stake.

Governor Brown, we have a great opportunity to make the State of California into the "land of milk and honey" its people deserve. But we cannot do it by turning over the riches of the State's land and waters to a handful of national corporations for exploitation. Let us live up to the high level of performance we all expect of us as the first Democratic peoples' government in California in a quarter of a century. Let us act on this matter now.

Let us not forget that $11 billion expanded by the State of California will be a bonded indebtedness of $21 billion in 40 years. These are tax-exempt bonds from which banks will benefit at a time we cannot find enough money to finance our schools. Why not use the interest free money provided by the Federal Government in the Reclamation Act?

Sincerely yours,

ANGA BJORNSON.

Mr. MORSE. Mr. President, in order that there may be no misunderstanding, when I first received the telegram from the head of the California Grange, Mr. George Sehlmeyer, I read it as follows:

California State Grange supports amendments S. 44 all waters delivered from San Luis projects be under reclamation law. Therefore, suggest section 6(a) be deleted from the bill.

When the telegram arrived, it read "suggest section 6 be deleted from the bill." I was satisfied that there was a typographical error. He would not send me a telegram urging that all of section 6 be eliminated, but only section 6(a). So my office got into telephonic communication with Mr. Sehlmeyer, and I was authorized to correct his telegram in accordance with his intention when he sent it, so as to read "suggest section 6(a) be deleted from the bill" rather than "section 6."

This means that the head of the California Grange believes that section 6(a) should be stricken from the bill. That brings the head of the Grange in California, along with the leaders of the Farmers' Union, in support of the Douglas-Morse-Neuberger amendment.

In order that I may have it in the RECORD for purposes of reference tomorrow, I invite attention to an article entitled "The Land," published in the Oregon Grange Bulletin for May 5, 1959, discussing the San Luis bill, and giving great support to the position which the Senator from Illinois and the two Senators from Oregon have taken on this issue.

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

THE LAND

Ever since its founding, the United States has been fighting to keep vast areas of productive land out of the hands of the few. One result has been that except for minor instances, the United States has avoided the land problems that have haunted most of the rest of the world.

The battle has not been easy. The power that lies in the ownership of huge areas of soil has always attracted men of wealth and ambition. Whole landed empires have been built by individuals in Europe, Asia, and South America. An impoverished peasantry was almost always the result. Revolutions have flourished in the need for land reform.

By and large, American democracy can claim its basic foundation in the family farm of reasonably small dimensions. For more than a century great American figures sprang from the soil. The independent farmer was a figure of sturdy tradition.

One reason for the existence of this kind of rural life was the success of the Federal Government in limiting the amount of land that settlers could farmstead, in limiting the acreage that could take advantage of Federal irrigation projects. The 160-acre quarter section was the standard—at most, 320 acres for a man and his wife.

This 160-acre limitation of irrigated land has always been fought bitterly by land speculators or developers. This has been especially true in desert areas where land can be bought for a song and overnight become immensely valuable should multimillion-dollar irrigation systems be installed by the Government.

This has been especially true in California, in particular the great Central Valley whose topsoil is the richest in the world, needing only water to produce bumper crop after bumper crop. For the most part the water that it has comes through federally built dams and works. This water is subject to the Federal 160-acre limitation except on agreement by the owner to sell his excess irrigable land after 10 years.

Big landowners, at times, have gone along with this stipulation reluctantly. But mostly they have fought in one way or another to break down the 160-acre limitation.

They are doing it now in California's Central Valley in a highly legalistic maneuver that seeks to take advantage of the present States rights and partnership atmosphere so strongly favored by the Eisenhower administration.

The project involves the Federal San Luis service area where irrigation works are to be built serving a large area mostly owned by a relative handful of individuals and corporations. Construction of this project by the Federal Government with Federal acreage limitation provisions included has always been opposed by big leaders among the land interests.

Now, suddenly, everybody seems to be for it. Why? Because a scheme has been developed to circumvent the acreage limitation provision. The proposal is that the Federal and State Governments will build the project jointly.

The Federal part of the project, of course, will come under the Federal 160-acre limitations. But what about the State part which won't get built unless there are Federal funds to start with? Are there adequate provisions in the proposed legislation to make sure that the State doesn't turn around, flaunt the 160-acre limitation and put untold millions of dollars into the pockets of the area's huge landowners who will see their desert holdings turned into gardens at the expense of both National and State taxpayers?

There have been many pious expressions of California politicians that this mustn't happen and won't happen.

Nevertheless, there are other groups that are convinced that this is exactly what will happen unless ironclad restrictions are placed in the Federal legislation authorizing Federal participation in the project.

What they point to is a clause in the bill now before the Senate which says "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 service area."

They see another provision which would make it possible for a complacently minded Secretary of the Interior to turn over the whole business to the State under conditions that would ignore the 160-acre limitations.

And they don't trust the State of California to resist the powerful landholding groups that are well represented both in Sacramento and Washington.

Groups which are alarmed at what they fear are clearly moves to get the camel's nose under the tent are the California Water and Power Users Association, the California

Labor Federation, AFL–CIO, the California Federation of Young Democrats, and the California State Grange.

Another strong fighter against the opening of the door to a breakdown of the 160-acre limitation is editor George Ballis of the labor-owned Valley Labor Citizen, published in Fresno, which is in the heart of the Central Valley.

These groups are convinced that unless the huge landowners who will profit enormously by the project are placed under tight recordable contracts to sell their excess land at the end of 10 years, in accordance with previous precedents, the entire 160-acre limitation principle will be at stake and the door will be opened to immensely rich land domains that public policy has always opposed.

They don't want assurances that everything will be all right. They want tight contracts before work is even begun. They have been told that unless the law is passed without such contracts, the project won't be built. In view of the immense principle at stake and the huge windfall that a handful of landowners stand to make, they are willing to risk that.

The acreage in the Federal part of the project totals over 450,000 acres. The State will serve a much larger but as yet not clearly defined area. Some 12 percent of the owners hold over 76 percent of the land. One railroad company, Southern Pacific, holds title to 120,000 acres obtained 75 years ago as part of the biggest Federal giveaway program of all time.

Acreage in the State part of the project is even more extensive.

Some of the other huge owners are: Standard Oil, Tidewater Oil, Shell Oil, DiGiorgio Fruit Corp., the Los Angeles Times, and Kern County Land Co.

In some cases the huge areas go back to the Spanish era before the entry of California into the Union. In others, corporations have systematically bought up large areas of dry land for low prices. In others, as in the case of DiGiorgio, the land was acquired in comparatively recent years.

In any event, land that today may be worth a few hundred dollars an acre will be worth $1,000 or more once there is a possibility of attaining cheap irrigation water provided by the American taxpayers both on the State and Federal levels.

But even more important than the immense dollar windfalls is the social principle of whether huge land holdings are to be encouraged, "factories in the fields" extended, and the best land in California permanently controlled by the few.

The issue is expected to come under debate in the Senate shortly. What Congress decides to do will be crucial for California's future.

Mr. MORSE. Mr. President, in cooperation with the leadership, I yield the floor at this point, with the understanding that I shall continue my discussion of this issue in the debate tomorrow.

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

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

The PRESIDING OFFICER (Mr. HART in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, under the order previously agreed to, I move that the Senate——

Mr. KUCHEL. Mr. President, I should like to ask if my colleagues from Oregon and Illinois will lend me their ears for a moment. Earlier today I asked if there was an opportunity for an agreement to be reached that at a time certain the Senate may proceed to vote. This is the third day now that we have devoted to this proposed legislation. I believe that the record has been thoroughly embellished. Would there be any disposition on the part of my two valiant and valued friends to enter into a reasonable agreement on a time to vote?

Mr. MORSE. I am ready to vote now.

Mr. KUCHEL. Then I wonder, in view of that statement of the Senator from Oregon, if he would agree to a unanimous-consent agreement that we shall vote at a time certain tomorrow, since many of my friends have left the Chamber with the understanding that there would not be any vote tonight.

Mr. MORSE. I would be ready to have a vote on the amendment right now, without any unanimous-consent agreement.

Mr. KUCHEL. Inasmuch as several Senators on my side of the aisle have been told that there would be no vote this evening, I ask unanimous consent that the vote on the pending amendment be taken 1 hour after the end of the morning hour tomorrow.

Mr. MORSE. I could not agree to that.

Mr. KUCHEL. Two hours after the morning hour.

Mr. MORSE. I could not agree to that.

Mr. KUCHEL. Is my friend from Oregon prepared to enter into an agreement to vote on the amendment at any time tomorrow?

Mr. MORSE. I am for letting nature take its course.

Mr. KUCHEL. I regret that my friend is prepared to vote now, when there are so few Senators in the Chamber, but is not prepared to vote tomorrow at a time certain, when we might have a substantial number of Senators voting on this important issue. Would the Senator from Oregon be prepared to agree to a time certain on Wednesday of this week?

Mr. MORSE. I would rather wait to hear from the country. I will not enter into an agreement now.

Mr. KUCHEL. Is there not some inconsistency in the position the Senator takes? He is prepared to vote now——

Mr. MORSE. I am merely trying to be a good parliamentary general.

Mr. DOUGLAS. I think that, of course, the situation is that if we were to vote now we would win.

Mr. KUCHEL. That is an unfortunate attitude for my able friend, the Senator from Illinois, to take.

I have said that we should vote this issue up or down, but certainly not with only a handful of Senators on the floor. I say we should let the Senate of the United States stand up and be counted.

Mr. MORSE. I am sure the Senator from California has it in his parliamentary power to determine, when this question will finally come to a vote so far as his side is concerned, whenever those who support his position are here. I can assure the Senator that is going to be the position taken by the Senator from Oregon on the opposition side. So we have not reached such a state in this debate when I could possibly agree to fix any time certain, other than now, for a vote.

Mr. KUCHEL. I regret that very much, because if my able friend from Oregon is willing to vote now I do not see why he should not be willing to enter into a unanimous-consent agreement, so that all Senators could be on notice that they would be called upon to vote on this important issue tomorrow.

I simply want the RECORD to show my regret that that cannot be accomplished.

Mr. MORSE. This is not the time for me to discuss the policy of the Senate of having most of its votes by unanimous-consent agreement. I have long been an opponent of unanimous-consent agreements, as a general policy, for voting in the Senate. I have tried to accommodate the leadership in regard to unanimous-consent agreements. However, certain experiences I have had with unanimous-consent agreements have convinced me that they should be a rarity rather than the general rule. All I am doing now is for the first time expressing my general attitude against entering into unanimous-consent agreements to vote except under the most rare circumstances.

ADDRESS DELIVERED BY FORMER SENATOR KNOWLAND AT THE UNIVERSITY OF CALIFORNIA

Mr. KUCHEL. Mr. President, on May 3, at the Bancroft Library, University of California, our former Senate Republican leader, Hon. William F. Knowland, delivered a most interesting address. In the course of it he stated that the papers and documents which he accumulated during his long official life as a Senator will be made available to our great State university. His comments are interesting and constructive. We recall with pleasure his many years of service here, and we remember him as a strong, persuasive Senator, who received the highest honors his Republican colleagues could accord him. But beyond that, our Democratic brethren, like those on this side of the aisle, knew, and know, Bill Knowland as a good friend. I ask unanimous consent that his remarks on the occasion referred to be printed in the body of the RECORD.

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

ADDRESS BY HON. WILLIAM F. KNOWLAND

I am very happy to be back on the campus today. Little did I realize 30 years ago while studying for finals in this great university library that I would one day be delivering a lecture here.

As an alumnus of the university I share the pride of all Californians in our university, which has come to be recognized as one of the greatest institutions of learning in the entire world.

When the invitation was extended to me to speak at this meeting of the friends of the Bancroft Library, I gave considerable thought to the subject matter. Obviously,

in the limitations of time from the date of the invitation to today, and in the time allocated for my remarks, you would not expect an historic paper of the first magnitude.

Yet, having such a high regard for our university and the Bancroft Library, I did want to use the opportunity to make a preliminary statement which might be considered as a preface to a subsequent, more detailed, and documented paper on California's growing importance in the political, cultural and economic life of our country.

There is also much than can and needs to be said on the U.S. Senate, as one of the great legislative bodies of the world and the functions of Senate leaders, majority and minority.

In 13½ years in the Senate of the United States, as majority or minority leader for 6 of those years, I have, of course, accumulated a considerable number of documents, letters and memoranda, at least a part of which has invaluable historic interest and significance.

I hope to be able in the near future to bring some order out of the strong boxes, mail bags, and filing cabinets that fill several rooms. These I intend to make available to the Bancroft Library in response to the invitation of the University of California authorities.

Since I had succeeded the late Senator Hiram W. Johnson in the Senate, whose papers are now in this library, future researchers will have available source material for 42 years of continuous Senate service.

As an indication of how the responsibilities of a California Senator have grown, when Hiram Johnson came to the Senate in 1917, the State had a population of approximately 3 million, and when I left the Senate on January 3 of this year, California had a population of almost 15 million.

I at first gave some thought to speaking to you today on the subject of California's representation in the Senate of the United States from 1850 to the present. I thought that from my experience in the Senate, I could go through the records of my predecessors, and in the proverbial blue book sense, compare and contrast and come up with some interesting observations.

I plunged into this subject without realizing the vastness of it. When you consider that most doctoral dissertations which have personalities as their subject matter limit the scope to one historical figure, I soon came to the realization that it would be impossible for me to thoroughly research and synthesize the lives and works of 34 men, spanning a period of over 100 years, and do all this in a month's time.

A full-time doctoral candidate, working full-time on one thirty-fourth of such a subject takes several years. I came to realize that a full-time newspaperman tackling the entire field and working during unencumbered nights, might take decades.

But I confess to you that it was with some disappointment that I had to abandon my original goal. The subject fascinated me and it was with a great deal of interest that I studied the lives of a number of the men who had preceded me in the Senate. But I learned a great deal from my somewhat cursory study. I could, of course, have come to you with a bulky compilation of statistics, such as of the 34 Senators who represented California, only 8 of them were native born Californians; or that 14 were Republicans, 14 were Democrats, 2 were Union Republicans, 2 were Antimonopoly Democrats, 1 was a Free Soil Democrat, and 1 was a Union Democrat; or, that in length of service, my immediate predecessor, Hiram Johnson, holds the record with more than 28 years of continuous service in the Senate, and that a fellow publisher, Thomas Storke, with only 1 month and 25 days, was a Senator for the shortest time. My own service of 13 years was third in length of time, coming after Hiram Johnson and George C. Perkins, who had 21 years in the Senate.

But such statistics, as interesting as they might be, are not really history. The job of the historian is to synthesize and to explain, and search for the significance in each event. I am sure you now understand why it was necessary for me to abandon my original goal.

The debate over California's admission into the Union extended over many months after President Zachary Taylor, on February 13, 1850, laid before Congress the constitution California had adopted, with its anti-slavery section and recommended its admission as a State.

William H. Seward, in the U.S. Senate, March 11, 1850, during the debate, said: "Today, California is a State, more populous than the least and richer than several of the greatest of our 30 States. This same California, thus rich and populous is here asking admission into the Union, and finds us debating dissolution of the Union itself." His plea for California's admission as a free State ended with these words: "While looking forward to that day, its countless generations seems to me to be rising up and passing in dim and shadowy review before us; and a voice comes forth from their serried ranks saying: 'Waste your treasures and your armies, if you will; raze your fortifications to the ground; sink your navies into the sea; transmit to us even a dishonored name if you must; but the soul you hold in trust for us, give it to us free. You found it free, and conquered it to extend a better and surer freedom over it. Whatever choice you have made for yourselves, let us have no partial freedom; let us all be free; let the reversions of your broad domain descend to us unencumbered, and free from the calamities and sorrows of human bondage.' "

Daniel Webster, by vote of the Senate in 1958, determined to be one of the five greatest Senators, showed during the statehood debate that even those in that limited distinguished company were not infallible. In answering John C. Calhoun with a solidly reasoned account of the rise of slavery in the South, he came to the conclusion, seemingly cogent at the time, that as cotton could not be grown in California, slavery was debarred there by act of God. His logic appeared so unanswerable that in the end it prevailed in the Senate.

Today, Senator Webster to the contrary notwithstanding, California is one of the leading cotton producing States of the Union. While Webster was conversant with some of the geographic and geologic attributes of California, he was only willing to concede that there were some tracts of valuable land.

The Webster-eye view of California as presented in the Senate on March 7, 1850, was: "California and New Mexico are Asiatic in their formation and scenery. They are composed of vast ridges of mountains of enormous height, with broken ridges and deep valleys. The sides of these mountains are barren—entirely barren—their tops capped with perennial snow. There may be in California—now made free by its constitution—and no doubt there are—some tracts of valuable land."

Today as we look upon the agricultural productivity of a California that ranks first among all the States of the Union in value of its crops, farming as we do 14 million acres of which 7 million are irrigated, out of which we produce 124 different agricultural products, even Webster would admit that some tracts had done right well.

One of the most interesting things which I came across during the evenings I spent here in the Bancroft Library, was the diary kept by Senator Milton S. Latham, who served in the Senate from 1860 to 1863. Perhaps Latham's case had a special and understandable interest as far as I am concerned. Subsequent to his being elected Governor and prior to his inauguration, a vacancy in the U.S. Senate resulted from the death of Senator David C. Broderick, who had been killed in a duel with Judge David S. Terry. Two days after taking his oath of office as Governor, on January 9, 1860, Latham was chosen U.S. Senator by the legislature and resigned effective January 14, thus serving as Governor for less than 1 week. Even in those days, distant pastures seemed greener. Latham's long trip from San Francisco to New York by way of an overland crossing of Panama is in sharp contrast to the 4½-hour jet plane trip between the west coast and east coast which I made 2 weeks ago.

A week after arriving in Washington he was dining at the White House with President Buchanan. Except for the party leaders, it is not unusual for a Senator today to go through one or more 6-year terms without ever privately dining with the President, be he Democrat or Republican. Such have the burdens of the Presidency become, together with the increase in Senate membership from 62 to 98 and soon to be 100.

In the earlier days of Senate history the job was less burdensome than today. The direct election of U.S. Senators, brought about by the 17th amendment in 1913, made a considerable change in the Senate. In the days when Senators were elected by the legislatures of the several States they retained a larger share of their ambassadorial status as representatives of their sovereign States. Since then they have become to a much greater extent than previously, Senators of the United States. James D. Phelan, in 1914, and Hiram W. Johnson in 1916, were the first two California Senators elected by direct vote of the people.

After I was sworn in as a U.S. Senator on August 26, 1945, I began to realize that Californians are prolific letterwriters. Certainly I make no complaint, and I believe correspondence and contact between constituent and Congressman is both necessary and desirable.

I went to Senator Wallace White of Maine, then the Republican leader of the Senate and asked him how long the very large volume of mail had been flooding the Capitol. He told me that in his personal experience a great change took place during World War I. Senator White had come to Washington in 1899 as a committee clerk and subsequently as secretary to his grandfather, Senator William Pierce Frye, who was President pro tempore of the Senate. He told me that if Senator Frye received more than 10 letters a day he felt he was being imposed upon. All the communications were replied to by handwritten letters and the office kept no files. No constituent called on a Senator unless he was personally brought and introduced by a Member of the House of Representatives. I could not help recalling this story a few years later when Gen. Douglas MacArthur was removed from his command. My office alone received over 110,000 letters and telegrams in the subsequent 10-day period.

It is perhaps some sort of historical coincidence to recall to your memory that my predecessor, Senator Johnson, died on August 6, 1945, the date the atomic bomb was dropped on Hiroshima. A phase of our life had come to an end and the public was made cognizant that we had entered the atomic age. Eight days later, on August 14, 1945, Gov. Earl Warren cabled me overseas that I had been selected to succeed the late Senator Johnson. August 14 was V–J Day. Since there was more important business with higher military priority, I did not get the cable until several days had passed. As a matter of fact, I first learned

of my appointment through reading an article in the Army newpaper, Stars and Stripes.

I came back from Army service to serve 13½ years in the post-World War II period with the great problems of demobilization, OPA controls, economic dislocations, the Berlin blockade, the Korean war, a change in administration, the cold war, and the opening up of the space age.

These were eventful years and as long as I shall live I shall be grateful to the people of California for having given me the privilege of representing them in the Nation's Capitol.

Now that the means of communication and destruction have speeded up to a fantastic degree, a challenge is presented to our schools, our press, and our public officials to make certain that our people are fully informed.

The survival of western civilization, war, and peace, life and death, prosperity or economic dislocation, a rule of law or lawless violence, these are all the people's business. No longer can a free government deal with a free people on a "papa knows best" policy.

Security classifications are only justified to protect the bona fide security needs and never to cover up the mistakes of public officials, local, State, or national.

Of one thing we can be certain. California's contribution to the economic, political, and cultural life of the Nation will continue to expand.

We have received a great heritage from those who preceded us and a part of whose myriad exploits, successes, and failures are recorded in the stacks and files of this great Bancroft Library of the University of California.

God grant that in this jet and space age we may take heart from the sacrifices of the pioneers and in the faith of those who founded our missions, our churches, and our synagogues, that we may understand that whatever material success we have achieved in California and in America has come from the divine guidance which has made and preserved us a nation.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I wish to inform the Senate that we will meet at 12 o'clock noon tomorrow and stand in recess at 12:15, to march in a body to the House of Representatives for a joint session of Congress in honor of the King of the Belgians.

Mr. President, I move that, under the order previously entered, the Senate stand adjourned until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 46 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Tuesday, May 12, 1959, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 11, 1959:

U.S. PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. FOR APPOINTMENT

To be surgeon

Clarence A. Imboden, Jr.

To be senior assistant veterinary officer

Joe R. Held

To be nurse officers

Rena E. Boyle
Kathryn M. Fritz
Dorine J. Loso

To be health services officer

Marion Andrews

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

I. FOR PERMANENT PROMOTION

To be medical directors

George Massengill
Robert F. Martin
Paul A. Lindquist
R. Lincoln Smith
George E. Parkhurst
Randolph P. Grimm
Elmer L. Hill
James F. Maddux
Eugene J. Gillespie
Edward T. Blomquist
James L. Elliott
Andrew P. Sackett
Frederick C. Bartter
Herbert Tabor
Robert J. Huebner
Luther Terry
Joseph H. Bragdon
Donald S. Martin
John M. Whitney
Will H. Aufranc
Burnet M. Davis
Leon A. Heppel
Fred W. Thyng
Mary Walton
Elton S. Osborne, Jr.
Robert W. Rasor
William W. Richards
Lewis C. Robbins
Carl R. Kunstling

To be senior surgeons

Charles S. McCammon
Richard A. Malmgren
Roger K. McDonald
Andrew G. Morrow
Robert O. Scow
James H. Baxter
Milton Zises
G. Donald Whedon
Robert C. Lam

To be surgeons

Louis A. Gaul
Donald S. Fredrickson
Howard W. Kopping
William B. Kannel
Eugene W. Veverka
Wallace P. Rowe
Charles M. Bowyer
Aubrey F. Haynes
Fred J. Payne
Joseph A. Falzone, Jr.
Melvin R. Davis
Robert J. Trautman
David C. Miller
Margaret S. Wheeler
Cameron L. Self
Bernard G. Keizer
James L. Goddard
Craig S. Lichtenwalner
Gilbert R. Christenson
T. Phillip Waalkes
Donald R. Chadwick
Frederick Stohlman, Jr.
Leonard J. Duhl
David Horwitz
Edward V. Evarts
John L. Stephenson

To be senior assistant surgeons

Conrad E. Herr
Ellsworth Y. Ching
George H. Christ
Joseph M. Torruella
S. Ross Fox, Jr.
Stanley R. Mohler
Richard I. Myers
Jack P. Clark
Vernon O. Larson
Donald C. Loos
Norbert L. Dugan, Jr.
Paul P. Carbone
Dean F. Tirador
Richard L. Pentecost
Ray L. Zeigler
James D. Bremner
Robert A. Fouty
David N. Smiley
Richard G. Griffin
Alexander V. Monto
Ray A. Harron
George W. Sciple

To be dental directors

Mark E. Bowers
Fred D. Lewis, Jr.
Dennis E. Singleton, Jr.
John C. Heckel
Earl C. Hewitt
Maurice S. Rodgers

To be senior dental surgeon

Charles P. White

To be dental surgeons

Richard L. Hayes
Viron L. Diefenbach
Norman W. Littleton
Stanley Lotzkar
James L. Field
Harold M. Fullmer
Marvin S. Burstone

To be senior dental surgeons

John F. Dyar
William R. Wallace
James E. Hardwick III
Kenneth C. Lynn
Ralph S. Johnson
Herald D. Green, Jr.
Samuel Kakehashi
Raymond Berlin
James W. Smith, Jr.
Richard A. Coulson
Richard C. Doub
John L. Ames
John T. Bauer
Richard H. Fender
Alfred Hamel

To be sanitary engineer directors

James H. Le Van
Ralph Porges
John S. Wiley
Kaarlo W. Nasi
Richard L. Woodward
Gerald W. Ferguson
Conrad P. Straub
Ernest C. Anderson
Donald L. Snow
George L. Carley, Jr.
Roscoe H. Goeke
Graham Walton
Ralph C. Graber

To be senior sanitary engineers

Andrew D. Hosey
Henry J. L. Rechen
Frederick S. Kent
Charles R. Bowman
Earl H. Arnold
Keith S. Krause
Lloyd W. Gebhard

To be sanitary engineers

William E. Bell
Lester M. Klashman

To be senior assistant sanitary engineers

Paul A. Kenline
Walter M. Sanders III
George W. Walsh

To be assistant sanitary engineers

Paul W. Kolp
Lloyd A. Reed
Marvin D. High
Robert A. Herrick
Anton J. Muhich

To be senior pharmacists

Henry L. Verhulst
Reede M. Ames

To be senior assistant pharmacist

Mark H. Barnett

To be scientist directors

Roy F. Fitz
Ralph C. Barnes
Harold B. Robinson
Dohrman H. Byers
David B. Lackman
Howard W. Bond
Elmer G. Berry
John H. Hughes
Leon Jacobs
Milton Silverman
Louis J. Olivier

To be senior scientists

William B. Cherry
Harvey I. Scudder
Walter L. Newton
Geoffrey M. Jeffery
R. Edward Bellamy
Robert J. Fitzgerald
Paul P. Weinstein
George E. Jay, Jr.

To be scientists

Martha K. Ward
Sidney S. Chernick

To be sanitarian directors

Glenn M. Kohls
Maurice E. Odoroff

To be senior sanitarians

Louis J. Ogden
Kent S. Littig

To be sanitarians

Morgan S. Seal
Joseph A. Staton

To be veterinary officers

Robert W. Menges
Donald D. Stamm

To be senior assistant veterinary officers

Daniel Cohen
Roy F. Kinard, Jr.
Wellington Moore, Jr.
Robert L. Watson

To be nurse directors

Ellwynne M. Vreeland
Esther A. Garrison
Vera P. Hansel
Ethel A. Todd
Martha B. Naylor
Frances E. Taylor

To be senior nurse officers

Esther Kaufman
Apollonia O. Adams
G. Alice Boore
Ann F. Mathews
Jeannette E. Potter
Jane Wilcox
Josephine K. Fitzpatrick
Maria B. Rementeria

To be nurse officers

Mildred Jones
Anne J. Lello
Mary B. Krause
Mary L. Casey
Katherine B. Holland
Irma F. Monlux
Doris D. Day
Ava S. Dilworth

To be senior dietitian

Clara B. Tavis

To be senior assistant therapists

Michael J. Oliva
John L. Echternach
Donald E. Shipley

U.S. JUDGE

John A. Field, Jr., of West Virginia, to be U.S. district judge for the southern district of West Virginia, vice Ben Moore, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 11, 1959:

DEPARTMENT OF AGRICULTURE

Frank A. Barrett, of Wyoming, to be General Counsel of the Department of Agriculture.

COMMODITY CREDIT CORPORATION

Frank A. Barrett, of Wyoming, to be a member of the Board of Directors of the Commodity Credit Corporation.

U.S. TARIFF COMMISSION

Joseph E. Talbot, of Connecticut, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1965.

FARM CREDIT ADMINISTRATION

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1965:

Glen R. Harris, of California.
J. Pittman Stone, of Mississippi.

COMPTROLLER OF CUSTOMS

Stanley Ormsbee Styles, of Saugerties, N.Y., to be comptroller of customs with headquarters at New York.

COLLECTOR OF CUSTOMS

Robert Higgins, of California, to be collector of customs for customs collection district No. 28, with headquarters at San Francisco.

HOUSE OF REPRESENTATIVES

MONDAY, MAY 11, 1959

The House met at 12 o'clock noon.

Rev. J. Paul Brown, associate pastor, First Methodist Church, Houston, Tex., offered the following prayer:

Thou who art the Supreme Architect of the Universe, we come to Thee at the beginning of this week to take a fresh look at Thy plans for Thy people and their betterment. Dedicate our motives as we hear our Master saying, "He that is greatest among you shall be your servant."

May the memories of the yearnings for places of influence and prominence burn upon our conscience that we may be humbled before our tasks. May we be diligent in the pursuit of our calling that we may prove ourselves to be workmen that needeth not be ashamed.

Bless this our legislative body. May they be empowered with divine wisdom. In the midst of their perplexities, give them a vision that will illumine this darkened world.

May Thy presence in our lives be a source of wisdom and truth, of order and sanctity.

Bless Thy people throughout this good earth, that by the diligence of their hands they may seek to spread wide freedom's banner.

In the name of the Master we pray. Amen.

The Journal of the proceedings of Thursday, May 7, 1959, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 27, 1959:

H.R. 2575. An act to authorize the appropriation of $500,000 to be spent for the purpose of the III Pan-American games to be held in Chicago, Ill.; and

H.R. 3648. An act to regulate the handling of student funds in Indian schools operated by the Bureau of Indian Affairs, and for other purposes.

On May 5, 1959:

H.R. 2589. An act for the relief of Elizabeth Lucie Leon (also known as Lucie Noel); and

H.J. Res. 301. Joint resolution providing for printing copies of "Cannon's Procedure in the House of Representatives."

THE LATE HONORABLE DONALD AUBREY QUARLES

Mr. VINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON. Mr. Speaker, it is with sorrow that we note the passing of an able and dedicated public servant, the Deputy Secretary of Defense, Donald Aubrey Quarles.

Mr. Speaker, no Member of the Congress, no resident of the District of Columbia, no citizen of the Nation, can be unfamiliar with the tremendous responsibilities of the Department of Defense. And the Department of Defense is not a self-operating organization. Next after the Secretary of Defense, the Deputy Secretary of Defense occupies one of the most important offices in our Federal Government.

Mr. Quarles occupied the position of Deputy Secretary of Defense from April 9, 1957 until his death. Prior to that date he served as Secretary of the Air Force, and prior to that date, from September 1, 1953, he had served as Assistant Secretary of Defense for Research and Development.

Few American citizens have devoted themselves so completely, and so unselfishly, to the task of national security as did Donald A. Quarles.

An Arkansan by birth, a graduate of Yale University, and a veteran of World War I, having served as an enlisted man and as a captain in the Field Artillery, Mr. Quarles was a man of great accomplishments.

He was successful in every endeavor to to which he applied himself. An engineer at the Western Electric Co.; department head of the Bell Telephone Laboratories; director of the transmission development department and director of apparatus development of Bell Telephone Laboratories; vice president of Western Electric Co.; and president of Sandia Corp.

In addition to his important positions in the executive branch of the Government, he was also a member and later Chairman of the Committee on Electronics of the Joint Research and Development Board, Department of Defense; Chairman of the reorganized Air Navigation Development Board; and a member of the National Advisory Committee for Aeronautics.

He is claimed, rightfully so, by two States: the State of his birth, Arkansas, and the State of his residence, New Jersey.

He was active in local affairs. Mr. Quarles served as president of the Common Council of Englewood, N.J., from 1940 to 1946, and as mayor of Englewood from 1946 to 1948.

He received honorary degrees from the University of Arkansas, New York University, Grinnell College, Stevens Institute, and Yale University. He was a member of Phi Beta Kappa, Sigma XI, the American Association for the Advancement of Science, the Yale Engineering Association and the Telephone Pioneers of America, as well as a fellow of the American Institute of Radio Engineers and the American Institute of Electrical Engineers. In fact, Mr. Quarles was president of the American Institute of Electrical Engineers from August 1952 to August of 1953.

Mr. Quarles was a devoted public servant. He was an engineer and a scientist. He was interested in obtaining the facts. I am told by those who worked directly with him that he was properly intolerant of superficial answers, but inspired those who worked for him to efforts beyond their normal capacity. He had a mind trained to preciseness, coupled with an inexhaustible memory. Whether one agreed or disagreed with this distinguished American citizen, one always realized that he was fully informed and that any decision he reached had been reached after careful consideration. Each person who had business with him was given his day in court. The example he set to the devotion of the task at hand and for never accepting or providing less than the best, made all of those who were associated with him aspire to his high standards.

Mr. Speaker, the Nation can ill afford the loss of men of Mr. Quarles' capacity and devotion to duty. I can only summarize my own impression of Mr. Quarles by quoting from a poem by John Quincy Adams, delivered in the 2d session of the 25th Congress on December 4, 1837:

Almighty Father! Look in mercy down!
Oh! grant me virtue, to perform my part—
The patriots fervor, and the statesman's art
In thought, word, deed, preserve me from thy frown.
Direct me to the paths of bright renown—
Guide my frail bark, by truth's unerring chart.
Inspire my soul; and purify my heart;
And with success, my steadfast purpose crown.
My country's weal—be that my polar star—
Justice—thou rock of ages' is thy law—
And when thy summons calls me to thy bar
Be this my plea, thy gracious smile to draw—
That all my ways to justice were inclin'd—
And all my aims—the blessing of mankind.